

## Headlines:

USCG – LGCNCOE newsletter;  
House – bill introduced re port authorities;  
GAO – USCG performance information;  
Court – worker not Jones Act seaman;  
Court – insurance defense strategy;  
Gulf of Guinea – piracy/hijacking incidents; and  
Virginius Affair – 30 October 1873.

October 30, 2017



# Bryant's Maritime News

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## **USCG – LGCNCOE newsletter**



The US Coast Guard posted the Fall 2017 edition of 'The Gas Gauge', newsletter of the Liquefied Gas Carrier National Center of Expertise (LGCNCOE). This edition discusses, among other things, the difference between cargo heaters and cargo vaporizers. (10/27/17)  
[<http://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/LGCNCOE/docs/newsletter5.pdf?ver=2017-10-25-191533-097>].

## **House – bill introduced re port authorities**



Representative Nadler (D-NY) introduced a bill (H.R. 4147) to amend title 49, United States Code, to provide certain port authorities, and for other purposes. Official text of the bill is not yet available. (10/26/17).

## GAO – USCG performance information



The Government Accountability Office (GAO) issued a report regarding actions needed by the US Coast Guard to enhance performance transparency and monitoring. Among other things, the report recommends that the Coast Guard develop new performance goals that better align with its missions and make its Annual Performance Reports publicly available on the Coast Guard's website. **GAO-18-13** (10/27/17) [<http://www.gao.gov/assets/690/688004.pdf>].

## Court – worker not a Jones Act seaman



The US Court of Appeals for the Second Circuit affirmed the district court dismissal of a barge worker's claims against the barge, agreeing that he did not qualify as a seaman under the Jones Act. The appellate court, though, reversed the dismissal of claims against the barge owner and the operator of the rock processing facility at which the injury was incurred. **In the Matter of the Complaint of Buchanan Marine, LP**, No. 16-1092-cv (2nd Cir., October 27, 2017) [[http://www.ca2.uscourts.gov/decisions/isysquery/1eb10ffa-476d-4d4f-b220-2fc85a33ae5f/2/doc/16-1092\\_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/1eb10ffa-476d-4d4f-b220-2fc85a33ae5f/2/hilite/](http://www.ca2.uscourts.gov/decisions/isysquery/1eb10ffa-476d-4d4f-b220-2fc85a33ae5f/2/doc/16-1092_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/1eb10ffa-476d-4d4f-b220-2fc85a33ae5f/2/hilite/)].

## Court – insurance defense strategy



In a brief unpublished decision, the US Court of Appeals for the Second Circuit affirmed the district court grant of summary judgment to a marine insurer in a claim of bad faith by plaintiff insured. Plaintiff vessel towing and salvage company and one of its franchisees were sued by an injured employee of the franchisee. Plaintiff and the franchisee agreed on a joint defense and global strategy to minimize the risk of cross claims. Defendant insurer opposed this strategy and obtained a settlement at no out-of-pocket cost to defendant. There were no cross claims. The court held that a difference in defense strategy does not constitute bad faith. **Sea Tow Services International v. St. Paul Fire & Marine Insurance**, No. 16-3672 (2nd Cir., October 27, 2017) [[http://www.ca2.uscourts.gov/decisions/isysquery/034dff05-d3f6-4f03-8fao-7e5bod704407/3/doc/16-3672\\_so.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/034dff05-d3f6-4f03-8fao-7e5bod704407/3/hilite/](http://www.ca2.uscourts.gov/decisions/isysquery/034dff05-d3f6-4f03-8fao-7e5bod704407/3/doc/16-3672_so.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/034dff05-d3f6-4f03-8fao-7e5bod704407/3/hilite/)].

## Gulf of Guinea – piracy/hijacking incidents



The Maritime Administration (MARAD) issued an alert stating that two vessels have been subjects of piracy/hijacking in recent days in separate incidents in the Gulf of Guinea. Caution should be exercised when transiting this area. **Alert 2017-007A** (10/27/17)  
[<https://www.marad.dot.gov/msci/alert/2017/2017-007a-piracyhijacking-gulf-of-guinea/>].

## Virginus Affair – 30 October 1873



On 30 October 1873, the US-flag side-wheel steamer Virginus, with a crew of 52, was captured by the Spanish Navy off the coast of Cuba while attempting to smuggle 103 native Cuban revolutionaries, four mercenaries, and various munitions into Cuba to support the ongoing insurrection against Spanish rule. The vessel, originally named Virgin, had been built in England as a Confederate blockade runner. All on board were quickly tried and convicted of piracy by a Spanish court in Santiago. On 4 November, the native Cubans and four mercenaries were executed by firing squad. On 7 November, thirty-seven crew members, including the master, were executed. On 8 November, a further twelve crew members were executed. Diplomatic protests ensued and the United States threatened war, even though its Navy at that time was substantially inferior to that of Spain. Calmer heads prevailed and Spain eventually turned over the vessel, the remaining crew, and the bodies of the deceased Americans, as well as paying reparations. Congress quickly funded a program to modernize the US Navy, making it ready to defeat the Spanish Navy during the Spanish-American War of 1898.

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