

of marshals. Most of these duties could not be performed by the marshals if the prize was not brought into a United States port. In such cases occurring during World War II the courts, under the authority of the 1942 Act, required the special prize commissioners to perform the duties ordinarily performed by the marshals. The words “without regard for the requirements of section 7367 of this title” are omitted as unnecessary, since that section is codified in subsection (a), and language distinguishing the prize commissioners from the special prize commissions is included in each subsection.

PRIOR PROVISIONS

A prior section 8855, added Pub. L. 86-559, §1(76), June 30, 1960, 74 Stat. 280; amended Pub. L. 96-107, title IV, §403(b), Nov. 9, 1979, 93 Stat. 808; Pub. L. 96-513, title II, §215(b), Dec. 12, 1980, 94 Stat. 2885; Pub. L. 100-180, div. A, title VII, §717(c), (d)(2)(A), Dec. 4, 1987, 101 Stat. 1114; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1233(l)(2), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 101-189, div. A, title VII, §710(c), Nov. 29, 1989, 103 Stat. 1477, related to retention in active status of certain reserve officers, prior to repeal by Pub. L. 103-337, div. A, title XVI, §1629(c)(3), Oct. 5, 1994, 108 Stat. 2963, effective Oct. 1, 1996. See section 14703(a)(3), (b) of this title.

AMENDMENTS

2018—Pub. L. 115-232, §807(d)(9), renumbered section 7655 of this title as this section.

Subsec. (a). Pub. L. 115-232, §809(a), substituted “section 8853(a) or (c)” for “section 7653(a) or (c)”.

Subsec. (b). Pub. L. 115-232, §809(a), substituted “section 8853(b)” for “section 7653(b)”.

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.

§ 8856. Duties of United States attorney

(a) The interests of the United States in a prize cause shall be represented by the United States attorney for the judicial district in which the prize cause is adjudicated. The United States attorney shall protect the interests of the United States and shall examine all fees, costs, and expenses sought to be charged against the prize fund.

(b) In a judicial district where one or more prize causes are pending the United States attorney shall send to the Secretary of the Navy, at least once every three months, a statement of all such causes in the form and covering the particulars required by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 475, §7656; renumbered §8856, 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)
7656	34 U.S.C. 1136.	R.S. 4619.

The Act of March 3, 1899, ch. 413, §13, 30 Stat. 1007, which repealed all laws authorizing the distribution of prize money to captors, rendered inoperative parts of R.S. 4619 relative to protection of captors' interest. These parts are omitted from 34 U.S.C. 1136 and from the revised section.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7656 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.

§ 8857. Duties of commanding officer of capturing vessel

(a) The commanding officer of a vessel making a capture shall—

(1) secure the documents of the captured vessel, including the log, and the documents of cargo, together with all other documents and papers, including letters, found on board;

(2) inventory and seal all the documents and papers;

(3) send the inventory and documents and papers to the court in which proceedings are to be had, with a written statement—

(A) that the documents and papers sent are all the papers found, or explaining the reasons why any are missing; and

(B) that the documents and papers sent are in the same condition as found, or explaining the reasons why any are in different condition;

(4) send as witnesses to the prize court the master, one or more of the other officers, the supercargo, purser, or agent of the prize, and any other person found on board whom he believes to be interested in or to know the title, national character, or destination of the prize, and if any of the usual witnesses cannot be sent, send the reasons therefor to the court; and

(5) place a competent prize master and a prize crew on board the prize and send the prize, the witnesses, and all documents and papers, under charge of the prize master, into port for adjudication.

(b) In the absence of instructions from higher authority as to the port to which the prize shall be sent for adjudication, the commanding officer of the capturing vessel shall select the port that he considers most convenient in view of the interests of probable claimants.

(c) If the captured vessel, or any part of the captured property, is not in condition to be sent in for adjudication, the commanding officer of the capturing vessel shall have a survey and an appraisal made by competent and impartial persons. The reports of the survey and the appraisal shall be sent to the court in which proceedings are to be had. Property so surveyed and appraised, unless appropriated for the use of the United States, shall be sold under authority of the commanding officer present. Proceeds of the sale shall be deposited with the Treasurer of the United States or in the public depository most accessible to the court in which proceedings are to be had and subject to its order in the cause.

(Aug. 10, 1956, ch. 1041, 70A Stat. 476, §7657; renumbered §8857, 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)
7657	34 U.S.C. 1133.	R.S. 4615.

As does 34 U.S.C. 1133, the revised section reflects the Act of March 3, 1899, ch. 413, §13, 30 Stat. 1007, and the Act of May 29, 1920, ch. 214, §1, 41 Stat. 654, which, respectively, abolished the interest of captors in prize property and substituted “Treasurer of the United States or public depositary” for “assistant treasurer of the United States”.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7657 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.

§ 8858. Duties of prize master

The prize master shall take the captured vessel to the selected port. On arrival he shall—

- (1) deliver immediately to a prize commissioner the documents and papers and the inventory thereof;
- (2) make affidavit that the documents and papers and the inventory thereof and the prize property are the same and are in the same condition as delivered to him, or explaining any loss or absence or change in their condition;
- (3) report all information respecting the prize and her capture to the United States attorney;
- (4) deliver the persons sent as witnesses to the custody of the United States marshal; and
- (5) retain the prize in his custody until it is taken therefrom by process from the prize court.

(Aug. 10, 1956, ch. 1041, 70A Stat. 476, §7658; renumbered §8858, 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)
7658	34 U.S.C. 1134.	R.S. 4617.

The word “diligently” is omitted as surplusage.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7658 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.

§ 8859. Libel and proceedings by United States attorney

(a) Upon receiving the report of the prize master directed by section 8858 of this title, the United States attorney for the district shall promptly—

- (1) file a libel against the prize property;
- (2) obtain a warrant from the court directing the marshal to take custody of the prize property; and
- (3) proceed to obtain a condemnation of the property.

(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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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