

## THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

The thirty-fourth annual meeting of the Association was held at the house of the Association of the Bar in the City of New York, Friday, May 12, 1933, at 8 p.m.

Present were Honorable VanVechten Veeder, the President, who presided, the Secretary, Arnold W. Knauth, and the following forty-one members:

Earl Appleman, Norman M. Barron, George E. Beechwood, George W. Betts, Arthur M. Boal, Paul L. Clugston, M. Detels, Charles F. Dutch, Henry C. Eidenbach, Morris Douw Ferris, Ezra G. Benedict Fox, Joseph W. Henderson, Paul J. Lacques, Anthony V. Lynch, Jr., John A. Lyon, L. J. Matteson, Karl F. Mayhew, P. J. R. McEntegart, W. H. McGrann, Russell T. Mount, Thomas F. Mount, Emory H. Niles, Alfred Ogden, Edward F. Platow, John C. Prizer, Edward A. Quinlan, John L. Quinlan, E. Curtis Rouse, James W. Ryan, Richard F. Shaw, John H. Skeen, Paul Speer, George C. Sprague, Henry T. Stebbins, Rush Taggart, Sawyer Thompson, Miles Wambaugh, Burton H. White, William H. Woolley, Stanley R. Wright, Charles E. Wythe.

The reading of the minutes of the previous annual meeting was dispensed with.

The annual reports of the Secretary and Treasurer were read and ordered on file. The treasurer's report had been printed at page 1949 and distributed in advance of the meeting. The secretary's report is printed herewith.

### ELECTION OF MEMBERS

*Active Members*—The secretary stated that five nominations had been received and recommended by the Executive Committee, all of the candidates being members of the Bar. On motion duly made and seconded, the persons recommended by the Executive Committee were thereupon elected as follows:

*Charles S. Haight, Jr.*, of Haight, Smith, Griffin & Deming, 27 William Street, New York, N. Y.

Proposed by Arnold W. Knauth.

*Francis L. Laws*, of Lewis, Adler & Laws, 208 South Fourth Street, Philadelphia, Pa.

Proposed by Arnold W. Knauth.

*D. A. Simmons*, Simmons & Arnold, Sterling Building, Houston, Texas.

Proposed by H. C. Hughes.

*Harry V. Stebbins*, associated with Platow & Lyon, 60 Broad Street, New York, N. Y.

Proposed by John A. Lyon.

*Whiting Willauer*, of Burnham, Bingham, Pillsbury, Dana & Gould, 1 Federal Street, Boston, Mass.

Proposed by Chas. S. Bolster.

#### LEGAL COSTS

Mr. Sprague presented the report of his committee, which had been previously printed and distributed as Document No. 185. He pointed out that Mr. Lord had been the chairman of a committee on the same subject in 1930, the report being printed at page 1784 of the minutes, and that the Association had accepted and endorsed that report, recommending a proctor's fee on appeal in the amount of \$100. In 1931 Mr. Hickox had caused a similar resolution to be brought before the American Bar Association, basing his recommendation to that body upon our resolution of 1930. He therefore expressed the view that it might not be proper to consider the present recommendation of his committee for a sliding scale of proctors' fees, in view of the action in 1930 favoring the fixed proctor's fee of \$100. Passing to the balance of the report, he pointed out the dissent of Mr. Whip of Baltimore. Answering a question put by Mr. Boal, he stated that in the case of an interlocutory decree the amount on which the sliding scale would be calculated would be the amount claimed in the libel, and that in the case of a final decree, the amount would be calculated upon the amount recoverable under the decree.

The President, stating that the question was whether the committee's report should be approved, suggested that perhaps the Association would wish to abide by its 1930 resolution until further efforts to carry such resolution into effect had proved to be unsuccessful. Mr. Betts, remarking that it was never too late to amend, supported Mr. Sprague's report as an improvement over the 1930 recommendation (which had not resulted in any statute or rule), and moved to accept the report as a whole and authorize the President

and Executive Committee to take proper steps to bring about the reforms which it recommended. Mr. Mount, seconding the motion, favored a sliding scale over a flat fee. After some further discussion, the question was put and carried, there being no contrary voices.

The President subsequently appointed the following committee: Mr. Betts, Mr. Sprague and Mr. Dutch.

### COLLISION RULES

Mr. McGrann presented an interim report of the Inland Rules Committee, printed as Document No. 187. The committee thought a good many changes would be desirable, both to bring the Inland Rules into conformity with the (new) International Rules and to correct various other points, especially with reference to lights and sound signals. The committee wished to give everyone a chance to be heard, and invited suggestions with a view to requesting a special meeting on the subject if that should be desirable. Mr. McGrann expressed his personal disappointment that the River Rules Committee should have reported against any modification, since his own experience in litigation under the River Rules, which date from 1864, had persuaded him that there was a great deal of room for betterments in those Rules.

The report of the Inland Rules Committee was received and placed on file, and the committee was continued.

The report of the Great Lakes Rules Committee, printed in January, 1933, as Document 183, was received and, on motion of Mr. Matteson, was approved.

The report of the River Rules Committee, printed in April, 1933, as Document No. 186, was received and, on motion of Mr. Dutch, seconded by Mr. McGrann, was received and tabled until the Inland Rules should have been acted upon. The view was expressed that the same considerations which would lead to alterations in the Inland Rules, on account of the imminent general acceptance of the (new) International Rules, would apply with substantially equal force to the River Rules.

### MERCHANT MARINE CODE

Mr. Niles, after reviewing the history of this matter, stated that there were no prospects of action at the present time. The Shipping Board, much reduced in numbers and in its functions, did not give promise of taking the matter up again and there was no interest in Congress. He therefore suggested that the committee be discharged. The Chair, however, thought it was too soon to be discouraged,

especially as there appears to be continued interest in the matter among the officials of the Bureau of Navigation, and the committee was accordingly continued to watch the situation and be prepared to act whenever there should be favorable developments.

#### HAGUÉ RULES

The chairman presented a letter from Mr. Englar stating that the situation was discouraging and that no progress could be made with Congress at the present time. The matter should, therefore, wait until there might be a more favorable turn of events.

#### RESTATEMENT OF CONFLICT OF LAWS BY THE AMERICAN LAW INSTITUTE

The President reported that Mr. Burlingham, Mr. Hickox, and he had conferred last week with a committee of the American Law Institute concerning the sections on Maritime Wrongs in the restatement of Conflict of Laws. The sections submitted by the committee were discussed, and the matter was adjourned for another conference.

#### DATE OF ANNUAL MEETING

The President suggested that the present date of our annual meeting will always conflict with the meeting of the American Law Institute. After considerable discussion, it was, on motion duly made by Mr. Ryan and seconded, resolved that the annual meeting should be held on the third Friday in April instead of on the first Friday of May.

The President also suggested that the success of meetings would be very much promoted by combining the meetings with a dinner, which met with much favor, both among the members from New York and from other cities. On motion of Mr. McGrann and duly seconded, the incoming President and Executive Committee were informed that it was the sense of the meeting that two dinner meetings a year would be very much appreciated by the members.

#### SOUTHERN DISTRICT STENOGRAPHIC STIPULATIONS

Mr. Wright stated that several of the admiralty offices had been negotiating with the Southern District Court reporters and other stenographers before whom depositions are taken, for a substantial reduction in rates. The Southern District Court reporters had suggested that the stipulation customarily agreed to by counsel at the

beginning of an admiralty trial should be changed so that any party ordering a copy of the minutes should pay the entire attendance fee of the stenographer, as well as the cost of the copy of the minutes, such proctor being subrogated to the right of the reporters, and in that way assuming the task of collecting the proportionate attendance fees from all the other lawyers in the case. This was not acceptable to the bar. On motion of Mr. Ryan, duly seconded, it was resolved that the President appoint a committee to confer with the Southern District Court reporters, and with the Judges of the District Court if necessary, with a view to bringing the situation under some fair rule applicable to all admiralty cases. The President thereafter appointed Mr. George C. Sprague and Mr. Stanley R. Wright as a committee of two.

#### PROPOSED INTERNATIONAL CONVENTIONS ON CIVIL AND PENAL JURISDICTION OF COLLISIONS

The Secretary stated that the Oslo meeting of the International Maritime Committee, postponed from last year, would be held at Oslo, Norway, on August 22 to 25, 1933. The first and second pamphlets of preliminary reports had just been received and were available for the inspection of members who were interested. The views of our Association had been formulated a year ago, and nothing had occurred since to change them.

#### THE SAFETY CONVENTION

The Secretary stated that the Convention for Safety at Sea (London, 1929) had gone into effect with the exception of Annex 2, relating to the collision rules, practically everywhere in the world except the U. S. A. The other countries were waiting as to Annex 2 until the United States should be ready to put the new International Rules into effect simultaneously. The Safety Convention itself continues to be opposed by the Seamen's Union, on the score that some of the safety provisions of the Convention are not as favorable to seamen as the present provisions of the Seamen's Act. In this situation it has been suggested that Congress enact Annex 2, which the Seamen's Union does not object to, so that the Revised International Rules can go into effect generally throughout the world. The last Congress, however, had been unable to act during its final short session, and the present Congress had been too actively engaged in new legislation to meet the economic crisis to attend to this matter.

Our resolution of 1932 endorsing and supporting the Safety Con-

vention and urging prompt consent to its ratification had been sent to the various Government officials concerned, but action had not been possible during the year.

#### EXTENSION OF ADMIRALTY JURISDICTION

The committee had no further report.

#### AMENDMENT OF THE SUITS IN ADMIRALTY ACT

Mr. Campbell's committee, appointed to assist in bringing about the passage of the Free Bill, had been successful; the bill had been enacted into law, and the committee was accordingly discharged with thanks.

#### SOUTHERN DISTRICT COURT CALENDAR PRACTICE

Mr. Houston's committee with reference to the Southern District Court Calendar Practice had brought about the desired reform through conference with the Senior District Judge, and the committee was discharged with thanks.

#### ARBITRATION

The committee had no further report and was continued.

#### ELECTION OF OFFICERS

The report of the Nominating Committee, consisting of Messrs. Betts, Englar and Erskine, was read by Mr. Betts and the nominations being closed, the following officers were elected for the coming year:

For President: Hon. VanVechten Veeder.

For Secretary and Treasurer: Arnold W. Knauth.

For Executive Committee:

Alexander R. Lawton, Jr., of Savannah.

Morris Douw Ferris of New York.

Farnham Griffith of San Francisco.

Oscar W. Houston of New York.

Charles R. Hickox of New York.

Edwin C. Hollins of New Orleans.

Arthur J. Santry of Boston.

J. Frank Staley of Washington, D. C.

The meeting thereupon adjourned.

ARNOLD W. KNAUTH, *Secretary.*

[ 1961 ]

## REPORT OF THE SECRETARY

FOR THE YEAR ENDING APRIL 30, 1933

*To the Maritime Law Association:*

The annual meeting, held on May 13, 1932, was the only meeting of the year. The minutes were printed and distributed.

The following deaths were noted:

*Henry J. Bigham*, of New York. Elected in 1914.

*George V. A. McCloskey*, of New York. The editor of the Fifth Edition of Benedict on Admiralty. Elected 1924.

*Foye M. Murphy*, of Boston. Elected 1922.

*Alfred H. Strickland*, of New York. Elected 1921.

*John F. Lewis*, of Philadelphia. Elected 1911.

*J. Thurston Manning*, of Philadelphia. Elected 1925.

The executive committee dropped seven members for non-payment of dues for three or four years; accepted three resignations and discontinued the honorary memberships of several former members of the Shipping Board. Including the five applications presented to this meeting, the membership is as follows:

Associate, without dues, fifty-six; Active, three hundred and twenty-six; a total of three hundred and eighty-two; or a net decline of fifteen members.

Several memoranda and reports have been prepared and distributed during the year, dealing with the collision rules, the Safety Convention, the Load Line Convention, and Legal Costs. The activities of committees are referred to in the report of the meeting.

ARNOLD W. KNAUTH, *Secretary*.