

TITLE LXVIII.

REMISSION OF FINES, PENALTIES, AND FORFEITURES.

<p>Sec. 5292. Upon summary investigation before district judge.</p> <p>5293. Upon investigation under regulations of Secretary of Treasury.</p>	<p>Sec. 5294. Remission of penalties under steam-boat laws.</p> <p>5295. Officers and informers may be witnesses.</p> <p>5296. Discharge of indigent convicts.</p>
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Upon summary investigation before district judge.

3 March, 1797, c. 13, s. 1, v. 1, p. 506.
11 Feb., 1800, c. 6, v. 2, p. 7.
2 March, 1803, c. 18, s. 4, v. 2, p. 210.
13 July, 1861, c. 3, s. 8, v. 12, p. 257.
20 May, 1862, c. 81, s. 4, v. 12, p. 405.

U. S. vs. Morris, 10 Wh., 246; *The Gray Jacket*, 5 Wall., 342; *Margaretta and Cargo*, 2 Gall., 515; *Ship Cotton Planter*, 1 Paine, 23; *Jungbluth vs. Redfield*, 4 Blatch., 219; *Gallico et al. vs. U. S.*, 1 Brock., 439; *The Palo Alto, Davies*, 343; *U. S. vs. Lancaster*, 4 Wash., 64; *Hollan and Cargo*, 1 Mas., 431.

Upon investigation under regulations of Secretary of Treasury.

14 July, 1832, c. 233, v. 4, p. 597.

28 Sept., 1850, c. 79, s. 4, v. 9, p. 509.

27 June, 1864, c. 164, s. 8, v. 13, p. 198.
1 July, 1870, c. 185, s. 9, v. 16, p. 179.

18 July, 1866, c. 201, s. 16, v. 14, p. 182.

SEC. 5292. Whenever any person who shall have incurred any fine, penalty, or forfeiture, or disability, or may be interested in any vessel or merchandise which has become subject to any seizure, forfeiture, or disability by authority of any provisions of law for imposing or collecting any duties or taxes, or relating to registering, recording, enrolling, or licensing vessels, or providing for the suppression of insurrections or unlawful combinations against the United States, shall prefer his petition to the judge of the district in which such fine, penalty, or forfeiture, or disability has accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted, the judge shall inquire, in a summary manner, into the circumstances of the case; first causing reasonable notice to be given to the person claiming such fine, penalty, or forfeiture, and to the attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts appearing upon such inquiry to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury. The Secretary shall thereupon have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, if, in his opinion, the same was incurred without willful negligence, or any intention of fraud in the person incurring the same; and to direct the prosecution, if any has been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions he may deem reasonable and just. [See §§ 3469, 3471, 3472, 5530.]

SEC. 5293. The Secretary of the Treasury is authorized to prescribe such rules and modes of proceeding to ascertain the facts upon which an application for remission of a fine, penalty, or forfeiture is founded, as he deems proper, and, upon ascertaining them, to remit the fine, penalty, or forfeiture, if in his opinion it was incurred without willful negligence or fraud, in either of the following cases:

First. If the fine, penalty, or forfeiture was imposed under authority of any provisions of law for imposing or collecting any duties or taxes, or relating to registering, recording, enrolling, or licensing vessels, and the amount does not exceed fifty dollars.

Second. Where the case occurred within either of the collection-districts in the States of California or Oregon.

Third. If the fine, penalty, or forfeiture was imposed under authority of any provisions of law relating to the importation of merchandise from foreign contiguous territory, or relating to manifests for vessels enrolled or licensed to carry on the coasting-trade on the northern, northeastern, and northwestern frontiers.

Fourth. If the fine, penalty, or forfeiture was imposed under authority of any revenue law, and the amount does not exceed one thousand dollars.

Fifth. If the fine, penalty, or forfeiture was imposed by authority of any provisions of law for levying or collecting any duties or taxes, or relating to registering, recording, enrolling, or licensing vessels, and the case arose within the collection-district of Alaska, or was imposed by virtue of any provisions of law relating to fur-seals upon the islands of Saint Paul and Saint George.

27 July, 1868, c. 273, ss. 8, 9, v. 15, p. 224.

1 July, 1870, c. 189, s. 7, v. 16, p. 182.

U. S. *vs.* Morris, 10 Wh., 246; McLane *vs.* U. S., 6 Pet., 404.

Remission of penalties under steamboat laws.

28 Feb., 1871, c. 100, s. 64, v. 16, p. 458.

SEC. 5294. The Secretary of the Treasury may, upon application therefor, remit or mitigate any fine or penalty provided for in laws relating to steam-vessels, or discontinue any prosecution to recover penalties denounced in such laws, excepting the penalty of imprisonment, or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Secretary's power of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction, prior to the application for the remission of the penalty; and the Secretary shall have authority to ascertain the facts upon all such applications, in such manner and under such regulations as he may deem proper.

SEC. 5295. Any officer or other person entitled to or interested in a part or share of any fine, penalty, or forfeiture incurred under any law of the United States, may be examined as a witness in any of the proceedings for the recovery of such fine, penalty, or forfeiture by either of the parties thereto, and such examination shall not deprive such witness of his share or interest in such fine, penalty, or forfeiture.

Officers and informers may be witnesses.

28 Feb., 1865, c. 67, s. 2, v. 13, p. 442.

SEC. 5296. When a poor convict, sentenced by any court of the United States to be imprisoned and pay a fine, or fine and cost, or to pay a fine, or fine and costs, has been confined in prison thirty days, solely for the non-payment of such fine, or fine and costs, such convict may make application in writing to any commissioner of the United States court in the district where he is imprisoned, setting forth his inability to pay such fine, or fine and costs, and after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter. If on examination it shall appear to him that such convict is unable to pay such fine, or fine and costs, and that he has not any property exceeding twenty dollars in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of twenty dollars, except such as is by law exempt from being taken on civil process for debt by the laws of (naming the State where oath is administered;) and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit. So help me God." Upon taking such oath such convict shall be discharged; and the commissioner shall give to the keeper of the jail a certificate setting forth the facts. [See § 1042.]

Discharge of indigent convicts.

1 June, 1872, c. 255, s. 14, v. 17, p. 198.