

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7664 .....	34 U.S.C. 1142.	R.S. 4626.

34 U.S.C. 1142 and this section reflect the Act of March 3, 1899, ch. 413, §13, 30 Stat. 1007, which repealed laws authorizing distribution of prize proceeds to captors, and the Act of May 29, 1920, ch. 214, §1, 41 Stat. 654, which requires substitution of "Treasurer of the United States or public depository" for "assistant treasurer".

**§ 7665. Sale of prize**

(a) The court shall order a sale of prize property if—

- (1) the property has been condemned;
- (2) the court finds, at any stage of the proceedings, that the property is perishable, liable to deteriorate, or liable to depreciate in value; or
- (3) the cost of keeping the property is disproportionate to its value.

(b) The court may order a sale of the prize property if, after the return-day on the libel, all the parties in interest who have appeared in the cause agree to it.

(c) An appeal does not prevent the order of a sale under this section or the execution of such an order.

(Aug. 10, 1956, ch. 1041, 70A Stat. 479.)

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7665 .....	34 U.S.C. 1143.	R.S. 4627.

In subsection (a) the word "perishing" is omitted as surplusage. The words "in value" are added after "depreciate" for clarity.

In subsection (c) the words "An appeal does not prevent" are substituted for the words "no appeal shall operate to prevent".

**§ 7666. Mode of making sale**

(a) If a sale of prize property is ordered by the court, the marshal shall—

- (1) prepare and circulate full catalogues and schedules of the property to be sold and return a copy of each to the court;
- (2) advertise the sale fully and conspicuously by posters and in newspapers ordered by the court;
- (3) give notice to the naval prize commissioner at least five days before the sale; and
- (4) keep the goods open for inspection for at least three days before the sale.

(b) An auctioneer of known skill in the business to which the sale pertains shall be employed by the Secretary of the Navy to make the sale. The auctioneer, or his agent, shall collect and deposit the gross proceeds of the sale. The auctioneer and his agent are responsible to the marshal for the conduct of the sale and the collection and deposit of the gross proceeds.

(Aug. 10, 1956, ch. 1041, 70A Stat. 479.)

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7666 .....	34 U.S.C. 1144.	R.S. 4628.

The statement in subsection (b) of the responsibility of the auctioneer and agent to the marshal in the collection and deposit of proceeds is inserted to clarify the marshal's functions. It is derived from 34 U.S.C. 1139, and appears in §7662 of this title.

**§ 7667. Transfer of prize property to another district for sale**

(a) In the case of any prize property ordered to be sold, if the court believes that it will be in the interest of all parties to have the property sold in a judicial district other than the one in which the proceedings are pending, the court may direct the marshal to transfer the property to the district selected by the court for the sale, and to insure it. In such a case the court shall give the marshal proper orders as to the time and manner of conducting the sale.

(b) When so ordered the marshal shall transfer the property and keep it safely. He is responsible for its sale in the same manner as if the property were in his own district and for the deposit of the gross proceeds with the Treasurer of the United States or public depository nearest to the place of sale, subject to the order of the court for the district where the adjudication is pending.

(c) The necessary expenses of insuring, transferring, receiving, keeping, and selling the property are a charge upon it and upon the proceeds. Whenever any such expense is paid in advance by the marshal, any amount not repaid to him from the proceeds shall be allowed to him as in the case of expenses incurred in suits in which the United States is a party.

(d) If the Secretary of the Navy believes that it will be in the interest of all parties to have the property sold in a judicial district other than the one in which the proceedings are pending, he may, either by a general regulation or by a special direction in the cause, require the marshal to transfer the property from the district in which the judicial proceedings are pending to any other district for sale. In such a case proceedings shall be had as if the transfer had been made by order of the court.

(Aug. 10, 1956, ch. 1041, 70A Stat. 479.)

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7667 .....	34 U.S.C. 1145.	R.S. 4629.

34 U.S.C. 1145 and this section reflect the Act of May 29, 1920, ch. 214, §1, 41 Stat. 654, which requires substitution of "Treasurer of the United States or public depository" for "assistant treasurer".

In subsection (b) the words "He is responsible for its sale" are substituted for the words "It shall be the duty of the marshal to \* \* \* sell the same", because, as shown in §7666 of this title, the marshal does not sell the property himself but supervises the auctioneer who conducts the sale.

**§ 7668. Disposition of prize money**

The net proceeds of all property condemned as prize shall be decreed to the United States and shall be ordered by the court to be paid into the Treasury.

(Aug. 10, 1956, ch. 1041, 70A Stat. 480.)