

## LEHIGH COAL & NAVIGATION CO.

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JUNE 3, 1926.—Committed to the Committee of the Whole House and ordered  
to be printed

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

### REPORT

[To accompany H. R. 5866]

The Committee on the Judiciary, to whom was referred the bill H. R. 5866, after consideration reports the same favorably and recommends that the bill do pass.

This bill will permit the Lehigh Coal & Navigation Co. to file suit in the District Court of the United States for the Eastern District of Pennsylvania to recover for damages alleged to have been suffered in consequence of a collision between its lighter *No. 40* and the United States quarter boat *Chester* in tow of the United States tug *Philadelphia* on the 11th day of March, 1920.

On March 3, 1925, Congress passed a general law authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States. As originally drawn, that act would have permitted the Lehigh Coal & Navigation Co. to file suit without this special act of Congress, but before passage a proviso was inserted in the bill limiting its provision to causes of action arising after the 6th day of April, 1920. This bill will, therefore, only accord the Lehigh Coal & Navigation Co. the same privilege as that granted to other claimants in similar circumstances under the general law, except for the time limitation.

No charge of laches can be made against the Lehigh Coal & Navigation Co. in this case. Directly following the collision claim was made to the United States district engineer in Philadelphia and a report was made to the Chief of Engineers. Subsequently, under the date of July 30, 1920, formal claim was presented to the Chief of Engineers of the United States Army. Various hearings were held and it was finally decided by the Chief of Engineers, under the act of June 25, 1910 (36 Stat. L. 676), which was applicable at the time

of the collision, that he had not authority to adjust this claim as it was in excess of \$500, which was the limitation of the act. The Lehigh Coal & Navigation Co. were advised at that time the remedy could only be had from Congress.

The so-called suits in admiralty bill (H. R. 4392), above referred to, was then about to be introduced into Congress. This bill was introduced on April 19, 1921, by Mr. Husted and provided that suit could be brought against the United States for damages caused by collision with a public vessel of the United States, provided that the cause of action arose after the 6th day of April, 1917.

Since this proposed bill gave the relief sought by the Lehigh Coal & Navigation Co., no attempt was made at that time to secure the passage of such a special bill as the one here under consideration. Under the circumstances, a special bill at that time would not likely have received consideration.

H. R. 4392 as it was thereafter presented and amended, became subject to many changes and as finally passed, it provided that the cause of action on which suit could be brought for collision must have arisen after the 6th day of April, 1920, or less than one month after the accident to the lighter *No. 40*. As this act did not become a law until March 3, 1925, and as Congress adjourned the next day, no opportunity was given to present a special bill at that session.

The present Congress convened December 7, 1925, and the bill hereunder consideration was introduced on the 16th of the same month. Therefore, it is hardly necessary to point out that since the collision, the Lehigh Coal & Navigation Co. has had no opportunity of seeking a remedy from Congress. The company is consequently completely exonerated from any charge of laches. The bill recommended by the committee will provide a means of redress, which until this time has not been available.

