CHAP. LXXXVI. — *An Act further to regulate Proceedings in Prize Cases, and to amend various Acts of Congress in Relation thereto.* March 3, 1863.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any prize property shall be condemned in any district or circuit court, or shall at any stage of the proceedings be found by the court to be perishing, perishable, or liable to deteriorate or depreciate, or whenever the costs of keeping the same shall be disproportionate to its value, or whenever all the parties in interest who have appeared in the case shall agree thereto, it shall be the duty of the court to order a sale thereof, and no appeal shall operate to prevent the making or execution of such order. And upon any sale, it shall be the duty of the marshal forthwith to deposit the gross proceeds of the sale with the assistant treasurer of the United States nearest to the place of sale, and subject to the order of the court in the particular case; and the court may at any time order the payment from such deposit of the expenses and disbursements necessarily incurred in the custody, preservation, and sale of said property, audited and allowed by the court in the manner provided by law. And when a decree of condemnation shall be made in any cause, the court may, in like manner, order the payment from said deposit of the costs, fees, and charges decreed in the cause. And on a final decree of distribution, after the payment of such costs, fees, and expenses, the residue of the deposit shall, by order of the court, be paid into the treasury of the United States for distribution according to the decree. And the clerk of the court shall forthwith transmit to the Secretary of the Treasury and the Secretary of the Navy certified copies of said final decree of distribution; and in case the final decree shall be for restitution without costs, the costs, fees, and disbursements allowed by the court and unpaid shall be a charge upon the fund for defraying the expenses of suits in which the United States is a party or interested. And the Treasury Department shall credit the Navy Department with the amount held for distribution; and the several officers, marines, sailors, and other persons in the naval service entitled to share in the prize money, shall be credited in their accounts with the Navy Department with the amount to which they are respectively entitled.

Sale of prize property, when court to order.

Appeal not to prevent.

Proceeds of sale.

Payment of expenses and disbursements.

Costs, fees, and charges.

Residue to be paid into the treasury.

Clerk to transmit copies of final decree.

Costs, how paid when decree is for restitution without costs.

Those in naval service entitled to the prize-money to be credited therewith.

SEC. 2. *And be it further enacted*, That the Secretary of the Navy or the Secretary of War shall be, and they or either of them are hereby, authorized to take any captured vessel, any arms or munitions of war, or other material, for the use of the Government; and when the same shall have been taken, before being sent in for adjudication, or afterwards, the department for whose use it was taken shall deposit the value of the same in the treasury of the United States, subject to the order of the court in which prize proceedings shall be taken in the case; and when there is a final decree of distribution in the prize court, or if no proceedings in prize shall be taken, the money shall be credited to the Navy Department to be distributed according to law.

Captured vessels, arms, &c., may be taken for government use.

Proceedings in such cases.

SEC. 3. *And be it further enacted*, That the Secretary of the Navy shall employ an auctioneer or auctioneers of established reputation in that branch of merchandise, to make sales of all prize goods, under the direction of the marshal of the district in which the property shall be ordered to be sold, and at a rate of compensation not to exceed in any case one and one fourth per centum upon the gross amount of the sales; and such sales shall be advertised in the fullest and most conspicuous manner, and to the satisfaction of the Secretary of the Navy; and any fraud, collusion, or combination, or any act or fraudulent device or contrivance in the sale and disposition of any prize property, by which the captors or the Government are or may be defrauded, shall be, and is hereby, declared to be a felony; and any public officer or agent, or any other person engaged therein, upon conviction thereof by or before any court of competent juris-

Secretary of the Navy to employ auctioneers to sell prize goods under the direction of the marshal.

Pay.

Advertisement.

Collusion, &c., in sale to defraud captors, &c., made a felony, and how punished

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diction, shall be liable to a fine not exceeding twenty thousand dollars, and to imprisonment not exceeding ten years, or to both, in the discretion of the court.

Counsel to captors.
1862, ch. 50, § 3. *Ante*, p. 375.

Sec. 4. *And be it further enacted*, That the third section of the act of twenty-fifth March, eighteen hundred and sixty-two, entitled "An act to facilitate evidence and proceedings in and adjudications upon captured property of prize," be, and the same is hereby, amended, so that the compensation of counsel to the captors to be adjusted and determined by the court, and paid and allowed as costs, shall be confined to compensation for such services as may be rendered necessary by reason of the captors having interests conflicting with those of the United States, and proper in the opinion of the court to be represented by separate counsel from those representing the United States. And so much of the twelfth section of the act of July seventeen, eighteen hundred and sixty-two, entitled "An act for the better government of the navy of the United States," as authorizes the Secretary of the Navy to employ an agent or counsel for the captors and to fix his compensation, is hereby repealed.

Compensation.

1862, ch. 204, § 12. *Ante*, p. 608.
Authority of Secretary of Navy to employ counsel repealed.

Commissioners of prize not to exceed two in any district.
One to be retired naval officer.
Salaries.

Sec. 5. *And be it further enacted*, That the commissioners in prize shall not exceed two in any district of the courts of the United States, to be appointed by the district court of each district, one of whom shall be a retired naval officer, to be appointed by the court and approved by the Secretary of the Navy; and the annual salaries in each district of both commissioners shall not exceed six thousand dollars; and all counsel fees in prize cases in the supreme court of the United States, which have been or may be incurred or authorized by any department of the Government, shall be audited and allowed by the Attorney-General and solicitor of the treasury, and shall be a charge upon and paid out of the fund appropriated for defraying the expenses of suits in which the United States are parties or interested.

Counsel fees, how paid.

Witness fees, how paid.

Sec. 6. *And be it further enacted*, That when the court shall allow witnesses' fees to any witness in a prize cause, and the court has no money subject to its order in the cause, the same shall be paid by the marshal as in the case of witnesses in causes in which the United States is a party, and shall be repaid from any money deposited to the order of the court in said cause.

Appeals from district courts to be directly to supreme court, and within thirty days, unless, &c.
In what cases appeals may be claimed.

Sec. 7. *And be it further enacted*, That appeals from the district courts of the United States in prize causes shall be directly to the supreme court, and shall be made within thirty days of the rendering of the decree appealed from, unless the court shall previously have extended the time for cause shown in the particular case; and the supreme court shall always be open for the entry of such appeals. Such appeals may be claimed whenever the amount in controversy exceeds two thousand dollars, and in other cases on the certificate of the district judge that the adjudication involves a question of difficulty and general importance.

Repealing clause.

Sec. 8. *And be it further enacted*, That all provisions of law which are inconsistent with those of this act shall be, and are hereby, repealed.

Approved, March 3, 1863.

March 3, 1863.

Chap. LXXXVII.—*An Act to equalize and establish the Compensation of the Collectors of the Customs on the Northern, Northeastern, and Northwestern Frontiers, and for other Purposes.*

Collectors of customs to render with accounts, lists of clerks, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of customs of each of the districts aforesaid shall render, with his accounts of the expenses incident to his office, a list of the clerks and other officers of the customs employed by him, stating the rate of compensation allowed to each, the duties they severally perform, and also an account of the sums paid for stationery, fuel, and all other office expenses, including office rent;