

## [CHAPTER 520.]

## AN ACT

Authorizing the State Highway Board of the State of Georgia to replace, reconstruct, or repair the free highway bridge across the Savannah River at or near the city of Augusta, Georgia.

June 5, 1936.  
[S. 4549.]  
[Public, No. 661.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the State Highway Board of the State of Georgia is hereby authorized to replace, reconstruct, or repair the free highway bridge and approaches thereto across the Savannah River, known as the North Augusta Bridge, at or near the city of Augusta, Georgia, and to maintain and operate such bridge as a free highway bridge, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Savannah River.  
Georgia may bridge,  
at Augusta.

Maintenance as free  
highway bridge.  
Construction.  
Vol. 34, p. 84; U. S.  
C., p. 1474.

SEC. 2. There is hereby conferred upon the State Highway Board of the State of Georgia all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, replacement, reconstruction, repair, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Acquisition of real  
estate, etc., for location,  
approaches, etc.

Condemnation pro-  
ceedings.

SEC. 3. The authority granted by this Act shall cease and be null and void unless the replacement, reconstruction, or repair authorized herein is actually commenced within two years and completed within four years from the date of the enactment of this Act.

Time limitation.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 5, 1936.

## [CHAPTER 521.]

## AN ACT

Relative to limitation of shipowners' liability.

June 5, 1936.  
[S. 4555.]  
[Public, No. 682.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4283 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 46, sec. 183; Supp. I, title 46, sec. 183), is hereby amended to read as follows:

Limitation of ship-  
owners' liability.  
R. S., sec. 4283, p. 827.  
U. S. C., p. 1908; Supp.  
I, p. 273.  
Amte, p. 960.

"SEC. 4283. (a) The liability of the owner of any vessel, whether American or foreign, for any embezzlement, loss, or destruction by any person of any property, goods, or merchandise shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall not, except in the cases provided for in subsection (b) of this section, exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

Liability of owner;  
amount.

"(b) In the case of any seagoing vessel, if the amount of the owner's liability as limited under subsection (a) is insufficient to pay all losses in full, and the portion of such amount applicable to the payment of losses in respect of loss of life or bodily injury is less

Seagoing vessels; li-  
ability when owner's  
interest insufficient to  
pay losses in full.

than \$60 per ton of such vessel's tonnage, such portion shall be increased to an amount equal to \$60 per ton, to be available only for the payment of losses in respect of loss of life or bodily injury. If such portion so increased is insufficient to pay such losses in full, they shall be paid therefrom in proportion to their respective amounts.

Proportionate payment if amount insufficient for full settlement.

Tonnage construed.

"(c) For the purposes of this section the tonnage of a seagoing steam or motor vessel shall be her gross tonnage without deduction on account of engine room, and the tonnage of a seagoing sailing vessel shall be her registered tonnage: *Provided*, That there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use.

*Proviso.*  
Space excluded.

Injuries, etc., arising on distinct occasions.

"(d) The owner of any such seagoing vessel shall be liable in respect of loss of life or bodily injury arising on distinct occasions to the same extent as if no other loss of life or bodily injury had arisen.

Privity or knowledge of master, etc., imputed to owner.

"(e) In respect of loss of life or bodily injury the privity or knowledge of the master of a seagoing vessel or of the superintendent or managing agent of the owner thereof, at or prior to the commencement of each voyage, shall be deemed conclusively the privity or knowledge of the owner of such vessel.

"Seagoing vessel" construed.

"(f) As used in subsections (b), (c), (d), and (e) of this section and in section 4283A, the term 'seagoing vessel' shall not include pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels or their tenders, self-propelled lighters, nondescript self-propelled vessels, canal boats, scows, car floats, barges, lighters, or nondescript non-self-propelled vessels, even though the same may be seagoing vessels within the meaning of such term as used in section 4289 of this chapter, as amended."

SEC. 2. Chapter 6 of title 48 of the Revised Statutes, as amended, is hereby amended by inserting after section 4283A the following new section:

Stipulations limiting liability for negligence invalid.

"SEC. 4283B. STIPULATIONS LIMITING LIABILITY FOR NEGLIGENCE INVALID.—It shall be unlawful for the manager, agent, master, or owner of any vessel transporting passengers between ports of the United States or between any such port and a foreign port to insert in any rule, regulation, contract, or agreement any provision or limitation (1) purporting, in the event of loss of life or bodily injury arising from the negligence or fault of such owner or his servants, to relieve such owner, master, or agent from liability, or from liability beyond any stipulated amount, for such loss or injury, or (2) purporting in such event to lessen, weaken, or avoid the right of any claimant to a trial by court of competent jurisdiction on the question of liability for such loss or injury, or the measure of damages therefor. All such provisions or limitations contained in any such rule, regulation, contract, or agreement are hereby declared to be against public policy and shall be null and void and of no effect."

SEC. 3. Section 4285 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 185) is hereby amended to read as follows:

Proceedings to limit liability.

"SEC. 4285. The vessel owner, within six months after a claimant shall have given to or filed with such owner written notice of claim, may petition a district court of the United States of competent jurisdiction for limitation of liability within the provisions of this chapter, as amended, and the owner (a) shall deposit with the court, for the benefit of claimants, a sum equal to the amount or value of the interest of such owner in the vessel and freight, or approved security therefor, and in addition such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of section 4283, as amended, or (b) at his option shall transfer, for the benefit of claimants, to a trustee to be

Deposit of security.

Optional transfer of interest to a trustee.

appointed by the court his interest in the vessel and freight, together with such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of section 4283, as amended. Upon compliance with the requirements of this section all claims and proceedings against the owner with respect to the matter in question shall cease."

Termination of claims against owner.

SEC. 4. Section 4289 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 46, sec. 188), is hereby amended to read as follows:

R. S., sec. 4289, p. 827.  
U. S. C., p. 1968.  
Application of provisions to all seagoing vessels, etc.  
Vol. 23, p. 57.  
U. S. C., p. 1999.

"SEC. 4289. Except as otherwise specifically provided therein, the provisions of the nine preceding sections and of section 18 of the Act entitled 'An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade and for other purposes', approved June 26, 1884 (23 Stat. 57; U. S. C., 1934 ed., title 46, sec. 189), shall apply to all seagoing vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters."

SEC. 5. Section 2 of the Act entitled "An Act relative to limitation of shipowners' liability", approved August 29, 1935 (U. S. C., 1934 ed., Supp. I,<sup>1</sup> sec. 183a), is hereby repealed.

Section repealed.  
Acte, p. 960.  
U. S. C., Supp. I, p. 273.

Approved, June 5, 1936.

[CHAPTER 522.]

AN ACT

Granting authority to the Secretary of War to license the use of a certain parcel of land situated in Fort Brady Reservation to Ira D. MacLachlan Post Numbered 3, the American Legion, for fifteen years.

June 5, 1936.  
[H. R. 190.]  
[Public, No. 663.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and directed to grant to Ira D. MacLachlan Post Numbered 3, the American Legion, Sault Sainte Marie, Michigan, a license to use and occupy a certain piece or parcel of land, with the building thereon, described as follows:

Fort Brady Reservation, Mich.  
License to use land in, granted to Ira D. MacLachlan Post, American Legion.

"Beginning at a point in the easterly boundary of Fort Brady Reservation two hundred and forty-eight and nine-tenths feet northward from the southeast corner of the reservation; thence north sixty-five degrees fifty-nine minutes west forty-nine and eight-tenths feet to the easterly edge of a roadway; thence north no degrees no minutes one hundred and forty-four and eight-tenths feet along the easterly edge of the roadway; thence south sixty-five degrees fifty-nine minutes east one hundred and eight and eight-tenths feet to the easterly boundary of Fort Brady Reservation; thence south twenty-four degrees one minute west one hundred and thirty-two and three-tenths feet along the easterly boundary of Fort Brady Reservation to the point of beginning." for a period of fifteen years from the date of the issuance of such license.

Description.

SEC. 2. The issuance of such license shall be held to constitute a cancelation of the license under which the Ira D. MacLachlan Post Numbered 3, the American Legion, is now entitled to the use and occupation of such piece or parcel of land.

Term of license.  
Cancelation of present license.

SEC. 3. The license issued as required by this Act shall be granted subject to the following conditions:

Conditions imposed.

1. That the building shall be used for the sole purpose of a clubhouse for the local American Legion Post of Sault Sainte Marie, Michigan.

Use of building.

2. That the building shall be kept in good repair, with proper sewerage connections to the river; that any use that may be made of the building or adjacent grounds shall in no way interfere with

Upkeep, etc.

<sup>1</sup> So in original.