

MARITIME LAW ASSOCIATION
of the
UNITED STATES

MINUTES OF SPECIAL MEETING HELD
OCTOBER 19, 1928

A special meeting of the Maritime Law Association of the United States was held, pursuant to call, at the House of the Association of the Bar of the City of New York at 42 West Forty-fourth Street, New York City, on Friday, October 19, 1928, at 8.30 P. M.

Present at the meeting were, the President, Hon. Augustus N. Hand, presiding, the Secretary, Harold S. Deming, and the following members:

Henry J. Bogatko	Arnold W. Knauth
Martin P. Detels	P. Kooiman
D. Roger Englar	Henry N. Longley
Earle Farwell	George V. A. McCloskey
Ezra G. Benedict Fox	P. J. R. McEntegart
John W. Griffin	Frank A. Paul
Charles W. Hagen	Herbert Prem
John K. Hartley	Willard M. L. Robinson
Oscar Houston	George C. Sprague
Roscoe H. Hupper	Charles A. Van Hagen, Jr.
T. Catesby Jones	William H. Woolley
Austin Tappan Wright	

The reading of the Minutes of the last meeting was omitted by unanimous consent, the same having been printed and distributed to all the members.

PROPOSED REVISION OF THE INTERNATIONAL COLLISION
REGULATIONS.

The first order of business was the consideration of the report of the Special Committee appointed in September by the President to consider the proposed recommendations as to changing the International Collision Regulations, to be proposed by the United States Delegation which will go to London in the Spring of 1929 to attend the International Conference on Safety of Life at Sea. The report of the Committee (Document No. 152) dated October 11, 1928, had been printed and sent to the members a few days in advance of the meeting. The outline of the various proposed changes had been sent to all our members in August, 1928 (Documents 148 and 149, and "Notes on the Rules of the Road").

Mr. John W. Griffin, Chairman of the Special Committee, stated that it had been reconstituted out of the membership of the Special Committee which considered the same subject in the Spring of 1928 under the chairmanship of Mr. Roscoe H. Hupper, who reported at the annual meeting in May. Mr. Griffin's Committee had held meetings in New York and had corresponded with persons interested in Boston, Philadelphia, Norfolk, New Orleans and San Francisco. Letters have been received from a considerable number of absent members of the Association on the Atlantic, Gulf and Pacific coasts of the United States, either expressing their concurrence in the proposed action or stating that they had no particular views to express in relation to the proposals. Substantially all of the members of the Association who practice actively in collision matters involving the International Rules had been heard from in one way or another.

In presenting the report, Document No. 152, Mr. Griffin amended the text in respect to the *Enactment Clause*. Mr. Stanley R. Wright had pointed out that the re-enactment of the International Rules at the present time, using the same Enactment Clause as the 1890 legislation, might be construed to repeal the Inland Rules, the Great Lakes Rules, the Western Rivers Rules and the Motor Boat and other special legislation which had been passed since 1890. The 1890 Enactment Clause had been intended to clear away all pre-existing legislation, and the use of the same clause in any future re-enactment might be held likewise to repeal all special rules now existing. It was not the intention of the Committee to do away with the Inland, Great Lakes, Western

Rivers and other special rules. The report therefore was presented with the statement that the Enacting Clause should specifically affirm the continued validity of the Inland and other special rules.

Mr. Hupper expressed the view that it was more desirable to preserve the existing special, Inland and other rules through a saving clause than to seek their re-enactment simultaneously with or subsequent to the re-enactment of any Revision of the International Rules.

This amendment to the report having been made, the same was received. There appeared to be little desire to discuss it, all the persons present having received copies and being in accord with the Committee's recommendations.

Upon the motion of Mr. T. Catesby Jones, seconded by Mr. Roscoe H. Hupper, the following resolution was unanimously adopted:

BE IT RESOLVED that the Maritime Law Association of the United States unanimously approves all of the recommendations made by its Committee appointed to consider certain proposed changes in the Rules for the Prevention of Collisions at Sea; and

BE IT FURTHER RESOLVED that the Secretary of this Association be, and he is hereby, directed to send a copy of the report of the said Committee, together with a copy of this Resolution, to the Department of Commerce, United States Shipping Board, the American Steamship Owners Association, The Board of Underwriters of New York and The Board of Underwriters of San Francisco.

The Report in its final form is distributed herewith as Document No. 153.

CODIFICATION OF MARITIME STATUTES—OMNIBUS AMENDING
BILL.

The Secretary presented the following letter from Mr. Emory H. Niles, Chairman of the Codification Committee, and presented a motion giving the original Committee authority suggested to consider and report on the Omnibus Amending Bill:

Baltimore, Md., October 18, 1928.

Honorable Augustus N. Hand, President,
Maritime Law Association,
United States Circuit Court of Appeals,
New York City.

RE: CODIFICATION COMMITTEE

My dear Judge Hand:

During the summer of 1926, Judge Hough appointed me Chairman of a Committee to examine the proposed Navigation Code then being prepared by Mr. Woodruff of the United States Shipping Board, in order to determine whether it was an accurate statement of the existing law. This Committee consisted of approximately twenty-four members scattered throughout the United States, and after some strenuous labor we reported to Judge Hough, on January 6, 1927, that in our opinion the Code as prepared by Mr. Woodruff was an accurate statement of the law, which report was adopted by the Association. The Code was introduced into Congress, but by reason of the passage of the United States Code, it was impossible for the Navigation Code to be passed.

Mr. Woodruff now informs me that he has prepared a new bill to amend certain parts of the Code, the amendments this time being matters of policy and not mere restatements of existing law. He is anxious to have the approval of our Association for the new bill.

I have suggested to him that this Association is not interested in advocating any changes of law of this character, but is interested in passing on the clearness and comprehensiveness of the statement of any such changes, and that I would be glad to suggest to you that the Committee of twenty-four appointed in 1926 be reconstituted for the purpose of examining the present bill.

Another Committee was appointed in the spring of 1928, of which Committee I was Chairman also; this Committee consisted of eight members scattered throughout the United States, but was rather of the nature of a political committee designed to urge the passage of the Code, which, however, we found impossible, owing to the fact that Congress was prevented by an early adjournment from even considering the proposed bill.

I believe that the Committee of 1926 was continued, and suggest that it now be given authority to pass on the new bill as prepared by Mr. Woodruff solely in respect to the matters above mentioned.

I am attaching hereto a list of the members of the Committee for your information.

Very truly yours,

EMORY H. NILES.

COMMITTEE ON CODIFICATION OF NAVIGATION LAWS APPOINTED
DECEMBER, 1926.

Chairman: EMORY H. NILES,
Niles, Barton, Morrow & Yost,
1606 Munsey Building,
Baltimore, Maryland.

- Chapter 1—Documented and Recorded Vessels:
Addison C. Burnham and Albert T. Gould,
Blodgett, Jones, Burnham & Bingham,
1 Federal Street,
Boston Massachusetts.
- Chapter 2—Admeasurement of Vessels:
Henry H. Little,
Hughes, Little & Seawell,
Law Building,
Norfolk, Virginia.
- Chapter 3—Marine Inspection Service:
Samuel C. Coleman,
Office of U. S. Attorney,
Federal Building,
New York, New York.
- Chapter 4—Officers and Pilots of Merchant Vessels:
John W. Crandall,
Hunt, Hill & Betts,
120 Broadway,
New York, New York.
- Chapter 5—Shipping, Rating, Wages and Discharge of Seamen:
Robert W. Williams,
Janney, Ober, Slingluff & Williams,
Title Building,
Baltimore, Maryland.

- Chapter 6—Protection and Relief of Seamen, Etc.:
George C. Sprague,
Hunt, Hill & Betts,
120 Broadway,
New York, New York.
- Chapter 7—Offenses By and Against Seamen:
Earl Farwell,
Barry, Wainwright, Thatcher & Symmers,
59 Wall Street,
New York, New York.
- Chapter 8—Entry and Unlading of Vessels, Etc.:
Leo J. Curren,
29 Broadway,
New York, New York.
- Chapter 9—Clearance of Vessels:
Wharton Poor,
Haight, Smith, Griffin & Deming,
27 William Street,
New York, New York.
- Chapter 10—Customs Officers:
Dallas S. Townsend,
59 Wall Street,
New York, New York.
- Chapter 11—Restrictions Upon Coastwise Trade:
Ray R. Allen,
Burlingham, Veeder, Masten & Fearey,
27 William Street,
New York, New York.
- Chapter 12—Fish and Fisheries:
W. C. Bristol,
504 Wilcox Building,
Portland, Oregon.
- Chapter 13—Aids and Obstructions to Navigation, Including
Coast Guard, Radio, Etc.:
C. E. Wythe,
45 Broadway,
New York, New York.
- Chapter 14—Passengers and Immigration:
George De Forest Lord,
Lord, Day & Lord,
25 Broadway,
New York, New York.

- Chapter 15—Classes of Cargo:
L. De Grove Potter,
Kirlin, Woolsey, Campbell, Hickox & Keating,
27 William Street,
New York, New York.
- Chapter 16—Consular Service:
Joseph M. Rault,
Terriberry, Young, Rault & Carroll,
Maritime Building,
New Orleans, Louisiana.
- Chapter 17—Public Health and Quarantine:
James A. Hatch,
Hatch & Wolfe,
27 William Street,
New York, New York.
- Chapter 18—Tonnage Dues and Taxes, Etc.:
Golden W. Bell,
Bell & Simmons,
Alaska Commercial Building,
San Francisco, California.
- Chapter 19—Marine Postal Service:
Frank A. Bernero,
Rumsey & Morgan,
44 Wall Street,
New York, New York.
- Chapter 20—Collision of Vessels:
Chauncey L. Clark,
Burlingham, Veeder, Masten & Fearey,
27 William Street,
New York, New York.
- Chapter 21—Rights, Immunities and Liabilities of Shipowners
and Carriers and Enforcement:
George V. A. McCloskey,
House, Holthusen & McCloskey,
120 Broadway,
New York, New York.
- Chapter 22—Sales, Charters and Mortgages of Vessels:
John H. Skeen,
Emory, Beuwkes & Skeen,
Citizens National Bank Bldg.,
Baltimore, Maryland.
- Chapter 23—United States Shipping Board:
Ralph B. Romaine,
27 William Street,
New York, New York.

Mr. Farwell, a member of the Codification Committee, pointed out that the Omnibus Amending Bill, in Section 1008-A, proposes to extend Admiralty jurisdiction to damage done by vessels but consummated on land. Such a change would extend Admiralty jurisdiction in the United States but would fall short of the Admiralty jurisdiction as now known in England and Mr. Farwell felt that the Association should do its utmost to secure an enlargement of the proposed amendment to make the American Admiralty jurisdiction substantially equivalent to that in England. Mr. Farwell expressed himself as very much in favor of such an extension of the American Admiralty jurisdiction, but pointed out that if the Committee, whose members are scattered all around the coasts of the United States, works on the Omnibus Amending Bill as it did on the Codification Bill, each chapter would come before one man, who would report directly to the Chairman, and consequently the Committee as a whole, if the previous method of operations were followed again, would not have an opportunity to consider the proposed extension of Admiralty jurisdiction. While most of the amendments are of a comparatively trifling and routine character, such as the extension of all steamship rules to include motor vessels, there are undoubtedly a number of proposed amendments which are of wider scope and character.

Mr. Farwell therefore suggested that the proposed amendment of Section 1008-A should be referred to a Special Committee which could hold meetings and bring in a special report.

Mr. McCloskey stated that he also favored the proposed extension of Admiralty jurisdiction, but felt that the amendment should not be handled by means of a Special Committee, because the chances of extending jurisdiction by taking in first only collision cases and then allowing a larger sphere to work itself out were much better than attempting to drive at once for the widest extension desired.

Several members expressed themselves as opposed to independent committees on certain amendments working simultaneously with the General Committee, and it was the sense of the meeting that the Codification Committee, in working on the Omnibus Bill, might appoint sub-committees within or outside of its membership, to report on certain of the more important amendments, and also that the Codification Committee should hold Committee Meetings in this new phase of its work. While

some of its members are located in distant places, a majority of the Committee could certainly attend meetings held at convenient places in the eastern United States.

The resolution authorizing the Codification Committee to consider the Omnibus Amending Bill and report thereon was accordingly put and unanimously adopted.

NEW MEMBERS.

Upon the proposal of Mr. Stanley R. Wright, the following were elected to active membership:

Norman M. Barron,
Burton H. White,
Adrian J. O'Kane.

There being no further business to come before the meeting, the same was adjourned to meet again upon the call of the Chair.

HAROLD S. DEMING,
Secretary.