

or mill-waste of any kind, into New York Harbor: *Provided*, That nothing herein contained shall extend, or be construed to extend, to the casting out, unloading, or throwing out of any ship or vessel, lighter, barge, boat, or other craft, any stones, rocks, bricks, lime, or other materials used, or to be used, in or toward the building, repairing, or keeping in repair any quay, pier, wharf, weir, bridge, building, or other work lawfully erected or to be erected on the banks or sides of said harbor, or to the casting out, unloading or depositing of any material excavated for the improvement of navigable waters, into such places and in such manner as may be deemed by the United States officer supervising the improvement of said harbor most judicious and practicable and for the best interests of such improvement."

#### AMENDMENTS

1958—Pub. L. 85-802 substituted "waters of any harbor subject to this subchapter," for "tidal waters of the harbor of New York, or its adjacent or tributary waters, or in those of long Island Sound."

#### EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-802, §2, Aug. 28, 1958, 72 Stat. 971, provided that: "This Act [amending this section and sections 442, 446, 447, 449, 451, and 451a of this title and enacting section 451b of this title] shall take effect on the sixtieth day after the date of its enactment [Aug. 28, 1958]."

#### § 442. Liability of officers of towing vessel

Any and every master and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel, who shall knowingly engage in towing any scow, boat, or vessel loaded with any such prohibited matter to any point or place of deposit, or discharge in the waters of any harbor subject to this subchapter, or to any point or place elsewhere than within the limits defined and permitted by the supervisor of the harbor, shall be deemed guilty of a violation of section 441 of this title, and shall, upon conviction, be punishable as provided for offenses in violation of section 441 of this title, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

(June 29, 1888, ch. 496, §2, 25 Stat. 209; Pub. L. 85-802, §1(2), Aug. 28, 1958, 72 Stat. 970.)

#### AMENDMENTS

1958—Pub. L. 85-802 substituted "any harbor subject to this subchapter" for "the harbor of New York, or in its adjacent or tributary waters, or in those of Long Island Sound", and struck out "hereinafter mentioned" after "supervisor of the harbor".

#### EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-802 effective on sixtieth day after Aug. 28, 1958, see section 2 of Pub. L. 85-802, set out as a note under section 441 of this title.

#### § 443. Permit for dumping; penalty for taking or towing boat or scow without permit

In all cases of receiving on board of any scows or boats such forbidden matter or substance as described in section 441 of this title, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed, as provided in section 451 of this title, a permit defining the precise limits

within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$1,000 nor less than \$500, and in addition thereto the master of any tug or towboat so offending shall have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

(June 29, 1888, ch. 496, §3, 25 Stat. 209; Aug. 18, 1894, ch. 299, §3, 28 Stat. 360; May 28, 1908, ch. 212, §8, 35 Stat. 426.)

#### CODIFICATION

Section was enacted as part of section 3 of act June 29, 1888. Said section 3 of act June 29, 1888, enacted sections 443 to 448 of this title.

Section 3 of act June 29, 1888, as originally enacted, provided as follows:

"In all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, it shall be the duty of the owner or master, or person acting in such capacity, on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, to apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made; and any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor within the meaning of this act; and the master and engineer, or person or persons acting in such capacity, on board of any towboat towing such scows or boats, shall be equally guilty of such offense with the master or person acting in the capacity of master of the scow, and be liable to equal punishment."

Section 3 was amended by act Aug. 18, 1894, to read as follows:

"In all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand nor less than five hundred dollars, and in addition thereto the master of any tug or towboat so offending shall have his license revoked, or suspended for a term to be fixed by the judge before whom tried and convicted. And any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor, and the owner and master, or person acting in the capacity of master, of any scows or boats dumping or discharging such forbidden matter in any place other than that specified in such permit shall be liable to punishment therefor as provided in section one of the said Act of June twenty-ninth, eighteen hundred and eighty-eight [section 441 of this title]; and the owner and master, or person acting in the capacity of master, of any tug or towboat towing such scows or boats shall be liable to equal punishment with the owner and master, or person acting in the capacity of