DOCUMENT No. 158

MARITIME LAW ASSOCIATION

Mid-Winter Meeting—January 17, 1930.

The usual mid-winter meeting of the Association was held at the House of the Association of the Bar, 42 West 44th Street, New York City, on Friday, January 17, 1930, at 8 P. M.

There were present the President, Hon. Augustus N. Hand, who presided; Arnold W. Knauth, who, in the absence of the Secretary, kept the minutes of the meeting, and the following fifty-six members:

Geo. E. Beechwood
George Whitefield Betts, Jr.
Harold T. Birnbaum
A. M. Boal
Henry J. Bogatko
George S. Brengle
Ira A. Campbell
Frederic Conger
John W. Crandall
William J. Dean
Martin Detels
Gerald E. Dwyer
D. Roger Englar
Earle Farwell
Morris Douw Ferris
Ezra G. Benedict Fox
Albert T. Gould
Chas. W. Harvey
Charles R. Hickox
Robert E. Hill
T. Catesby Jones
P. J. Kooiman
Leslie C. Krusen
Paul H. Lacques
Henry H. Little
Howard M. Long
John A. Lyon
L. J. Matteson
George V. A. McCloskey
P. J. R. McEntegart
R. T. Mount
Edwin S. Murphy
J. Newton Nash
Emory H. Niles
W. J. Nunnally, Jr.
Henry E. Otto
Courtland Palmer
Edward F. Platow
F. Herbert Prem
Charles F. Quantrell
Edward A. Quinlan
Francis V. Reed
Gregory S. Rivkins
James N. Senecal
Roger B. Siddall
Carroll Single
G. Noyes Slayton
Paul Speer
George C. Sprague
J. Frank Staley
Eugene Underwood
Charles A. Van Hagen, Jr.
James M. West III
Robert W. Williams
William H. Woolley
Charles E. Wythe

The minutes of the last previous meeting having been printed and distributed, the reading of the minutes was, on motion, dispensed with.

JURISDICTION AND PENAL SANCTIONS IN THE EVENT OF COLLISION ON THE HIGH SEAS:

The Secretary stated that the Committee, consisting of Messrs. Griffin, Clark and McGrann, had met and commenced to frame a report upon the proposed discussion of this new subject by the International Maritime Committee at Antwerp in August, 1930; but desired more time.

CODE OF AFFREIGHTMENT:

Mr. Dean, chairman of the committee on the proposed discussion of an International Code of Affreightment by the International Maritime Committee at Antwerp in August, 1930, presented a preliminary report, which was received and placed on file. The report is printed herein at page 1691. There was no discussion.

LOAD LINE LEGISLATION:

The Secretary read a letter from the Honorable A. J. Tyrer, Commissioner of Navigation, stating the present position of load line legislation and regulations, both in respect of foreign commerce and of coastwise and Great Lakes shipping. The letter is printed herewith at page   . The President stated that he had not appointed any committee on this subject and did not feel that it called for any action on the part of the Association, since neither the Load Line Act for Foreign Commerce of March 2, 1929, nor the newly suggested Load Line Bill for Coastwise and Great Lakes Shipping presented any peculiar legal question. There was no discussion.

(NOTE: See Secretary's announcement at page 1700.)

Proportional Collision Liability:

The President stated that Mr. John Nicolson, a member of the Shipping Board's legal staff in Washington, had within the last three days sent to many members of the Association a letter, together with a tentative draft of a bill embodying in the main the provisions of the Maritime Convention of 1910 with respect to allocation of collision damages. The letter expressed "the hope that comments or suggestions will be freely submitted by them as soon as possible" to Mr. Nicolson.

A member had asked Mr. Nicolson for a statement of the outcome of a poll of United States Judges recently taken by the Shipping Board on various proposed reforms in the law, including this one, and Mr. Nicolson had replied that he regretted that the way was not clear to comply with the request.

Mr. Hickox moved the appointment of a committee to watch legislation on this subject in Washington in the event of a bill being introduced into Congress in February, and to report as the committee should see fit at the May meeting. The subject was controversial; the Association had reversed its attitude once, and it would be well to have a new committee. Mr. Betts seconded Mr. Hickox's motion, and, on a vote being taken, the ayes and noes appeared equally divided.

Mr. Jones proposed further discussion. He stated that the Association has acted, has had a committee report and has taken a vote, which was adverse to the proposed bill. He thought Mr. Hickox's motion ignored the previous action and thought it improper to appoint a committee except to deal with the matter in accordance with the Association's views as already expressed. He opposed reopening the existing record.

Mr. Hickox remarked that we had gone on record twice—in 1922 and 1927—and thought that on a fresh examination we might either reverse our last attitude or adhere to it. He would not ignore our previous actions but follow the present progress of the matter.

Mr. Jones said he would not object to the motion if the committee were instructed to follow our resolution of 1927.

Mr. Betts favored a committee to keep track of the situation and, when any bill should be introduced, to consider it at a special meeting and perhaps have a vote.

Mr. Little suggested that the Secretary inform Mr. Nicolson of the Association's resolution in 1927, after which the matter might be followed up with a committee.

Mr. Beechwood expressed the view that the appointment of a committee should not be capable of being regarded as even a tacit approval of the principle expressed by the bill.

After some discussion, participated in by Mr. Hickox, Mr. McCloskey and Mr. Campbell, who objected in general to considering this matter on snap notice (it not having been mentioned in the call for the meeting), Mr. Jones moved an amendment to Mr. Hickox's motion: That the Secretary be instructed to inform Mr. Nicolson and the Shipping Board and, if the matter went so far, the appropriate Committees of Congress, of all the previous steps taken by the Association in regard to this matter, with the exact state of the record.

The Chair thereupon put Mr. Hickox's motion with Mr. Jones' amendment. The ayes and noes being apparently equally divided, a rising vote was taken with the following result:

Ayes	18
Noes	23
Not voting...........	17
Present	58

Mr. Hickox's motion being declared lost, Mr. Long thereupon moved that the Secretary inform Mr. Nicolson of the action taken at this meeting, and the motion was carried.

(NOTE: The Secretary's letter is printed herewith at page 1699.)

VESTRIS:

The President stated that Senator Wagner, of New York, had given a long interview to the press, published in the *New York Times* of the preceding Sunday, January 12th, making fundamental criticisms of the limitation of liability law. Senator Wagner had spoken in the same vein on a number of occasions since the *Vestris* accident and it was evident that he was very earnest on the subject. The President stated that he would not wish personally to appoint a committee on this subject, since the case may come into Court in the future, and suggested that the Executive Committee or the meeting might appoint a committee to watch the situation. Proceedings are pending in the United States and in England and he felt that the Association should inform itself.

Mr. Campbell objected to consideration of the matter without notice, whereupon the President pointed out that Mr. Betts had raised the subject at our last meeting. After some discussion, participated in by Mr. Campbell, Mr. Englar and Mr. McCloskey, the matter was laid aside, but at the conclusion of the meeting Mr. Englar brought it forward again, stating that the question of limitation of liability was peculiarly one of maritime law, that it is actively present in the public mind, and that the Association should be in a position to deal with it in a dignified and effective way. Personally he would not be prepared to agree to any change in the existing law, unless, after very careful consideration, he were satisfied that the change was clearly necessary and desirable. He moved that the Executive Committee appoint a committee of three to study the situation and, if need be, to ask the Chair to call a special meeting. He accepted an amendment from Mr. Jones that the committee be limited to study of the limitation situation only and be instructed not to commit the Association in any way and to report to the next meeting, if a special meeting had not been previously held. The motion was seconded and carried without dissent. The Executive Committee subsequently appointed the following committee: D. Roger Englar, Roscoe H. Hupper, Ira A. Campbell.

MERCHANT SHIPPING CODE:

Mr. Niles stated that Senator Jones, Chairman of the Senate Committee on Marine and Fisheries, has introduced the Woodruff Code as a bill into the present Congress as Senate Bill No. 1272. The bill has been printed but with only a limited number of copies.

The Omnibus Amending Bill has not been introduced into Congress and has not been printed as a bill.

It is understood that Senator Jones will soon retire as Chairman of this Committee and will be succeeded by Senator Hiram Johnson, of California.

The Shipping Board, since Mr. Woodruff's death in January, 1929, has exerted no pressure in favor of the Code and its plans for the Amending Bill are not known.

Mr. Siddall asked if any steps had been taken to work the Merchant Shipping Code into the United States Code. Mr. Niles answered that this had not been done. Mr. Woodruff had attempted in 1928 to secure co-operation for this purpose from the editors of the United States Code but without success. The difference between the two Codes is that the United States Code is merely a reprint, while the Merchant Shipping Code is a revision and a rephrasing.

EXTENSION OF ADMIRALTY JURISDICTION TO LAND STRUCTURES:

In the absence of Mr. Hupper, Chairman of this Committee, Mr. Jones read his report, which is printed herewith at page 1692. There was no discussion and the Committee was continued. Mr. Jones stated that in his capacity as Chairman of the American Bar Association Committee on Admiralty and Maritime Law he had arranged with Mr. Rush Butler, Chairman of the American Bar Association Committee on Commerce, to appear at a hearing on April 10th at the Chamber of Commerce, New York City. He understood that political bodies favored the extension of admiralty jurisdiction to land structures and that the attitude of commercial bodies was unknown.

Arbitration:

Mr. Jones, as Chairman of the Committee, succeeding Judge Woolsey, read a report which is printed herewith at page . Discussing the matter further, Mr. Jones said that it was necessary to obtain the active co-operation of other Associations interested in the subject of arbitration if this Association hoped to secure a modification of the present law. Mr. Jones requested the members of the Association to consider the topics which he had discussed with the representatives of the American Arbitration Association and to submit to him such suggestions as they cared to make.

Nominating Committee:

The President warned the members of his desire to retire as President. After discussion by Mr. Hickox and Mr. Jones, it was moved, seconded and voted that the Chair appoint a committee of three on nominations, with instructions to submit the nominations to the members with the notice for the annual meeting to be held on May 2, 1930. The Chair thereupon appointed the following committee: Charles S. Haight, D. Roger Englar, Roscoe H. Hupper.

International Maritime Committee Antwerp Meeting 1930:

Mr. Jones inquired what the agenda of the meeting would be, and the Secretary read the Comité's Bulletin No. 71 dated June 29, 1929, which is the only notice received to date. The Secretary was thereupon instructed to address an inquiry to the Secretary General in Antwerp, asking for all possible further information about the subjects to be discussed at the meeting at as early a date as possible.

(Note: See Secretary's notice at page 1700.)

Convention on Safety of Life at Sea 1929:

The President stated that, so far as he had been advised, no legislation had as yet been introduced into Congress for the ratification of the convention.

ELECTION OF NEW MEMBERS:

The following new members were proposed and duly elected:

Name	*Address*	*Proposed by*
Geo. E. Beechwood	Packard Building, Philadelphia, Pa.	T. Catesby Jones
James M. West III	505 Chestnut Street, Philadelphia, Pa.	Leslie C. Krusen
Henry W. Dieck, Jr.	27 William Street, New York, N. Y.	R. T. Mount
E. W. Murray	44 Beaver Street, New York, N. Y.	Martin Detels
Edward F. Platow	60 Broad Street, New York, N. Y.	Edward A. Quinlan
John A. Lyon	60 Broad Street, New York, N. Y.	Edward A. Quinlan
Henry E. Otto	60 Broad Street, New York, N. Y.	Edward A. Quinlan
John M. Aherne	64 Wall Street, New York, N. Y.	D. Roger Englar
Bertram E. Driscoll	64 Wall Street, New York, N. Y.	D. Roger Englar
Gerald E. Dwyer	64 Wall Street, New York, N. Y.	D. Roger Englar
Francis V. Reed	64 Wall Street, New York, N. Y.	D. Roger Englar

The meeting thereupon adjourned.

ARNOLD W. KNAUTH,
Secretary of the Meeting.

Next regular meeting: Annual meeting at the Bar Association, New York City, Friday, May 2, 1930.

CODE OF AFFREIGHTMENT.

Proposed Discussion of International Code of Affreightment by the International Maritime Committee at Antwerp in August, 1930.

Preliminary Report of Committee.

Honorable Augustus N. Hand,
President of the Maritime Law Association
of the United States.

In accordance with your request, your committee submits the following preliminary report concerning the fourth item on the agenda for the International Maritime Committee Conference which is to be held at Antwerp next August. This item is as follows:

> "Questions relating to Affreightment which appear capable of being solved internationally."

In the printed announcement of the agenda it is stated that the documents and questionnaires in preparation for this conference will be forwarded in due course, but they have not yet been received here. At present your committee is without information as to how the subject is to be dealt with—whether specific questions are to be announced in advance of the conference or the purpose is to formulate questions at the conference. The general subject has engaged the attention of the International Maritime Committee since 1905.

In 1925 this Association had under consideration an International Code of Affreightment which included the carrier's obligation in regard to seaworthiness, the shipowner's responsibility to holders of bills of lading and to sub-charterers, letters of guarantee, through bills of lading, distance freight, liens on goods and their priorities, and conflicts of law relating to contracts of carriage. At the meeting of May 8, 1925, this Association accepted the report of Honorable Van Vechten Veeder expressing

the view that a general code of such scope, if desirable, was wholly impracticable and that international uniformity of law could be attained only by directing attention from time to time to particular subjects which admit of special treatment, the Hague Rules affording a practical example.

Your committee adheres to this policy, which it believes is in line with the modern method of approaching the codification of international law. It may well be that the International Maritime Committee intends to approach the questions relating to affreightment in this manner.

Your committee will not be able to submit its final report until after the documents and questionnaires have been received and examined.

WILLIAM J. DEAN,
ROGER B. SIDDALL,
Committee.

January 17, 1930.

EXTENSION OF ADMIRALTY JURISDICTION TO LAND STRUCTURES.

PRELIMINARY REPORT OF COMMITTEE.

Your Committee considers that at this time it should make only a preliminary report for the reason that the subject matter before it is now before the Committee on Admiralty and Maritime Law of the American Bar Association, which jointly with the Committee on Commerce of that Association intends to hold hearings on the matter at the Chamber of Commerce, New York City, April 10, 1930. It is considered desirable that members of your Committee should attend those hearings, which are expected to develop considerable information bearing on both the practical and legal phases of the subject. This subject has engaged the

attention of many of the port authorities in this country, as well as of lawyers, for many years, and the setting of hearings in April next has resulted largely from the interest evinced by the Association of Port Authorities. Inasmuch as there have been many instances of damage to piers and other waterfront property for which there could be no recovery under the present state of the law (because of defense of compulsory pilotage *in personam* and lack of jurisdiction *in rem*), the question is one of great importance in a financial way, and it is not unreasonable to expect that the hearings will develop views of more than academic interest.

Your Committee hopes to avail of the benefits resulting from these hearings when making final report.

Meanwhile your Committee states that it favors the extension of admiralty jurisdiction to cover damage caused to land structures by vessels, and considers that such extension may fairly be sought under the Commerce Clause, as well as the Judicial Power Clause, of the Federal Constitution. It is by no means certain that the extension would be constitutional, but the effort is worth making. The present unsatisfactory state of the law is reflected in many decisions which are collected at pages 23-24 of *Cases on Admiralty* by LORD and SPRAGUE, 1926. It will serve no purpose now to discuss the authorities at length, but the governing principles are stated in *The Lottawanna,* 21 Wall. 558, 574, et seq.; *Butler* v. *Boston S. S. Co.,* 130 U. S. 527, 555, et seq. A recent decision of the Supreme Court denying jurisdiction is *The Panoil,* 266 U. S. 433; 1925 A. M. C. 181.

Respectfully submitted,

ROSCOE H. HUPPER,
GEORGE DE FOREST LORD,
Of Committee.

Dated, January 17, 1930.

ARBITRATION.

Committee Report.

The Chairman of your Committee since the last meeting has been in correspondence with Mr. Kenneth Dayton of the firm of Messrs. Cohen, Gutman & Richter, who have been advising with the American Arbitration Association respecting the drafting of various arbitration acts which have been adopted by the various states as well as by the United States. This Association is in contact with numerous Chambers of Commerce all over the United States, and is in position to express the views entertained by commercial men generally respecting arbitration. For this reason, your Committee felt that it would be unwise to propose any amendments to the present Arbitration Act without the full concurrence of the American Arbitration Association.

As a result of my conference with Mr. Dayton, I find him willing to agree to the following proposals:

1. Section 1 is to be amended so as to broaden the definitions to include the entire field of admiralty and interstate commerce, and unless objection appear upon further study, to include other branches of the law over which the constitution gives the federal government control.

2. The act will be so phrased as to indicate clearly that the provisions for enforcement of the agreement and the award rest equally upon the power of the United States to prescribe procedure for the federal courts, i. e., that whenever a controversy can be brought into the federal courts on whatever ground, such as diversity of citizenship, an arbitration agreement applicable to that controversy shall be enforceable, whether or not it is within the definitions of Section 1.

3. The act is so to be amended that a motion may be made to confirm an award and judgment may be entered even if the parties have not agreed specifically for the

entry of judgment. The present requirement is a survival from the old New York form, is omitted from all the modern state statutes, and seems entirely obsolete.

4. Section 4 should be amended to provide for the enforcement of the arbitration agreement as made, subject to a certain exercise of discretion by the court as to the place where the arbitration hearings are to be held. The present proviso in Section 4 limiting the proceedings to the district where the proceeding to enforce the agreement is brought has a perfectly justifiable purpose and yet is unreasonable. Wherever a term in an agreement calling for arbitration outside the defendant's district is in fact unreasonable or unnecessary, the court should have authority to condition the direction of arbitration upon holding the hearings in the defendant's district. But where parties, dealing upon an equal footing, have deliberately and intentionally agreed for arbitration at a particular place, and where there is no sound reason for disregarding that term of the agreement, it should be enforced. This is even more true, of course, if the merchandise, or the ship, or witnesses, or some other element is so located that there is a particular reason for holding the arbitration at the place agreed upon. Nor should the fact that a United States citizen has agreed to submit to arbitration in a foreign country alter the situation so long as it was a reasonable provision deliberately entered into. If we expect foreigners to perform their undertaking to arbitrate here we must require our own citizens to perform their correlative obligations.

5. Consideration should be given to the desirability of removing the $3,000 limitation in the case of arbitration coming into the federal courts on the basis of diversity of citizenship. If experience indicates that the increase in the number of such proceedings coming before the federal courts will not seriously burden the courts (since these applications are heard as motions and involve at the most a summary and limited trial), then there is no reason

why the man with a claim of less than $3,000 should forfeit the aid of the arbitration act. This is of some importance because arbitration is peculiarly suitable in the disposition of small claims.

6. The act is so to be amended that parties, by appropriate agreement, may reserve issues of law for the consideration of the court, or may require a summary review by the court of the award of the arbitrators on issues of law and a modification of the award in the light of any modification or reversal by the court. In other words, the purpose of the amendment would be to permit the parties, by proper agreement, to follow substantially the English system, but we might be able to simplify the phraseology of the amendment or the procedure itself. The award would still be conclusive on issues of fact, and it is my understanding that this power of review and modification by the courts would also take care of the question which you raised as to the present power of arbitrators to award relief which is equitable in its nature.

7. Some minor changes in the language should be made in Section 13 to remove provisions which were appropriate in the New York statute prior to 1920, but are inappropriate in the United States act.

8. Consideration should be given to an amendment to forestall such a decision as that rendered by the New York courts in *Matter of Bullard* v. *Grace Co.*, 240 N. Y. 388. This case held in substance that where one party to an arbitration agreement neglected or refused to proceed, the other must resort to court and secure an order directing arbitration even though the agreement itself established machinery for the arbitration which would function without the participation of the recalcitrant party. It is quite evident that a party must have his day in court to be heard on the question, whether he made an agreement for arbitration, was guilty of a default, etc. It is equally evident that in the operation of the New York law the requirement that such an order be secured has

been the subject of serious abuse by parties who have no real defense to the proceeding but seek advantage of every technicality and opportunity for delay. Accordingly, there seems no good reason why a party should be forced into a court proceeding when his co-party appears to have agreed for arbitration before an existing arbitral tribunal or before arbitrators so to be selected that the participation of the recalcitrant is not necessary. All that is needed is to give the recalcitrant a right to be heard at some point.

9. Consideration should be given to another amendment to forestall another line of New York decisions, which classifies such agreements as the following as agreements for appraisals or valuations and not for arbitration: agreements for the determination of value or loss under insurance policies; of value and rentals in renewals of leases, etc.; of construction of terms, satisfactory performance, and payment in construction contracts. Whatever distinctions there may be in practice between a hearing of these disputes and others which are considered as arbitrations, it is regrettable that there should not be available a summary and convenient machinery for the enforcement of such agreements.

I pointed out to Mr. Dayton that in so far as Paragraphs 4 and 6 were concerned, it would be necessary to limit somewhat the proposal, with a view to avoiding the possibility of raising any question as to whether or not the Arbitration Act would give a *foreign* Board of Arbitration the power to finally decide issues involving the validity of any provision in a contract in which an American citizen might be interested, and thus deprive such citizen of his right to raise that issue in our courts. Unless such a precaution is taken, I fear that the Harter Act and perhaps other Acts of Congress might thus be rendered inoperative. I suggested to him that if such a construction could be placed on the Arbitration Statute, there was a distinct possibility that the

Statute might be declared to be unconstitutional, as it would then deprive United States courts of the jurisdiction granted under the Admiralty and Maritime Clause of the Constitution.

I hope the Association will consider the proposals mentioned above, and if any of these proposals run counter to the views of any member of the Association, the Committee would appreciate a communication from any member of the Association setting forth his views fully on the subject. It is realized that there is no hope of securing legislation relative to this subject unless we not only are unanimous ourselves as to what is desired, but that we also conform to the views of other persons who are interested in securing a wider use of arbitration as a method of settling disputes. The opinion of your Committee has always been that in so far as Admiralty and Maritime affairs are concerned, it would be quite necessary to provide for court review of the arbitrators' award on the questions of law. Our reason for entertaining this opinion is that most of the Admiralty contracts are entered into on printed forms, and unless some method of court review is provided, there will be no means of bringing about uniformity of construction of such contracts.

Respectfully submitted,

T. CATESBY JONES,
Chairman, Arbitration Committee.

COLLISION LIABILITY.

At the request of several members, the President will include in the notice of the May meeting a warning that the question of the members' preference between the present half-damage rule and the proposed proportional liability rule of the 1910 Convention will be discussed and, if desired, brought to a vote at that time.

In the meantime, the Secretary has sent the following letter:

January 29, 1930.

John Nicholson, Esq.,
Counsel to Committee on Legislation,
U. S. Shipping Board,
Washington, D. C.

Re: PROPOSED LEGISLATION RELATION TO DAMAGES FROM COLLISIONS AT SEA.

Dear Sir:

Your undated letter to members of the Maritime Law Association of the United States, which was received by many members on or about January 15, 1930, with a tentative draft of a proposed bill annexed, was discussed, without previous notice that the subject would be considered, at the mid-winter meeting of the Association held in New York on January 17, 1930, and the President of the Association, at the request of members, will put this subject on the agenda of the next meeting, which in ordinary course will be the annual meeting to be held on May 2, 1930.

Faithfully yours,

HAROLD S. DEMING,
Secretary.

SECRETARY'S NOTICES.

Load Lines on Merchant Ships.

The attention of members is called to the Report of the Load Line Committee, 1927-1929, appointed by the President of the British Board of Trade to advise on load lines of merchant ships and especially load lines for steamers carrying timber deck cargoes and for tankers. The report is dated August 13, 1929, and is published by His Majesty's Stationery Office, Adastral House, Kingsway, London W. C. 2, and the price is two shillings net.

This report recommends changes in the present British rules for the assignment of load lines for merchant ships; the repeal of the Merchant Ship Act 1906, Section 10, with fresh legislation as to timber deck cargoes; a special freeboard table for tank steamers to be drawn up by international agreement; and changes in the definitions for seasonal load lines.

International Maritime Committee Antwerp Meeting, August 1-5, 1930.

The Secretary has received from the General Secretary at Antwerp a further notice of the coming meeting, being Bulletin No. 72, dated December 31, 1929, with the following text:

The Antwerp Conference, which is to be held from 1st to the 5th August 1930, will have to discuss the following matters:

1. *The putting into operation of the Brussels International Conventions of 1924 and 1926.*
2. *Compulsory Insurance of Passengers.*
3. *Jurisdiction of Courts and penal sanctions in cases of collision on the high seas, involving loss of life or personal injury.*
4. *Advice on further subjects to be dealt with by the International Maritime Committee.*

These various matters require some detailed explanations which we beg to lay before our national Associations and Committees.

1. *Putting into operation the Brussels Conventions of 1924 and 1926.*

We kindly request the national Associations and Committees to let us have a report with information as to the legislative steps taken in their respective countries with a view to putting into operation the Brussels International Conventions of 1924 and 1926.

The Brussels International Conventions of 1924 and 1926 are the following:

1. For the unification of certain Rules as to Bills of Lading (Hague Rules), 1924.
2. For the unification of certain Rules relating to Maritime Liens and Maritime Mortgages, 1924, amended 1926.
3. Rules relating to Limitation of Liability of Owners of Sea-going Vessels, 1924.
4. Rules relating to Immunity of State-owned Ships, 1926.

We would like to have a copy of any legislative enactments passed on the subject, if possible translated either into English, French or German.

If such legislative action has not yet been taken, we kindly request you to state what preparatory work has been going on, or what obstacles have impeded the measures necessary to give the force of law to the said conventions.

We again beg emphatically that your Association should from now on till August, 1930, renew its endeavours, so as to be able to bring to the Antwerp Conference positive results.

In the States where appropriate legislative measures have been enacted, complaints arise as to the delays experienced in other countries. Such criticisms and delays are detrimental to the work of the Comité.

2. *Compulsory Insurance of Passengers.*

A very complete report, prepared by Sir Norman Hill, has been forwarded to you in our Bulletin Nr. 86.

We kindly request the national Associations and Committees to send us a report comprising the observations which that scheme and its schedules suggest to your Association, and your views as

to the chances of securing the adoption of the solution suggested. We would be very thankful if you could let us have that report as soon as possible.

3. *Jurisdiction and penal sanctions in cases of collision on the high seas involving loss of life or personal injury.*

The following questions appear to us to summarize the essential data of the problem:

1. What does your law provide as to punishment and jurisdiction when a collision on the high seas involves loss of life or personal injury?

Are there any sanctions provided by penal law? Have the national Courts jurisdiction in such matters, and under what conditions? More especially:

a) have they power to punish such offences when committed by a national subject, and when the person injured is a foreigner?
b) when the offences are committed by a foreigner and the sufferer is a national subject?

2. *Reforms towards unification to be introduced.*

What solutions of an international character do you suggest? Especially:

a) Should penal sanctions be provided for a collision involving loss of life or personal injury on the high seas?
b) Should punishment of such offences be ensured whatever be the nationality of the offenders or sufferers; if some distinctions ought to be made, what should they be?
c) To which Courts should jurisdiction be granted for punishing such offences?
d) Should such jurisdiction be confined to the Courts of the locality of which the ship is flying the flag, or to the Courts of the country to which the offender is amenable?

   In this latter case, shall such jurisdiction be determined by the domicile or by the nationality of the offender?

The national Associations and Committees are requested to send us in due course a report on these questions.

4. *Advice on further subject matters to be dealt with by the International Maritime Committee.*

We should feel obliged if our national Associations and Committees would suggest what are, in their opinion, the new subjects to which we might devote our labours in the future.

It appears to us that a general exchange of views on this matter would be of great interest and could serve as a guide to the Permanent Bureau in elaborating the agenda papers of our future conferences.