

bondi's

UNITED STATES COAST GUARD

Galveston, Texas

NEW ORLEANS DISTRICT
U.S. COAST GUARD
NEW ORLEANS, LOUISIANA



ADDRESS REPLY TO

CAPTAIN OF THE PORT (1)

AND REFER TO File: 6614

NOV 2 PM 4 15

OCT 26 11 48 AM '44

AN ACP BP AX CM E
F IOF L MED MIN MV
NV OSO OP ORD PA P
PT SC PUB ST

24 October, 1944

PORT SECURITY SECTION

To: The Commandant

Via: District Coast Guard Officer, Eighth Naval District

Subj: Oil Pollution Act of 1924, 33 U.S.C. 431-437; violation by
S.S. CURACA, 11 July, 1943

1. Final decree was entered and filed on 5 June, 1944 on the above case which was pending in the Federal Court here in Galveston. Said decree provided for a penalty against the defendant in the sum of \$500 and cost.

2. We are closing our file on the above case.

Leo A. Welsh
LEO A. WELSH

CC: U.S. District Engineer, U.S. Army, Galveston, Texas
CinC, MI, Galveston, Texas

Ind-1
DCGO, 8ND (ops)
31 October, 1944

To: The Commandant (OPS)

Forwarded.

J. J. Gidierre
J. J. GIDIERE
By direction

(L)
CG-MIN-100.18
SS CURACA

11 April, 1944

FILE
F. D.

Hon. Francis M. Shea
Assistant Attorney General
Department of Justice
Washington 25, D. C.

Sir:

Reference is made to your letter of April 6, 1944, relative to the
Case of United States v. SS CURACA, Admiralty No. 1795-Southern
District of Texas, Galveston Division (file No. FMS:RMB; 61-7104).

The Coast Guard has no objection to the proposal to settle the
subject case on the basis of the minimum penalty of \$500 and recommends
that the offer be accepted.

The files at Coast Guard Headquarters do not contain any record of
other violations of the Oil Pollution Act by this vessel.

Very truly yours,

L. T. CHALKER
Rear Admiral, USCG
Assistant Commandant

U. S. COAST GUARD
MAIL SECTION (1)

MAILED APR 15 1944

GEM:fdt

Return to 8-7

224 6/K RCT *[initials]* Cat

DEPARTMENT OF JUSTICE
WASHINGTON 25, D. C.

FMS:RMB

61-7104

(L)
CG-MIN-100.18
SS CURACA

April 6, 1944

11 April, 1944

Admiral E. R. Waesche,

Hon. Francis M. Shea
Assistant Attorney General
Department of Justice
Washington 25, D. C.

Sir:

Re: United States v. S.S. CURACA, owned by

Reference is made to your letter of April 6, 1944, relative to the
Case of United States v. SS CURACA, Admiralty No. 1795-Southern
District of Texas, Galveston Division (file No. FMS:RMB; 61-7104).

The Coast Guard has no objection to the proposal to settle the
subject case on the basis of the minimum penalty of \$500 and recommends
that the offer be accepted.

The files at Coast Guard Headquarters do not contain any record of
other violations of the Oil Pollution Act by this vessel.

Very truly yours,

Please let us have an early approval of your views
and recommendations as to whether or not the proposed settlement
for the minimum penalty should be accepted.

In this connection, we would be interested to know
also whether or not your files indicate any prior violations
under the statute involved in this case against this vessel
or against the master.

L. T. CHALKER
Rear Admiral, USCG
Assistant Commandant

For the Attorney General,

Francis M. Shea
Francis M. Shea,
Assistant Attorney General.

CEM:fdt
Return to 8-7

DEPARTMENT OF JUSTICE

WASHINGTON 25, D. C.

FMS:RMB

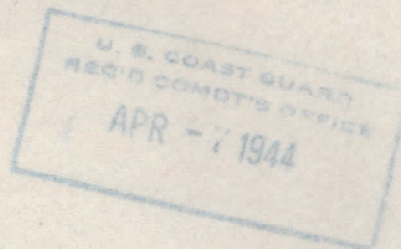
61-7104

(L)

CG-MIN-100.18

SS CURACA

April 6, 1944



11 April, 1944

Admiral H. R. Waesche,
Commandant,

Hon. Francis M. Shea, Coast Guard,
Assistant Attorney General
Department of Justice
Washington 25, D. C.

Sir:

Re: United States v. S/S CURACA, Owned by
The Grace Line, 10 Hanover Square, New

Reference is made to your letter of April 6, 1944, relative to the
Case of United States v. SS CURACA, Admiralty No. 1795-Southern
District of Texas, Galveston Division (file No. FMS:RMB; 61-7104).

We enclose herewith for your information a copy of
The Coast Guard has no objection to the proposal to settle the
subject case on the basis of the minimum penalty of \$500 and recommends
that the offer be accepted.

The files at Coast Guard Headquarters do not contain any record of
other violations of the Oil Pollution Act by this vessel.
and that the local Coast Guard authorities have approved this
recommendation.

Very truly yours,

Please let us have an early expression of your views
and recommendations as to whether or not the proposed settlement
for the minimum penalty should be accepted.

In this connection, we would be interested to know
also whether or not your files indicate any prior violations,
under the statute involved, are on record against this vessel
or against the master or owner of the vessel.

L. T. CHALKER
Rear Admiral, USCG
Assistant Commandant
Respectfully,

For the Attorney General,

Francis M. Shea

Francis M. Shea,
Assistant Attorney General.

Enclosure
No. 32491



GM:fdt
Return to 8-7

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

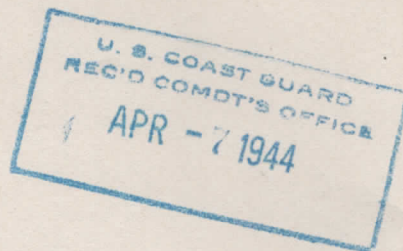
DEPARTMENT OF JUSTICE

WASHINGTON 25, D. C.

FMS:RMB

61-7104

April 6, 1944



Admiral R. R. Waesche,
Commandant,
United States Coast Guard,
Washington, D. C.

Sir:

Re: United States v. S/S CURACA, Owned by
The Grace Line, 10 Hanover Square, New
York - Violation: Oil Pollution Act -
Admiralty No. 1795-Galveston Division

We enclose herewith for your information a copy of
the Libel filed in the above-entitled case, together with copies
of pertinent letters exchanged with the United States Attorney
handling this matter.

You will note his suggestion that the proposed offer
of settlement for the minimum penalty of \$500.00 be accepted,
and that the local Coast Guard authorities have approved this
recommendation.

Please let us have an early expression of your views
and recommendations as to whether or not the proposed settlement
for the minimum penalty should be accepted.

In this connection, we would be interested to know
also whether or not your files indicate any prior violations,
under the statute involved, are on record against this vessel
or against the master or owners thereof.

Respectfully,

For the Attorney General,

Francis M. Shea

Francis M. Shea,
Assistant Attorney General.

Enclosure
No. 32491



ENCLOSURE

Nº 32491

FROM

Department of Justice

7-849

U. S. GOVERNMENT PRINTING OFFICE

Department of Justice

UNITED STATES ATTORNEY

Southern District of Texas

Houston 2, Texas

February 9, 1944

27-A2409

The Attorney General
Department of Justice
Washington 25, D. C.

In re: UNITED STATES OF AMERICA VS.
S/S "CURACA", Owned by The Grace
Line, Oil Pollution Case.
(D.J.Ref.: FMS:ABL 61-7104)

Sir:

Reference is here made to your letter of January 22, 1944, in which you request information as to whether or not the Coast Guard would approve the settlement in the above-designated matter for the minimum sum of \$500.00.

Please be advised that by letter bearing date of February 3, 1944, the Captain of the Port, Lieutenant F. E. Simmen, United States Coast Guard, advised that the proposed settlement would be satisfactory to his office.

Respectfully,

DOUGLAS W. MCGREGOR
United States Attorney

(Signed) By W. F. LEIGH
Assistant

WLF:cp

DOPY
COPY

Department of Justice
DEPARTMENT OF JUSTICE

lg.

Washington 25, D.C.

FMS:ABL

61-7104

Southern District of Texas
January 22, 1944
Galveston, Texas,
January 12, 1944.

Office File 27-A2409
Douglas W. McGregor, Esq.,
United States Attorney,
Galveston, Texas.

The Attorney General,
Department of Justice,
Washington, D.C.
Re: United States of America v. S/S CURACA,
owned by The Grace Line, Oil Pollution Case

Sir:

Please refer to your letter of January 12, 1944 relative to the offer to settle this case for the minimum penalty of \$500.00.

Please advise us whether or not the Coast Guard officials having supervision over the harbor involved have any objection to the proposed settlement and also whether or not this vessel and her owner are charged with any prior violation in your area. We designated matter on the basis of the minimum penalty provided by the Act in the sum of \$500.00.

Respectfully,
For the Attorney General,

Inasmuch as there do not appear to be any aggravated circumstances in connection with the violation, it is respectfully submitted that the officer should be accepted.

Francis M. Shea,
Assistant Attorney General.

Your early advice in this matter will be appreciated, in order that this office may enter a consent decree which will dispose of the matter.

Respectfully,

DOUGLAS W. MCGREGOR,
United States Attorney,

(Signed) By W.F. LEIGH
Assistant

COPY

Department of Justice

UNITED STATES ATTORNEY

Southern District of Texas

Galveston, Texas,
January 12, 1944.

Office File 27-A2409

The Attorney General,
Department of Justice,
Washington, D. C.

Sir:

In re: UNITED STATES OF AMERICA vs. STEAMSHIP
"CURACA", owned by The Grace Line, 10
Hanover Square, New York, ADMIRALTY NO.
1795— GALVESTON DIVISION (Oil Pollution
Act)

Proctors for the Steamship have offered to
settle the libel now pending in the above designated matter
on the basis of the minimum penalty provided by the Act
in the sum of \$500.00.

Inasmuch as there do not appear to be any
aggravated circumstances in connection with the violation,
it is respectfully submitted that the officer should be
accepted.

Your early advice in this matter will be
appreciated, in order that this office may enter a consent
decree which will dispose of the matter.

Respectfully,

DOUGLAS W. MCGREGOR,
United States Attorney,

(Signed)

By

W.F. LEIGH
Assistant

COPY

Department of Justice

UNITED STATES ATTORNEY

Southern District of Texas

Houston, Texas

September 21, 1943

In replying please refer
to this file number

27-A2409

The Attorney General
Department of Justice
Washington, D. C.

Sir:

In Re: United States vs. STEAMSHIP "CURACA",
owned by The Grace Line, 10 Hanover
Square, New York

Enclosed herewith find two copies of libel
filed in the above designated matter.

Respectfully,

DOUGLAS W. MCGREGOR
United States Attorney

(Signed)

By

W. F. LEIGH
Assistant

WFL:mk
Enc.

File 27-A2409 said pier or in its vicinity the said STEAMSHIP "CURACA" did unlawfully discharge into and upon the waters of

the said IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF TEXAS
oil, commonly termed GALVESTON DIVISION

of which being unknown to * * *

UNITED STATES OF AMERICA in command or in charge of said vessel,

and the -vs- in command or in charge of said vessel did un- ADMIRALTY NO.

STEAMSHIP "CURACA", owned by The Grace Line, 10
Hanover Square, New York

exact kind and character * * * being unknown to libellant,

but peculiarly within the LIBEL of the person in command

or in charge of said vessel, into and upon the waters of the

* * *

Texas City Harbor, Texas City, Texas, coastal navigable waters

TO THE HONORABLE JUDGE OF SAID COURT: This tied up to the above

Comes now Douglas W. McGregor, United States Attorney

for the Southern District of Texas, prosecuting for and on be-

half of the United States of America in a suit for penalty under

the navigation laws of the United States, files this libel in rem

against the STEAMSHIP "CURACA", owned by The Grace Line, 10

Hanover Square, New York, and alleges: said oil into and upon

the waters of the Texas City Harbor, Texas City, Texas, the

That libellant is a corporation sovereign and body politi-
tic; that the STEAMSHIP "CURACA" is a vessel which, at the time
and place hereinafter set forth, used oil as fuel for the genera-
tion of propulsion power, and that said vessel STEAMSHIP "CURACA"
is now, or during the currency of process herein will be, in the
Southern District of Texas, and within the jurisdiction of this
Honorable Court.

IV.

II.

That on or about the 14th day of July, A.D. 1943, in
Galveston County, Texas, and within the jurisdiction of this Court,
said STEAMSHIP "CURACA" was tied up in the vicinity of Pier B,
Texas City Harbor, Texas City, Texas, and that while so tied up

at the aforesaid pier or in its vicinity the said STEAMSHIP "CURACA" did unlawfully discharge into and upon the waters of the said Texas City Harbor, Texas City, Texas, a quantity of oil, commonly termed petroleum, the exact kind and character of which being unknown to libellant but peculiarly within the knowledge of the person in command or in charge of said vessel, and the person in command or in charge of said vessel did unlawfully suffer and permit the discharge by said STEAMSHIP "CURACA" of a quantity of oil, commonly termed petroleum, the exact kind and character of which being unknown to libellant, but peculiarly within the knowledge of the person in command or in charge of said vessel, into and upon the waters of the Texas City Harbor, Texas City, Texas, coastal navigable waters of the United States as aforesaid, while tied up to the above described pier, contrary to the form of the statute in such case made and provided.

III.

That at the time the said STEAMSHIP "CURACA" discharged, and the person in command or in charge of said vessel permitted and suffered it to discharge, said oil into and upon the waters of the Texas City Harbor, Texas City, Texas, the STEAMSHIP "CURACA" was not involved in any emergency imperiling life or property, and was not in danger of unavoidable accident, collision or stranding; and that neither said vessel nor the person in command thereof, had any permit by the Secretary of War to discharge said oil upon the waters of said Texas City Harbor, Texas City, Texas.

IV.

That by so unlawfully discharging said oil into and upon the waters of the Texas City Harbor, Texas City, Texas, and so unlawfully suffering and permitting said oil to be discharged upon said waters STEAMSHIP "CURACA" became and is now liable and indebted to the libellant in the sum of \$10,000.00.

(\$2500.00) for and as a penalty; and that said penalty in the sum of \$2500.00 constitutes a lien on said vessel in favor of libellant.

V.

That said penalty has not been paid to libellant, and is now due and owing.

Wherefore, libellant prays that this Honorable Court issue process of attachment, monition and warrant of seizure in due form of law, according to the course of this Honorable Court in causes of admiralty and maritime jurisdiction, against the STEAMSHIP "CURACA", its engine, furniture, tackle and apparel, and that upon hearing said STEAMSHIP "CURACA" be adjudged to be liable and indebted to libellant for the penalty herein sued for, and that said penalty be adjudged to be a lien on said vessel in favor of said libellant, and that said vessel be decreed to be sold to satisfy the judgment of this Court, and for such other and further relief as the Court deems just.

United States Attorney

Assistant United States Attorney
Proctors for Libellant

STATE OF TEXAS
COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared W. F. Leigh, who, after being duly sworn, deposes and says: That he is Assistant United States Attorney for the Southern District of Texas, and one of the proctors for libellant; that he has read the foregoing libel, and that the facts alleged therein are true to the best of his knowledge, information and belief, and that the source of his information and grounds of his belief are the statements of witnesses reduced to writing and now in his possession; and that the reason why this verification is made by deponent and not by libellant is that libellant is a sovereign power and body politic.

W. F. Leigh
Assistant United States Attorney

Subscribed and sworn to before me this _____ day of

_____, A.D. 1943.