negligence occurred with the privity or knowledge of the owners. There is no reason why owners of ships should not be responsible for the negligence of the crew in the same way that railroad corporations are held responsible for the negligence of their employees. The whole subject is largely in our own hands. We should without delay pass a system of laws that, in my judgment, would be sufficient to avoid a repetition of this heart-rending disaster. For a full discussion of the law as it now stands I refer the Senate to the following cases: Schoomaker *v.* Gilmore (102 U. S., 118); Richardson *v.* Harmon (222 U. S. 96); the case of La Bourgogne (210 U. S., 97); and Commonwealth *v.* MacLoon (101 Mass., 1).

And the cases I have already referred to in Thirteenth Wallace and One hundred and ninth and One hundred and thirtieth United States.

Now, just let me explain to Senators how the law stands. I think I can do it in a few moments.

At present you can not recover in the Federal courts for the death of a passenger. There is no recovery at all by the surviving family or the surviving relatives in the Federal courts for the death of a passenger. In these accidents the British law provides, under Lord Campbell's Act, that recovery can be had; and in the case that I have cited, in Two hundred and tenth United States, the Supreme Court held that it would administer the French law; that the law which governs a casualty of that sort is the law of the country to which the ship belongs, and therefore France having a law providing for recovery in case of death, the Supreme Court, in the case I have quoted, the *La Bourgogne* case, held that the Supreme Court of the United States would administer the French law in the Federal tribunal. This ought to be changed, and we ought to be able to administer American law in American tribunals and not have to resort to the law of the country that owns the ship upon which the accident takes place.

Now, in the second place, I want to say that you can not recover at all if the owner of the ship surrenders the ship and surrenders the freight. We have an old statute here that is a reenactment of an English statute, passed 175 years ago, and we have never changed it It was passed during the reign of George II, in 1734, It was improved upon in the reign of George III, in 1786, and again in 1813. That is the limited-liability statute. Look at it for a moment. The owners of the *Titanic* can come into court and surrender their freight money, the pending freight, and there is no recovery against them in any State or Federal court. No matter how many suits are brought in the State courts, no matter how many suits may be brought in the Federal courts, the owners of that ship, no matter how able they may be financially to answer in damages, can go into the Federal courts, sue out an injunction, have a trustee appointed, bring the ship, if it exists—of course in this case the ship is gone—bring pending freight into court, and escape all liability whatever for injury to passengers, for injury to goods, or for any cause whatever.

That is the statute that is now upon the statute books of the United States. It ought to be repealed or modified. There is no reason on earth why it should continue. When it was passed it was thought to afford an invitation to shipowners to take to the sea and risk the hazardous character of the adventure, but I apprehend there is no more danger on the sea now than there is on the land; and if these statutes are not repealed there certainly ought to be some modification of them.