

(b) In connection with the condemnation proceedings the United States attorney shall insure that the prize commissioners—

- (1) take proper preparatory evidence; and
- (2) take depositions de bene esse of the prize crew and of other transient persons who know any facts bearing on condemnation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 477, § 7659; renumbered § 8859 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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7659 .....	34 U.S.C. 1135.	R.S. 4618.

As does 34 U.S.C. 1135, the revised section reflects the Act of March 3, 1899, ch. 413, §13, 30 Stat. 1007, which repealed all laws authorizing distribution of prize proceeds to captors.

AMENDMENTS

2018—Pub. L. 115-232, §807(d)(9), renumbered section 7659 of this title as this section.

Subsec. (a). Pub. L. 115-232, §809(a), substituted “section 8858” for “section 7658” in introductory provisions.

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.

**§ 8860. Duties of prize commissioners**

One or more of the prize commissioners shall—

- (1) receive from the prize master the documents and papers of the captured vessel and the inventory thereof;
- (2) take the affidavit of the prize master required by section 8858 of this title;
- (3) take promptly, in the manner prescribed by section 8861 of this title, the testimony of the witnesses sent in;
- (4) take, at the request of the United States attorney, on interrogatories prescribed by the court, the depositions de bene esse of the prize crew and others;
- (5) examine and inventory the prize property;
- (6) apply to the court for an order to the marshal to unload the cargo, if this is necessary to that examination and inventory;
- (7) report to the court, and notify the United States attorney, whether any of the prize property requires immediate sale in the interest of all parties;
- (8) report to the court, from time to time, any matter relating to the condition, custody, or disposal of the prize property requiring action by the court;
- (9) return to the court sealed and secured from inspection—
  - (A) the documents and papers received, duly scheduled and numbered;
  - (B) the preparatory evidence;
  - (C) the evidence taken de bene esse; and
  - (D) their inventory of the prize property; and
- (10) report to the Secretary of the Navy, if, in their judgment, any of the prize property is

useful to the United States in the prosecution of war.

(Aug. 10, 1956, ch. 1041, 70A Stat. 477, § 7660; renumbered § 8860 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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7660 .....	34 U.S.C. 1138 (less applicability to procedure for interrogating witnesses).	R.S. 4622 (less applicability to procedure for interrogating witnesses).

The words “but the custody of the property shall be in the marshal only” are omitted as surplusage, since this fact is made clear in § 7662 of this title.

AMENDMENTS

2018—Pub. L. 115-232, §807(d)(9), renumbered section 7660 of this title as this section.

Par. (2). Pub. L. 115-232, §809(a), substituted “section 8858” for “section 7658”.

Par. (3). Pub. L. 115-232, §809(a), substituted “section 8861” for “section 7661”.

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.

**§ 8861. Interrogation of witnesses by prize commissioners**

Witnesses before the prize commissioners shall be questioned separately, on interrogatories prescribed by the court, in the manner usual in prize courts. Without special authority from the court, the witnesses may not see the interrogatories, documents, or papers, or consult with counsel or with other persons interested in the cause. Witnesses who have the rights of neutrals shall be discharged as soon as practicable.

(Aug. 10, 1956, ch. 1041, 70A Stat. 477, § 7661; renumbered § 8861, Pub. L. 115-232, div. A, title VIII, § 807(d)(9), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7661 .....	34 U.S.C. 1138 (as applicable to procedure for interrogating witnesses).	R.S. 4622 (as applicable to procedure for interrogating witnesses).

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7661 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.

**§ 8862. Duties of marshal**

The marshal shall—

- (1) keep in his custody all persons found on board a prize and sent in as witnesses, until they are released by the prize commissioners or the court;