

## Case No. 15,097.

UNITED STATES v. FIFTY-THREE BALES OF  
RAGS.

[19 Alb. Law J. 60.]

District Court, D. Massachusetts. Jan. 7, 1879.

CUSTOMS DUTIES—FORFEITURE—CLAIM OF  
RAILROAD FOR FREIGHTAGE.

The case of the United States against Fifty-Three Bales of Rags, decided by the United States district court for Massachusetts, was an information under Rev. St. § 3082, against certain bales of rags as having been clandestinely imported and brought from Montreal into some part of the state of New York without having been entered at the custom house and without payment of duties. The jury found most of the goods to be liable to forfeiture, and they were condemned and sold. The Boston & Lowell Railroad Company, from whose custody the goods were taken by the marshal, petitioned for the payment of \$47.36 from the proceeds of the sale. This was claimed to be freight due for the transportation of the goods to Boston by the petitioners and connecting roads, all of whom were entirely innocent of the fraud on the government.

THE COURT held that smuggled goods were absolutely forfeited, and no intervening rights even of a bona fide purchaser could prevail against the title of the government which relates back to the illegal act. The goods were, at the time of their transportation, the property of the United States, and by the common law a carrier has no lien as against the true owner for the carriage of goods intrusted to him by one who had no authority to contract for the service.

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