

JUDGMENTS AGAINST THE UNITED STATES UNDER
THE NAVY DEPARTMENT

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

RECORDS OF JUDGMENTS RENDERED AGAINST THE GOVERN-
MENT BY UNITED STATES DISTRICT COURTS UNDER SPECIAL
ACTS OF CONGRESS, AS SUBMITTED BY THE ATTORNEY GEN-
ERAL THROUGH THE SECRETARY OF THE TREASURY

FEBRUARY 16, 1927.—Referred to the Committee on Appropriations and ordered
to be printed

THE WHITE HOUSE,
Washington, February 15, 1927.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress, in accordance with the provisions contained in the deficiency act of April 27, 1904 (33 Stat. 422), records of judgments rendered against the Government by United States district courts under special acts of Congress, as submitted by the Attorney General through the Secretary of the Treasury, as follows:

Under the Navy Department..... \$89, 137. 27

The necessity for the appropriations asked is explained in the letter of the Director of the Bureau of the Budget, transmitted herewith, in whose conclusions and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, February 15, 1927.

SIR: I have the honor to submit herewith for your consideration, and upon your approval for transmission to Congress, in accordance with the provisions contained in the deficiency act of April 27, 1904 (33 Stat. 422), records of judgments rendered against the Government by United States district courts under special acts of Congress, as submitted by the Attorney General through the Secretary of the Treasury, as follows:

Under the Navy Department:

Under the provisions of an act entitled "An act authorizing the Rolph Navigation & Coal Co. to sue the United States to recover damages resulting from collisions," approved Nov. 17, 1921 (Private, No. 8, 67th Cong., 42 Stat. pt. 2, p. 1568), final decree rendered by United States District Court for the Southern Division of the Northern District of California (In Admiralty, No. 17412) in favor of the Rolph Navigation & Coal Co.; amount of judgment, \$68,704.50; costs, \$311.60; total.....	\$69, 016. 10
Under the provisions of an act entitled "An act for the relief of the owners of the barge <i>Anode</i> ," approved Feb. 16, 1925 (Private, No. 159, 68th Cong., 43 Stat. pt. 2, p. 1563), final decree rendered by United States District Court for the Southern District of New York (No. A 90-130), in favor of the Raritan Copper Works; amount of judgment, \$16,329.57; costs, \$31.85; total.....	16, 361. 42
Under the provisions of an act entitled "An act for the relief of Bruusgaard Kiosteruds Dampskibs Aktieselskab, a Norwegian corporation of Drammen, Norway," approved June 7, 1924 (Private No. 56, 68th Cong., 43 Stat., pt. 2, p. 1376), final decree rendered by United States District Court for the Southern District of New York (No. 89-170) in favor of Bruusgaard Kiosteruds Dampskibs Aktieselskab, owner of the steamship <i>Harald</i> ; amount of judgment \$3,759.75, no costs.....	3, 759. 75
Total under the Navy Department.....	89, 137. 27

For the payment of these judgments there is required an appropriation of \$89,137.27, with the proviso that these judgments shall not be paid until the right of appeal shall have expired.

The Attorney General in his letter, inclosed herewith, forwarding these judgments for certification to Congress, does not report any interest as due on same, nor is the payment of interest provided for in the jurisdictional acts above referred to.

Since the foregoing are obligations of the Government lawfully imposed, and which (subject to the reserved right of appeal) must be paid, an appropriation therefor is necessary at this time.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

The PRESIDENT.

ROLPH NAVIGATION & COAL CO. v. UNITED STATES—"HESPERIAN"-
"RIZAL" COLLISION; "ALDEN BESSE"- "BUCHANAN" COLLISION

DEPARTMENT OF JUSTICE,
Washington, D. C., February 1, 1927.

The SECRETARY OF THE TREASURY.

SIR: Under date of December 4, 1926, we forwarded to you certified copy of final decree which was entered in the northern

district of California in the above matter, awarding the libelant the sum of \$68,704.50, together with costs in the sum of \$311.60. The decree also provided for interest at the rate of 4 per cent from the date of the entry of the decree until payment is made.

As this suit was instituted under a special act of Congress, we requested the United States attorney to secure the consent of the libelant to eliminate the interest item from the decree or to present the matter to the court to have the decree modified, leaving out the interest provision.

We are inclosing for your information copy of radiogram, dated January 31, 1927, from the United States attorney, San Francisco, in which he advises that attorneys for the libelant have agreed to waive interest and that amended decree will be forwarded. The cause for waiving the interest item was that payment of the decree could be made during the present session of Congress. It is requested, therefore, that the final decree, eliminating interest, be included in a list of judgments sent to Congress for appropriation during the current session.

Respectfully,

GEORGE R. FARNUM,
Assistant Attorney General
(For the Attorney General).

[Radiogram]

SAN FRANCISCO, CALIF., *January 31, 1927.*

ATTORNEY GENERAL,
Washington, D. C.

Rolph Navigation case: Attorneys agree to waive interest. Amended decree will be forwarded. Please arrange for payment this term of Congress.

HATFIELD.

ROLPH NAVIGATION & COAL CO. *v.* UNITED STATES.—“HESPERIAN”-
“RIZAL” COLLISION; “ALDEN” BESSE-“BUCHANAN” COLLISION

DEPARTMENT OF JUSTICE,
Washington, D. C., December 4, 1926.

THE SECRETARY OF THE TREASURY.

SIR: We are inclosing certified copy of final decree which has been entered in the Northern District of California in the above matter awarding the libelant the sum of \$68,704.50, together with costs in the sum of \$311.60. This suit, involving both collisions, was brought under authority of special act of Congress of November 17, 1921 (42 Stat. 1568).

On September 1, 1919, the barge *Alden Besse*, owned by the libelant, was in collision with the naval destroyer *Buchanan* in San Francisco Harbor, as a result of which the barge sustained damages. On November 26, 1919, the barkentine *Hesperian*, owned by the libelant, was in collision with the naval vessel *Rizal*, as a result of which the *Rizal* sustained substantial damages. These collisions

were the subject of investigations by naval boards and the conclusion was reached that the naval vessels were responsible for the collisions. Thereafter, the special act of Congress, referred to above, was passed and suit was instituted claiming total damages in the sum of \$82,249.53, arising out of both collisions. The court held the naval vessels solely at fault for the collisions. The remaining question then was the assessment of damages. The United States attorney and proctors for the libelant finally agreed on the sum of \$68,704.50, which is a material reduction from the amount claimed in the libel. The matter was then referred to the Navy Department and under date of October 16, 1926, the Secretary of the Navy advised this department that settlement of the damages in the sum of \$68,704.50 would, in his opinion, be in the interests of the Government and recommended its authorization.

We are transmitting the final decree to you with the request that it be placed in line for payment. As the amount of damages in the final decree was agreed upon by both sides there will, of course, be no appeal taken by either side.

Respectfully,

IRA LLOYD LETTS,
Assistant Attorney General
(For the Attorney General).

Name: Rolph Navigation & Coal Co. (In Admiralty, No. 17412.)

Amount: \$68,704.50.

Costs: \$311.60.

Date of judgment: November 12, 1926.

Nature of claim: Action to recover compensation for damages resulting from collisions between barge *Alden Besse* and barkentine *Hesperian* owned by libelant, with the naval vessels *Buchanan* and *Rizal*, respectively.

Final amended decree: That said libelant, Rolph Navigation & Coal Co., have, receive, and recover of and from the respondent, United States of America, the sum of \$68,704.50, together with the sum of \$311.60, the costs of libelant, as taxed herein.

(United States District Court for the Southern Division of the Northern District of California.)

RARITAN COPPER WORKS (BARGE ANODE) v. UNITED STATES (U. S. S. BUFORD)

DEPARTMENT OF JUSTICE,
Washington, D. C., January 24, 1927.

THE SECRETARY OF THE TREASURY.

SIR: We are inclosing certified copy of final decree which has been entered in the southern district of New York in the above matter awarding the libelant the total sum of \$16,361.42, of which sum \$16,329.57 represents damages and \$31.85 libelant's costs as taxed. This suit was instituted under special act of Congress of February 16, 1925.

This litigation arose out of the collision between these vessels on January 18, 1919, while the barge *Anode* was being towed from Perth Amboy to Jersey City. As the result of the collision the *Anode* sustained serious injuries, and the *Buford* was not damaged. The accident was investigated by a naval board which reached the conclusion that the collision occurred by reason of the pilot giving the

wrong order and the mistake could not be corrected before the *Buford* had collided with the *Anode*, one of the barges in tow. The district court held the Government vessels solely at fault for the collision. The remaining question was the assessment of damages which were fixed at \$16,329.57, the amount included in the final decree. We are transmitting this decree to you for the purpose of being placed in line for payment.

Respectfully,

GEORGE R. FARNUM,
Assistant Attorney General
(For the Attorney General).

Name: Raritan Copper Works. (No. A-90-130.)

Amount: \$16,329.57.

Costs: \$31.85.

Date of judgment: December 31, 1926.

Nature of claim: Action to recover damages due to collision between the barge *Anode* and the United States transport *Buford* (Navy).

Final decree: Ordered, adjudged, and decreed that the libelant, Raritan Copper Works, recover of and from the United States of America, the sum of \$16,329.57, and the sum of \$31.85, the libelant's costs as taxed, amounting in all to the sum of \$16,361.42.

(United States District Court for the Southern District of New York.)

BRUSGAARD KIOSTERUDS DAMPSKIBS AKTIESELSKAB (STEAMSHIP
"HARALD") v. UNITED STATES (U. S. S. "WEST HAVEN")

DEPARTMENT OF JUSTICE,
Washington, D. C., January 17, 1927.

THE SECRETARY OF THE TREASURY.

SIR: We are inclosing certified copy of final decree, which has been entered in the southern district of New York, awarding the libelant \$3,759.75, without interest or costs. This suit was brought under the special act of Congress of June 7, 1924.

Libel was filed claiming damages in the sum of \$11,500, arising out of the collision between these vessels on September 23, 1918. A careful investigation of the case by the United States attorney caused him to reach the conclusion that the Government vessel was solely at fault for the collision. Proctors for the libelant offered to settle the case on the basis of receiving 90 per cent of the probable damages sustained by the *Harald*. As the vessel was being operated at the time of the accident by the Navy Department, the matter was referred to them for review and recommendation, and the Acting Secretary, under date of July 17, 1926, advised that the Navy Department believed that settlement should be made on the best obtainable terms.

The matter was presented to the court and the Government held liable for the damages sustained by the libelant.

We are transmitting this decree to you for the purpose of being placed in line for payment.

Respectfully,

GEORGE R. FARNUM,
Assistant Attorney General
(For the Attorney General).

6 JUDGMENTS AGAINST UNITED STATES UNDER NAVY DEPARTMENT

Name: Bruusgaard Kiosteruds Dampskibs Aktieselskab, owner of the steamship *Harald*. (No. 89-170.)

Amount: \$3,759.75.

Costs: None.

Date of judgment: January 7, 1927.

Nature of claim: Damages due to collision between the steamship *Harald* and the U. S. S. *West Haven* (Navy).

Final decree: Ordered, adjudged, and decreed that the libellant, Bruusgaard Kiosteruds Dampskibs Aktieselskab, recover of and from the United States of America, the respondent herein, the sum of \$3,759.75 without interest or costs, and that payment by said respondent of the said sum shall be full satisfaction of all claims and damages by reason of the matters set forth in the libel herein.

(United States District Court for the Southern District of New York.)

Name: Bruusgaard Kiosteruds Dampskibs Aktieselskab, owner of the steamship *Harald*. (No. 89-170.)
Amount: \$3,759.75.
Costs: None.
Date of judgment: January 7, 1927.
Nature of claim: Damages due to collision between the steamship *Harald* and the U. S. S. *West Haven* (Navy).
Final decree: Ordered, adjudged, and decreed that the libellant, Bruusgaard Kiosteruds Dampskibs Aktieselskab, recover of and from the United States of America, the respondent herein, the sum of \$3,759.75 without interest or costs, and that payment by said respondent of the said sum shall be full satisfaction of all claims and damages by reason of the matters set forth in the libel herein.
(United States District Court for the Southern District of New York.)

BRUUSGAARD KIOSTERUDS DAMPSKIBS AKTIESELSKAB (LIBELLANT)
"HARALD" v. UNITED STATES (U. S. S. "WEST HAVEN")

DEPARTMENT OF JUSTICE
WASHINGTON, D. C. January 11, 1927

THE SECRETARY OF THE TREASURY

Sir: We are inclosing herewith a copy of final decree which has been entered in the Southern District of New York, regarding the libellant's claim against the United States of America, for damages to the steamship *Harald*, owned by Bruusgaard Kiosteruds Dampskibs Aktieselskab, of Norway, which was damaged by collision with the U. S. S. *West Haven*, a United States Navy ship, on January 7, 1927. The amount of the damages is \$3,759.75, without interest or costs. This sum was awarded under the special act of Congress of June 7, 1917, which provided that in case of collision between a United States ship and a foreign ship, the United States ship should be held liable for the collision. Factors for the libellant's claim in this case on the basis of receiving 80 per cent of the probable damages sustained by the *Harald*. As the vessel was being operated at the time of the accident by the Navy Department, the matter was referred to them for review and recommendation, and the Acting Secretary, under date of July 17, 1926, advised that the Navy Department believed that settlement should be made on the basis of 80 per cent of the probable damages sustained by the *Harald*.

The matter was presented to the court and the Government held liable for the damages sustained by the libellant. We are transmitting this decree to you for the purpose of being placed in line for payment.
Respectfully,

GEORGE R. FARNUM,
Assistant Attorney General,
(for the Attorney General)