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(voice of John Hughes Cooper):

Good morning to Captain and crew alike and welcome to the Admiralty Docket. This is John Hughes Cooper with a glimpse into your rights and responsibilities at sea and upon the navigable waters.

Today our subject is Seduction of Female Passengers aboard U.S. vessels.

On March 4, 1909, the U. S. Congress enacted a federal statute to provide criminal penalties for seduction of a female passenger by any person employed aboard a U. S. vessel. Recall for a moment the many episodes of "The Love Boat" as we examine the provisions of the statute:

18 U.S.C. § 2198 provided as follows:

Whoever, being a master, officer, seaman, or other person employed on board of any American vessel, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Week after week many were unaware that the Love Boat was a floating federal crime spree.

The statutory language requires seduction and an "illicit connection with any female passenger" for conviction, but does not define "illicit connection." For many years the people of the United States knew what an illicit connection with a female was and no definition was needed. In recent years, however, few can agree

50527 3 2 1 On Wednesday, March 7, 1928, an ocean-going steam tug, the T.J. HOOPER, steamed from Hampton Roads, Virginia bound for Boston. Unknown to her Captain, she was also bound for the admiralty law casebooks. The T.J. HOOPER was towing three loaded coal barges in line. Two days out, radio broadcasts were forecasting increasingly stormy weather along the coast of New Jersey. Some of you younger listeners may not remember, but back in 1928, radio receivers were on the cutting edge of technology in the marine trade. Since the T.J. HOOPER was unequipped with radio receivers and only had transmitters for distress purposes, her crew missed the critical weather information and passed by a port of safety. Other tugs received the weather broadcasts and stopped in port. In the forecast storm, the T.J. HOOPER lost one of her barges, and owners of the cargo of coal and owners of the barge brought suit. Hell hath no fury like the owners of soggy coal.

The owners of the T.J. HOOPER petitioned for limitation of their liability. They argued that since they were following the industry custom, and radios were by no means standard issue on tugs in the trade, their vessel was seaworthy. Since the limitation of liability would have severely limited the amount recoverable, the cargo owners and barge owners tried to prove that the T.J. HOOPER was "unseaworthy" without the radios on board, and that the lack of the radios actually caused the loss.

When does the lack of a safety device or navigation aid make a vessel unseaworthy? When must the owners or operators of a vessel equip her with the latest device? Can one rely on the accepted practice of similar vessels or on a custom in the industry? When

may the failure to equip a vessel result in legal liability?

In 1932, the U.S. Supreme Court affirmed the opinion of Judge Learned Hand writing for the Second Circuit Court of Appeals, which answered some of these questions. Judge Learned Hand found the T.J. HOOPER unseaworthy for lack of a radio receiver, citing the relatively low cost of a suitable radio receiver and the great protection provided to vessels by such equipment.

The T.J. HOOPER speaks to marine operators today and requires them to take advantage of protection available at reasonable cost to avoid risk to life and property from perils of the seas.

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing. 50527