

THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

The thirty-fifth annual meeting of the Association was held at the house of the Association of the Bar of the City of New York on Friday, March 23, 1934, at 8 p.m.

Present were the Honorable VanVechten Veeder, the President, presiding; the Secretary, Arnold W. Knauth, and the following forty-three members:

Robert E. Ard, George W. Betts, Jr., Ira A. Campbell, Paul L. Clugston, Morris Douw Ferris, Frank J. Foley, Ezra G. Benedict Fox, Albert T. Gould, John W. Griffin, Charles Hann, Jr., Charles W. Harvey, James A. Hatch, Robert E. Hill, Edwin C. Hollins, Oscar R. Houston, T. Catesby Jones, J. Harry LaBrum, Henry H. Little, Henry N. Longley, Anthony V. Lynch, John A. Lyon, Mark W. Maclay, Archibald C. Matteson, Leonard J. Matteson, P. J. R. McEntegart, William H. McGrann, Emory H. Niles, Edward F. Platow, F. Herbert Prem, John C. Prizer, Edward A. Quinlan, Gregory S. Rivkins, E. Curtis Rouse, James W. Ryan, Richard F. Shaw, John H. Skeen, Paul Speer, George C. Sprague, Harry V. Stebbins, Rush Taggart, Sawyer Thompson, Braden Vandeventer, Miles Wambaugh.

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

The annual reports of the Secretary and the Treasurer were read and ordered on file. The Treasurer's report had been distributed in advance of the meeting (p. 1967). The Secretary's report is printed herewith.

ELECTION OF MEMBERS

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

Active Members

Robert E. Ard, of the Shipowners Claims Bureau, Inc., 64 Water Street, New York, N. Y.

Proposed by Robert E. Hill.

Alfred F. Christiansen, 6 Beacon Street, Boston, Mass.

Proposed by Charles S. Bolster.

John Courtland Knowles, 830 Hospital Trust Building, Providence, R. I.

Proposed by Archibald C. Matteson.

J. E. Yonge, First Trust & Savings Bank Building, Miami, Florida.

Proposed by Arnold W. Knauth.

Honorary Members

The Honorable John C. Bowen, U. S. District Judge for the Western District of Washington, Seattle, Wash.

Proposed by Mr. Dobrin.

The Honorable Ira Lloyd Letts, U. S. District Judge for the District of Rhode Island, Providence, R. I.

Proposed by Archibald C. Matteson.

Memorial to Judge Ward

Mr. John W. Griffin read a memorial to Honorable Henry Galbraith Ward, prepared by Mr. Charles S. Haight, which has been printed as Document No. 192. On resolution duly made and seconded, the Secretary was instructed to send copies of this memorial to Judge Ward's family and to the Bar Association.

COMMITTEE REPORTS

Legal Costs

Mr. Betts stated that the American Bar Association has approved the three changes suggested by Mr. Sprague's committee, Document No. 185, dated April, 1933, which was accepted and approved by this Association at the May meeting in 1933. The approval of the Admiralty Committee of the New York Bar Association is assured and it is expected that the Bar Association will approve the recommendation of its committee. Senator White is prepared to introduce the bill and Mr. Vandeventer, of Norfolk, is prepared to push the matter before Congress on behalf of the American Bar Association. It is expected that the bill will be introduced at the present session of Congress.

Collision Rules

Mr. McGrann, speaking for the *Inland Rules* Committee, stated that the Committee had been active, although a final report is not yet ready. The members of the Committee have found

themselves in disagreement among themselves on a number of questions. The Committee has therefore adopted the policy of asking each of its members to draw his own draft; should there be irreconcilable conflicts between these drafts, the Committee would propose to bring them to open discussion at a special meeting of the members called for the purpose, the revision of the Inland Rules being a matter of very great importance, warranting careful thought and full discussion. The Committee was continued.

Great Lakes Rules and River Rules

There has been no change or development in the views of the Committees, expressed in their reports of 1933.

Proposed International Conventions on Civil and Penal Jurisdiction of Collisions

The President stated that the Committees of the International Maritime Committee are still engaged on these questions, and, as there is no meeting of the International Committee in 1934, there are no proposals now requiring the attention of our Association.

Extension of Admiralty Jurisdiction

The Committee had no report. The Secretary mentioned the contribution on this subject made by Mr. George R. Farnum, of Boston, in an article in the *Yale Law Review* for December, 1933, suggesting that the present stumbling block to the extension of admiralty jurisdiction is the view expressed by the Supreme Court in 1865 in *The Plymouth*, 70 U. S. (3 Wallace) 20, and that the matter could best be attacked by bringing about a reconsideration of the doctrine of *The Plymouth*, by legislation if necessary.

Restatement of Conflict of Laws by the American Law Institute

The President stated that this subject would be considered again by the American Law Institute at its forthcoming meeting in May, which he expected to attend. In consequence of our repeated protests concerning the draft sections on Maritime Wrongs, the text was recommitted in May, 1933.

Work of the American Bar Association Committee on Admiralty and Maritime Law for 1934

The President stated that this year's Committee consists wholly of members of the Maritime Law Association. Mr. Lawrence

Bogle, of Seattle, the Chairman, proposed to center the Committee's work on legislation to incorporate the recommendations of Mr. Sprague's committee as to legal costs, and to bring about the extension of admiralty jurisdiction to land structures.

The Safety Convention

The President stated that Congress has made no progress with this subject in the past year. The Treaty was sent to the Senate Committee on Foreign Relations on December 17, 1929, by President Hoover, without any message; it is still before this Committee. There is no bill before the House.

NEW BUSINESS

Vessels Operated by Receivers— Security in Collision Cases

Mr. Betts stated that the present practice of the courts places serious obstacles in the way of libeling *in rem* a vessel being operated by equity and admiralty receivers; even when permission to file a libel *in rem* is granted, the courts refuse to halt the operation of the vessel pending the furnishing of a stipulation for value. Although such vessels are ordinarily insured by the receivers against the usual risks, including the running down risk, there is no lien on such insurance, nor is the position different where the greater collision risk is covered by P. & I. Clubs. This situation operates to the disadvantage of owners whose vessels chance to come into collision with vessels operated by receivers. He suggested that the remedy might be to arrange by rule of court or by legislation that receivers who are granted the right to operate vessels should be required to obtain an insurance cover for all liabilities which would provide that the underwriter will be directly responsible to an injured third party. The statutes of New York already provide that personal injury claimants may proceed directly against the underwriter where the assured fails to respond because of receivership. An extension of the same principle to collision and other risks of property damage for which vessels operated by receivers may be libeled *in rem* would seem to be a solution of this difficulty. He moved the appointment of a committee to consider the question of the liability of vessels for torts occurring while such vessels are operated by receivers.

Mr. Betts's resolution was seconded by Mr. McGrann, put and carried.

Norris Bill Limiting Fees

Mr. Campbell stated that Senator Norris has introduced a bill limiting the attorney's fee in every case against the government to \$5,000, or 20 per cent, whichever shall be the least, and moved that this matter be referred to the Executive Committee with power to act if the occasion arises. Mr. Jones, in seconding the motion, added that an effort should be made to secure the cooperation of the American Bar Association, which Mr. Campbell accepted. The motion was carried.

ELECTION OF OFFICERS

The Nominating Committee, Messrs. Earle Farwell, T. Catesby Jones, and George C. Sprague, presented the following nominations:

For President:

Honorable VanVechten Veeder.

For Secretary and Treasurer:

Arnold W. Knauth, Esq.

Executive Committee:

Roscoe H. Hupper, Esq., New York; Allan B. A. Bradley, Esq., New York; Russell T. Mount, Esq., New York; Albert T. Gould, Esq., Boston; Henry P. Dart, Jr., Esq., New Orleans; Braden Vandeventer, Esq., Norfolk; Lane Summers, Esq., Seattle; J. Frank Staley, Esq., Washington.

The nominations being duly closed, the Secretary on motion was instructed to cast one ballot.

History of the Southern District

Judge Veeder stated that Mrs. Hough had found among Judge Hough's papers an account of the history of the United States District Court for the Southern District of New York from its organization in 1789 to 1919—a striking instance of his devoted interest in the Court and its work, written with his accustomed clarity of style and statement. Judge Veeder read the paper and upon the conclusion of the reading it was resolved that the history should be printed as a separate document, and that copies should be sent to Mrs. Hough.

The meeting thereupon adjourned.

ARNOLD W. KNAUTH, *Secretary.*

SECRETARY'S REPORT FOR 1933-1934

To the Maritime Law Association:

The annual meeting held May 12, 1933, was the only meeting of the year. The minutes were printed and distributed.

The International Maritime Committee met at Oslo, Norway, in September. Mr. Haight, Sr., and Mr. Haight, Jr., attended. The meeting opened with vigorous protests by the British delegates against the delays in the general acceptance and enactment into national law of the four Brussels Conventions on Limitation of Liability, Liens and Mortgages, Bills of Lading, and Immunity of State-Owned Ships. There were general expressions of intention to press these before the various national legislatures. The French proposals of new conventions on Penal Jurisdiction and Civil Jurisdiction of Collisions, and on Arrest of Ships, were sent back to committee for further study. In ordinary course, the next meeting will take place in 1935. The minutes of the 1933 meeting have not yet been printed or distributed.

The following deaths have been noted:

Hon. Henry Galbraith Ward, Judge of the Circuit Court of Appeals, Second Circuit; one of those who founded the Association in 1899.

Hon. Frank J. Coleman, U. S. District Judge, Southern District of New York; elected 1927.

Hon. Edmund Waddill, U. S. Circuit Judge, Fourth Circuit, Richmond, Va., elected 1927.

The Executive Committee dropped nine members for non-payment of dues for three years or more, and accepted six resignations.

Including the elections at this meeting, the membership is:

Associate, without dues	_____	55
Active	_____	315
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Total	_____	370

A net decline of 12 members.

The activities of the committees are referred to in the report of the annual meeting.

ARNOLD W. KNAUTH, *Secretary*.