

Calendar No. 180

69TH CONGRESS }
1st Session }

SENATE

} REPORT
No. 181

TO AMEND SECTION 129 OF THE JUDICIAL CODE, RE- LATING TO APPEALS IN ADMIRALTY CASES

FEBRUARY 15, 1926.—Ordered to be printed

Mr. CUMMINS, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 989]

The Committee on the Judiciary, to which was referred the bill S. 989, has considered the same and, amending section 129 of the Judicial Code, recommends that it do pass with the following amendments:

On page 1 strike out all after the colon in line 9 to and including the word "party" in line 1, page 2, and insert in lieu thereof the following:

Provided, That the same is taken within 15 days after the entry of the decree: And provided further, That within 20 days after such entry the appellant shall give notice of the appeal to the appellee or appellees.

The bill provides that there may be an appeal from the district court of the United States to the circuit court of appeals from an interlocutory decree in admiralty which determines the rights and liabilities of the parties in cases in which there can be an appeal from a final decree of the district court.

It is obvious that there would be in many such cases a great saving in time and expense by permitting a review of the interlocutory decree.

A substantially similar bill was passed at the last session of Congress and approved by the President, but inadvertently a later bill revising the jurisdiction of the circuit courts of appeal repealed the former one, and the purpose of this bill is to correct the error then made.

TO AMEND SECTION 126 OF THE JUDICIAL CODE RELATING TO APPEALS IN ADMIRALTY CASES

FEBRUARY 12, 1908 - Original bill introduced

Mr. CURRIE, from the Committee on the Judiciary, submitted the following

REPORT

(To accompany H. R. 151)

The Committee on the Judiciary, to which was referred the bill to amend section 126 of the Judicial Code, and amend section 127 of the Judicial Code, recommends that it do pass with the following amendments:

The word "party" in line 1, page 2, and insert in lieu thereof the following:

"A vessel that is under way within 12 days after the date of the decision, that is, the day fixed. There shall be no appeal from the decision and the notice of the appeal to the office of the district court."

The bill provides that there may be an appeal from the district court of the United States to the circuit court of appeals from an admiralty decree in admiralty which determines the rights and liabilities of the parties in cases in which there can be an appeal from a final decree of the district court.

It is obvious that there would be in many such cases a great saving in time and expense by permitting a review of the admiralty decision.

A substantially similar bill was passed at the last session of Congress and approved by the President, but inadvertently a later bill repealing the jurisdiction of the circuit courts of appeals repealed the former one, and the purpose of this bill is to correct the error thus made.