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385. Seizure and condemnation of vessels fitted out for piracy.
386. Commissioning private vessels for seizure of piratical vessels.
387. Duties of officers of customs and marshals as to seizure.

§ 381. Use of public vessels to suppress piracy

The President is authorized to employ so many of the public armed vessels as in his judgment the service may require, with suitable instructions to the commanders thereof, in protecting the merchant vessels of the United States and their crews from piratical aggressions and depredations.

(R.S. § 4293.)

CODIFICATION

R.S. § 4293 derived from acts Mar. 3, 1819, ch. 77, § 1, 3 Stat. 510; Jan. 30, 1823, ch. 7, 3 Stat. 721.

§ 382. Seizure of piratical vessels generally

The President is authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

(R.S. § 4294.)

CODIFICATION

R.S. § 4294 derived from acts Mar. 3, 1819, ch. 77, § 2, 3 Stat. 512; Jan. 30, 1823, ch. 7, 3 Stat. 721.

§ 383. Resistance of pirates by merchant vessels

The commander and crew of any merchant vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

(R.S. § 4295.)

CODIFICATION

R.S. § 4295 derived from acts Mar. 3, 1819, ch. 77, § 3, 3 Stat. 513; Jan. 30, 1823, ch. 7, 3 Stat. 721.

§ 384. Condemnation of piratical vessels

Whenever any vessel, which shall have been built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the com-

mission of any other act of piracy as defined by the law of nations, or from which any piratical aggression, search, restraint, depredation, or seizure shall have been first attempted or made, is captured and brought into or captured in any port of the United States, the same shall be adjudged and condemned to their use, and that of the captors after due process and trial in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at its discretion.

(R.S. § 4296.)

CODIFICATION

R.S. § 4296 derived from acts Mar. 3, 1819, ch. 77, § 4, 3 Stat. 513; Jan. 30, 1823, ch. 7, 3 Stat. 721; Aug. 5, 1861, ch. 48, § 1, 12 Stat. 314.

§ 385. Seizure and condemnation of vessels fitted out for piracy

Any vessel built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or not; and any such vessel may be adjudged and condemned, if captured by a vessel authorized as mentioned in section 386 of this title to the use of the United States, and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States.

(R.S. § 4297.)

REFERENCES IN TEXT

Surveyor, referred to in text, is probably an obsolete office 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. § 4297 derived from act Aug. 5, 1861, ch. 48, § 1, 12 Stat. 314.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 386 of this title.

§ 386. Commissioning private vessels for seizure of piratical vessels

The President is authorized to instruct the commanders of the public-armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by Congress, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States, any vessel or boat built, purchased, fitted out, or held as mentioned in section 385 of this title.

(R.S. § 4298.)

CODIFICATION

R.S. § 4298 derived from act Aug. 5, 1861, ch. 48, § 2, 12 Stat. 315.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 385 of this title.

§ 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.

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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.