

The minutes of the last annual meeting and of the winter and dinner meetings having been printed and distributed to the members, the reading of the same was dispensed with by unanimous consent.

The annual reports of the Secretary and Treasurer were submitted, and, there being no objection, were received, approved and ordered filed. Copies thereof are annexed hereto as Appendices 1 and 2.

Mr. T. Catesby Jones read a memorial to the late J. Parker Kirlin, prepared by Mr. John M. Woolsey in association with Mr. Clark and Mr. Jones. Upon motion duly made and seconded, the memorial was received and ordered filed, with the direction that the Secretary send copies to Mr. Kirlin's family. The memorial is printed as Document No. 144.

#### ARBITRATION STATUTES.

In the absence of Mr. Woolsey, Chairman of the Committee, Mr. Jones stated that the Committee could report progress. Several conferences had been held with other bodies interested in the furtherance of arbitration under the Federal Arbitration Act. These bodies were in general in favor of non-appealable arbitration. Mr. Woolsey's committee had, however, pressed the point that arbitrations of shipping matters usually deal with standardized documents, such as charter-parties and bills of lading, for which reason it is exceedingly important to maintain harmonious interpretations of the language of these documents, which can only be accomplished by providing for appeals on points of law to the higher federal courts. The other bodies interested in arbitration are beginning to appreciate the force of this argument and are beginning to express themselves as ready to make concessions to meet the views of the maritime interests.

#### CODIFICATION OF SHIPPING STATUTES—MERCHANT SHIPPING CODE.

Mr. Niles, Chairman of the Committee, reported that the original committee of twenty-seven members, who examined the Code, chapter by chapter, and approved it as a correct restatement

ment of the law a year ago, has now been reconstituted as a committee of eight, with a member from every federal circuit (except the Eighth, which has no ocean boundary). The reconstituted committee stands ready to support the Code when it shall be brought before Congress, but the present session has been until now too actively engaged upon the Merchant Marine bill to give attention to the Code. The bill embodying the Code is likely to go over, therefore, until the next session in December.

#### INTEREST ON ADMIRALTY DECREES.

In the absence of Mr. Kremer, Chairman of the Committee, the Secretary was prepared to submit Mr. Kremer's report. Mr. Griffiths, of San Francisco, who was present, however, rose to remark that the exigencies of time had compelled him to attempt to deal with the report by telegraph and that there were points in the report which he desired to have clarified. The report was, therefore, not submitted but was sent back to the Committee with the request that it be revised and then printed and sent to all the members at the earliest possible date, after which the Executive Committee should decide whether to call a special meeting or take other action.

#### BULLOWA MATTER.

The Secretary reported that the Appellate Division had not yet handed down its decision upon the appeal argued before it in February. He accordingly suggested that the matter be held in abeyance until the Appellate Division should have given its decision.

#### INTERNATIONAL SHIPPING CONFERENCE.

Mr. Hupper, Chairman of a Committee of which Messrs. Potter, Prem and Foley were the other members, stated that the Committee had been instructed by the President to consider the material on the agenda of the forthcoming International Shipping Conference to be held in London in June. Our Association is not a member of that Conference and has not been invited to send a delegate. Any action that we might take upon the

agenda would, therefore, necessarily be somewhat limited and informal. Several matters on the agenda appeared to be of considerable potential interest to our Association. A number of these had already been dealt with by committees, discussion and resolutions. The principal new subject was the suggestion that the International Rules of the Road at Sea, sometimes called the Collision Regulations, might be studied with a view to initiating action for their revision.

#### REVISION OF COLLISION REGULATIONS—INTERNATIONAL RULES OF THE ROAD AT SEA.

The revision of the International Collision Regulations presents so large a question as to require much study. The President had recently appointed a special sub-committee of twelve, whose report is printed herewith as Document 145. This report, Mr. Hupper said, is purely informal and not intended to bind either the committee or the Association or its members in any way. It was drawn merely to give a suggestion to the Americans who would attend the Conference as to what a committee of American admiralty counsel, specializing in collision matters, might be expected to feel about the suggested Rules to be revised. Since the report did not undertake to bind anyone, the committee felt that, at this early stage of the consideration of possible revisions, it would serve no useful purpose to have a general discussion at a meeting or to attempt to adopt any hard and fast resolutions or expressions of opinion. The discussion by the shipowners at the Conference in London would itself be quite informal and might not result in the initiation of any steps looking toward revision of the statutes of the various maritime powers.

Mr. Hupper further stated that the American Steamship Owners Association has also appointed its own committee to consider the matter. Its committee has made a report and is likely to send a delegate to London. The suggestion, therefore, was to furnish a copy of the report of our committee to the delegate of the Steamship Owners Association for his information and such use as he might care to make of it. Mr. Hickox opposed this suggestion on the ground that the Association ought

not to appear to bind its members to a report which had not been considered at a meeting with the text of the report given to members in advance.

After the report had been read by the Secretary, upon motion of Mr. Dutch, seconded by Mr. Hickox, it was

RESOLVED, that the report of the Sub-Committee on Revision of the Collision Regulations be received, and that it be printed and sent to all the members.

Mr. Campbell stated that he would be one of the delegates of the American Steamship Owners Association and that he would be glad to take the report with him to London for information. He expressed considerable doubt as to whether the matter of revision of the Rules of the Road would make serious progress at London.

#### COMPULSORY PASSENGER INSURANCE.

Mr. Hupper stated that the proposed Compulsory Passenger Insurance Convention was on the agenda of the International Shipping Conference and invited Mr. Jones to speak on this subject.

Mr. Jones stated that this matter had been actively pressed at a meeting of the International Maritime Committee, Amsterdam, 1927, at which he had been present, and that he had then stated to the parties interested there that he did not consider that there is any serious chance of the American Congress enacting a law which would give ocean carriers broader exemptions in the case of loss of life and personal injury than they now have in respect of the carriage of goods. The proposed Convention in its present form would not require due diligence of the shipowner in respect of the carriage of passengers. He had also said at Amsterdam that the American Congress could not be expected to give up the present American control over passenger carriers sailing to and from American ports and carrying American passengers. Furthermore, he had said that the insurance scheme, if adopted, must give compensation commensurate with American standards, at least in respect of American citizens.

The proponents of the scheme were suggesting a death compensation of £250, which Mr. Jones stated was too small. Upon being pressed by various delegates to state what figure would be satisfactory to America, he had said that it was quite impossible to predict what figure would be necessary to meet the views of the American legislators.

He thereupon presented a resolution which he had prepared in conformity with the position previously taken by the Association and applicable to the proposals now being circulated in Great Britain and on the Continent. Upon motion duly made and seconded, it was resolved as follows:

WHEREAS the draft convention dealing with Compulsory Insurance of Passengers, discussed at the Amsterdam Conference of the Comité Maritime International, held August 1-4, 1927, contained a provision granting to ship-owners a complete exemption from liability for negligence causing injury or death of passengers "Provided that nothing in this convention shall relieve any person from the full responsibility for the result of his own wilful misconduct or deliberate negligence" (Antwerp Draft Section 5); and

WHEREAS an amendment was suggested at said Conference, granting to third parties complete immunity from liability; and

WHEREAS neither of the above provisions is in accord with the views of this Association, and this Association has not changed its views as expressed in its resolution adopted May 8, 1925; and

WHEREAS by resolution adopted at said Conference, the Drafting Committee was directed to prepare a Draft Convention covering the same subject for submission to the next conference of the Comité Maritime International, and

WHEREAS, the next conference may be held during the present summer,

Now, THEREFORE, be it resolved that it is the sense of this Association that no insurance scheme should be accepted by the United States of America (1) unless the award to injured persons or to dependents of decedents be adequate in amount to compensate such persons for their losses; (2) and unless some provision be inserted in the Convention reserving to the authorities of the United States of America a method of control over foreign carriage of passengers to or from American ports; and

BE IT FURTHER RESOLVED that it is the sense of this Association that the provision as contained in Article 5 of the Antwerp draft as submitted to the Amsterdam Conference, be disapproved, and that it is the sense of this Association that unless the shipowner has established the fact that he has used due diligence to make his ship in all respects seaworthy, and that he has properly manned, supplied and equipped her, such shipowner shall not be entitled to the exemption as contemplated in Article 5 of said Convention; and

BE IT FURTHER RESOLVED that this Association disapproves the suggested provision granting a general exemption from liability for personal injury or damage to third parties.

#### MEMBERSHIP.

Upon motion duly made and seconded, the following new members were elected:

- Ward R. Cunningham, c/o Chubb & Son, 5 South William Street, New York.
- George R. Farnum, c/o Department of Justice, Washington, D. C.
- Leslie M. Krusen, c/o Biddle, Paul, Dawson & Yocum, 505 Chestnut Street, Philadelphia, Pa.
- Gregory S. Rivkins, c/o Single & Single, 15 William Street, New York.
- Alonzo L. Tyler, c/o Single & Single, 15 William Street, New York.

## ELECTION OF OFFICERS.

The President appointed Messrs. Betts, Hickox and Prizer as a Nominating Committee, which after due deliberation brought in the following nominations:

President: Augustus N. Hand.

Secretary and Treasurer: Harold S. Deming.

Executive Committee:

Charles F. Dutch, Boston;

Stuart S. Janney, Baltimore;

Joseph W. Henderson, Philadelphia;

Wm. H. McGrann, New York;

Geo. C. Sprague, New York;

Earl Farwell, New York;

Arthur M. Boal, Washington;

E. Curtis Rouse, New York.

Upon motion duly made and seconded, the Secretary was instructed to cast one ballot for the officers so nominated, and they were declared elected.

## NEW BUSINESS.

*International Law Association—Warsaw 1928:*

The Secretary stated that the agenda of the Warsaw meeting did not include any matters as to which the Association desired to express itself; that Mr. Oscar L. Houston, a member of the Association, would attend in his capacity as Secretary of the American Branch of the International Law Association, and would be in a position to report in the fall what maritime matters might have been discussed. In view of the limited agenda, there did not appear to be any need of instructions to the delegate.

Upon motion duly made and seconded, the meeting thereupon adjourned.

HAROLD S. DEMING,  
Secretary.

## APPENDIX I.

### Annual Report of the Treasurer.

*To the Maritime Law Association of the United States:*

Balance on hand May 1, 1927..... \$1,913.31

#### *Receipts*

Dues: 1923.....	\$ 10.00		
1924.....	25.00		
1925.....	35.00		
1926.....	60.00		
1927.....	1,360.00	\$1,490.00	
Interest .....		43.31	
Dinner to Hon. Louis Franck.....		170.00	1,703.31
			\$3,616.62

#### *Disbursements*

Comité Maritime International.....	\$250.00		
American Maritime Cases.....	73.75		
Printing .....	726.65		
Addressing, Mailing and Postage.....	57.82		
Officers and Committees:			
Committee on Allocation of Damages	10.75		
Stenography and minor disbursements...	398.68		
Dinner to Hon. Louis Franck.....	209.34		1,726.99
			\$1,889.63
Balance on hand April 30, 1928.....			\$1,889.63

Back dues uncollected:

1923.....	\$ 5.00
1924.....	20.00
1925.....	55.00
1926.....	65.00
1927.....	300.00

(Note:—\$45 on 1927 has been collected since May 1st.)



## APPENDIX II.

### Annual Report of the Secretary.

*To the Members of the Maritime Law Association:*

Harold S. Deming, as Secretary, submits his report for the year ending April 30, 1928, as follows:

During the past year there have been two meetings of the Association and a special dinner meeting upon the occasion of the visit of the Hon. Louis Franck, President of the Comité Maritime International and Governor of the Bank of Belgium. Several Committees have also been active and delegates attended the meetings of the International Chamber of Commerce at Stockholm and the Comité Maritime International at Amsterdam.

The roll of members has been depleted by the deaths of three Judges—Hon. Arthur L. Brown, formerly United States District Judge in Rhode Island, Hon. Rhydon M. Call, active United States District Judge for the Northern District of Florida, and Hon. Le Baron B. Colt, formerly United States Circuit Judge, First Circuit. During the year also there occurred the deaths of Mr. J. P. Kirlin of New York City, one of the original members of the Association and, until his final illness began several years ago, the undisputed leader of the Admiralty Bar, and Mr. H. N. Townsend of New York, a managing partner of Willcox, Peck & Hughes and later of Johnson & Higgins.

The resignations of Messrs. W. R. Coe and H. H. Raymond, both of New York City, are noted.

Fourteen new associate members and 25 new active members have been elected to the Association. The Executive Committee has dropped seven members who have not responded to notices nor paid dues for a number of years past. The present membership is 345 active and 49 associate members, making a total of 394. The Association has considerably increased the already wide scope of its membership among attorneys practicing and judges sitting in admiralty in all parts of the United States.

The Association during the year has had active committees on the following subjects:

Arbitration Statutes;  
Uniform Ocean Bill of Lading (Hague Rules);  
Codification of Navigation Laws—Merchant Marine Code;  
Interest on Decrees in Admiralty.

The minutes of the meetings and the reports of the committees have been printed and circulated among the members and do not require further mention here.

Toward the close of the year the President appointed a special committee to keep in touch with the agenda of the International Shipping Conference which will meet at London in June, 1928, and subsequently appointed a special committee for the proposed revision of the Collision Regulations—International Rules of the Road at Sea—to keep in touch with the proposals which are expected to be made at London in June on this subject.

**MARITIME LAW ASSOCIATION OF THE UNITED STATES.**

DOCUMENT No. 143

**MINUTES OF THE ANNUAL MEETING OF THE  
MARITIME LAW ASSOCIATION HELD  
MAY 11, 1928.**

The Twenty-ninth Annual Meeting of the Maritime Law Association of the United States was held at the House of the Association of the Bar of the City of New York, 42 West 44th Street, New York, N. Y., on May 11, 1928, at 8 P. M.

Present at the meeting were:

The President, Hon. Augustus N. Hand, who presided; the Secretary, Harold S. Deming; and the following members:

Ray Rood Allen  
Frank A. Bernero  
George W. Betts, Jr.  
Allen B. A. Bradley  
Frederick W. Brune  
Charles C. Burlingham  
Ira A. Campbell  
Leo J. Curren  
William J. Dean  
Martin P. Detels  
Charles F. Dutch  
Morris Douw Ferris  
Frank J. Foley  
Ezra G. Benedict Fox  
John J. Gale  
Albert T. Gould  
Alexis T. Gresham  
John W. Griffin  
Farnham P. Griffiths  
Charles R. Hickox  
Robert E. Hill  
Roscoe H. Hupper  
Philip Jessup  
T. Catesby Jones  
Vernon S. Jones  
Arnold W. Knauth  
Henry H. Little

Mark W. Maclay, Jr.  
Leonard J. Matteson  
George V. A. McCloskey  
P. J. R. McEntegart  
William H. McGrann  
Louis Millsaps  
Russell T. Mount  
J. Newton Nash  
Emory H. Niles  
William J. Nunnally  
Miss Elizabeth Robinson  
W. M. L. Robinson  
H. H. Rumble  
James W. Ryan  
Gregory S. Rivkins  
Arthur J. Santry  
Carroll Single  
Paul Speer  
George C. Sprague  
J. Frank Staley  
Alonzo L. Tyler  
Eugene Underwood  
Carver W. Wolfe  
William H. Woolley  
Austin T. Wright  
Stanley R. Wright  
C. E. Wythe