

Sec.	
7671.	Payment of costs and expenses from prize fund.
7672.	Recaptures: award of salvage, costs, and expenses.
7673.	Allowance of expenses to marshals.
7674.	Payment of witness fees.
7675.	Commissions of auctioneers.
7676.	Compensation of prize commissioners and special prize commissioners.
7677.	Accounts of clerks of district courts.
7678.	Interfering with delivery, custody, or sale of prize property.
7679.	Powers of district court over prize property notwithstanding appeal.
7680.	Appeals and amendments in prize causes.
7681.	Reciprocal privileges to cobelligerent.

§ 7651. Scope of chapter

(a) This chapter applies to all captures of vessels as prize during war by authority of the United States or adopted and ratified by the President. However, this chapter does not affect the right of the Army or the Air Force, while engaged in hostilities, to capture wherever found and without prize procedure—

- (1) enemy property; or
- (2) neutral property used or transported in violation of the obligations of neutrals under international law.

(b) As used in this chapter—

- (1) “vessel” includes aircraft; and
- (2) “master” includes the pilot or other person in command of an aircraft.

(c) Property seized or taken upon the inland waters of the United States by its naval forces is not maritime prize. All such property shall be delivered promptly to the proper officers of the courts.

(d) Nothing in this chapter may be construed as contravening any treaty of the United States. (Aug. 10, 1956, ch. 1041, 70A Stat. 474.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7651(a)	34 U.S.C. 1131 (less 1st proviso). 34 U.S.C. 1159 (as applicable to capture).	R.S. 4613 (less 1st proviso); June 24, 1941, ch. 232, 55 Stat. 261. Aug. 18, 1942, ch. 553, § 1 (as applicable to capture), 56 Stat. 746; July 1, 1944, ch. 370, § 1, 58 Stat. 678; Nov. 14, 1945, ch. 472, § 1, 59 Stat. 581.
7651(b)	34 U.S.C. 1131 (1st proviso). 34 U.S.C. 1132.	R.S. 4613 (1st proviso); June 24, 1941, ch. 232, 55 Stat. 261. R.S. 4614; June 24, 1941, ch. 232, 55 Stat. 261.
7651(c)	50 U.S.C. 214.	R.S. 5310.
7651(d)	34 U.S.C. 1158 (last sentence).	R.S. 4652 (last sentence).

In subsection (a) the words “including aircraft” are omitted as covered by subsection (b). The section is written to make the words “during war” applicable to the entire chapter. These words appear in 34 U.S.C. 1159, but not in 34 U.S.C. 1131. Prize is historically and uniformly treated as a war-time matter, so no substantive change results from the extension. The words “this chapter does not affect” are substituted for the words “nothing herein contained shall be construed as affecting, or in any way impairing”. The words “Air Force” are added under authority of § 305(a) of the National Security Act of 1947, as amended (5 U.S.C. 171*l*), to provide the same applicability as formerly provided by the word “Army”. The word “legal” is omitted as surplusage.

In subsection (b) the definition of the term “ship” is omitted as covered by the term “vessel”. All of 34 U.S.C. 1132 except that part which includes “aircraft” within the term “vessels” is omitted as unnecessary since the defined term “vessels of the Navy” does not appear in the provisions to which the definition is made applicable. The last sentence of 34 U.S.C. 1158 applies only to Title LIV (Prize) of the Revised Statutes. In subsection (d) it is broadened to cover the entire body of statutory prize law. Additions to the prize law made by the Act of August 18, 1942, ch. 553, 56 Stat. 746, as amended, operated only to extend the jurisdiction of courts of the United States to certain cases in which the prizes are not brought into the territorial waters of the United States. Relations of this country with other countries are not affected by the 1942 Act except when jurisdiction is exercised by American courts over prizes brought into cobelligerent ports. As that Act provides that the consent of the cobelligerent is necessary to the exercise of such jurisdiction, the rule against contravention of treaties is properly applied to it.

§ 7652. Jurisdiction

(a) The United States district courts have original jurisdiction, exclusive of the courts of the States, of each prize and each proceeding for the condemnation of property taken as prize, if the prize is—

- (1) brought into the United States, or the Commonwealths or possessions;
- (2) brought into the territorial waters of a cobelligerent;
- (3) brought into a locality in the temporary or permanent possession of, or occupied by, the armed forces of the United States; or
- (4) appropriated for the use of the United States.

(b) The United States district courts, exclusive of the courts of the States, also have original jurisdiction of a prize cause in which the prize property—

- (1) is lost or entirely destroyed; or
- (2) cannot be brought in for adjudication because of its condition.

(c) The jurisdiction conferred by this section of prizes brought into the territorial waters of a cobelligerent may not be exercised, nor may prizes be appropriated for the use of the United States within those territorial waters, unless the government having jurisdiction over those waters consents to the exercise of the jurisdiction or to the appropriation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 474; Pub. L. 109–163, div. A, title X, § 1057(a)(5), Jan. 6, 2006, 119 Stat. 3440.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7652(a)	34 U.S.C. 1159 (less applicability to capture). 34 U.S.C. 1164 (2d sentence).	Aug. 18, 1942, ch. 553, § 1 (less applicability to capture), 56 Stat. 746; July 1, 1944, ch. 370, § 1, 58 Stat. 678; Nov. 14, 1945, ch. 472, § 1, 59 Stat. 581. Aug. 18, 1942, ch. 553, § 6 (less 1st sentence), 56 Stat. 747.
7652(c)	34 U.S.C. 1166. 34 U.S.C. 1161.	Aug. 18, 1942, ch. 553, § 8, 56 Stat. 747. Aug. 18, 1942, ch. 553, § 3, 56 Stat. 746.

Subsection (a) reflects 28 U.S.C. 1333 by restating the basic prize jurisdiction of that section over prizes