

July, 1935

THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

SECRETARY'S NOTICES

The special meeting tentatively announced for Wednesday, July 10th, will **not** be held.

The next meeting of the Association will be an informal gathering on board the French liner *Normandie* on **Tuesday, July 30th, from 4.30 to 6 P. M.**, to continue the discussion of Safety of Ships. Speakers already invited are Fire Commissioner McElligott (who holds a master's license) and Dock Commissioner McKenzie. A further notice will be sent about July 20th.

COMMITTEE ON SAFETY LAWS.

The legislative program of the Department of Commerce, Bureau of Navigation, has now assumed the form of three bills: an "*Omnibus Sea Safety Bill*," H. R. 8599; a *discipline bill*, providing for licensing of chief pursers, chief stewards, wireless men and ship electricians, H. R. 8597; and a *dangerous cargo bill*, H. R. 8598. These bills have been introduced by Congressman Bland, Chairman of the Committee on Merchant Marine, and referred to his Committee.

Members desiring to express views concerning this legislative program are requested to communicate with the members of the Sea Safety Committee: Messrs. Earle Farwell, New York, Albert T. Gould, Boston, and Braden Vandeventer, Norfolk.

LIMITATION OF LIABILITY.

The House of Representatives passed the Ship Subsidy Bill, H. R. 8555, on June 27, 1935, including Title X thereof.

The text of Title X as passed by the House is identical with the text recently printed and distributed in our Document 212, *except for one change in phraseology.*

Section 4283 (d), at the top of page 2199, has been changed; the words omitted are in brackets, and the words substituted are in italics, as follows:

SEC. 4283. (d) If there be more than one owner of a sea-going vessel (other than a sea-going tug or barge) the individual liability of any part-owner in respect of loss of life or bodily injury shall be limited, under the conditions provided in this section, as amended, [to the proportion of the aggregate amount thereof for which all owners are liable that his individual share of the vessel bears to such aggregate amount;] *to an amount which bears the same ratio to the total liability of the owners of such vessel in respect of loss of life or bodily injury as his individual share of the vessel bears to the whole;* but this provision shall not prevent any claimant from joining all the owners in one action.

The change does not appear to alter the sense of the provision.

The vote in the House was 194 to 186. The bill was sent to the Senate and has now been printed as a Senate document, still bearing the House number H. R. 8555. It has been referred to the Senate Committee on Commerce.

THE HAGUE RULES.

The White Bill, S. 1152 (for text see Document 211), came up in the Senate for unanimous consent on June 10th and went over on objection of Senator McKellar. It came up for the second time for unanimous consent on June 24th and went over on objection of Senator King. On each occasion the objecting Senator stated that the bill appeared to have a good many amendments which he did not understand and which he desired an opportunity to look into.

EXTENSION OF ADMIRALTY JURISDICTION.

The Standing Committee of the American Bar Association on Admiralty and Maritime Law will bring in a report at the Los

Angeles meeting, July 15th to 19th, in support of the following resolution and draft text for proposed legislation:

Resolution—

“RESOLVED, That the American Bar Association approves the bill drafted by the Committee on Admiralty and Maritime Law extending admiralty and maritime jurisdiction of the United States to all cases of damage or injury, to persons or property, caused by a vessel on navigable water, notwithstanding that such damage or injury be done or consummated on land; and recommends its enactment by Congress.”

Draft Text—

“BE IT ENACTED, That the admiralty and maritime jurisdiction of the United States shall extend to and include all cases of damage or injury, to person or property, caused by a vessel on navigable water, notwithstanding that such damage or injury be done or consummated on land.

In any such case suit may be brought *in rem* or *in personam* according to the principles of law and the rules of practice obtaining in cases where the injury or damage has been done and consummated on navigable water.”

The members of the Committee, all of whom are members of this Association, are: Lawrence Bogle, Chairman, Carl V. Essery, George R. Farnum, T. M. Shackelford, Jr., and J. Harry LaBrum.

INTERNATIONAL MARITIME COMMITTEE.

The Comité Maritime International will not meet in 1935. Since the last meeting, at Oslo in 1933, committees have been working on the draft conventions concerning Penal Jurisdiction and Civil Jurisdiction of Collisions on the High Seas, and several national associations have given advice to the International Air Law Committee (known as the Citeja) as to the proposed Aerial Salvage Convention, which is being drawn to include matters of salvage as between aircraft and vessels. The principal effort, however, is to bring about further acceptance and ratifications of

the various conventions which the Comité has sponsored and which the Diplomatic Conference on Maritime Law has, at its various sessions, accepted. A statement as to the present status of these conventions—the Salvage Convention, 1910, the Collisions Convention, 1910, the Bills of Lading Convention, 1923-1924, the Liens and Mortgages Convention, 1923-1926, and the Limitation of Liability Convention, 1923—is in course of preparation.

The progress of the Bills of Lading Convention and the Limitation Convention has been recently stated in our Documents 211 and 196, respectively.

THE LAW OF PRIZE.

In the library of the late William H. Gorham, Esq., of Seattle, his family have found a large mass of notes bearing comments upon each of a great many prize cases. It appears that it was Mr. Gorham's intention to prepare either a collection of prize cases or, more probably, a textbook concerning the law of prize.

Mr. Gorham, who was a member of the Association from 1910 until his death in 1935, and in active admiralty practice throughout that time, was known as a very careful, exact workman, and it is thought, without further examination of the notes, that they are probably highly accurate and would be valuable to anyone working in this field.

Mr. Gorham's family have turned his notes over to another member of the Association, Mr. Lane Summers, of Seattle. Mr. Summers would be pleased to receive communications from any member interested in this subject. His address is Central Building, Seattle, Washington.

TABULA DE AMALPHA.

Mr. George C. Sprague has interested himself in obtaining a proper translation of the Tabula de Amalphi, the body of ancient sea laws of Amalfi, Italy, recently discovered and published by the Italian Maritime Law Association. The twenty-one passages in Latin have been translated, but the forty-five passages in medieval Italian present considerable difficulty and the services of an expert appear to be necessary. Mr. Sprague has been in communication

with persons on the faculties of various universities who could do this work and finds that an expense of perhaps \$200 would be involved. If any members are interested in joining Mr. Sprague in arranging for the translation, he would be pleased to have them communicate with him.

SAFETY AT SEA HEARINGS.

The hearings on safety of life and property at sea conducted by the House of Representatives Committee on Merchant Marine and Fisheries have been printed and are available on application to the Government Printing Office, Washington. The hearings were held on H. R. 4550 (the Sirovich Bill) and are marked "*Part 2—Fixing the Liability of Owners of Vessels, April 3 and May 13, 1935.*" The Government Printing Office print number is 141764.

The record includes our Committee report on the history and present status of domestic and foreign laws concerning limitation of shipowner's liability, Document No. 196. It also includes a report by Director J. C. Peacock of the Shipping Board Bureau, approved by Secretary of Commerce Daniel C. Roper, stating that a change in the law is "highly desirable," but concluding that "the question of the conditions under which liability should or should not be limited and the amount to be specified would appear to be one of general policy to be decided by the Congress with the benefit of such information as is available from this report and other sources." The record also contains a report from the State Department calling attention to the various treaties of commerce and navigation which provide for freedom of commerce and navigation and grant to foreign shipowners the liberty freely to come with their vessels and cargoes to ports of the United States, and calling attention to the Brussels International Convention on Limitation (1924), accompanied by a complete translation of that Convention, and the accompanying protocol and process verbal of signature.

The record further contains the first half of an article on limited liability of shipowners which appeared in the United States Law Review (Isidor Blum, Esq., Editor, who is understood to have written the article), which reviews cases construing

the limitation statutes; the second part of the article, which contains some manifest errors, does not appear to have been submitted and is not now in the record.

The record contains, at page 92, the bill proposed on behalf of the American Shipowners Association, together with the text of the British Act and the related provisions of the Brussels 1924 Conventions.

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