

### § 387. Duties of officers of customs and marshals as to seizure

The collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States, shall seize any vessel or boat built, purchased, fitted out, or held as mentioned in section 385 of this title, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as provided by that section.

(R.S. § 4299.)

#### REFERENCES IN TEXT

Surveyors of the several ports of delivery, referred to in text, are probably obsolete offices in view of act July 5, 1932, ch. 430, title I, §1, 47 Stat. 584, which abolished the offices of surveyors of customs, except at the Port of New York. Ports of delivery, except those which were made ports of entry, were abolished and the use of the term "port of delivery" was discontinued under the President's plan of reorganization of the customs service communicated to Congress by message dated Mar. 3, 1913.

#### CODIFICATION

R.S. § 4299 derived from act Aug. 5, 1861, ch. 48, §3, 12 Stat. 315.

#### TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in Bureau of Customs of Department of the Treasury to which appointments were required to be made by President with advice and consent of Senate ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

## CHAPTER 8—SUMMARY TRIALS FOR CERTAIN OFFENSES AGAINST NAVIGATION LAWS

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### § 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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Sec.

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409. Obstruction of navigable waters by vessels; floating timber; marking and removal of sunken vessels.

410. Exception as to floating loose timber, sack rafts, etc.; violation of regulations; penalty.

411. Penalty for wrongful deposit of refuse; use of or injury to harbor improvements, and obstruction of navigable waters generally.

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415. Summary removal of water craft obstructing navigation; liability of owner, lessee, or operator.

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422. Modification and extension of harbor lines at Chicago.

423. Establishment of pierhead and bulkhead lines in Wilmington Harbor, California.

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426b. Applicability of existing laws; projects referred to Board of Engineers for Rivers and Harbors.

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