

MARITIME LAW ASSOCIATION OF THE  
UNITED STATES

ANNUAL MEETING, MAY 20, 1927.

## APPENDIX VIII.

**Comite Maritime International—Amsterdam Conference, 1927.—Instructions to American Delegates.**

## 1.

## COMPULSORY INSURANCE OF PASSENGERS.

The Maritime Law Association at its meeting in May, 1925, adopted a resolution declining to favor the plan put forward at Gothenburg, 1923, or any similar plan by which the existing rights of passengers travelling by sea would be surrendered or limited.

This resolution appears at page 1336 of our Minutes. The Report appears at page 1301 and the discussion at page 1324. Our delegate to Genoa, 1925, reported on the matter at our meeting in December, 1925, but no further action has been taken. Our resolution of May, 1925, therefore stands as the American view.

Bulletin No. 75, the Report of the Antwerp Committee 1926, on this subject, was sent to our leading members. There does not appear to be any present desire to reconsider or modify the resolution of May, 1925.

## 2.

## RATIFICATION OF THE BRUSSELS CONVENTIONS.

(a) *Limitation of Liability of Shipowners:* In March, 1922, a Committee appointed the previous month brought in a report and, after a full discussion, a resolution was adopted which appears at pages 1140-1141 of our Minutes favoring the plan of bringing about uniformity but expressing the sense of the meet-

ing as opposed to the provision of the draft which gives the shipowner the option of selecting one or the other of two different measures of limitation, according as one or the other may be most favorable to him. Our President, Hon. Charles M. Hough, wrote to the Hon. Herbert Hoover, Secretary of Commerce, in support of this resolution (Minutes, p. 1152). Since that time our Association has not changed its position.

Our Government has not signed this Convention, which is receiving consideration by the appropriate Departments with a view to a determination in relation to its further action.

(b) *Maritime Mortgages and Liens*: In May, 1925, a resolution was adopted which appears at page 1345 of our Minutes, giving the Convention a qualified approval, but pointed out that American views are divided as to whether a lien for damages arising out of breach of contract of affreightment should be placed on a par with liens for tort damages or should rank them after the mortgage, so that vigorous opposition is to be expected whichever ranking is proposed. The Reports appear at pages 1307 and 1337, and the discussion at page 1325. Our delegate to Genoa, 1925, reported on the matter in December, 1925. There has been no further action and the resolution above referred to therefore continues to represent the American attitude.

Our Government has not signed this Convention, which is receiving consideration from the interested Departments.

(c) *Bills of Lading (formerly Hague Rules)*: The Hague Rules have repeatedly been endorsed by this Association. The United States has signed the Brussels Treaty and on February 25, 1927, the President sent it to the Senate for its advice and consent. The Hague Rules cannot come into force as a treaty until approved by two-thirds majority of the United States Senate.

In the meantime, both Houses of Congress have been considering a Bill substantially embodying the Hague Rules. Hearings have been held but no vote has been had because of opposition from certain important shippers.

(d) *Immunity of State-owned Ships*: Two Acts of Congress, one known as the Suits in Admiralty Act, 1920, and the other as the Public Vessels Act, 1925, have between them removed the immunity of U. S. Government merchant and non-

merchant vessels respectively. By far the greater number of American Government-owned vessels, including all the important ocean-going vessels, are now liable to suit on ordinary principles. Ships of the separate American States and of American municipalities are still immune from suit; the number of these vessels is not large, and they are relatively unimportant. The effort to remove their immunity will require legislation by the separate States of the Union.

Our attitude, therefore, is that it would be unwise to consider altering the present reasonably satisfactory state of our statutes until we are advised of the actual adoption of substantial uniform statutes by the other principal maritime nations. The American Government has not signed this convention.

## 3.

## LETTERS OF INDEMNITY.

Our Association has never adopted any resolution with reference to this subject, nor have we at present any Committee to consider it.

## 4.

(a) *Through Bills of Lading*: Our Association has never considered this matter apart from the Hague Rules. The Interstate Commerce Commission drafted a uniform through export bill of lading form about ten years ago and requires all railways in the United States accepting goods for export to use this standard form. As a practical proposition, any proposed change in the American through export bill of lading requires hearings before the Interstate Commerce Commission and an order of the Commission making the change.

(b) *Arrest of Ships with Reference to Maritime Mortgages and Liens*: This subject has never been considered by our Association.