

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).	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.
	34 U.S.C. 1164 (2d sentence).	Aug. 18, 1942, ch. 553, §6 (less 1st sentence), 56 Stat. 747.
7652(c)	34 U.S.C. 1166.	Aug. 18, 1942, ch. 553, §8, 56 Stat. 747.
	34 U.S.C. 1161.	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 brought into the United States, and by providing that the extension of prize jurisdiction conferred by 34 U.S.C. 1159 on the United States district courts is exclusive of the courts of the States. 34 U.S.C. 1166 and the second sentence of 34 U.S.C. 1164 are executed in the single jurisdictional statement of this section and the consolidation of the Act of August 18, 1942, ch. 553, 56 Stat. 746 (34 U.S.C. 1159-1166) with the earlier prize provisions. The words "during war" in 34 U.S.C. 1159 are omitted as covered in §7651 of this title. In clause (1) the words "or the Territories, Commonwealths, or possessions" are added, since "United States" in this title is geographically limited to the 48 States and the District of Columbia, whereas the term here is intended to include all places within the jurisdiction of the district courts.

In clause (4) the words "taken or" preceding the words "appropriated for the use of the United States"

are omitted as surplusage and in order to avoid confusion between the two meanings of the word "taken" in prize law. In both the Revised Statutes and the 1942 Act the phrase "taken or appropriated" means no more than "appropriated" alone, whereas "taken", in the phrase "taken as prize" means "captured".

Subsection (b) is included to make the statement of jurisdiction complete. It is derived by implication from the first sentence of R.S. 4625 (34 U.S.C. 1141) which is the source of subsection (c) of §7653 of this title.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-163 substituted "Commonwealths or possessions" for "Territories, Commonwealths, or possessions".

§ 7653. Court in which proceedings brought

(a) If a prize is brought into a port of the United States, or the Commonwealths or possessions, proceedings for the adjudication of the prize cause shall be brought in the district in which the port is located.

(b) If a prize is brought into the territorial waters of a cobelligerent, or is brought into a locality in the temporary or permanent possession of, or occupied by, the armed forces of the United States, or is appropriated for the use of the United States, before proceedings are started, the venue of the proceedings for adjudication of the cause shall be in the judicial district selected by the Attorney General, or his designee, for the convenience of the United States.

(c) If the prize property is lost or entirely destroyed or if, because of its condition, no part of it has been or can be sent in for adjudication, proceedings for adjudication of the cause may be brought in any district designated by the Secretary of the Navy. In such cases the proceeds of anything sold shall be deposited with the Treasurer of the United States or public depository in or nearest the district designated by the Secretary, subject to the orders of the court for that district.

(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)
7653(b)	34 U.S.C. 1160.	Aug. 18, 1942, ch. 553, §2, 56 Stat. 746.
7653(c)	34 U.S.C. 1141 (less last sentence).	R.S. 4625 (less last sentence).

Subsection (a) is inserted in order to present a complete statement of the subject matter of the section. Its substance is not specifically set out in the Revised Statutes but is strongly implied in 34 U.S.C. 1135 which requires the United States attorney for the district in which the port is located to file a libel.

In subsection (b) the requisites for jurisdiction conferred under the 1942 Act are substituted for the words "brought under the jurisdiction conferred by this Act". The substituted words are the same as those used in clauses (2), (3), and (4) of the preceding section except that the words "before proceedings are started" are added following the words "appropriated for the use of the United States" for clarity. An appropriation can take place before or after proceedings are commenced, but in the latter case there is no occasion for the Attorney General to determine venue.

In subsection (c) the words "or if because the whole has been appropriated to the use of the United States" and the words "or the value of anything taken or ap-