

Case No. 16,254. UNITED STATES v. SEVEN LARGE FERMENTING TUBS.¹

District Court, E. D. New York.

Feb. 8, 1867.

FORFEITURES AND PENALTIES—CONDEMNATION OF
PROPERTY—INFORMER—PERCENTAGE.

[When property has been condemned, and the proceeds of sale do not exceed \$500, the informer is entitled to his percentage upon the

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gross proceeds of sale; to be paid him, however, after payment out of the fund of the costs of the proceedings.]

At law.

BENEDICT, District Judge. This case comes before me upon a motion for distribution of the funds in court. The question is as to the sum to which the person adjudged to be the informer is entitled under the circular of the secretary of the treasury, where property has been condemned, the proceeds of sale amount to not exceed \$500. According to the terms of the treasury circular, I am of the opinion that the percentage of the informer must be calculated upon the gross proceeds of the sale of the property condemned. The costs of the proceedings through which the fund in court is realized, and which, moreover, are for services rendered before any right of the informer attaches, are, however, a charge upon the whole fund, and, in the distribution, must be paid out of the proceeds of sale before the share of the informer can be distributed to him.

¹ [Not previously reported.]