

## AUTHORIZING THE PAYMENT OF AN INDEMNITY TO THE GOVERNMENT OF DENMARK

APRIL 26, 1926.—Committed to the Committee of the Whole House on the state  
of the Union and ordered to be printed

Mr. PORTER, from the Committee on Foreign Affairs, submitted the  
following

### REPORT

[To accompany S. 1733]

The Committee on Foreign Affairs, to which was referred the bill (S. 1733) to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masned Sund* as the result of collisions between it and the United States ship *Siboney* and the United States Army tug No. 21, at St. Nazaire, France, having had the same under consideration, reports thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in Senate Document No. 127, Sixty-eighth Congress, first session, which is a message from the President of the United States transmitting a report from the Secretary of State in relation to certain claims presented by the Governments of Denmark, Sweden, and Norway against the Government of the United States on account of damages sustained by vessels owned by their nationals in collision with vessels in the public service of the United States.

[Senate Document No. 127, Sixty-eighth Congress, first session]

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the following claims presented by the Governments of Denmark, Sweden, and Norway against the Government of the United States on account of damages sustained by vessels owned by their nationals in collisions with vessels in the public service of the United States:

1. The claim presented by the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masned Sund* as a result of a collision between it and the U. S. S. *Siboney* and the U. S. Army tug No. 21 at St. Nazaire, France.

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I recommend that appropriations be made to effect a settlement of these claims in accordance with the recommendations of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE,  
May 31, 1924.

DEPARTMENT OF STATE,  
Washington, May 29, 1924.

The PRESIDENT:

I have the honor to bring to your attention the following claims presented by the Governments of Denmark, Sweden, and Norway against the Government of the United States on account of damages sustained by vessels owned by their nationals in collisions with vessels in public service of the United States:

1. The claim presented by the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masned Sund* as a result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug No. 21 at St. Nazaire, France.

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1. The facts in the case of the collisions between the Danish steamship *Masned Sund* and the U. S. S. *Siboney* and the U. S. Army tug No. 21 briefly stated are as follows:

On November 12, 1918, the steamship *Siboney*, a United States Shipping Board vessel allocated to the War Department and operated for the War Department's account by the Navy Department, after entering the berth assigned to it at the quay of the Compagnie Generale Transatlantique at St. Nazaire, France, collided with the Danish steamship *Masned Sund*, then moored to the quay. After entering its berth, the stem of the *Siboney* overlapped the *Masned Sund* and the strong easterly wind then blowing set the *Siboney* over against the *Masned Sund*, damaging her starboard side plates and boat davits and causing other damage.

On November 15, 1918, the American authorities at St. Nazaire sent the U. S. tug No. 21 to shift the *Masned Sund* to another berth, to make room for another American vessel. In taking the *Masned Sund* out the tug maneuvered in such a manner that it ran the *Masned Sund* against the side of a coal barge, as a result of which the *Masned Sund* received two severe indentations in her side and sustained damage to her bulwarks aft. After the collision the tug towed the *Masned Sund* back to its berth. In leaving the side of the *Masned Sund* the tug passed so close to the steamer's side that the bitts on the deck of the tug struck the *Masned Sund*'s stern, tearing off part of the molding and the name plate.

The Danish legation, in a note dated August 11, 1922, presented claims in the total sum of \$4,772.97, with interest to date of payment, on account of the losses sustained by the *Masned Sund* in these collisions. The War Department, to which the claims were referred by the Department of State for consideration, stated that the *Siboney* and tug No. 21 were at fault for the collisions and that the *Masned Sund* apparently was without blame. It added that the damages claimed seemed to be a reasonable estimate of the provable damages sustained by the owners of the *Masned Sund*, but advised the disallowance of the claim for interest. It accordingly recommended that the sum of \$4,772.97 be offered the Danish Government in settlement of the claim.

The Danish legation has given formal assurances that this amount will be acceptable to the Danish Government as a full settlement of the losses sustained by its nationals in these collisions.

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It seems to be generally recognized in international practice that notwithstanding the immunities of vessels in the public service from the judicial remedies usually obtaining with respect to other vessels, a government should make reparation for the damages done the nationals of other countries by vessels in its public service.

It may be stated in this relation that this Government, in a number of cases, has collected indemnity from other governments for damages inflicted by their public vessels and has in turn paid indemnities in similar cases. As it appears that the American vessels were solely at fault in the collisions above described, and as the amounts recommended in settlement of the claims appear to be conservative estimates of the provable damages sustained by the owners of the foreign vessels concerned, I have the honor to recommend that the Congress be requested to authorize appropriations of these sums in settlement of the claims

as an act of grace and without reference to the question of the legal liability of the United States.

A summary of the essential facts regarding the claims being embodied in this communication, it is deemed unnecessary to accompany it with copies of the correspondence in these cases. All or any part of that correspondence will, of course, be furnished should the Congress so desire.

It will be noted from the inclosed communication from the Director of the Budget, to whom the matter was referred, that the proposed action is not in conflict with the financial program of this Government.

Respectfully,

CHARLES E. HUGHES.

The President,  
*The White House.*

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BUREAU OF THE BUDGET,  
*Washington, May 21, 1924.*

DEAR MR. SECRETARY: I have your letter of May 20, 1924, inclosing a copy of a proposed report to the President recommending that the Congress be requested to authorize appropriations in settlement of the following claims presented by the Governments of Denmark, Sweden, and Norway against the Government of the United States on account of damages sustained by vessels owned by their nationals in collisions with vessels in the public service of the United States, and asking whether the proposed action is in harmony with the financial policy of this Government.

The claim presented by the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as a result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug *No. 21* at St. Nazaire, France, \$4,772.97.

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It gives me pleasure to advise you that the proposed legislation, authorizing appropriations for the purposes stated, is not in conflict with the financial program of the President.

Sincerely yours,

H. M. LORD, *Director.*

The SECRETARY OF STATE.

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as an act of grace and without reference to the question of the legal liability of the United States.

A summary of the essential facts - presented in the statement included in this communication - is deemed unnecessary to accompany it with copies of the correspondence in the cases. All or any part of that correspondence will, of course, be furnished should the Congress so desire.

It will be noted from the inclosed communication from the Director of the Budget, to whom the matter was referred, that the proposed action is not in accord with the financial program of the Government.

Sincerely,  
The President

Thomas E. Hiram

The President  
Washington

Director of the Budget  
Washington, May 21, 1924

Dear Mr. Secretary: I have your letter of May 20, 1924, inclosing a copy of a proposed report to the Senate recommending that the Congress be requested to authorize appropriations in aid of the relief of the States affected by the Government's indebtedness to the United States. The Government's indebtedness to the United States is a public debt of the United States and is not a private debt of the United States. The proposed action is in harmony with the financial policy of the Government.

The claim presented by the Government of Denmark on account of loans sustained by the Government of the United States in the World War is a claim against the United States and is not a claim against the United States. The claim is a claim against the United States and is not a claim against the United States.

It will be noted from the inclosed communication from the Director of the Budget, to whom the matter was referred, that the proposed action is not in accord with the financial program of the Government.

Sincerely,  
The President

H. M. Long, Director

The Secretary of State