

THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

January, 1931.

SECRETARY'S NOTICES

COPIES OF OLD REPORTS AND MINUTES

The Harvard Law Library is looking for as complete a set of the proceedings of the Association as can now be collected.

The Columbia Law Library is anxious to complete its collection of the proceedings and minutes prior to 1920.

Several other Law Libraries would like to have sets, or at least parts of sets, of the reports and minutes published by the Association.

Members who have sets or single copies of old reports are invited to send them to the Secretary to be placed in Law Libraries.

The Secretary's files are at the present unable to furnish copies of any reports prior to 1920.

MERCHANT SHIPPING CODE

The Harvard Law Library is anxious to have copies of Senate Bills No. 5085 (the first introduction of the Merchant Shipping Code as a Bill in 1926), and No. 1272 (the second and final introduction of the Merchant Shipping Code as a Bill, after the text had been examined and approved by our Committee, in 1928). Any member who has copies which he wishes to spare for the Law School is requested to send the same to Eldon R. James, Librarian, Harvard Law School, Cambridge, Mass.

NEW LOAD LINE REGULATIONS

The attention of members is called to the new British and American load line regulations promulgated during the past year.

The American regulations are printed by the Government Printing Office, under the title, "Regulations for the establishment of load

lines for merchant vessels of 250 gross tons or over, when engaged in a foreign voyage by sea (the Great Lakes excepted), effective September 2, 1930." Price, 15 cents.

The British regulations are published by His Majesty's Stationery Office, Adastral House, Kingsway, London, W. C. 2, under the title, "Report of the Committee on load lines and merchant ships, 1927-1929." Price, 2s. net.

NEW RULES OF PRACTICE—DISTRICT OF SOUTH CAROLINA

Rules of practice in the District Courts of the United States for the Eastern and Western Districts of South Carolina have been revised. Copies of the new rules may be obtained upon application to the Clerks of those courts. The new rules go into effect on January 1, 1931.

YORK-ANTWERP RULES

Recent examination of about 100 bills of lading in common use in coastwise and foreign trade on the eastern coast of the United States indicates that about one-third of the bills of lading specify the York-Antwerp Rules, 1890, another third specify the York-Antwerp Rules 1924, the rest specify the York-Antwerp Rules, 1924, American form (eliminating the lettered rules and rules 16 and 23) as recommended by Judge Putnam's American Committee on General Average Rules.

No information has been received of any proposal looking toward the further revision or unification of the York-Antwerp Rules.

PROCEEDINGS OF THE INTERNATIONAL MARITIME COMMITTEE

At the present time, the Secretary has listed the names of about seventy-five members who desire to have copies of the proceedings, notices and reports of the Comité Maritime International sent to them. The list has not been revised for some time. Will you please indicate on the enclosed postal card whether or not you desire to have these proceedings sent to you in future?

ANTWERP CONFERENCE OF THE COMITÉ

The full printed report of the Antwerp proceedings has not yet been received. Briefly, the Antwerp resolutions were as follows:

Insurance of passengers: Investigation of the subject is continued without declaration of any further stand on the debated points. The proposal to bring about insurance for passengers at sea was not dropped; neither did it progress.

Penal jurisdiction over collisions: A resolution was adopted favoring an international convention regulating penal jurisdiction, and providing for a committee to draft a convention.

Civil jurisdiction over collisions: A resolution was adopted requesting The Permanent Bureau of the International Maritime Committee to consult the national associations and study this question. The attitude of our Association has always been to oppose any limiting rules and leave civil jurisdiction over collisions open to competition and to the choice of the parties as heretofore.

In this connection, a recent French case is of interest:

Penmarch-Palermo; DOR, *le Droit Maritime Français*, Tome 8, No. 10 (November 15, 1930), p. 455.

The French steamer *Penmarch* was sunk in the middle of the English Channel by collision with the German steamer *Palermo*. The *Palermo* put into Southampton, and while she was there, the French owners commenced proceedings against her in the British Admiralty Court. Subsequently the French owners found another vessel of the same German owners in the Port of Nantes, and commenced proceedings against the Germans in the French court there, obtaining jurisdiction by attachment of the vessel. The French proceeding came to trial first; the French court upheld its own jurisdiction, and gave judgment holding the German steamer solely at fault.

As to the weight and credibility of the evidence, the French Court made the following interesting statement:

“When two protests differ as to matters of fact, the law attaches a presumption of sincerity in favor of the party who has first sworn his protest in the regular manner. The *Penmarch's* protest was sworn to on July 23d and appears to have been recorded spontaneously without any outside intervention. The Master of the *Palermo*, on the contrary, swore his report two days later, after having conferred with his solicitors, who themselves furnished proof (through the account of costs which they rendered to the opposing solicitors) that they sent an expert clerk to Southampton to take down the affidavits

of the witnesses. Under these circumstances, the Court should give greater credence to the protest of the *Penmarch* than to that of the *Palermo*."

NEW SUBJECTS

Two new lines of work for the International Maritime Committee were suggested at Antwerp:

(1) *Conflicts of law in matters of affreightment;*

(2) *Coordination of rules applicable on the high seas with those obtaining in inland navigation.* Apparently there are in several European countries, especially France, important differences between the status of vessels on inland rivers and on salt water, which results in inconvenience in the regulation of liens, mortgages, etc., where vessels pass from one zone to the other.

Any members who desire to be placed in particular touch with the Permanent Bureau and with the committees abroad engaged in the consideration of these matters are requested to communicate with Judge Veeder.

ARNOLD W. KNAUTH, *Secretary.*

REMINDER:

Mid-Winter Meeting, Friday, January 9th, at 8:15 p.m.