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THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

Report and Recommendation of Committee on Aviation

THE LEGAL RELATION BETWEEN AVIATION AND ADMIRALTY

THE LEGAL HISTORY OF AVIATION

Wartime experience led to the general adoption of the principle of national sovereignty of the airspace. By the express terms of the International Convention Relating to the Regulation of Aerial Navigation, adopted at Paris, 1919,[1] and the Commercial Aviation Convention, adopted at Havana, 1928,[2] "every power has complete and exclusive sovereignty over the airspace above its territory and territorial waters." Although the United States has not ratified either convention, it has expressly adopted the principle of national sovereignty in the Act of Congress known as the Air Commerce Act of 1926.[3] As applied to our constitutional system this means that the airspace above the region which is susceptible of useful occupation by the owner of the land beneath is within the dominion of the states, subject to rights granted to and exercised by the

[1] Article 1. Printed in Hotchkiss' Aviation Law, p. 103.

[2] Article 1. Printed in Hotchkiss' Aviation Law, p. 173.

[3] Section 6 (a), Act of May 20, 1926, Ch. 344, 44 Stat. 568; 49 Mason's U. S. Code, 176. Printed in U. S. Aviation Reports, 1928, p. 333.

federal government.[4] Both Congress and the state legislatures have asserted a public right of freedom of navigation by aircraft in the airspace above the prescribed minimum safe altitudes of flight, which is superior to the right of the owner of the subjacent land to use such airspace for conflicting purposes. This public right of freedom of navigation is analogous to the easement of public right of navigation on the navigable waters. The theory of this legislation is that the federal government may assert under the commerce clause a public right of navigation in the navigable airspace, regardless of the ownership of the land below and regardless of any question of ownership of the air or airspace itself.

Uniformity is of such obvious importance in any consideration of the regulation of air navigation that attention was naturally directed to the possibility of federal control. One of the earliest suggestions was that the admiralty and maritime jurisdiction offered the broadest basis for solving the problems of aviation. Whatever the theoretical advantages of such a solution, it is quite apparent that it is not available in this country.[5] The admiralty jurisdiction is concerned with ships and navigable waters. Aviation deals with the navigation of the air. If the admiralty jurisdiction has on occasion been extended beyond limits recognized at the time of the adoption of the federal constitution, it has been extended only incidentally in the more comprehensive exercise of an express power. But air and water are entirely distinct and different elements. The grant of jurisdiction over navigable waters cannot possibly be construed to extend to navigation of the air.

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[4] "The ownership of the space above the lands and waters of this state is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in Section 4." Uniform State Law for Aeronautics, Section 3.

"Sovereignty in the space above the lands and waters of this state is declared to rest in the state, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of this state." Ib. Section 2.

"As used in this act, the term 'navigable airspace' means airspace above the minimum safe altitudes of flight prescribed by the Secretary of Commerce under Section 3, and such navigable airspace shall be subject to a public right of freedom of interstate and foreign air navigation in conformity with the requirements of this Act." United States Air Commerce Act of 1926, Section 10.

[5] The British Air Navigation Act, 1920 [10 and 11 Geo. V., Ch. 80, Article 14 (2)], adopts this course:

"His Majesty may, by order in council, make provisions as to the courts in which proceedings may be taken for enforcing any claim under this Act, or any other claim in respect of aircraft, and in particular may provide for conferring jurisdiction in any such proceedings on any court exercising admiralty jurisdiction and applying to such proceedings any rules of practice or procedure applicable to proceedings in admiralty."

After careful consideration the pioneer federal legislation, the Air Commerce Act of 1926, was wisely and securely based upon the commerce clause of the constitution.[6] But the federal regulation of interstate and foreign commercial air navigation would accomplish little, unless it applied to or was supplemented by corresponding regulation of intrastate and non-commercial air navigation. Accordingly the Act (§11) expressly prohibits the navigation of any aircraft otherwise than in conformity with the air traffic rules. In other words, in order to protect and prevent undue burdens upon interstate and foreign air commerce the federal air traffic rules are to apply equally to intrastate and non-commercial air navigation. The danger of diverse air traffic rules seems quite obvious; it will doubtless become apparent with the development of aviation. But the constitutionality of the Act in this respect depends upon the fact rather than supposition. However, the possible objection has been sought to be forestalled by the general adoption of a uniform state law for aeronautics and air licensing. Such acts are being pressed upon the state legislatures by the National Conference of Commissioners on Uniform State Laws. They provide in substance that the practices and navigation rules established by the Air Commerce Act of 1926 shall be adopted and applied to state air traffic.[7]

Navigation in the Air and on the Water

All this points to the fundamental importance of the federal Air Commerce Act of 1926. By this act the Secretary of Commerce is authorized to provide by regulation for the registration, rating and periodic examination of aircraft and airmen; and to "establish air traffic rules for the navigation, protection and identification of aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between vessels and aircraft." It is at this point that aviation first comes into relations with the admiralty jurisdiction. The only other provision of the act directly relating to this subject is Section 7 to the effect that the "navigation and shipping laws of the United States, including any definition of 'vessel' or 'vehicle' found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other air-

[6] A sketch of the legislative history of the Act, by Frederick E. Lee, together with the report of the Senate and House Committees, is printed in U. S. Aviation Reports, 1929, pp. 117-174.

[7] The Uniform State Law for Aeronautics, annotated, may be found in Hotchkiss' Aviation Law, p. 333. See also U. S. Aviation Reports, 1928, p. 472, for the Delaware Statute. The Uniform State Licensing Act is printed in the Report of the American Bar Association, 1929, p. 299, and in U. S. Aviation Reports, 1929, p. 322.

craft." It is quite apparent that the purpose was to exclude the application of numerous provisions in the navigation and shipping laws concerning vessels which would be clearly irrelevant or inherently inapplicable to aerial navigation. But the dogmatic form of statement is confusing (apart from its derogation of the admiralty jurisdiction)[8] in view of the powers granted to the Secretary of Commerce. What is meant is that the Air Commerce Act and regulations made pursuant thereto is complete in itself, and existing navigation and shipping laws shall not be construed to apply to aircraft except as they are expressly declared to apply. For in the regulations prescribed by the Secretary of Commerce pursuant to the Act[9] concerning flying rules, lights and signals it is provided that "seaplanes on the water shall maneuver according to the laws and regulations of the United States governing the navigation of water craft, except as otherwise provided herein."[10]

This regulation is of course fundamental, but it does not go far enough.

The danger of collision with water craft is greatest at the beginning and ending of flight when the hydroplane is a short distance above the water and before actual contact with the water. Section 1 of the Uniform State Law of Aeronautics (Sec. 1) is better: "A hydroplane, while at rest on water and while being operated on *or immediately above the water*, shall be governed by the rules regarding water navigation; while being operated through the air otherwise than immediately above water, it shall be treated as an aircraft." With the establishment of seaplane bases in busy harbors more specific regulations are imperative.[11] In view of their greater flexibility of movement aircraft should, in general, be required to keep out of the way of watercraft.

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[8] Reinhardt vs. Newport Flying Service Co., 232 N. Y. 115.

[9] The Air Commerce Regulations, as amended Sept. 1, 1929, are printed in U. S. Aviation Reports, 1929, p. 185.

[10] Section 74 (J). The International Convention, 1919, which includes specific rules for lights and signals by aircraft in the water, provides (Annex D, Section VI, 49):

> "Every aircraft maneuvering under its own power on the water shall conform to the Regulations for Preventing Collisions at Sea and for the purposes of these regulations shall be deemed to be a steam vessel, but shall *only* carry the lights specified in the preceding rules and not those specified for steam vessels in the Regulations for Preventing Collisions at Sea, and shall not use, except as specified in paragraphs 17 and 20 above, or be deemed to hear the sound signals specified in the above mentioned regulations."

[11] The only other regulation concerning water navigation requires that "in fog, mist, or heavy weather an aircraft on the water in navigation lanes, when its engines are not running, shall signal its presence by a sound device emitting a signal for about five seconds in two minute intervals." [Section 78 (b)].

TORTS

In this stage of the legal development the immediate interest in the relation between aviation and admiralty is in the domain of torts. An aircraft falls into navigable waters. A passenger is injured in the water, or, it may be, a passing vessel is damaged. The act or omission which caused the aircraft to fall occurs in the air; it becomes injuriously effective in the water. May the passenger and vessel owner have recourse to admiralty? Under such circumstances it is well settled in principle, as between land and water, that locality being the test of admiralty jurisdiction in tort,[12] it is the locality of the person or thing injured, not the locality of the origin of the injury, that is decisive. Where the injury has its origin on navigable water but is consummated on land it is not within the admiralty jurisdiction. Conversely, where the consummation of the injury happens on navigable water it is within the admiralty jurisdiction although it originated on land. Thus admiralty has been held to have jurisdiction where a person falls from land [13] or from a vessel [14] into the water, or is otherwise injured on a vessel[15] or in navigable waters.[16]

The principle has also been applied to property damage where a pier collapsed and cargo fell into the water.[17] Also to fraudulent representations in regard to a voyage;[18] and to abduction of minor on board a ship.[19]

On the other hand, if a person falls from a vessel to land, admiralty has no jurisdiction of a suit for his injury.[20] So where a

[12] The Plymouth, 3 Wall. 20; Atlantic Transport Co. v. Imbrovek, 234 U. S. 52.

[13] The Atna, 297 Fed. 673; *contra* The Albion, 123 Fed. 189.

[14] Great Lakes Dredge & Dock Co. v. Kierejewski, 261 U. S. 479; Merchants & Miners Transp. Co. v. Norton, 32 F. (2d) 513; The Montrose,' 186 Fed. 156.

[15] Grant Smith-Porter Ship Co. v. Rohde, 257 U. S. 469; The Mackinaw, 165 Fed. 351; Herman v. Port Blakely Mill Co., 69 Fed. 646. *Contra* The Brand, 1928 A. M. C. 1812; 29 F. (2d) 792; Scott v. Dept. of Labor, 130 Wash. 598.

[16] London Guaranty & Accident Co. v. Industrial Accident Commission of California, 279 U. S. 109; Millers Indemnity Underwriters v. Braud, 270 U. S. 59; Matter of Reinhardt, 232 N. Y. 115.

The theory that a gangplank is an extension of the land in passage from dock to ship and an extension to the ship in passage from ship to dock (The Atna, *supra;* The Brand, *supra*) is an unwarranted variation and a needless refinement of the established rule.

[17] Fireman's Fund Insurance Co. v. City of Monterey, 1925 A. M. C. 989; 6 F. (2d) 893; The City of Lincoln, 25 Fed. 835.

[18] The Normannia, 62 Fed. 469.

[19] Steel v. Thacher, 1 Ware 85; Plummer v. Webb, 4 Mason 380. And see The Yankee v. Gallagher, McAllister 467.

[20] The H. H. Pickands, 42 Fed. 239; Lermond's Case, 122 Me. 319; Gordon v. Drake, 193 Mich. 64. *Contra* The Strabo, 98 Fed. 998.

person on land is injured by cargo discharged from a vessel,[21] or by the operation of the winch on a vessel.[22]

Of course the cause of action is complete within the locality upon which the jurisdiction depends if any injury or damage is sustained there. It is of no consequence that the injury or damage may have been aggravated elsewhere.[23] Thus where a longshoreman on a wharf was struck on the head by a heavy sling of cargo and knocked into the water, where he was later found dead, admiralty jurisdiction was denied because the blow took effect on land.[24] So where a vessel struck a bridge,[25] a warehouse[26] or a pier,[27] although the bridge span, the contents of the warehouse and property on the pier fell into the water.

On the analogy of these cases it admits of no doubt that a vessel in navigable waters damaged by falling aircraft may have recourse to admiralty. It seems reasonably clear, also, that if the occupant of a falling aircraft is injured in navigable water alone admiralty has jurisdiction of the cause of action.[28] At least it would be clear

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[21] Netherlands-America Steam Navigation Co. v. Gallagher, 282 Fed. 171; Keator v. Rock Plaster Mfg. Co., 256 Fed. 574; The Mary Garret, 63 Fed. 1009; The Mary Stewart, 10 Fed. 137.

[22] The Montezuma, 15 F. (2d) 580, 1927 A. M. C. 385.

[23] Lindstrom v. International Navigation Co., 117 Fed. 170. Incidental claims do not affect jurisdiction. The Raithmoor, 241 U. S. 166; The Mary Garret, 63 Fed. 1009.

The fact that death occurred on shore as the result of injuries sustained on shipboard does not exclude admiralty jurisdiction of action for death. Petition of Clyde Steamship Co., 16 F. (2d) 930; The Samnanger, 298 Fed. 620; Campbell v. Luckenbach, 5 F. (2d) 674; The Chiswick, 231 Fed. 452; Hamburg-Amerikanische Packet v. Gye, 207 Fed. 247. But the terms of the death statute may vary this. See Hughes' Admiralty, 234.

[24] T. Smith & Sons, Inc. v. Taylor, 276, U. S. 179.

[25] Martin v. West, 222 U. S. 191.

[26] Johnson v. Chicago & Pacific Elevator Co., 119 U. S. 388. The owner of the warehouse sued for both damage to the warehouse and contents.

[27] The Haxby, 95 Fed. 170. Inasmuch as this was a libel only for the loss of property on the pier, which does not appear to have been damaged by violence, the decision is questionable. See Fireman's Fund Insurance Co. v. City of Monterey, *supra*.

[28] Of course the action would be *in personam*, not *in rem*. The Crawford Bros., No. 2, 215 Fed. 269.

It should also be noticed that it was held in The Strabo, 98 Fed. 998, that where a workman on a vessel going ashore by a ladder which slipped from the ship's rail fell on the wharf, that admiralty had jurisdiction on the theory that "it is highly probable that the libellant sustained some damage from nervous shock while precipitated through the air, and before he fell upon the wharf. A person of sensitive nervous organization would, without doubt, receive such an injury. * * * before he reached the dock [libellant] was subjected to conditions inevitably resulting in physical injury, wherever he finally struck. The cause of action originated and the injury had commenced on the ship, the consummation being inevitable. It is not of vital

if locality be the sole test of admiralty jurisdiction. That locality is the sole test has been repeatedly affirmed by the highest authority.

The leading case is *The Plymouth*, 3 Wall. 20, where the rule is stated thus:

> "Every species of tort, however occurring, and whether on board a vessel or not, if upon the high seas or navigable waters, is of admiralty cognizance."

The rule in torts is often stated by way of contrast to the rule in contracts:

> "The jurisdiction of courts of admiralty in matters of contract depends upon the nature and character of the contract; but in torts it depends entirely upon locality. If the wrongs be committed on the high seas, or within the ebb and flow of the tide [this was in 1859], it has never been disputed that they come within the jurisdiction of that court." [29]

But in 1893 the Circuit Court of Appeals for the Ninth Circuit in *Campbell v. H. Hackfield & Co.*, 125 Fed. 696, advanced a further limitation:

> "The fundamental principle underlying all cases of tort, as well as contract, is that, to bring a case within the jurisdiction of a court of admiralty, maritime relations of some sort must exist, for the all-sufficient reason that the admiralty does not concern itself with non-maritime affairs. * * * In the case of

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importance to the admiralty jurisdiction whether the injury culminated on the stringpiece of the wharf or in the water." See also The Haxby, 95 Fed. 170. The better rule is founded on facts rather than inferences, Fireman's Fund Insurance Co. v. City of Monterey, *supra*.

[29] *Philadelphia, Wilmington & Baltimore R. R. Co. v. Philadelphia & Havre de Grace Steam Towboat Co.*, 23 How. 209. "The jurisdiction for marine torts in admiralty may be said to be co-extensive with the subject. It depends upon the locality of the wrong, not upon the extent, character or the relations of the persons concerned." *The Highland Light*, Chase, 150. Where an act committed on the high seas is of such a description that an action of trespass on the case might be maintained for it at common law admiralty has jurisdiction. *Smith v. Wilson*, Fed. Cas. No. 13,128. This was a case where a gambler fleeced a minor passenger and the captain failed to enforce restitution.

Other cases to this effect are collected in the opinion of the court in *Atlantic Transport Co. v. Imbrovek*, 234 U. S. 52, 60.

It is true that in his separate concurring opinion in *The Blackheath*, 195 U. S. 368, where admiralty was held to have jurisdiction of damage to a channel beacon attached to the bottom, Mr. Justice Brown understood that *The Plymouth* was overruled in so far as it decided that admiralty had no jurisdiction over injuries done by ships to structures on shore. But in Cleveland Terminal v. Steamship Co., 208 U. S. 316, the Court expressly decided that *The Plymouth* was not impaired.

> torts, locality remains the test, for the manifest reason that, to give an admiralty court jurisdiction, they must occur in a place where the law maritime prevails. But this is by no means saying that a tort or injury in no way connected with any vessel, or its owner, officers, or crew, although occurring in such a place or territory, is for that reason within the jurisdiction of admiralty." [30]

Accordingly the Court held that admiralty had no jurisdiction of an action against a contracting stevedore by an employee to recover for personal injuries sustained while discharging a vessel, through the alleged negligence of the defendant or his other employees, because the tort is not maritime unless fault is charged against the vessel, her owners, officers or crew.

This case was not reviewed by the Supreme Court; nor was it followed outside the Ninth Circuit. But a few years later, in *Imbrovek v. Hamburg-American Steam Packet Co.*, 190 Fed. 229, where a stevedore similarly injured recovered against the vessel, Judge Rose not only held that the tort was maritime, but he examined and rejected the limitation sought to be imposed by *Campbell v. Hackfield*.[31] The case was affirmed by the Circuit Court of Appeals and by the Supreme Court. 193 Fed. 1019 (without opinion); 234 U. S. 52. In the argument in the Supreme Court the petitioner relied strongly upon the doctrine of *Campbell v. Hackfield*, which is fully set forth in the opinion of the Court by Mr. Justice Hughes. But the conclusion was:

> "We do not find it necessary to enter upon this broad inquiry. * * * Even if it be assumed that the requirement as to tort cases, while indispensable, is not necessarily exclusive, still in the present case the wrong which was the subject of the suit was, we think, of a maritime nature and hence the District Court, from any point of view, had jurisdiction."

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[30] The only authority cited for this view was a passage in Benedict's Admiralty Section 308, and *The Queen v. The Judge of the City Court of London* (1892) 1 Q. B. 273. In the latter, jurisdiction in admiralty was denied where a pilot was sued for a collision between vessels on the high seas. "It is not everything which takes place on the high seas," said the Court, "which is within the jurisdiction of the admiralty court; * * * there is the further question, what is the subject matter of that which has happened on the high seas." See the comment on this case in Hughes' Admiralty, 217.

[31] Even Judge Rose made this concession: "It may perhaps be that a tort committed on navigable waters, but not on a ship and not connected with a ship, or in any direct way affecting a ship, may not be redressed in the admiralty."

Yet the Court held that

> "the fact that the ship was not found to be liable for the neglect is not controlling. If more is required than the locality of the wrong in order to give the court jurisdiction, the relation of the wrong to maritime service, to navigation and to commerce on navigable waters, was quite sufficient." [32]

In subsequent cases the Supreme Court appears to have rejected one by one the grounds upon which *Campbell v. Hackfield* was based. That is to say, in the *Imbrovek* case it held that a stevedore's employment was maritime, expressly rejecting the theory that there must be either an injury to a ship or an injury by the negligence of a ship, including therein the negligence of her owners or mariners. In a later case it reiterated that "it is clearly established that the jurisdiction of the admiralty over a marine tort does not depend upon the wrong having been committed on board a vessel, but rather upon its having been committed on navigable waters." [33] It has also held that admiralty jurisdiction extends to a tort claim by a carpenter employed by a shipbuilder, even though the construction contract was non-maritime and neither the libellant's general employment nor his activities at the time had any direct relation to navigation or commerce; concluding with the declaration:

> "The general doctrine that in contract matters admiralty jurisdiction depends upon the nature of the transaction and in

[32] The reservation of this question was again made in *The Raithmoor*, 241 U. S. 166, where, in sustaining admiralty jurisdiction of damage to an uncompleted beacon, Mr. Justice Hughes said:

> "It was in course of construction on navigable waters, that is, at a place where the jurisdiction of admiralty in cases of tort normally attached—at least in all cases where the wrong was of a maritime character."

See comment on this in *United States v. North German Lloyd*, 239 Fed. 587.

[33] In *London Co. v. Industrial Commission*, 279 U. S. 109, admiralty jurisdiction was sustained where a sailor was drowned in the capsizing of a small boat while attempting to save a vessel on which he was employed which was adrift in a storm—

> "Objection is made that the deceased here lost his life by drowning when he was not on a vessel in the navigation of which he had been employed as a seaman. This is immaterial. He was lost in navigable waters. He was engaged in attempting to moor and to draw into a safe place the vessel with relation to which he was employed. It is clearly established that the jurisdiction of the admiralty over a marine tort does not depend upon the wrong having been committed on board a vessel, but rather upon its having been committed on navigable waters. The Plymouth, 3 Wall. 20; Atlantic Transport Co. v. Imbrovek, 234 U. S. 52, 59, 60."

tort matters upon the locality, has been so frequently asserted by this court that it must now be treated as settled." [34]

Nevertheless, having formally reserved the issue in the *Imbrovek* case, it must be conceded to be an open question until formally disposed of by the Supreme Court.[35]

Salvage

Salvage is uncertain. The holding in *The Crawford Bros. No. 2*, 215 Fed. 269, that an airplane which had fallen into navigable water was not subject to a maritime claim for salvage, and Judge Cardozo's dictum in *Reinhardt v. Newport Flying Service Corp.*, 232 N. Y. 115, that a seaplane which becomes disabled while moving on the water and is rescued on the high seas is subject to a lien for salvage, may both be sound. Specific provision should be made for salvage, as in Chapter V., Article 23, of the International Convention:

> "With regard to the salvage of aircraft wrecked at sea the principles of maritime law will apply in the absence of any agreement to the contrary." [36]

Aviation over the High Seas

Aviation over the high seas remains unregulated. The United States has not joined in any international agreement, nor has it

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[34] *Grant Smith-Porter Co. v. Rohde*, 257 U. S. 469, where a carpenter employed by a shipbuilder was injured by his employer's negligence, the Supreme Court held that admiralty jurisdiction extends to a proceeding to recover damages resulting from a tort committed on a vessel when lying on navigable waters—"although the contract for constructing 'The Ahala' was non-maritime and * * * neither Rohde's general employment, nor his activities at the time had any direct relation to navigation or commerce."

The doctrine of Campbell v. Hackfield was soon abandoned by the Circuit Court of Appeals for the Ninth Circuit. Even before the decision of the Supreme Court in the Imbrovek case the court stated in *California-Atlantic Steamship Co. v. Central Door & Lumber Co.*, 206 Fed. 5: "In cases of tort the jurisdiction in admiralty depends entirely upon locality. There can be no other test." See also Swayne & Hoyt v. Barsch, 226 Fed. 581; The Hokkai Maru, 260 Fed. 569; Hoof v. Pacific American Fisheries, 279 Fed. 367.

[35] It was assumed in *The Poznan*, 276 Fed. 418, and in *Sidney Blumenthal & Co. v. U. S.*, 1929 A. M. C. 113, 30 F. (2d) 247, that the Supreme Court meant to leave the question open.

[36] Subject to necessary adaptations Great Britain has by order in council applied the provisions of the Merchant Shipping Act, 1894, relating to wreck and to salvage of life or property, to aircraft. Statutory Rules and Orders, 1921, No. 1286.

sought to apply the Air Commerce Act to foreign as well as interstate commercial aviation.

Article 5 of the International Air Navigation Convention prohibits any nation a party thereto from allowing a flight above its territory of an aircraft registered under the law of a nation not a party to the convention. So long as the United States fails to ratify the convention, the convention would by its terms, bar aircraft of this country from flight in all countries which have ratified the convention. An amendment permitting special conventions for the avoidance of the prohibition is pending.

Where civil aircraft of the United States are permitted to fly in or over a foreign country without registration and rating and licensing of their airmen in such foreign country, the registered aircraft of such foreign country, not a part of its armed forces, may operate over our territory without registration and license here; but they must observe our air-traffic rules, and they cannot engage in interstate or intrastate air commerce.[37]

STATEMENT

The foregoing memorandum, prepared by the Hon. VanVechten Veeder while chairman of this committee, has been adopted without change by the Committee, with the feeling that there is little that could be added to his analysis of existing jurisdictional situation.

RECOMMENDATION

The Committee deems the present Rules for the prevention of collisions between aircraft and vessels unsuitable to the needs of commerce, and recommends that the scope of the Committee's instructions be broadened to include an inquiry into the possibility of obtaining a better set of collision rules applicable to vessels and aircraft on or immediately above the water.

ALLAN B. A. BRADLEY, *Chairman*
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[37] Air Commerce Regulations, Section 5 (A).