

Document No. 200
FOR INFORMATION

March 1, 1935

**THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES**

PENDING PROPOSALS FOR LEGISLATION

COMMITTEE ON CURRENT LEGISLATION

LIST OF BILLS IN THE PRESENT CONGRESS
UP TO FEBRUARY 26, 1935

SENATE BILLS

S. 34. Senator Copeland:

Amending Harter Act to prevent carrier from obtaining benefit of insurance; from fixing value of cargo at less than \$500 per package; for reducing time in which to file claim to less than one year, or suit less than two years, or from putting burden of proof on shipper as the carrier's negligence.

Compare S. 1152.

S. 379. Senator King:

For the deportation of certain alien seamen. Cited as "Alien Seaman Act of 1935."

S. 619:

To amend Section 27 of the Merchant Marine Act, 1920, by making it inapplicable to railroad car ferries, or to goods transported pursuant to rail-and-water rate tariffs.

S. 650. Senator Fletcher:

To amend Section 23 of the Merchant Marine Act, 1920, as amended by Section 707 of the Revenue Act of 1928, relative to income tax deductions on account of sinking funds for new ship-buildings.

S. 873:

To prevent discriminations against American ships and ports by imposing a special tax of 10 per cent *ad valorem* on goods imported into the United States from a foreign country through a country contiguous to the United States.

S. 1080:

To make provision for personal injury suits by seamen. Section 33 of the Merchant Marine Act of 1920 is not mentioned, but the bill is apparently designed to give suit *in rem*, as well as suit *in personam*, and is made to apply in terms to foreign vessels for injuries received in United States waters.

S. 1150:

To relieve persons engaged in the fishing industry by appropriating \$2,000,000 for the replacement of equipment. This is a counter-part of H. R. 118.

S. 1151:

To prevent discriminations against American ships and ports by imposing a special duty of 10 per cent *ad valorem* upon articles imported into the United States through a contiguous country from a foreign country. This is a counterpart of S. 873.

S. 1152. Senator White:

A "Carriage of Goods by Sea Act." A comprehensive statute embodying the Hague Rules.

S. Res. 7. Senator Wagner:

Reciting the "Morro Castle" disaster and resolving that the Committee on Commerce is authorized to make an inquiry into the "Morro Castle" disaster, investigate the present legal standards of safety in ship construction, employment, laws relating to loss of life, etc., including marine insurance, in order to determine whether they tend to encourage the installation and utilization of such devices and the promotion of such practices as are conducive to safety and to a paramount concern at all times for the preservation of life. The resolution calls for a report as soon as practicable, and further reports from time to time but at least once during each regular session. Hearings authorized and expenses of \$50,000 authorized. The expense was subsequently reduced to \$15,000. See S. J. Res. 63.

S. J. Res. 20:

To prohibit the exportation of arms or munitions of war from the United States whenever the President finds that in any part of the world conditions exist such that such shipments may promote

or encourage the employment of force in the course of a dispute or conflict between nations.

S. J. Res. 36:

To authorize the Governor of the Panama Canal to investigate the means of increasing the capacity of the Panama Canal, and to prepare designs and estimates of costs.

S. 1190:

To regulate interstate and foreign commerce in petroleum products by prohibiting the shipment of such products produced in violation of state law.

S. 1451. Senator Adams:

Entitled "Water Carrier Act," to place transportation by water carriers under the jurisdiction of the Interstate Commerce Commission. This bill consists of twenty-nine pages and should be compared with S. 1632 infra.

S. 1591:

To amend Section 702 of the Merchant Marine Act, 1928, relating to the requisitioning of ships in time of national emergency.

S. 1632. Senator Wheeler:

Entitled "Water Carrier Act, 1935." Its object is apparently the same as that of S. 1451. S. 1632 is in form a "Part II" of the Interstate Commerce Act. This bill consists of seventy pages and is an elaborate measure to regulate water carriage through the Interstate Commerce Commission.

S. 1815. Senator Copeland:

To require certain documents of vessels not wholly owned by citizens of the United States and navigated in the territorial waters of the United States; and to regulate vessels engaged in the fisheries.

S. Res. 63. Senator Wagner:

Resolution for the investigation of the "Morro Castle" and "Mohawk" disasters, providing for a widespread investigation of the enforcement of various navigation laws, particularly those relating to safety at sea. See S. J. Res. 7.

S. J. Res. 37:

To amend the joint resolution requiring agricultural or other products to be shipped in vessels of the United States where the Reconstruction Finance Corporation or other government instrumentality finances the exporting of such products.

S. 1635. Senator Wheeler:

To amend the Interstate Commerce Act. Provides that the Interstate Commerce Commission shall consist of sixteen members and shall be divided into various divisions, including the "Water Carrier and Pipe Line Divisions." The bill appears to be for the purpose of internal reorganization of the I. C. C. rather than to change the substantive law.

S. 1933. Senator La Follette:

To amend certain laws relating to American seamen.

A rather elaborate bill containing provisions relative to shipping commissioners, seamen's agreements, restrictions on shipment of seamen, wages, discharge, extra wages, qualifications, and liability of owners. It provides especially for the "continuous discharge books."

HOUSE BILLS

H. R. 55:

To amend the Radio Act of 1927. Provides for canceling all existing radio licenses and giving one-fourth of the time to educational, religious, agricultural, labor, and similar non-profit-making associations, except facilities issued to ships.

H. R. 67:

To repeal certain laws providing that certain aliens who have filed declarations of intention to become citizens of the United States shall be considered citizens for the purposes of service and protection on American vessels.

H. R. 88:

To authorize delivery of surplus forfeited vessels of the Treasury Department to the Boy Scouts of America for use in sea-scout training.

H. R. 111:

To amend Section 702 of the Merchant Marine Act, 1928, relating to requisitioning of ships in time of national emergency declared by the President.

H. R. 112:

To prohibit foreign vessels from transporting passengers between ports in the United States, either directly or by way of a foreign port, notwithstanding that such vessels enter or touch a foreign port on such voyage. Penalty \$200 per passenger.

H. R. 113:

To amend Section 1 (a) of the Load Line Act of March 2, 1929. Section 1 (a) is amended to read:

“Merchant vessels of one hundred and fifty gross tons or over, loading at or proceeding to sea from any port of place within the United States or its possessions, or the Panama Canal Zone, for a foreign voyage by sea, the Great Lakes excepted.”

H. R. 114:

To establish fish sanctuaries in the United States.

H. R. 115:

To amend Section 27 of the Merchant Marine Act, 1920, to provide that coastwise trade shall only be carried on in vessels built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels privileged under Sections 18 or 22 under the Act, etc.

H. R. 116. Mr. Bland:

To amend Section 23 of the Merchant Marine Act of 1920 relative to income tax deductions in connection with sinking funds for new buildings. This bill is apparently identical with S. 650, which was introduced by Senator Fletcher.

H. R. 117:

To amend Section 14 of the Shipping Act, 1916, as amended by Section 20 of the Merchant Marine Act, 1920, by adding a new paragraph to read as follows:

“Fifth. Use a foreign vessel in a particular trade so as to produce unwarranted and excessive competition in such trade with vessels documented under the laws of the United States.”

H. R. 118:

To relieve persons engaged in the fishing industry by providing \$2,000,000 to repair and replace equipment lost in storms, etc., in 1933 and 1934.

H. R. 119:

To amend R. S. 4548 by providing that money paid to seamen by consuls in foreign ports shall be paid in lawful money of the United States instead of in gold.

H. R. 156:

To extend the facilities of the Public Health Service to seamen on government vessels not in the military or naval establishments.

H. R. 180:

Prescribing tolls to be paid for the use of locks on all rivers in the United States at the rate of one cent per long ton of freight for each lock through which such freight is transported.

H. R. 1394:

To enable the people of Puerto Rico to form a constitution and state government and be admitted into the Union on an equal footing with the States. The bill raises a great many questions by reason of its nature in changing the status of Puerto Rico.

H. R. 1399:

To provide for the measurement of vessels using the Panama Canal, amending Section 5 of the act of August 24, 1912, as amended by the act of June 15, 1914.

H. R. 2033:

To collect additional tonnage dues from vessels of foreign nations that default in their debts to the United States, such additions being 20 per cent of the charges.

H. R. 2885. Mr. Dies:

To provide for the deportation of certain alien seamen, and for other purposes. This bill appears to be a counterpart of S. 379, introduced by Senator King.

H. R. 2904:

To amend subsection "d" of Section 11 of the Merchant Marine Act of June 5, 1920, as amended by Section 301 of the Merchant Marine Act of May 22, 1928. Applies to interest rate on loans and fixes not less than $5\frac{1}{4}$ per cent for coastwise vessels and $3\frac{1}{2}$ per cent for foreign vessels, etc.

H. R. 2908:

To amend R. S. 4426 by providing that all vessels above fifteen tons gross, which are propelled by power other than steam, shall be subject to the steamboat inspection laws.

H. R. 3040:

To require the display of the United States flag on all vessels of the United States of one hundred gross tons or more. The flag must be flown from a suitable place on such vessel between the

hours of sunrise and sunset of each day, while such vessel is in active service. Penalty of \$10 per day for each day or portion thereof during which violation occurs.

H. R. 3034:

To enable the people of Hawaii to form a constitution and a state government to be admitted into the Union on an equal footing with the States. The character of this bill is similar to that of H. R. 1394, relative to Puerto Rico and raises similar issues.

H. R. 3481:

To amend the act of June 9, 1910 (46 U. S. Code 511-520) for preventing collisions and to regulate equipment of motor boats. Provides that whoever converts a row boat or other water conveyance propelled by hand, sail, or current to motor power by placing onboard motor power on said row boat or other conveyance shall be deemed responsible to see that it is properly equipped according to the provisions of the act and be subject to penalties provided by the act.

H. R. 4017:

To provide that the coastwise laws of the United States shall not extend to the Virgin Islands until the President shall so proclaim.

H. J. Res. 19:

To require 50 per cent of the cargo imported and exported under trade agreements between the United States and foreign nations to be carried in vessels of the United States.

H. J. Res. 28:

To provide that the Interstate Commerce Commission shall make inquiry into whether intercoastal traffic shall be subjected to governmental regulations, and if so to submit a draft of a bill.

H. R. 4525. Mr. Burnham:

To amend the Shipping Act, 1916, to make it unlawful for common carriers by water to prevent other carriers from extending service to any port located on any improvement project authorized by Congress, at which the majority of the vessels of said carrier may safely call, unload and load, and lie afloat, at the same rates which it charges at its nearest regular port of call. See H. R. 4526 infra.

H. R. 4526. Mr. Burnham:

This bill has apparently the same object as H. R. 4525. The difference between them is that in H. R. 4526 the words "at which the majority of the vessels of said carrier may safely call, unload, and load, and lie afloat" are omitted.

H. R. 4550. Mr. Sirovich:

Relating to limitation of liability and providing a fund of \$100 per ton for life and personal injury claims, and \$50 per ton for cargo claims. Complicated provisions for insurance are included. Provisions relating to bills of lading, presumably modifying the Harter Act, are also included. Text: Maritime Law Association Document No. 197, not endorsed by the Association.

H. R. 4982:

To amend the Ship Mortgage Act, 1920, to allow the benefits of said act to be enjoyed by owners of vessels of United States of less than 200 gross tons. Endorsed by Mr. Albert T. Gould.

H. R. 5160:

To provide a penalty of \$10,000 and imprisonment of five years for failure to send out a radio distress signal at the earliest possible moment in case of fire on a passenger vessel. It includes also provisions as to life boats, life preservers, and fire drills.

H. R. 5292:

To provide for the measurement of vessels using the Panama Canal.

H. R. 5379. Mr. Rayburn:

This bill is entitled "Water Carrier Act, 1935," and seems to be an exact copy of S. 1632.

H. R. 5380:

To provide for the deportation of certain alien seamen.

H. R. 5426:

To prohibit common carriers from entering into agreements providing for uniform rates for any of the coasts of the United States which shall prevent any carrier engaged in such commerce from serving all ports located upon the coast in question, or to prevent carriers from extending service by the actual call of their vessels to ports located upon the rivers or other inland waterways of such coast at rates as may be reasonable and just.

H. R. 5427:

To amend Sections 2 and 3 of the Intercoastal Shipping Act, 1933, for the purpose of further regulating common carriers by water in interstate commerce engaged in transportation by way of the Panama Canal.

H. R. 5494. Mr. Dickstein:

To create a Shipping Casualty Investigation Board. To amend Chapter 6 of title 33 U. S. Code and provide for the creation of

the Shipping Casualty Investigation Board consisting of a Chairman and five additional members. The Chairman shall be a United States Judge; the remaining five members shall be a retired ship master, a naval officer, a marine engineer, a marine architect, and an electrical expert. The board is given full powers of investigation and the cost of the investigation is to be assessed against the company responsible for a shipping casualty.

H. R. 5705. Mr. Bland:

To require certain documents of vessels not wholly owned by citizens of the United States and navigated in the territorial waters of the United States; to regulate vessels engaged in the fisheries. This bill, and its title, which seems to be awkwardly phrased, appears to be a duplicate of S. 1815, introduced by Senator Copeland.

H. Res. 97. Mr. Bland:

Resolutions directing the Committee on Merchant Marine to conduct an investigation of "Morro Castle," "Mohawk," "Havana," and other marine disasters, as well as the adequacy and enforcement of all existing laws relating to safety of life and property at sea, etc.

H. Con. Res. 6. Mr. Dickstein:

A preamble reciting that three major ship disasters have occurred on steamships belonging to the Ward Line, in which men and women were permitted to drown, be burned, trampled upon, killed, maimed, and injured; the object of the resolution is to refuse clearance to vessels of the Ward Line or its subsidiaries or affiliates until such time as a thorough investigation by the Department of Commerce shall establish the soundness and seaworthiness of the Ward Line vessels.

H. R. 5262:

Cited as the "Motor Carrier Act, 1935." The bill amends the Interstate Commerce Act to provide that the jurisdiction of the Commission shall apply to carriage by motor vehicles. It is apparently a complement to the Water Carrier Act mentioned above (S. 1632 and H. R. 5379).

H. R. 5840. Mr. Brunner:

To require that the officers and crew of every vessel of the United States shall be citizens of the United States. Provides that "every seaman employed on board any vessel of the United States shall be a citizen of the United States," except in case of emergency.

H. Res. 114. Mr. Sirovich:

To investigate the "Morro Castle," "Havana," and "Mohawk" disasters through the Committee on Merchant Marine, Radio, and

Fisheries. Another of the series containing S. Res. 63, H. Res. 97, and H. Con. Res. 6.

H. R. 6202. Mr. Sweeney:

To provide that every passenger ship of 1,000 gross tons and over must carry three licensed mates and three licensed engineers; that every passenger ship between 200 and 1,000 gross tons must carry two mates and two licensed engineers; that no mate or engineer shall stand more than eight hours watch in twenty-four hours and that ships licensed for more than 500 passengers must have two licensed officers on watch.

LEGAL COSTS

It is reported that the American Bar Association has caused bills to be introduced in the present Congress embodying the recommendations of our committee as to proctor's fees on appeals and as to marshal's fees (Document No. 185).

Members interested in commenting on any of these bills are requested to communicate with the President or the Secretary of the Association, or with members of the following committees:

Committee on Current Legislation

Emory H. Niles, Chairman, Baltimore Life Building,
Baltimore, Md.

Wharton Poor, 80 Broad Street, New York City.

William J. Dean, 27 William Street, New York City.

Committee on Limitation of Shipowners' Liability, Harter Act and Hague Rules

Charles S. Haight, 80 Broad Street, New York City.

D. Roger Englar, 99 John Street, New York City.

Ira A. Campbell, 27 William Street, New York City.

(Shortly after March 1, Mr. Campbell's address will be
120 Broadway.)

Committee on Safety at Sea

Earle Farwell, Chairman, 72 Wall Street, New York City.

Braden Vandeventer, Citizens Bank Building, Norfolk, Va.

Albert T. Gould, 1 Federal Street, Boston, Mass.

ARNOLD W. KNAUTH, *Secretary*,

80 Broad Street, New York City.

Secretary's Notices

OTHER ACTIVE COMMITTEES

Revision of Inland Rules

Wm. H. McGrann, *Chairman*
C. I. Clark
Earle Farwell
Geo. C. Sprague
Robert Williams
O. D. Duncan
Leonard H. Matteson
J. W. Griffin

Operation of Vessels by Receivers

T. Catesby Jones, *Chairman*
Geo. Whitefield Betts, Jr.
Wm. H. McGrann

ANNUAL MEETING

Tentative date, Friday, April 19.

ITALIAN MARITIME LAW ASSOCIATION.

The Naples Committee has published a handsome reproduction of the newly discovered *Tabula de Amalphi*, being a code of the maritime laws of Amalfi, dating before the 12th Century, and possibly as old as the 6th Century. The *Tabula de Amalphi* accordingly rank with the *Laws of Oleron* and the *Laws of Visby* as the oldest known codes of sea law. The Naples Committee has assembled a number of essays and studies concerning the early codes of the Italian ports, in honor of this discovery. Copies may be ordered through the Secretary, the cost is 190 lire.

HISTOIRE DE LA MARINE

The publishers of *L'Illustration*, in Paris, have published a luxurious volume describing the history of ships from the earliest times, with

numberless illustrations, many in color. The cost is 280 francs, post-paid. Orders may be forwarded to *L'Illustration*, Paris, France.

JAPANESE MARITIME LAW ASSOCIATION

Dr. Matsunami, president of the Japanese Association, has sent copies of the Annual Reports for 1933 and 1934, which have been sent to Mr. Lane Summers in Seattle for translation and consideration. Dr. Matsunami has also sent two volumes in English: *Collision: Warship vs. Merchant Vessel* (1900), and *Immunity of State Ships* (1924), of both of which he is the author.

INTERNATIONAL MARITIME COMMITTEE

Under date of February 10, it is stated that the French Senate has passed bills ratifying two International Conventions: relating to Limitation of Ship Owners' Liability and to Maritime Liens and Mortgages.

ARNOLD W. KNAUTH,
Secretary