
MARITIME LAW ASSOCIATION
OF THE
UNITED STATES

ARTICLES OF ASSOCIATION
AND BY-LAWS

LIST OF MEMBERS

1931

THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

January 9, 1931.

THE USUAL MID-WINTER MEETING of the Association was held pursuant to notice at the House of the Association of the Bar of the City of New York on Friday evening, January 9, 1931.

The President, the Honorable VanVechten Veeder, presided, and the following members were present:

<p>George Whitefield Betts, Jr. Arthur M. Boal Harold J. Birnbaum Henry G. Bogatko Allan B. A. Bradley Ralph W. Brown Charles C. Burlingham Frederic Conger John W. Crandall William J. Dean Martin P. Detels D. Roger Englar Morris Douw Ferris Ezra G. Benedict Fox Earle Farwell Horace M. Gray John S. Galey Roscoe H. Hupper T. Catesby Jones Vernon S. Jones Arnold W. Knauth Leslie C. Krusen P. J. Kooiman Edward F. Lamb P. J. R. McEntegart Thomas H. Middleton</p>	<p>George V. A. McCloskey William H. McGrann Everett Masten Russell T. Mount Emory H. Niles Raymond Parmer F. Herbert Prem Edward A. Quinlan John Leo Quinlan E. Curtis Rouse Elizabeth Robinson John H. Skeen Herbert K. Stockton Paul Speer George C. Sprague Sawyer Thompson Rush Taggart Eugene Underwood Charles E. Wythe William H. Woolley Carver W. Wolfe</p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: center;"><i>Present as guests:</i></p> <p>Alex W. Gilchrist, Jr. Robert Bronson, of Seattle, Wash.</p>
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In response to the call of the Chair, the following Committee reports were made:

COMMITTEE ON ADMIRALTY AND AVIATION

Mr. Allan B. A. Bradley, of New York City, Chairman, stated that the Committee had adopted as its report the memorandum written in the spring of 1930 by Judge Veeder, Chairman at that time. The report had been printed as Document No. 166 and sent to all the members prior to the meeting. Aviation and Admiralty meet at the point where airships approach the surface of the water in the air space occupied by ships while navigating. Prior to 1926 there had been no statutes or rules to govern ships and aircraft as against each other. In 1926 Congress enacted the Air Commerce Act. This Act expressly abolished all preceding rules governing either ships or aircraft when either should be in the presence of the other. Having cleared away all pre-existing law, the Act went on to authorize the Secretary of Commerce to make rules for both ships and aircraft when navigating in respect of one another. The Secretary of Commerce had thereupon made three rules, rather simple in their content. The first rule provides that aircraft actually on the water shall navigate as vessels. The second rule provides for fog signals when aircraft should be at rest on the water in fog. The third rule provides that aircraft anchored on the water at night shall show anchor lights.

These three rules appeared to the Committee inadequate to cover even the most ordinary cases that could be expected to arise. Furthermore, the Committee felt that the rules dealing with the navigation of ships and aircraft in respect of each other should apply when aircraft are *immediately over the water* in the air space in which vessels move. The existing situation was described in an article prepared by a member of the Committee, which had been circulated with the Committee Report, and the basis of a desirable set of rules was there discussed.

The Committee desired to be continued, with instructions to take up the matter of better rules as between vessels and aircraft with the Secretary of Commerce in Washington, who has full power to make and alter the rules under the existing statutes. The Committee also desired authority to keep in touch with the Admiralty Committee and the Aviation Committee of the American Bar Association, and with the Committee on Admiralty and Aviation of the Association of the Bar of the City of New York, or either of them, as might be expedient, with a view to obtaining cooperation in

obtaining better rules. At the present time, when the subject is in a highly formative state, and interest in it is lively, the opportunity of formulating sound fundamental rules is peculiarly good.

Upon motion duly made and seconded, the Committee was continued and authorized to proceed in accordance with the Chairman's request.

COMMITTEE ON ARBITRATION

Mr. T. Catesby Jones, the Chairman, stated that he had nothing of importance to report at the present time. Since the last meeting, he had been in conference with Mr. Dayton and other persons connected with the Arbitration Association of America and similar bodies. Among these persons there was a tendency to delay any further action until certain studies and volumes now in preparation could be completed and published. It appears, however, that the completion of these books will be a matter of at least two years. Mr. Jones urged that the important reforms proposed by our Committee should not be postponed indefinitely, and the officials of the Arbitration Association had recently agreed to consider these matters in the very near future. Meetings are accordingly being arranged between the various committees interested in arbitration and Mr. Jones hoped to report substantial progress before the May meeting.

ANTWERP MEETING OF THE INTERNATIONAL MARITIME COMMITTEE

Mr. T. Catesby Jones, the single delegate who attended the meeting at Antwerp in the first week in August, 1930, stated that he had no formal report to make as yet for the reason that he had not yet received the official minutes of the meeting. The meeting in Antwerp had ended with a resolution under consideration requesting the Belgian Government to use its good offices to bring all Governments to adopt all the Conventions which the International Maritime Committee has approved from time to time. One of the German delegates and Mr. Jones protested against a resolution as broad as this, and the meeting terminated with assurances from the Secretariat that the minutes would deal with the subject in a manner satisfactory to those who were making the objections. Until the minutes arrive, consequently, it would not be possible to make a proper report concerning the proceedings.

Informally, Mr. Jones described the proceedings, particularly as to the matter of insurance for passengers and the effort of the French

Association of Masters and Mates to bring about a nullification of the *Lotus* decision by means of an International Convention. He described in considerable detail the royal entertainment offered the delegates in Antwerp and Brussels. In Antwerp at the time there was an extraordinary exhibition of Flemish old masters, the paintings having been collected from all parts of the world. The officials of the city tendered a banquet in the Guild Hall, after which the Cathedral chimes were played. The Lloyd Royal Belge served luncheon on one of the liners of its African service. A special outdoor performance of Grand Opera was given. In Brussels Hon. Louis Franck, former President of the Committee and Minister of the Colonies, and now President of the Bank of Belgium, presented the delegates to the King and entertained them at his house. The Belgian Maritime Law Association tendered a magnificent banquet at the buildings of the Exhibition of "Old Belgium" near Brussels. The delegates departed with sentiments of the greatest gratitude for their entertainment.

HAGUE RULES

Mr. Englar stated that he and Mr. Haight had attended a meeting called by the Chamber of Commerce of the United States in Washington during November, to develop sentiment concerning the White Bill, now pending before Congress, which, with a few slight changes, embodies the Hague Rules, and corresponds, for all practical working purposes, with the British Carriage of Goods by Sea Act, 1924. At that time it was assumed that the short session of Congress would report the bill out. The meeting was attended by about 75 persons, many of whom (as has happened at previous meetings of the same kind) knew little of the subject, and a small number of whom were vigorously opposed to the legislation. As had happened at previous meetings of similar sort, the day was spent in threshing out the bill from beginning to end and explaining its character. At the conclusion of the day, all interests present agreed unanimously to support the White Bill. Some of the objectors were reluctant to give their consent to the agreement, but *the agreement was unanimous*. Among those present were prominent underwriters and bankers.

When Congress began its session in December, the House Committee on Merchant Marine found that it was totally impractical to deal with this legislation in the jam which has developed. The prospect, therefore, is that the matter will go over to the new Congress, which will meet in December, 1931.

MERCHANT MARINE CODES

Mr. Niles, of Baltimore, stated that he had met Senator Jones, Chairman of the Senate Committee on Merchant Marine, to which the bill embodying the Merchant Marine Code will be submitted. The bill has been introduced for over a year but has not yet been referred. Mr. Niles had also met Chairman O'Connor and Commissioner Jefferson Myers of the Shipping Board, and had met a succession of lesser officials of the Shipping Board, to whom successively the Code has been entrusted since the unfortunate and untimely death of Mr. John S. Woodruff in 1928. The Shipping Board is busy with financing of ship lines and matters of regulation and is not interesting itself in the Code. In his opinion the Code is as desirable as ever and as good as it has always been found to be when examined and approved by our Committees and at our successive meetings. To advance the subject, the Shipping Board must be pushed. The pending bill embodying the Code is fortunately a Senate bill, No. 1272, and consequently it will not die with the present Congress in March of this year but will survive and can be brought up at the next session. At the suggestion of Mr. Charles C. Burlingham, it was unanimously

RESOLVED, that the Maritime Law Association feels the great desirability of the prompt completion and enactment of the Maritime Statutes in the form of a Code now in preparation by the United States Shipping Board, and to that end respectfully urges that the work of preparing the Code and its passage into law be expedited as far as possible by the authorities in charge thereof.

VESTRIS

Mr. Englar, of New York, stated that the Committee had no report. The object of the Committee is to watch and report on threatened changes in the limitation of liability law. There had been no threats; hence there was no report. The trial of the *Vestris* case is set for April.

EXTENSION OF ADMIRALTY JURISDICTION

Mr. Hupper, of New York, Chairman, reported that progress had been chiefly sidewise, but that much further careful thought and investigation of the subject had not persuaded the Committee that the idea of extending admiralty jurisdiction to wharves, docks and

piers and similar structures is legally impossible. One member of the Committee is at the present moment making an intensive study, and the Committee hopes to have a report to circulate before the May meeting.

During the ensuing discussion, Mr. Englar mentioned a case where a Shipping Board ship struck a bridge. As a matter of first impression, there seems to be no remedy whatsoever except by special act of Congress.

The President reported as follows:

INTEREST ON ADMIRALTY DECREES

Mr. Kremer, of Chicago, the present Chairman of the Committee on this subject, which has been inactive for the past two years, desired to be relieved, as he has retired from practice. The rate of interest allowed upon admiralty decrees in the different Circuits varies considerably. The question is whether this situation requires attention and whether there is any interest in changing it.

Mr. McCloskey moved that the Committee be continued with a new Chairman, to investigate the subject and to report. He thought the work done by Mr. Kremer and his Committee two years ago had been sound but the report had been misunderstood because Mr. Kremer was unable to come personally to present it.

The motion was seconded and carried.

LEGAL COSTS

The resolutions adopted in May, 1930, have been laid before the Attorney General of the United States and the American Bar Association. Mr. Jones stated that he had not, in his capacity as Chairman of the American Bar Association's Committee on Admiralty, received any news that the report would be brought forward during the coming year.

RULE 46½

A letter to the Clerks of the Federal Courts of the various Districts where admiralty cases occur had resulted in a considerable volume of information about the present practice in the different Districts, which had been printed as Document No. 1687 and distributed to all the members. Judge Veeder thought the Courts might be

solving the question of how to proceed under the new Rule and expressed the opinion that the time was not suitable for a Committee.

Mr. Englar stated that the United States Judges in the Southern District of New York have recently appointed a Committee, which has recently made a report to the Court on this subject. The report is understood to state that the Bar here is unanimous that the New York State practice in respect of findings of fact, conclusions of law, exceptions on the record, and appeals should be avoided; that findings submitted by counsel shall not become a part of the record; and that no exceptions shall be allowed. The Committee feels uncertain whether a full opinion may be regarded as the equivalent of the findings intended by the Supreme Court. The Committee has drafted a rule that the Court may call on counsel for either or both of the parties, either before or after rendering an opinion, in order to discuss findings. This, of course, can be done without a new rule. The Judges' Committee, however, feels that such a rule may be needed to take care of the negative proposition that if there is no rule, the Court may be subjected to undesired voluntary assistance from counsel.

Mr. McCloskey suggested that further discussion and thought of action by the Association should wait until it could be ascertained whether the discretion of the Judges will not sufficiently take care of the question. He referred to several Supreme Court equity cases, emphasizing the desirability of clear and distinct findings of fact.

Mr. Knauth stated that he had news that the case of *Vargas v. Panama Mail Steamship Co.*, which was sent back to the District Court by the Supreme Court at about the time the new rule was promulgated, has subsequently been settled. When the case came back from the Supreme Court, the proctor for the libelant submitted findings and conclusions, which the Court signed, whereupon the respondent paid. That case is accordingly at an end.

The President mentioned the death during the past few months of Judge Lake in the Southern District of Florida, Mr. Joseph A. O'Brien of Mather & Co., of Philadelphia, a member since 1919, and Mr. George Denegre of New Orleans, a member since 1910.

NEW MEMBERS

Several new members were proposed from the floor and their names were referred to the Executive Committee for recommendation to be made at the next meeting.

On motion duly made and seconded, and on the proposal of the members indicated, and with the approval of the Executive Committee, the following new members were elected:

Brantly Harris of the firm of Harris & Watkins, Marine Building, Galveston, Texas, sponsored by Mr. Rault of New Orleans.

Thomas F. Mount of the firm of Rawle & Henderson, Packard Building, Philadelphia, sponsored by his partner, Mr. Henderson.

Frederick W. Dorr of the firm of Andros, Hengstler & Dorr, Kohl Bldg., San Francisco, sponsored by Mr. Bell of San Francisco.

Jos. T. Hunt of the firm of Thompson & Hunt, 52 Exchange Place, New York, sponsored by his partner, Mr. Sawyer Thompson.

SAFETY AT SEA CONVENTION

At the request of the President, the Secretary read a letter from the General Manager of the British Chamber of Shipping, stating that the Safety at Sea Convention of 1929 is now before Parliament in the form of an Act. The Act, however, is likely to be withdrawn shortly by the Government for the purpose of substituting another Act which will embody not only the Safety at Sea Convention but also the Loadline Convention of 1930. The hope is that both Conventions will become law in London at the present session of Parliament.

Sweden, Denmark and Spain are prepared to act on the Safety Convention as soon as larger countries lead the way. Holland is on record against it.

LOADLINE CONVENTION

At the request of the President, Mr. Knauth stated that the loadline situation is as follows:

Thirty-seven nations met in London in June, 1930, to revise and modernize the British Loadline Statute and Regulations of 1906, which are the basis of all the loadline laws of the world (except the American), at the present time. The result of the meeting was the Loadline Convention of 1930. The 1930 Convention will not become the law of all the various shipping nations concerned until appropriate legislative and executive action has been brought about in each country.

The American delegates returning in August had to consider what loadline regulations the Secretary of Commerce should promulgate on September 2, 1930, under the new American Loadline Act

of 1929. They decided to promulgate the 1930 Convention, rather than the 1906 Rules of Great Britain. Consequently the United States at present has the 1930 Rules and is the first nation to put them into force. At the same time, the Department of Commerce has ruled that the 1906 British Rules and all other foreign rules corresponding to the 1906 British Rules are the working equivalent of the 1930 American Rules and that vessels of foreign owners arriving with marks and measurements appropriate to the 1906 British Rules comply sufficiently with the new American statute.

There being no further business to come before the meeting, the same was, upon motion duly made and seconded, adjourned.

ARNOLD W. KNAUTH, *Secretary*.