

May 1, 1932.

THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

SECRETARY'S NOTICES

REMINDER

Annual Meeting, Friday, May 13, 1932.

CIVIL AND PENAL JURISDICTION OF COLLISIONS AT SEA

The report of the Committee on the proposed International Conventions is enclosed herewith.

The Committee invites members to comment on the report *before* the meeting on May 13, so that the members of the Committee may have an opportunity to consider such comments in advance of the discussion and the framing of resolutions at the meeting.

EXTENSION OF ADMIRALTY JURISDICTION TO WATERFRONT STRUCTURES

The American Bar Association Committee of 1931 on Admiralty and Maritime Law, drew and recommended a bill creating a lien enforceable in the federal courts against vessels in navigable waters causing damage through negligent management or navigation to property upon or fixed to land. The annual meeting of the American Bar Association adopted the report and approved the bill which was drawn by Mr. Hickox and is printed at page 316 of the 1931 Reports of the American Bar Association, Volume 56. The text is as follows:

BE IT ENACTED, In any case where a vessel in navigable waters of the United States through negligent management or navigation causes damage to land or to any property

whatsoever upon or affixed to land, or any property right with respect thereto, any person who sustains damage thereby, without regard to the amount of damage or the citizenship of the parties, shall have a lien against such vessel and may proceed against the owner of said vessel in any district court of the United States having jurisdiction of the parties or against the vessel and the owner in the district where said vessel may be found, and shall have the right to attach the vessel to obtain security. The procedure in such cases and the rules concerning damages shall be the same as those prevailing in cases of admiralty and maritime jurisdiction and the action shall be tried by a judge without a jury, unless a jury is demanded by the defendant before or when answer is filed. The remedy afforded by this act is not exclusive of any other remedy which may exist. This act shall not be held to modify or repeal sections forty-two hundred and eighty-two to forty-two hundred and eighty-six inclusive of the Revised Statutes of the United States, or any other statute defining the liability of vessels, their owners, or representatives. If any part of any provision of this act, or the application of any part of any provision to other circumstances is held invalid, the remainder of this act or of the application of any part of any provision to other circumstances shall not be affected thereby.

A resolution will be introduced approving the Hickox Draft Bill, and authorizing cooperation with the American Bar Association to bring about its introduction into Congress and enactment into law.

The Chairman of the American Bar Association Committee on Admiralty for 1932 is Alfred Huger, 18 Broad Street, Charleston, South Carolina.

LEGAL COSTS

The American Bar Association Committee on Admiralty and Maritime Law for 1931 recommended that the admiralty proctor's docket fee on appeal should be increased to \$100, and also that the successful party should be allowed the reasonable cost of his brief. This recommendation was received and favorably acted upon by the American Bar Association at its annual meeting of 1931. The proposed amendment to the U. S. Code is as follows:

BE IT ENACTED, That United States Code, Title 28, Section 572, be amended by adding thereto the following: "On appeals in admiralty proctor's docket fee of \$100 and the reasonable cost of the brief of the successful party."

A resolution will be introduced approving the action of the American Bar Association, and instructing the President and Executive Committee to cooperate with the American Bar Association to bring about the introduction and the passage of this bill.

PRACTICE—APPOINTMENT OF COMMISSIONERS UPON DEFAULT REFERENCES AGAINST THE SAME VESSEL

Mr. Edward Ash has suggested that at the present time, when many vessels are being sold upon default decrees, it would be a convenience and a matter of substantial economy if the judges (in those districts where several judges sit) could arrange to have all references in respect to any particular vessel referred to the same Commissioner. It has chanced to happen, in some instances, that different commissioners have been appointed by different judges respecting the same vessel, resulting in considerable duplication of effort and expense. It is suggested that the members should discuss the situation and consider a resolution.

COLONIAL ADMIRALTY REPORTS

The Yale University Press, New Haven, Conn., has a few bound copies of JUDGE HOUGH'S "*Reports of Cases in the Vice-Admiralty of the Province of New York and in the Court of Admiralty of the State of New York, 1750-1788, with an Historical Introduction and Appendix.*" This collection was originally published in 1925, with the aid of a subscription from the members of this Association. The Yale University Press asks the Secretary to make known to the members that copies are still available at its office in New Haven. The ordinary price is \$5.00; The Yale University Press offers the volume to members of this Association at the price of \$4.00.

PROPOSAL OF NEW MEMBERS

The secretary, by direction of the Executive Committee, requests that the names of proposed new members be sent to him before May 10, if action is desired on May 13.

INTERNATIONAL CONVENTION FOR THE PROTECTION OF WHALING

The League of Nations Convention for the Regulation of Whaling, the protocol of which was opened for signatures on September 24, 1931, was signed by the United States at Geneva on March 31, 1932. The President has not yet sent this Convention to the Senate. The text will be printed in the April *Bulletin of Treaty Information*, issued by the State Department.

INTERNATIONAL LOADLINE CONVENTION

The International Loadline Convention, signed at London on July 5, 1930, was ratified by the U. S. Senate on the 27th day of February, 1931; the President proclaimed it on May 1, 1931, to become effective on July 1, 1932, if five nations shall then have ratified it. The U. S. ratification was deposited with the British Government on the 10th day of June, 1931. Ratifications have also been deposited by the Governments of Great Britain, Denmark and Latvia. When five ratifications have been deposited, the Convention by its term goes into force in respect of those nations which shall have ratified it. The text of the Convention is already the effective law of the United States, in respect of American-flag vessels in foreign commerce, by force of the Foreign Commerce Load Line Act of 1929, and the Department of Commerce Load Line Regulations of September 2, 1930.

SAFETY AT SEA CONVENTION

The Convention for Promoting Safety of Life at Sea was transmitted by the President to the Senate on December 17, 1929, and on the same day referred to the Committee on Foreign Relations. A Subcommittee, of which Senator Borah is chairman, has been conducting hearings during the present session of Congress.

Admiral Tawresey, on behalf of the Chairman of the U. S. Shipping Board, writes to the Secretary as follows:

March 19, 1932.

"I trust that some of your members will write to Senator Borah, Chairman of the Senate Committee on Foreign Relations, recommending ratification.

"Referring to Article 40 of the Convention, ratification will not make the proposed collision regulations, Annex II of

the Convention, a part of any treaty between ratifying governments. Ratification of the Convention will merely confirm the recommendation that the governments have already made* by their delegates signing the Convention.

“I recognize that your Association can be of great service in connection with any legislation that may be necessary following ratification, in order that it may be in good legal form. The Convention is not subject to amendment; it must be accepted or rejected as is. Your Association can aid in wording any legislation so that it may cover the matters intended to be included in a way that will be consistent with court decisions and legal practices, and that it may not go, unintentionally, outside intended limits in its effects on other statutes.”

Ratifications have been deposited by the United Kingdom, Denmark and the Netherlands.

Helm orders in the direct sense are stated to have gone into effect in Belgium on June 30, 1931.

A committee consisting of Mr. Griffin (New York), Mr. Huger (Charleston), and Mr. Janney (Baltimore) will propose a resolution on the Safety Convention.

Copies of the Convention are still available for distribution upon application, and copies will be ready for reference at the meeting.

ARNOLD W. KNAUTH, *Secretary*.