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392.	Complaint and answer; jury trial.
393.	Amendments of complaint and adjournments.
394.	Challenge to jurors.
395.	Limit of sentence.
396.	Recovery of penalties and forfeitures generally.

§ 391. Summary trials authorized

Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the United States attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term time or vacation.

(R.S. § 4300; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CODIFICATION

R.S. § 4300 derived from act June 11, 1864, ch. 121, § 2, 13 Stat. 124.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorney” for “district attorney”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes set out thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 47 section 31.

§ 392. Complaint and answer; jury trial

At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counterstatement. The trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

(R.S. § 4301.)

CODIFICATION

R.S. § 4301 derived from act June 11, 1864, ch. 121, §§ 3, 4, 13 Stat. 125.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 47 section 31.

§ 393. Amendments of complaint and adjournments

It shall be lawful for the court to allow the United States attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

(R.S. § 4302; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CODIFICATION

R.S. § 4302 derived from act June 11, 1864, ch. 121, § 6, 13 Stat. 125.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorney” for “district attorney”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes set out thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 47 section 31.

§ 394. Challenge to jurors

At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers.

(R.S. § 4303.)

CODIFICATION

R.S. § 4303 derived from act June 11, 1864, ch. 121, § 7, 13 Stat. 125.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 47 section 31.

§ 395. Limit of sentence

It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding \$500, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

(R.S. § 4304.)

CODIFICATION

R.S. § 4304 derived from act June 11, 1864, ch. 121, § 5, 13 Stat. 125.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 47 section 31.

§ 396. Recovery of penalties and forfeitures generally

All the penalties and forfeitures which may be incurred for offenses against title 48 of the Revised Statutes may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed.

(R.S. § 4305.)

REFERENCES IN TEXT

Title 48 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 48 of the Revised Statutes, consisting of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

CODIFICATION

R.S. § 4305 derived from act Dec. 31, 1792, ch. 1, § 29, 1 Stat. 298.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 47 section 31.

CHAPTER 9—PROTECTION OF NAVIGABLE WATERS AND OF HARBOR AND RIVER IMPROVEMENTS GENERALLY

SUBCHAPTER I—IN GENERAL

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| <p>Sec.
401. Construction of bridges, causeways, dams or dikes generally; exemptions.</p> <p>402. Construction of bridges, etc., over Illinois and Mississippi Canal.</p> <p>403. Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in.</p> <p>403a. Omitted.</p> <p>403b. Lighting at docks and boat launching facilities.</p> <p>404. Establishment of harbor lines; conditions to grants for extension of piers, etc.</p> <p>405. Establishment and modification of harbor lines on Potomac and Anacostia Rivers.</p> <p>406. Penalty for wrongful construction of bridges, piers, etc.; removal of structures.</p> <p>407. Deposit of refuse in navigable waters generally.</p> <p>407a. Deposit of debris of mines and stamp works.</p> <p>408. Taking possession of, use of, or injury to harbor or river improvements.</p> <p>409. Obstruction of navigable waters by vessels; floating timber; marking and removal of sunken vessels.</p> <p>410. Exception as to floating loose timber, sack rafts, etc.; violation of regulations; penalty.</p> <p>411. Penalty for wrongful deposit of refuse; use of or injury to harbor improvements, and obstruction of navigable waters generally.</p> <p>412. Liability of masters, pilots, etc., and of vessels engaged in violations.</p> <p>413. Duty of United States attorneys and other Federal officers in enforcement of provisions; arrest of offenders.</p> <p>414. Removal by Secretary of the Army of sunken water craft generally; liability of owner, lessee, or operator.</p> <p>415. Summary removal of water craft obstructing navigation; liability of owner, lessee, or operator.</p> <p style="padding-left: 20px;">(a) Removal authority.</p> <p style="padding-left: 20px;">(b) Removal requirement.</p> <p style="padding-left: 20px;">(c) Liability of owner, lessee, or operator.</p> <p>416. Appropriations for removal of sunken water craft.</p> <p>417. Expenses of investigations by Department of the Army.</p> <p>418. Provisions for protection of New York Harbor unaffected.</p> <p>419. Regulation by Secretary governing transportation and dumping of dredgings, refuse, etc., into navigable waters; oyster lands; appropriations.</p> <p>419a. Management practices to extend capacity and useful life of dredged material disposal areas.</p> | <p>Sec.
420. Piers and cribs on Mississippi and St. Croix Rivers.</p> <p>421. Deposit of refuse, etc., in Lake Michigan near Chicago.</p> <p>422. Modification and extension of harbor lines at Chicago.</p> <p>423. Establishment of pierhead and bulkhead lines in Wilmington Harbor, California.</p> <p>424. Establishment of pierhead or bulkhead lines in Newport Harbor, California.</p> <p>424a. Modification of harbor lines in Newport Harbor, California.</p> <p>425. Omitted.</p> <p>426. Investigations concerning erosion of shores of coastal and lake waters.</p> <p>426-1. Coastal Engineering Research Center; establishment; powers and functions.</p> <p>426-2. Board on Coastal Engineering Research.</p> <p>426-3. Transfer of functions of Beach Erosion Board.</p> <p>426a. Additional investigations concerning erosion of shores of coastal and lake waters; payment of costs; “shores” defined.</p> <p>426b. Applicability of existing laws; projects referred to Board of Engineers for Rivers and Harbors.</p> <p>426c. Report by Coastal Engineering Research Center.</p> <p>426d. Payment of expenses.</p> <p>426e. Federal aid in protection of shores.</p> <p style="padding-left: 20px;">(a) Declaration of policy.</p> <p style="padding-left: 20px;">(b) Federal contribution; maximum amount; exceptions.</p> <p style="padding-left: 20px;">(c) Periodic beach nourishment; “construction” defined.</p> <p style="padding-left: 20px;">(d) Shores other than public.</p> <p style="padding-left: 20px;">(e) Authorization of projects.</p> <p>426f. Reimbursements.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Agreements.</p> <p>426g. Authorization of small projects not specifically authorized; expenditures; local cooperation; work to be complete; exceptions.</p> <p>426g-1. State and regional plans.</p> <p>426h. National shoreline erosion control development and demonstration program.</p> <p style="padding-left: 20px;">(a) Establishment of erosion control program.</p> <p style="padding-left: 20px;">(b) Requirements.</p> <p style="padding-left: 20px;">(c) Consultation.</p> <p style="padding-left: 20px;">(d) Report.</p> <p style="padding-left: 20px;">(e) Funding.</p> <p>426h-1. Definitions.</p> <p>426i. Shore damage prevention or mitigation.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Cost sharing.</p> <p style="padding-left: 20px;">(c) Requirement for specific authorization.</p> <p style="padding-left: 20px;">(d) Coordination.</p> <p>426i-1. Construction of shoreline protection projects by non-Federal interests.</p> <p style="padding-left: 20px;">(a) Authority.</p> <p style="padding-left: 20px;">(b) Studies and engineering.</p> <p style="padding-left: 20px;">(c) Completion of studies.</p> <p style="padding-left: 20px;">(d) Authority to carry out improvement.</p> <p style="padding-left: 20px;">(e) Reimbursement.</p> <p>426i-2. National coastal data bank.</p> <p>426j. Placement on State beaches of sand dredged in constructing and maintaining navigation inlets and channels adjacent to such beaches.</p> <p>426k. Five year demonstration program to temporarily increase diversion of water from Lake Michigan at Chicago, Illinois.</p> <p style="padding-left: 20px;">(a) Authorization of Secretary of the Army; purpose; amounts of increase; incremental accomplishment; effects on Illinois Waterway; responsibilities for development, implementation, and supervision.</p> |
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