

May, 1931

THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

The Thirty-second annual meeting of the Association was held at the House of the Association of the Bar of the City of New York on Friday, May 15, 1931, at 5:30 P.M.

Present were the Honorable VanVechten Veeder, presiding, the Secretary, Arnold W. Knauth, and the following thirty-nine members:

Ray Rood Allen	John A. Lyon
George E. Beechwood	Frank H. Massey, II
Harold F. Birnbaum	Karl S. Mayhew
Arthur M. Boal	Gerald J. McKernan
Ward R. Cunningham	Arthur E. Muller
William J. Dean	J. Newton Nash
Charles F. Dutch	Henry E. Otto
Littleton H. Fitch	Edward F. Platow
Albert T. Gould	Wharton Poor
Horace M. Gray	Edward A. Quinlan
Charles Hann, Jr.	John L. Quinlan
James A. Hatch	Arthur J. Santry
Robert E. Hill	Walter Schaffner
Roscoe H. Hupper	John H. Skeen
W. Hastings Jones	Eugene Underwood
P. J. Kooiman	Miles Wambaugh
J. Harry La Brum	James M. West, III
Paul H. Lacques	Burton H. White
Henry H. Little	Robert W. Williams

Charles E. Wythe

Reading of the minutes of the previous meeting was dispensed with, the same having been printed and distributed by mail.

The annual reports of the Secretary and Treasurer were read, and ordered on file, and are printed herewith.

ELECTION OF MEMBERS:

Associate Members—The President stated that three new Federal District Judges had recently been appointed in the District of Maryland, the Eastern District of Virginia, and the Western District of New York. He also called attention to the increasing volume of admiralty litigation in the Southern District of California and proposed the election of the Federal Judges sitting there.

On motion duly made and seconded, the following Federal Judges were accordingly elected:

Honorable W. Calvin Chesnut, District of Maryland, sitting in Baltimore, on the nomination of John H. Skeen, Esq., of Baltimore;

Honorable Luther B. Way, Eastern District of Virginia, sitting in Norfolk, on the nomination of Henry H. Little, Esq.;

Honorable John Knight, Western District of New York, sitting in Buffalo, on the nomination of Arnold W. Knauth, Esq.;

Honorable George Cosgrave, Honorable William P. James and Honorable Paul J. McCormick, Southern District of California, all sitting in Los Angeles.

Active Members—The President stated that twelve nominations for Active membership, eleven being active members of the Admiralty Bar and one an underwriter, had been received by the Executive Committee and recommended for election. On motion duly made and seconded, the persons recommended by the Executive Committee were thereupon elected, as follows:

Earl Appleman, Counsel, Insurance Co. of North America, 56 Beaver St., New York City; proposed by T. Catesby Jones.

Robert Branand, Jr., of Kremer, Branand & Hamer, Insurance Exchange Bldg., Chicago, Illinois; proposed by Chas. E. Kremer.

Robert Eliot Bronson, of Bronson, Jones & Bronson, Seattle, Washington; proposed by Wm. H. Gorham.

James D. Brown, of Purrington & McConnell, 52 Wall Street, New York City; proposed by Frank J. McConnell.

Seymour P. Edgerton, of Burnham, Bingham, Gould & Murphy, 1 Federal St., Boston, Massachusetts; proposed by Chas. S. Bolster.

William A. Grimes, of Janney, Ober & Williams, Baltimore Trust Bldg., Baltimore, Maryland; proposed by Robt. W. Williams.

W. Hastings Jones, of Marine Office of America, 53 Beaver Street, New York City; proposed by Robt. E. Hill.

• Frank H. Massey, 2d, of Biddle, Paul, Dawson & Yocum, 505 Chestnut Street, Philadelphia, Pa.; proposed by Leslie C. Krusen.

G. Brick Smith, Box 665, Newport News, Va.; proposed by Edw. R. Baird, Jr.

Robert Stinson, of Janney, Ober & Williams, Baltimore Trust Bldg., Baltimore, Maryland; proposed by Robt. W. Williams.

Miles Wambaugh, of Burnham, Bingham, Gould & Murphy, 1 Federal Street, Boston, Massachusetts; proposed by Chas. S. Bolster.

John W. R. Zisgen, of Bigham, Englar, Jones & Houston, 64 Wall Street, New York City; proposed by Henry M. Longley.

COMMITTEE REPORTS:

Legal Costs—The President reported that the 1930 resolution of our Association had been referred by the American Bar Association to Mr. Charles R. Hickox, as Chairman of its Committee on Admiralty, to be dealt with at the meeting of the American Bar Association during the coming summer.

Hague Rules—The Secretary stated that the French Chamber of Deputies passed the French Hague Rules bill in the last days of March, and the bill was now before the French Senate. The International Chamber of Commerce meeting in Washington in May, 1931, passed a resolution urging all maritime nations to adopt the Hague Rules. The resolution is printed herewith.

The short session of Congress ended on March 4 without any progress being made on the White Bill, and the matter goes over to the Seventy-second Congress meeting next December.

Extension of Admiralty Jurisdiction to Land Structures—Mr. Hupper, Chairman of the Committee, read a report, which has been printed as Document No. 172.

In presenting the report, Mr. Hupper said that the more the problem of extending admiralty jurisdiction under the American

Constitution and the cases were considered, the less clear the solution became. The Committee had, nevertheless, arrived at certain conclusions, possibly to be regarded as of a hybrid nature, and proposed the text of a bill. He stated that Mr. Lord, a member of the Committee, while signing the report, was of the opinion that efforts should be made to obtain a statute directly enlarging the admiralty jurisdiction to include damage to land structures by ships. Mr. Lord pointed out that Congress had several times enlarged the admiralty jurisdiction by direct legislation, none of which has ever been held unconstitutional. Three examples of such legislation are the statute of 1845 extending the admiralty jurisdiction to the Great Lakes, which the Supreme Court later held to be an unnecessary piece of legislation and hence obsolete; the limitation of liability statutes of 1851 and later years, under which it is well settled that non-admiralty claims must be presented in the admiralty courts; and the Ship Mortgage Act of 1920, which has given preferred ship mortgages a ranking superior to many maritime liens, with a remedy in Admiralty. Mr. Lord was, therefore, of the opinion that the Supreme Court would uphold an Act of Congress in terms extending the admiralty jurisdiction to torts done on land by ships, or alternatively providing that damage done by ships to land structures shall be deemed within the admiralty jurisdiction.

Mr. Hupper desired every member to give considerate attention to this subject because of its great importance. His Committee desires that the admiralty jurisdiction shall, if possible, be extended, and, if that be not possible, that a statute like that suggested should be enacted. The Admiralty Committee of the American Bar Association is also dealing with the subject. Its Chairman, Mr. Hickox, will make use of our Committee report at the annual meeting this summer, and our Association will have the benefit of the Bar Association Committee's report at our autumn meeting. There seems, accordingly, to be convenient time to formulate any desired legislation for presentation to the next session of Congress, meeting in December, 1931.

Judge Veeder suggested that final action be deferred until the members can consider this very important report. The fact that the Committee itself was divided as to the means to be employed for extending the jurisdiction, indicated the importance of widespread examination of the report and a full discussion of it.

The report was accordingly received and ordered printed, as Document No. 172.

Election of Officers—The President stated that he had appointed a Nominating Committee, consisting of Messrs. Charles R. Hickox,

T. Catesby Jones and John W. Griffin, whose nominations were as follows:

President—Honorable VanVechten Veeder.

Secretary and Treasurer—Arnold W. Knauth.

Executive Committee:

George S. Brengle, New York
Robert S. Erskine, New York
Farnham P. Griffiths, San Francisco
Foye M. Murphy, Boston
Frank B. Ober, Baltimore
Wharton Poor, New York
John C. Prizer, New York
Charles E. Wythe, New York

There being no other nominations, on motion duly made and seconded, the foregoing were declared elected.

International Maritime Committee—The President stated that the full report of the Antwerp, 1930, meeting had gone to press recently in Brussels and copies were expected to be available in June. The Comité is not holding any meeting in 1931, reverting to its usual practice of meeting in alternate years when the International Law Association does not meet.

The International Law Association, which met out of course in 1930 in New York City, has announced an interim meeting in London on July 20-25, 1931. The subjects for discussion are:

- (1) The form of F. O. B. contracts;
- (2) Codification of International Law.

As neither of these subjects appeared to be peculiarly within the ambit of admiralty and maritime law, it did not seem appropriate to send a delegate or consider resolutions.

Resignation of Judge Hazel—The President stated that he had had the pleasure of inviting Judge Hazel, who had lately resigned from the Federal bench in the Western District of New York after thirty years of service, to be the dinner guest of the Association, and to make an address. Judge Hazel, however, had unfortunately been compelled to decline on account of the pressure of private practice to which he had returned.

There being no further business to come before the meeting, the same was thereupon adjourned.

ARNOLD W. KNAUTH,
Secretary.

ANNUAL REPORT OF SECRETARY

TO THE MARITIME LAW ASSOCIATION:

Arnold W. Knauth, as Secretary, submits his report for the year ending April 30, 1931.

There have been two meetings of the Association, the annual meeting on May 2, 1930, and the usual winter meeting on January 9, 1931. The minutes of these meetings have been printed and distributed to the members by mail.

The following deaths of members have been noted during the past year:

George Denegre of New Orleans, on May 24, 1930.

Jos. T. Hunt of New York, who was elected only last January.

Former Judge George Chandler Holt at Nice, on January 27, 1931.

Judge Robert S. Bean of Portland, Oregon, January 7, 1931.

The following members have resigned:

Wm. A. Arnold, New York

Chas. T. Butler, Beaumont, Texas

M. L. Fearey, New York

Wm. Gates, Boston

C. A. Harding, New York

H. S. Harrington, London

W. J. Rapp, New York

Mr. Jasper Yates Brinton of Philadelphia, a member for many years and now Justice of the Court of Appeals, Mixed Courts of Egypt, sitting in Alexandria, Egypt, has been transferred to Associate membership. Justice Brinton is engaged in the revision of the Maritime Code of Egypt at the present time. He expects to attend the interim meeting of the International Law Association in London in July. Members of the Association who may be at that meeting would confer a favor on him by communicating with him there.

The Active membership of the Association today numbers 343 persons; including the members elected today, the number of new Active members elected during the past year is 28. The Executive Committee has dropped 10. The present number of Associate members without dues is 60; divided as follows: Judges, 47; Shipping Board Commissioners, Department of Commerce officials and other officers of the Executive Branches of the Government, 9;

Founder Active members now retired from practice, 4; The total number of names in the mailing list is 403.

A complete list of members will shortly be prepared in accordance with the custom of printing such a list in alternate years.

Applications for membership from cities other than New York indicate that the Association is extending its already wide distribution of members throughout the country.

Rule 46½:

The most interesting development in the field of admiralty practice during the past year has been the operation of new Supreme Court Admiralty Rule 46½. A number of Districts have made new District Rules in conformity with the Federal Rule. In the Southern and Eastern Districts of New York a committee of Judges was appointed to consider the various questions that arose in applying the new rule in practice. The committee of Judges consulted a number of the members of the Executive Committee and other members of this Association. The Executive Committee therefore concluded not to appoint any committee on this subject for the present.

Such new District Rules on the subject as had been promulgated up to the first of the year were collected and printed at that time for the information of members. During the coming summer it is proposed to revise and enlarge the collection of new rules resulting from Rule 46½.

Committees:

The Committees during the past year have been as follows:

Executive Committee — Messrs. Campbell, Clark, Davey, Deming, Gould, Houston, Maclay, Robt. Williams.

Admiralty and Aviation—Messrs. Bradley, Conger, Farwell, Graham, Knauth, F. M. Murphy.

Affreightment—Messrs. Dean, Siddall.

Arbitration—Messrs. T. Catesby Jones (Chairman), Hatch, Krusen, Oast, Prizer.

Collision, Civil Jurisdiction—No committee since 1902.

Collision, Penal Jurisdiction—Messrs. Clark, Griffin, McGrann.

Collision, International Rules Revision — (1928) Messrs. McGrann, Clark, Farwell, Sprague, Robt. Williams, Duncan, Matteson, Griffin (Chairman).

- Collision, Allocation of Liability—(1925) Messrs. Symmers (Chairman), Conlen, Hickox, Mount, A. C. Matteson.
- Documentation of Vessels—Judge Rose, Chairman (died 1927), Messrs. Burnham, Ferris, Niles, Griffiths, Hupper, Terriberry (Committee continued in 1927, but has not acted since that year).
- Extension of Admiralty Jurisdiction — Messrs. Hupper (Chairman), Lillick, Lord.
- Government Tort and Contract Liability—Committee continued in 1925 to resist changes adverse to rights of suitors—Messrs. Betts (Chairman), Bailey, Janney.
- Interest on Admiralty Decrees on Appeal—Messrs. Kremer (Chairman), Judge Swan, Houston, Henderson, Griffiths (Mr. Kremer resigned in 1930. Committee inactive since report was re-committed in 1928).
- Hague Rules—Messrs. Englar, Hickox, Veeder, cooperating with Mr. Haight, Chairman of B/L Committee of International Chamber of Commerce.
- International Conference—T. Catesby Jones, delegate to Antwerp Meeting of the Comité International Maritime.
- Legal Costs — (committee discharged 1930) Messrs. T. Catesby Jones, Lord, Dutch.
- Liens—(1925) Messrs. Putnam, Dean.
- Membership—The Executive Committee.
- Merchant Shipping Code — Messrs. Niles (Chairman), Burnham, Betts, Henderson, Rault, Goulder (died), Kremer, Griffiths.
- Passenger Insurance—No committee since 1923.
- Shipowners' Limitation — (Vestris Committee) Messrs. Campbell, Englar, Hupper, to watch and report.

Index:

During the past year an Index to the proceedings of the Association has been compiled and printed covering thirty years of history. The minutes of the years before 1920 have become so scarce that some sort of a handy digest seemed desirable. The Index seems already to have been useful enough to justify the printing expense, which was \$568.70. Enough extra copies were printed to supply the estimated additions to membership for the next 10 years.

Respectfully submitted,

ARNOLD W. KNAUTH,
Secretary.

TREASURER'S ANNUAL REPORT

TO THE MARITIME LAW ASSOCIATION:

Receipts

Balance on Hand May 1, 1930	-----	\$2,483.26
Dues Received:		
1927	-----	\$40.00
1928	-----	120.00
1929	-----	170.00
1930	-----	1,065.00
1931	-----	5.00
	-----	\$1,400.00
Interest	-----	19.21
	-----	\$1,419.21
		<u>\$3,902.47</u>

Disbursements

Miscellaneous Printing	-----	\$513.25
Addressing	-----	90.28
Letterheads and Envelopes	-----	55.77
30-Year Index and Digest	-----	568.70
Subscription to Amer. Mar. Cases	-----	50.00
Comité International Maritime		
(1929)	-----	250.00
(1930)	-----	250.00
Stenography and Miscellaneous		
Disbursements		
(1929-30)	-----	178.84
(1930-31)	-----	231.29
Committee Expenses	-----	23.12
Meetings	-----	25.00
	-----	\$2,236.25
Balance on Hand April 30, 1931	-----	\$1,666.22
		<u>\$3,902.47</u>

NOTE: The balances are on deposit as follows:

Central Hanover Bank and Trust Co.	-----	\$647.01
Seamen's Bank for Savings	-----	1,019.21
	-----	\$1,666.22

BACK DUES POSITION AS OF MAY 15, 1931

1930—50	Members	.....	\$250.00
1929—22	“	.....	110.00
1928—9	“	.....	45.00
1927—4	“	.....	20.00
1926—2	“	.....	10.00
1925—2	“	.....	10.00
1924—1	“	.....	5.00
		<hr/>	\$450.00

Respectfully submitted,

ARNOLD W. KNAUTH,
Treasurer.

INTERNATIONAL CHAMBER OF COMMERCE
WASHINGTON CONGRESS

MAY 4-9, 1931

Resolution

BILLS OF LADING

The International Chamber of Commerce again affirms its strong conviction that uniform laws and uniform bills of lading are required to facilitate international commerce. When every country has a different law and every carrier has a different form of bill of lading, confusion and litigation result and international trade is hampered by a condition which benefits no one and is harmful to all.

The Chamber notes with satisfaction the recent progress made in the United States and in France toward the adoption of the Hague Rules and welcomes the announcement made by the Pan American Union that at the Fourth Pan American Commercial Conference, to be held in October, 1931, an effort will be made to work out uniformity between the nations of the Americas, on the principles of the Hague Rules.

The Chamber urges that the strongest affirmative action be taken by the National Committees in all countries to the end that this constructive reform may be accomplished at the earliest possible date.