

## THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

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There will be no "winter" meeting of the Association in January, 1933. The annual meeting will be held as usual on Friday, May 5, 1933. A special meeting may be held in March to consider the revision of the Collision Regulations if the progress of the situation outlined below should make it desirable.

### REVISION OF REGULATIONS FOR PREVENTING COLLISIONS

The International Regulations for Preventing Collisions at Sea, agreed to by the leading maritime nations in 1889, and put into effect by various acts of national legislation, were revised in 1929 by the Conference on Safety of Life at Sea, meeting in London. The Revised Rules constitute Annex II of the Safety at Sea Convention (1929). The Convention itself, in Article 40 thereof, simply states that

"The Contracting Governments agree that the alterations in the International Regulations for Preventing Collisions at Sea shown in Annex II are desirable and ought to be made. The Government of the United Kingdom of Great Britain and Northern Ireland is requested to forward full particulars of the alterations to the other Governments who have accepted the International Regulations for Preventing Collisions at Sea, and ascertain whether they will adopt these alterations; to report the results to the Governments represented at this Conference, and to endeavor to arrange that the revised regulations shall come in force on the 1st July, 1931."

The principal changes are (1) compulsory range lights, (2) a black cone to be displayed by a vessel when both under sail and under mechanical power, (3) both a bell and a gong shall be sounded by vessels over 350 feet in length when anchored in fog,

(4) the last vessel of a tow shall blow a special fog signal, 1-long-3-short blasts.

Article 41 of the Convention provides as follows:

“The Contracting Governments agree that after midnight on the 30th June, 1931, helm or steering orders, *i.e.*, orders to the steersman, shall on all their ships be given in the direct sense, *e.g.*, when the ship is going ahead an order containing the word ‘starboard’ or ‘right’ or any equivalent of ‘starboard’ or ‘right’ shall only be used when it is intended, on ships as at present generally constructed and arranged, that the wheel, the rudder-blade and the head, shall all move to the right.”

The United States Government has not ratified the Safety at Sea Convention (1929). Neither has any bill ever been introduced to conform the American legislation with Annex II of the Safety at Sea Convention. Article 41 is the rule put into effect for the U. S. Navy in 1914; but no legislative effort has been made to apply it to the U. S. Merchant Marine.

In the meantime the following Governments have ratified the Safety at Sea Convention:

Canada	Latvia
Denmark	Netherlands
Finland	Norway
France	Spain
Germany	Sweden
Italy	United Kingdom

These Governments have agreed to put the same into effect generally on January 1, 1933, including Article 41, the “helm” rule.

The British Government will put the Convention in force on January 1, 1933, *except in respect of Annex II*. The British Chamber of Shipping advises that the date for putting the Revised Collision Regulations into operation is not yet fixed. The present understanding is that the British Government will propose a date for general international adoption of the Revised Rules when they are likely to be acceptable to all maritime countries.

It is understood that the other ratifying countries are adopting the same attitude. The Secretary has not, however, separately verified what the other countries named are doing.

Two methods of making progress in putting into effect the Revised Collision Rules are indicated. One is simply to have Congress enact the Revised Rules in place of the present statute, Title 33, U. S. Code Secs. 61-141, the effective date to be fixed by the President in general agreement with the other principal maritime nations, with a saving clause providing for the continued application of the old Rules to all litigation concerning accidents happening prior to the effective date to be fixed by the President. The other is for the United States to ratify the Safety Convention, and to amend the present statute in accordance with Article 40, and pass a "helm" statute in accordance with Article 41. In either case, Congress must enact the Revised Collision Regulations, in order to change from the old law to the new.

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The situation in respect of Canada is well described in the following quotation from a letter kindly prepared by Messrs. Meredith, Holden, Heward & Holden, barristers and solicitors of Montreal:

The situation so far as Canada is concerned is briefly as follows:

1. The alterations in the International Regulations for Preventing Collisions at Sea set forth in Annex II to the Safety Convention of 1929 have so far not been put into effect by the Government of Canada. We are given to understand by the Department of Marine & Fisheries that it is unlikely that this will be done before July 1, 1933.

Article 40 of the Safety Convention simply set forth that the Contracting Governments agree that the alterations are desirable and ought to be made as set forth in Annex II to the Convention.

2. The Parliament of Canada by the "Safety of Life at Sea and Load Lines Convention Act, 1931" (21-22 Geo. V. Chap. 49) confirmed and sanctioned the International Convention for the Safety of Life at Sea (1929) and the International Convention respecting Load Lines (1930), the act to come into operation on a date to be fixed by proclamation of the Governor in Council. By proclamation of November 18, 1932, it was declared that certain sections of the act confirming the conventions should become effective as from the date of proclamation and certain others as from January 1, 1933.

3. It is specifically stated by section 3 of the act confirming the conventions that "this act shall not apply to ships while engaged on voyages between Canada and the United States of America on any lakes or rivers."

4. Furthermore we are informed by the Department that it is not the intention of Canada to make any changes in the Rules of the Road for the Great Lakes except after consultation and treaty with the United States.

The result is that the situation is unchanged so far as the Lake Rules are concerned, and that so far as the Safety and Load Lines Conventions are concerned the provisions thereof do not apply to vessels voyaging between Canadian and American ports on lakes or rivers. Otherwise the provisions of the Safety and Load Line Conventions will be applied in Canadian waters below the lower entrance to the Lachine Canal at Montreal.

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The Revised Regulations, when placed in effect by the Canadian Government, will apply to all Canadian coastal waters, but not to the Great Lakes. The dividing line will be at the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, according to advices from the Department of Marine at Ottawa.

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In May, 1932, Judge Veeder appointed three committees, one to deal with the Inland Rules and Pilot Rules, the second with the Great Lakes Rules, and the third with the River Rules. Each committee was asked to recommend:

(a) Changes in those Rules rendered necessary or desirable in order to conform with the Revised International Rules, Annex II of the Safety Convention (1929); and

(b) Any other desirable changes, or amendments of the Rules which it would be convenient and expedient to bring forward at the present time.

The Great Lakes Committee has stated informally that it will render a report to the effect that no changes should be made in the Lake Rules at the present time.

The River Rules Committee, sitting in New Orleans, has held several meetings and it is hoped that a report will be made during January.

The Inland Rules Committee, sitting in New York, has not indicated when a report can be expected.

As soon as the reports of the three committees are available, the Secretary, pursuant to instructions, will print them and send them to all the members.

The ratification of the Safety Convention (1929) is now under consideration by the Senate Committee on Foreign Relations, of which Senator Borah is chairman.

Hearings have been held, and the Seamen's Union appeared in opposition to the Convention. It was argued that certain provisions in respect of manning lifeboats and in other matters of safety would relax the strictness of the present American statutes. It is understood that there was no criticism of the Revised Collision Regulations, Annex II. In spite of the opposition, the Committee reported the Convention favorably. According to recent press despatches, further consideration is prevented because the Senate can only consider the matter in Executive Session, and due to the present political deadlock, no Executive Session is likely to be held.

The Bureau of Navigation, Department of Commerce, expects that the Convention will be presented to the Senate for ratification at this session.

#### LOAD LINE CONVENTION 1930

The International Load Line Convention signed at London on July 5, 1930, of which the full English text was printed in Treaty Information Bulletin No. 12, Supplement (September, 1931) at pages 1-83, and the French text is printed in 26 Dor 633, was ratified by the United States Senate on February 27, 1931, and proclaimed by the President, and became effective January 1, 1933.

Congress enacted the first American load line legislation as a statute of the United States applicable to foreign commerce on March 2, 1929, 45 Stat. 1492. The regulations under the Act were promulgated by the Secretary of Commerce on August 20, 1930, and went into effect on September 2, 1930. Congress subsequently considered bills extending the Load Line principle to the intercoastal trade, but the Intercoastal Load Line Bill has not been enacted into law. Congress has also considered bills extending the Load Line principle to the Great Lakes but no legislation has been enacted.

According to United States State Department Treaty Information Bulletin No. 37 (October, 1932), the following nations (being many more than the necessary number of five) have adhered to the Convention and have simultaneously put the Convention into effect in their respective jurisdictions on January 1, 1933:

Canada	Norway
Denmark	Portugal
Finland	Russia
France	Spain
Italy	Sweden
Latvia	United Kingdom
Netherlands	United States of America
New Zealand	
(Including Western Samoa)	

Further adherences are expected, effective April 1, 1933.

Canada has not put the Load Line Convention into effect on the Great Lakes and proposes to deal with the Great Lakes only in agreement with the United States.

Under authority of the Load Line Act, 1929, section 5, arrangements have been made, by exchanges of diplomatic notes, for the reciprocal recognition of load-line certificates with the following countries:

*Executive Agreement  
Series No.*

Belgium	40
Denmark	29
Germany	31
Iceland	30
Irish Free State	27
Italy	36
Japan	25
Netherlands	42
Sweden	35

A list of National rules regarded as equivalent to the British 1906 Rules is printed with the Regulations, Appendix C. (Sources: Treaty Information Bulletins No. 11, 12, and 37.)

[ 1927 ]

## HAGUE RULES

Portugal transmitted the instruments of adherence to the Brussels convention of August 25, 1924, by letter to the Belgian Government dated December 24, 1931, effective June 25, 1932. The adherence is for Portugal alone, not for the Colonies.

(Information from Treaty Information Bulletin No. 28, January, 1932.)

## COLLISION CONVENTION 1910

### SALVAGE CONVENTION 1910

Latvia has adhered to the Conventions, effective September 2, 1932.

(Source: Treaty Information Bulletin No. 36.)

## REGULATION OF WHALING CONVENTION 1931

The text of the Convention is printed in Treaty Information Bulletin No. 32 (May, 1932).

The United States signed this Convention. It has not yet been presented to the Senate.

## INTERNATIONAL MARITIME COMMITTEE

It is proposed to hold the next conference at Oslo, Norway, in 1933.

No date has yet been fixed nor has the agenda been prepared.

Thursday, August 31, is tentatively suggested as the date for opening the meetings.

## ITALIAN MARITIME LAW ASSOCIATION

The Secretary of the Italian Maritime Law Association has sent the following pamphlets:

Year Book of Comparative Law and of Legislative Studies, in Italian, with an English translation. Introductions to Volumes I and IV-V.

Per un Istituto di Studi Legislativi by Professor Salvatore Galgano.

Annuario di Diritto Comparato e di Studi Legislativi by Professor Salvatore Galgano. Estratti di Recensioni ed Articoli sul Volumi I, II-III, IV, e V.

ARNOLD W. KNAUTH, *Secretary.*