

Chapter 6.—GENERAL DUTIES OF SHIP OFFICERS AND OWNERS AFTER COLLISION OR OTHER ACCIDENT.

Section 363. Transmission by collectors of customs of reports to Secretary of Commerce.—

See § 600 of Title 5 transferring to the Secretary of Commerce various duties relating to vessels formerly exercised by the Secretary of the Treasury.

364. Remission and recovery of penalties.—

See § 600 of Title 5 transferring to the Secretary of Commerce various duties relating to vessels formerly exercised by the Secretary of the Treasury.

Chapter 9.—PROTECTION OF NAVIGABLE WATERS AND OF HARBOR AND RIVER IMPROVEMENTS GENERALLY.

1. GENERAL

Section 401. Construction of bridges, causeways, dams, or dikes generally.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

402. Construction of bridges, etc., over Illinois and Mississippi Canal.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

403. Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

★403a. Obstruction of navigable waters; creation or continuance; punishment.—The continuance of any obstruction not affirmatively authorized by law, to the navigable capacity of any waters, in respect of which the United States has jurisdiction, except bridges, piers, docks and wharves, and similar structures erected for business purposes, whether heretofore or hereafter created, shall constitute an offense and each week's continuance of any such obstruction shall be deemed a separate offense. Every person and every corporation which shall be guilty of continuing any such unlawful obstruction mentioned in sections 401, 403, 404, or 407 of this title, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$5,000, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. The continuing of any unlawful obstruction mentioned in sections 401, 403, 404, or 407 of this title, may be prevented and such obstruction may be caused to be removed by the injunction of any district court exercising jurisdiction in any district in which such obstruction may be threatened or may exist; and proper proceedings in equity to this end may be instituted under the direction of the Attorney General of the United States. (Sept. 10, 1890, c. 907, § 10, 26 Stat. 454; Mar. 3, 1911, c. 231, § 202, 36 Stat. 1167.)

This section was omitted from the Code on the assumption probably that it was superseded by § 403 of this title. It would seem, however, to be still in force.

404. Establishment of harbor lines; conditions to grants for extension of piers, etc.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

406. Penalty for wrongful construction of bridges, piers, etc.; removal of structures.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

407. Deposit of refuse in navigable waters generally.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

408. Taking possession of, use of, or injury to harbor or river improvements.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

409. Obstruction of navigable waters by vessels; float'ng timber; marking and removal of sunken vessels.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

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

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

412. Liability of masters, pilots, and so forth, and of vessels engaged in violations.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

413. Duty of district attorneys and other Federal officers in enforcement of provisions; arrest of offenders.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

414. Removal by Secretary of sunken water craft generally.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

415. Summary removal of water craft obstructing navigation.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

416. Appropriation for removal of sunken water craft.—

The provisions of this section are made applicable to the Virgin Islands by section 1300 of Title 48.

★425. Investigations by Secretary of War as to pollution of navigable waters.—

This section appears to have expired by its own limitation. "July" in line 12 of this section should read "June."

426. Investigations concerning erosion of shores of coastal and lake waters; cooperation with States; personnel conducting investigations; salaries and expenses.—The Chief of Engineers of the United States Army, under the direction of the Secretary of War, is authorized and directed to cause investigations and studies to be made in cooperation with the appropriate agencies of various States on the Atlantic, Pacific, and Gulf coasts and on the Great Lakes, and the Territories, with a view to devising effective means of preventing erosion of the shores of coastal and lake waters by waves and currents; and any expenses incident and necessary thereto may be paid from funds appropriated for examinations, Surveys and Contingencies for Rivers and Harbors: *Provided*, That the War Department may release to the appropriate State agencies information obtained by these investigations and studies prior to the formal transmission of reports to Congress: *Provided further*, That no money shall be expended under authority of this section in any State which does not provide for cooperation with the agents of the United States and contribute to the project such funds and/or services as the Secretary of War may deem appropriate and require; that there shall be organized under the Chief of Engineers, United States Army, by detail from time to time from the Corps of Engineers and from the engineers of State agencies charged with beach erosion and shore protection, a board of seven members, of whom four shall be officers of the Corps of Engineers and three shall be selected with regard to their special fitness by the Chief of Engineers from among the State agencies cooperating with the War Department. The board will furnish such technical assistance as may be directed by the Chief of Engineers in the conduct of such studies as may be

undertaken and will review the reports of the investigations made. In the consideration of such studies as may be referred to the board by the Chief of Engineers, the board shall, when it considers it necessary and with the sanction of the Chief of Engineers, make, as a board or through its members, personal examinations of localities under investigation: *Provided further*, That the salary of the civilian members shall be paid by their respective States, but the travelling and other necessary expenses connected with their duties on the board shall be paid in accordance with the law and regulations governing the payment of such expenses to civilian employees of the Engineer Department. (July 3, 1930, c. 847, § 2, 46 Stat. 945.)

OIL POLLUTION OF COASTAL WATERS

★ 431. Short title; "Oil Pollution Act."—

"chapter" in line 1 of this section should read "subchapter."

POTOMAC RIVER AND TRIBUTARIES IN DISTRICT OF COLUMBIA

★ 461. Deposit in river, etc., of materials generally.—

This section relates to the District of Columbia and should probably be omitted from this Code.

★ 462. Deposit of offal.—

This section relates to the District of Columbia and should probably be omitted from this Code.

★ 463. Penalty for violation of preceding sections.—

This section relates to the District of Columbia and should probably be omitted from this Code.

NAVIGABLE WATERS OF MARYLAND

465. Authority to dredge; riparian rights of United States.—Subject to the provisions of section 403 of this title authority is granted to dredge, without cost to the United States, in the navigable waters of the United States included within the State of Maryland and outside the limits of projects for improvement of navigation facilities approved by Congress, regardless of rights accruing to the United States as riparian owner under the laws of the State of Maryland: *Provided*, That in the opinion of the Chief of Engineers such dredging will improve facilities for navigation. (July 3, 1930, c. 847, § 12, 46 Stat. 949.)

Chapter 11.—BRIDGES OVER NAVIGABLE WATERS.

Section 498a. Application of sections 491 to 497 to bridges authorized prior to June 10, 1930.—In the case of bridges heretofore authorized by Acts of Congress specifically reserving to Congress the right to subsequently regulate tolls on such bridges, such bridges shall, in respect of the regulation of all tolls, be subject to the provisions of sections 491 to 497 of this title. (June 10, 1930, c. 441, § 17, 46 Stat. 552.)

The Act cited to the text was entitled "An Act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States."

Sections 1 to 16 of said act are local.

Section 18 of the Act cited to the text (46 Stat. 552) provided as follows: "The right to alter, amend, or repeal this Act [this section] is hereby expressly reserved."

498b. Application of sections 491 to 497 to bridges authorized prior to March 23, 1906.—Any bridge authorized, prior to March 23, 1906, by Act of Congress specifically reserving to Congress the right to alter, amend, or repeal such Act, shall, in respect of the regulation of all tolls, be subject to the provisions of sections 491 to 497 of this title. (June 27, 1930, c. 640, § 1, 46 Stat. 821.)

The Act cited to the text was entitled "An Act to provide for the regulation of tolls over certain bridges."

Section 2 of said Act (46 Stat. 821) provided as follows: "The right to alter, amend, or repeal this Act [this section] is hereby expressly reserved."

502. Criminal liability for failure to alter bridge obstructing navigation.—

The proviso in this section is affected by § 345 of Title 28.

The provisions of this section are made applicable to the Virgin Islands by section 1390 of Title 48.

Chapter 12.—RIVER AND HARBOR IMPROVEMENTS GENERALLY.

GENERAL PROVISIONS

Section 541. Board of Engineers for Rivers and Harbors; establishment; duties and powers generally.—* * * may be deemed desirable. As used in this section the term "commerce" shall include the use of waterways by seasonal passenger craft, yachts, house boats, fishing boats, motor boats, and other similar water craft, whether or not operated for hire. (As amended Feb. 10, 1932, c. 20, 47 Stat. 42.)

* * * * *

The amendment added the sentence set out in the text at the end of the first paragraph of the section.

★ 548. Reports on discontinuance or curtailment of projects.—

The War Department recommends the omission of this section from the Code as fully executed.

552. Reports as to employment of civil engineers.—[Repealed.]

This section was repealed by Act May 20, 1928, c. 901, § 1, 45 Stat. 986, 988, entitled "An Act to discontinue certain reports now required by law to be made to Congress," which provided, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: * * * 28. Report of the name and place of residence of each civilian engineer employed in the work of improving rivers and harbors, time employed, compensation paid, and place at and work on which employed. (Statutes at large, volume 24, page 335; title 33, section 552, United States Code.)"

★ 556. Printing reports generally.—

The War Department recommends the omission of the first paragraph of this section from the Code as superseded by § 108 of Title 5.

569. Personal equipment for employees; use of funds for purpose.—Funds heretofore or hereafter appropriated for rivers and harbors to be expended under the supervision of the Secretary of War shall be available for expenditure in the purchase of such personal equipment for employees as in the opinion of the Chief of Engineers are essential for the efficient prosecution of the works. (Jan. 21, 1927, c. 47, § 5 (b), 44 Stat. 1021.)

The Act cited to the text was entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

569a. Public hearings; expert assistance; stenographic assistance; authority of Chief of Engineers.—The Chief of Engineers is authorized to engage under agreement, when deemed necessary, expert assistance in the various arts and sciences, including expert stenographic assistance for reporting the proceedings of public hearings held in connection with preliminary examinations, surveys, or improvements of rivers and harbors, upon terms and rates of compensation for services and incidental expenses in excess of the maximum of the salaries authorized by chapter 13 of Title 5; and all agreements heretofore entered into for such purposes are validated to the amount of the current rates charged for such services. (July 3, 1930, c. 847, § 6, 46 Stat. 942.)

TRAVELING EXPENSES AND SUBSISTENCE

584. Expenses incident to transportation of household effects of civilian employees.—Actual expenses heretofore and hereafter incurred by civilian employees on river and harbor works for packing, crating, hauling, and transporting household