

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 depository” for “assistant treasurer of the United States”.

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7657 of this title as this section.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7658 of this title as this section.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### 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

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

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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

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

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7661 of this title as this section.

Statutory Notes and Related Subsidiaries

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;
- (2) keep safely in his custody all prize property under warrant from the court;
- (3) report to the court any cargo or other property that he thinks should be unloaded and stored or sold;
- (4) insure the prize property, if in his judgment it is in the interest of all concerned;
- (5) have charge of the sale of the property, if a sale is ordered, and be responsible for the conduct of the sale in the manner required by the court, for the collection of the gross proceeds, and for their immediate deposit with the Treasurer of the United States or public depository nearest the place of sale, subject to the order of the court in the cause; and
- (6) submit to the Secretary of the Navy, at such times as the Secretary designates, a full statement of the condition of the prize and of the disposal made thereof.

(Aug. 10, 1956, ch. 1041, 70A Stat. 478, §7662; renumbered §8862, 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)
7662 .....	34 U.S.C. 1139.	R.S. 4623.

In clause (2) the words “in his custody” are inserted to make clear the fact that the marshal has custody of the prize property.

In clause (5) the words “and be responsible for” are inserted for clarity, since 34 U.S.C. 1144 provides that the sale and deposit of the proceeds shall be made by the auctioneer and his agent rather than by the marshal, although the marshal supervises them. The words “Treasurer of the United States or public depository” are substituted for “assistant treasurer” to reflect the Act of May 29, 1920, ch. 214, 41 Stat. 654.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7662 of this title as this section.

Statutory Notes and Related Subsidiaries

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