

April, 1935

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

REPORT OF COMMITTEE ON LEGAL COSTS

TO THE MARITIME LAW ASSOCIATION :

Since the last annual meeting of the Association on March 23, 1934, the Admiralty Committee of the Association of the Bar of the City of New York approved the amendments to the United States Code recommended by this Association at its May, 1933, meeting. At the request of your Committee Mr. Kenny of New Jersey introduced in the House a bill, H. R. 9091, on April 12, 1934, amending the United States Code, Title 28, Sections 572, 574 and 754, dealing with proctors' docket fee and briefs on appeals in admiralty, Marshal's fees in case of a settlement, and stipulations for the release of a vessel. This bill was favorably reported by the Judiciary Committee, came before the House at the last session for a vote, and although there was some slight opposition, was passed.

A similar bill was introduced in the Senate by Senator White of Maine at the request of your Committee but this bill never came to a vote.

At this session Mr. Kenney of New Jersey again introduced a similar bill, H. R. 29, on January 3, 1935, which has been approved by the sub-committee of the Judiciary, a copy of which is hereto attached. Mr. Kenney expects the full committee on the Judiciary to approve it shortly and expects it to pass.

Your Committee has not yet received a copy of a similar bill which Senator Moore of New Jersey has been requested to introduce in the Senate and the Chairman is writing Mr. Kenney and Senator Moore to ascertain whether the Senate Bill has yet been introduced.

Your Committee suggests that the members of the Association write their Senators and Congressmen urging the passage of this bill in the House and in the Senate when it is introduced there.

Dated, New York, March 21, 1935.

Respectfully submitted,

GEORGE C. SPRAGUE,
CHARLES F. DUTCH,
GEO. WHITEFIELD BETTS, JR.,
Chairman.

Note: On March 28th the bill had been reported out by the Judiciary Committee of the House and was on the Consent Calendar.

The similar bill (S. 2448) was introduced in the Senate by Senators Moore and Barbour of New Jersey jointly on March 13, 1935, and referred to the Committee on Judiciary. Senator King, a member of this Committee, has promised to support the bill.

74TH CONGRESS—1ST SESSION

H. R. 29

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1935

MR. KENNEY introduced the following bill; which was referred to the Committee on the Judiciary and ordered to be printed

A BILL

To amend the laws relating to proctors' and marshals' fees and bonds and stipulations in suits in admiralty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sec-

tion 824 of the Revised Statutes (U. S. C., title 28, sec. 572) is amended by adding after the first paragraph of such section the following new paragraph:

“On appeals in admiralty, where the amount involved is not over \$1,000 a proctor’s docket fee of \$20; where the amount involved is from \$1,000 to \$5,000 a proctor’s docket fee of \$50; where the amount involved is over \$5,000 a proctor’s docket fee of \$100. On such appeals cost of brief of successful party to be taxed, where amount involved is not over \$1,000 at not exceeding \$25; where amount involved is between \$1,000 and \$5,000 at not exceeding \$50; where amount involved is over \$5,000 at not exceeding \$75.”

SEC. 2. Section 829 of the Revised Statutes, as amended (U. S. C., title 28, sec. 574; Supp. VII, title 28, sec. 574), is amended by striking out of such section the paragraph which reads as follows:

“When the debt or claim in admiralty is settled by the parties without a sale of the property, the marshal shall be entitled to a commission of 1 per centum on the first \$500 of the claim or decree, and one-half of 1 per centum on the excess of any sum thereof over \$500: *Provided*, That when the value of the property is less than the claim such commission shall be allowed only on the appraised value thereof.”

SEC. 3. Section 941 of the Revised Statutes, as amended (U. S. C., title 28, sec. 754), is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: “*Provided*, That the parties may stipulate the amount of the bond or stipulation for the release of a vessel or other property on libel in admiralty to be not more than the amount claimed in the libel, with interest, plus an allowance for libellant’s costs: *Provided further*, That in the event of the inability or refusal of the parties to so stipulate the amount of the bond, the court shall fix the amount thereof, but if not so fixed then a bond shall be required in the amount hereinbefore prescribed in this section.”