

§ 8879. Powers of district court over prize property notwithstanding appeal

Notwithstanding an appeal, the district court may make and execute all necessary orders for the custody and disposal of prize property.

(Aug. 10, 1956, ch. 1041, 70A Stat. 483, §7679; renumbered §8879, Pub. L. 115-232, div. A, title VIII, §807(d)(9), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7679	34 U.S.C. 1147.	R.S. 565; R.S. 4637.

34 U.S.C. 1147 and this section reflect—
 (1) Act of March 3, 1899, ch. 413, §13, 30 Stat. 1007, which repealed all laws authorizing distribution of prize proceeds to captors;

(2) Acts of March 3, 1911, ch. 231, §128, 36 Stat. 1133, and February 13, 1925, ch. 229, §1, 43 Stat. 938, which defined the appellate jurisdiction of the United States circuit courts, and provided that the Supreme Court should not directly review district court decisions except in specified cases, not including prize cases; and

(3) Act of June 25, 1948, ch. 646, 62 Stat. 869, which repealed the Acts of February 13, 1925, and March 3, 1911, supra, but enacted similar provisions and changed the name of United States Circuit Courts of Appeals to United States Courts of Appeals for the several circuits.

Reference to the court is omitted from 34 U.S.C. 1147 and from the revised section in view of the 1948 Act.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7679 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8880. Appeals and amendments in prize causes

(a) A United States Court of Appeals may allow an appeal in a prize cause if it appears that a notice of appeal was filed with the clerk of the district court within thirty days after the final decree in that cause.

(b) A United States Court of Appeals, if in its opinion justice requires it, may allow amendments in form or substance of any appeal in a prize cause.

(Aug. 10, 1956, ch. 1041, 70A Stat. 483, §7680; renumbered §8880, Pub. L. 115-232, div. A, title VIII, §807(d)(9), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7680	34 U.S.C. 1146.	R.S. 1006; R.S. 4636.

34 U.S.C. 1146 and this section reflect—
 (1) Acts of March 3, 1911, ch. 231, §128, 36 Stat. 1133, and February 13, 1925, ch. 229, §1, 43 Stat. 938, which defined the appellate jurisdiction of the United States Circuit Courts of Appeals; and

(2) Act of June 25, 1948, ch. 646, 62 Stat. 869, which repealed the 1911 and 1925 Acts, but enacted similar provisions and changed the name of the circuit courts to United States Courts of Appeals for the several circuits.

The words “or of intention to appeal” are omitted as surplusage. Formerly “notices of appeal” were filed in some courts and “notices of intention to appeal” were filed in others. The difference was in terminology, not in substance. These notices are now known as “notices of appeal”. The words “next” and “the rendition of” are omitted as surplusage.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7680 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8881. Reciprocal privileges to cobelligerent

(a) A cobelligerent of the United States that consents to the exercise of jurisdiction conferred by section 8852(a) of this title with respect to any prize of the United States brought into the territorial waters of the cobelligerent or appropriated for the use of the United States within those territorial waters shall be given, upon proclamation by the President of the United States, like privileges with respect to any prize captured under the authority of that cobelligerent and brought into the territorial waters of the United States or appropriated for the use of the cobelligerent within the territorial waters of the United States.

(b) Reciprocal recognition shall be given to the jurisdiction acquired by courts of a cobelligerent under this section and full faith and credit shall be given to all proceedings had or judgments rendered in the exercise of that jurisdiction.

(Aug. 10, 1956, ch. 1041, 70A Stat. 483, §7681; renumbered §8881 and amended Pub. L. 115-232, div. A, title VIII, §§807(d)(9), 809(a), Aug. 13, 2018, 132 Stat. 1837, 1840.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7681	34 U.S.C. 1165.	Aug. 18, 1942, ch. 553, §7, 56 Stat. 747.

The words “taking or” before “appropriation” and the words “taken or” before “appropriated” are omitted as surplusage.

PRIOR PROVISIONS

Prior sections 8881 and 8882 were repealed by Pub. L. 85-155, title IV, §401(1), Aug. 21, 1957, 71 Stat. 390.

Section 8881, act Aug. 10, 1956, ch. 1041, 70A Stat. 546, authorized Secretary of Air Force to retire Air Force nurses and woman medical specialists whose regular grade is below major.

Section 8882, act Aug. 10, 1956, ch. 1041, 70A Stat. 546, authorized Secretary of Air Force to retire Air Force nurses or woman medical specialists whose regular grade is above captain.

Prior sections 8883 to 8886 were repealed by Pub. L. 96-513, title II, §216, Dec. 12, 1980, 94 Stat. 2886, effective Sept. 15, 1981.

Section 8883, acts Aug. 10, 1956, ch. 1041, 70A Stat. 546; Aug. 6, 1958, Pub. L. 85-600, §1(17), 72 Stat. 523; Nov. 2, 1966, Pub. L. 89-718, §3, 80 Stat. 1115, provided that, unless retired or separated at an earlier date, each commissioned officer whose regular grade is below major

general, other than a professor or the registrar of the United States Air Force Academy, be retired when he becomes 60 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

Section 8884, acts Aug. 10, 1956, ch. 1041, 70A Stat. 547; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115, provided that, unless retired or separated at an earlier date, each commissioned officer whose regular grade is major general, and whose retirement under section 8923 of this title has been deferred under cl. (1) of that section, be retired when he becomes 60 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

Section 8885, acts Aug. 10, 1956, ch. 1041, 70A Stat. 547; Sept. 2, 1958, Pub. L. 85-861, § 33(a)(42), 72 Stat. 1567; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115, provided that, unless retired or separated at an earlier date or unless retained under section 8923(2) of this title, each commissioned officer whose regular grade is major general be retired when he becomes 62 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

Section 8886, acts Aug. 10, 1956, ch. 1041, 70A Stat. 547; Aug. 6, 1958, Pub. L. 85-600, § 1(18), 72 Stat. 523; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115, provided that, unless retired or separated at an earlier date, each commissioned officer whose regular grade is major general, and whose retirement under section 8923 of this title has been deferred under cl. (2) of that section, and each permanent professor and the registrar of the United States Air Force Academy, be retired when he becomes 64 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

A prior section 8887, act Aug. 10, 1956, ch. 1041, 70A Stat. 547, related to computation of years of service of Air Force nurses or woman medical specialists for purposes of retirement under former sections 8881 or 8882 of this title, or retirement pay under former section 8991 of this title, prior to repeal by Pub. L. 85-155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390.

Prior sections 8888 And 8889 were repealed by Pub. L. 96-513, title II, § 216, Dec. 12, 1980, 94 Stat. 2886, effective Sept. 15, 1981.

Section 8888, acts Aug. 10, 1956, ch. 1041, 70A Stat. 547; Aug. 21, 1957, Pub. L. 85-155, title III, § 301(16), 71 Stat. 388; May 20, 1958, Pub. L. 85-422, § 11(a)(7), 72 Stat. 131; Sept. 2, 1958, Pub. L. 85-861, § 1(194), 72 Stat. 1538; Sept. 30, 1966, Pub. L. 89-609, § 1(30), 80 Stat. 854, related to computation of years of service for determining retired pay of a commissioned officer of Regular Air Force retired under former section 8883, 8884, 8885, or 8886 of this title. See section 1405 of this title.

Section 8889, act Aug. 10, 1956, ch. 1041, 70A Stat. 548, provided that a member of Air Force retired under this chapter be entitled to retired pay computed under former chapter 871 of this title.

AMENDMENTS

2018—Pub. L. 115-232, § 807(d)(9), renumbered section 7681 of this title as this section.

Subsec. (a). Pub. L. 115-232, § 809(a), substituted “section 8852(a)” for “section 7652(a)”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

RECIPROCAL PRIVILEGES

The Governments listed below are accorded like privileges with respect to prizes captured under authority of the said Governments and brought into the territorial waters of the United States or taken or appropriated in the territorial waters of the United States for the use of the said Governments, namely: Australia, Proc. No. 2617, Aug. 16, 1944, 9 F.R. 9969; Canada, Proc. No. 2594, Sept. 27, 1943, 8 F.R. 13217; India, Proc. No.

2601, Dec. 6, 1943, 8 F.R. 16351; New Zealand, Proc. No. 2582, Apr. 2, 1943, 8 F.R. 4275; United Kingdom, Proc. No. 2575, Feb. 2, 1944, 8 F.R. 1429.

CHAPTER 885—STAY OF JUDICIAL PROCEEDINGS

Sec. 8891.	Scope of chapter.
8892.	Stay of suit.
8893.	Stay of proceedings for preserving evidence after stay of suit.
8894.	Stay of proceedings for taking evidence before suit is filed.
8895.	Stay extended or shortened.
8896.	Reconsideration of stay.
8897.	Duration of stay.
8898.	Restricted certificate.
8899.	Investigation before issue of certificate.
8900.	Evidence admissible when witness is not available.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 807(e)(4), (f)(1), Aug. 13, 2018, 132 Stat. 1838, redesignated chapter 657 of this title as this chapter and items 7721 to 7730 as 8891 to 8900, respectively.

§ 8891. Scope of chapter

(a) This chapter applies to any suit against the United States under chapter 311 of title 46 for—

(1) damage caused by a vessel in the naval service; or

(2) compensation for towage or salvage services, including contract salvage, rendered to a vessel in the naval service.

(b) In this chapter, the term “vessel in the naval service” means—

(1) any vessel of the Navy, manned by the Navy, or chartered on bareboat charter to the Navy; or

(2) when the Coast Guard is operating as a service in the Navy, any vessel of the Coast Guard, manned by the Coast Guard, or chartered on bareboat charter to the Coast Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 483, § 7721; Pub. L. 96-513, title V, § 513(43), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 100-26, § 7(k)(10), Apr. 21, 1987, 101 Stat. 284; Pub. L. 103-35, title II, § 201(c)(11), May 31, 1993, 107 Stat. 98; Pub. L. 109-304, § 17(a)(6), Oct. 6, 2006, 120 Stat. 1706; renumbered § 8891, Pub. L. 115-232, div. A, title VIII, § 807(d)(10), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7721(a)	46 U.S.C. 791 (2d sentence).	July 3, 1944, ch. 399, § 1 (2d sentence), 58 Stat. 723.
7721(b)	46 U.S.C. 793.	July 3, 1944, ch. 399, § 3, 58 Stat. 724.

In subsection (a) the words “wherein a claim is made” are omitted as surplusage. The words “vessel in the naval service” are substituted for the words “vessel in the Navy, or in the naval service” for brevity. No change in meaning results, since the term used in subsection (a) is defined in subsection (b).

In subsection (b) the words “service in” are substituted for the words “part of” to conform to the terminology used in 14 U.S.C. 3.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7721 of this title as this section.