

**THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES**

CURRENT LEGISLATION

SAFETY LEGISLATION.

The following bills relating to safety at sea became law during the recent session of Congress:

**ALIEN SEAMAN ACT OF 1935—REPEAL OF ACT AUTHORIZING
SEAMEN WHO HAVE FILED DECLARATIONS OF INTENTION
TO SERVE AS CITIZENS ON AMERICAN VESSELS.**

Approved June 15, 1935.

Effective September 13, 1935 (90 days).

Text at 1935 A. M. C. 1266.

Former text at 8 U. S. Code 376.

S. 379; Senate Report No. 796, June 6, 1935. H. R. 5380;
House Report No. 1126, June 7, 1935.

**COASTWISE, INTER-COASTAL AND GREAT LAKES LOADLINE ACT,
1935.**

Approved August 27, 1935.

Effective: For vessels of 4,000 gross tons and upwards, "not later than" November 27, 1935.

For all other vessels, "not later than" August 27, 1936.

Text at 46 U. S. Code 88-88i.

S. 2002 and H. R. 6036. House Report No. 1612, July 24, 1935.

HELM ORDERS—"RIGHT RUDDER"—"LEFT RUDDER."

Approved August 21, 1935.

Effective: Ocean and coastwise, January 1, 1936.

Great Lakes, inland waters, rivers and lakes, January 1, 1937.

Text at 1935 A. M. C. 1435; 33 U. S. Code 142, 203, 232, 294, 352.

S. 2556.

The statute is in substantial conformity with the requirements of the Safety Convention, Article 41, which has been effective in Great Britain and substantially throughout the rest of the world since 1932.

INFLAMMABLE, EXPLOSIVE AND DANGEROUS CARGO ACT, 1935.

Approved August 26, 1935.

Effective October 25, 1935 (60 days).

Text at 1935 A. M. C. 1437; 46 Mason's U. S. Code 177-177b; 46 U. S. Code Annotated 178-179.

H. R. 8598; House Report No. 1320, June 25, 1935. An amended form of H. R. 6043.

THE FOLLOWING SAFETY BILLS MADE THE
PROGRESS INDICATED:

INSPECTION OF MOTOR VESSELS.

S. 2001; Senate Report No. 820.

Passed by the Senate June 10, 1935.

House Report No. 1321, June 25, 1935.

The Bill remains unfinished business before the House.

CREWS' QUARTERS IN SMALL VESSELS.

S. 2010. Passed by the Senate June 10, 1935.

The Bill remains with the House Committee on Merchant Marine.

See H. R. 6044.

CONTINUOUS DISCHARGE BOOKS FOR SEAMEN.

H. R. 6039. This Bill was incorporated in the Subsidy Bill, H. R. 8555, as Title VIII, Section 803. It was passed by the House on June 27, 1935, and is now unfinished business before the Senate.

EIGHT-HOUR DAY ON SHIPBOARD.

H. R. 6041, to amend Section 2 of the Seaman's Act so as to provide for an 8-hour day on shipboard.

This Bill was incorporated in the Subsidy Bill, H. R. 8555, as Title VIII, Section 802. It was passed by the House on June 27, 1935, and is now unfinished business before the Senate.

"OMNIBUS" SEA SAFETY BILL DEALING WITH LICENSES AND CERTIFICATES FOR ABLE SEAMEN, PURSERS, RADIO OPERATORS, CHIEF AND ASSISTANT STEWARDS.

H. R. 8456 and 8457 combined into H. R. 8597 and 8599.

House Report No. 1322, June 25, 1935.

Passed by the House, August 23, 1935.

Referred to the Senate; brought up for passage on unanimous consent, but were passed over on objection of Senator La Follette. The Bills remain unfinished business before the Senate.

See S. 1933.

SAFETY OF LIFE AT SEA CONVENTION,

LONDON, 1929.

This Convention was promoted by Great Britain, which summoned the Conference.

The British Government is the custodian of the document. The British text is 22 & 23 Geo. 5, c. 9 (1932). The text has also been published by the U. S. State Department and by American Maritime Cases.

The Convention (except Annex II) came into force on January 1, 1933, in the following countries:

Denmark,	Germany,
Netherlands,	Great Britain and
Spain,	Northern Ireland,
Canada,	Italy,
Finland,	Norway,
France,	Sweden.

It subsequently came into effect in the following countries, three months after ratification or adherence on the date given:

Portugal	Jan. 6, 1933	
Brazil	Jan. 1, 1933	
Hungary	Jan. 1, 1933	
Danzig	Jan. 30, 1933	
Iceland	Jan. 6, 1933	
China	Feb. 14, 1933	
Bulgaria	Sept. 4, 1933	
Irish Free State	Feb. 8, 1934	
Poland	June 4, 1934	
Hong Kong Straits Settlements Netherland India	} May 1, 1935	
Belgium		May 29, 1935
Japan		June 11, 1935
U. S. S. R.	July 2, 1935	
New Zealand	Nov. 19, 1934	
India	Oct. 1, 1934	
Estonia	July 12, 1935	

The Convention was submitted to the Senate by President Hoover on December 17, 1929, with Executive Message B, 71st Congress, 2nd Session, and was referred to the Committee on Foreign Relations. That Committee held hearings in June, 1932, and in June, 1935. In support of the Convention the Legal Adviser of the State Department submitted a memorandum, dated April 14, 1934, at the June 1935 hearing; officials of the Department of Commerce and Shipping Board, and members of the American delegation have testified, notably Admiral J. G. Tawresey, H. Gerrish Smith, and Senator Wallace H. White, Jr. In opposition, Andrew Furuseth, as Chairman of the Legislative Committee of the International Seamen's Union of America, submitted two memoranda to the President on May 16 and May 19, 1933, and H. W. Hutton, attorney for the same union in San Francisco, submitted a brief in January, 1935; personal testimony in opposition has been placed on the record by Silas B. Axtell (New York), Andrew Furuseth and Jacob L. Morewitz (Newport News).

The Committee has never made a report.

Portions of the Convention have become law in the United States, as follows:

Helm Orders—Article 41 is substantially put into effect by the Act of August 21, 1935.

Life Saving Appliances—A substantial part of the 1914 Safety Convention found its way into Section 14 of the Seamen's Act, 1915 (46 U. S. Code 481); and much of this material is not out of harmony with the 1929 Convention. Rule III of the General Rules and Regulations of the Bureau of Navigation and Steamboat Inspection (52nd Supplement, June 18, 1935) conforms in many respects to the standards set by the Convention.

Construction of Vessels—Rule X of the same Rules now bears substantial resemblances to the Convention.

Ice Patrol—Article 37 merely restates the agreement in force since the *Titanic*.

The most striking disharmony between the United States law and the Convention is now in respect of these points:

1. Shall "Certificated Lifeboat Men" (Art. 22) or Able Seamen (Seaman's Act, Sec. 14) man the boats?

2. Radio installations and radio watch. The American law still tolerates "deaf" ships which other nations require to keep watch.

3. Direction-finding apparatus (Art. 47). American vessels are not required to have this equipment.

4. Manning. Is the formula of Article 48, that "from the point of view of safety of life at sea, each nation undertakes, for its national ships, that all ships shall be *sufficiently and efficiently manned*," a safe or an inadequate formula?

5. Shall we adopt Article 45, which requires that ships receiving distress calls must deviate for rescue purposes?

6. Is the system of internationally recognized "Safety Certificates" (Articles 49-56) better or worse than the present American system of bilateral agreements for mutual recognition of inspection certificates?

7. Is the system of modification by further conferences adequate or clumsy?

Annex II, the revised International Rules for the Prevention of Collisions on the High Seas, is held in abeyance everywhere pending unanimous agreement of all maritime nations to put the new rules into general effect on a fixed date. It is believed that the agreement of the United States alone is lacking to unanimity. Meanwhile, the Rules of 1890, as put into effect in 1897, continue to be in full force and effect.

The new rules would

- (1) make range and stern lights compulsory,
- (2) provide a signal for vessels simultaneously under sail and power,
- (3) require anchor bells to be rung at both ends of long vessels,

and make various minor changes which experience has shown to be useful.

At the annual meeting in May, 1932, upon due notice that the matter would be considered, the following resolution was adopted by the Maritime Law Association (Proceedings, pp. 1907-1910):

“RESOLVED, that this Association endorses and supports the International Convention for the Safety of Life at Sea, signed at London, May 31, 1929, and urges prompt consent to the ratification thereof by the United States Senate; and it is

“FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of the Association to the Chairman of the Foreign Relations Committee of the Senate and to the members of the Sub-committee to whom the Convention has been referred, and also to the Chairman of the United States Shipping Board.”

These instructions were duly carried out.

Since that time, the Association has taken no further action, except to appoint a new committee (Messrs. Farwell, Gould and Vandeventer) to consider the Safety Laws under discussion in the present Congress. Its first report is Document 206, April, 1935.

The entire effort in this matter has been to bring about the ratification of the Safety Convention *as a treaty*, through the medium of the Foreign Affairs Committee of the Senate.

No direct effort whatever appears to have been made to enact the provisions of the Convention, or of any part of them—except the Helm Order provisions—as ordinary legislation through the medium of the Merchant Marine Committees of the Senate and the House.

It should be noted that other countries, for example, England, have enacted the Convention as ordinary legislation, with extensive additional provisions to fit the Convention into the local legislative scheme and to assure harmony between the desired local policy and the novel arrangements of the Convention. The English harmonizing provisions, if they may be so referred to, consist of thirty-nine sections, covering thirty pages of the statute book. They deal with enforcement of the Convention by the Board of Trade; the radio control of the Postmaster-General; the details of issue of safety and exemption certificates; the handling of “safety convention ships not registered in the United Kingdom” (Sec. 16); additional rules as to water-tight doors; reporting of dangers to navigation; distress signals and salvage procedure; dangerous goods; helm orders; ice navigation and routes; the application of the Convention to ships of nations which adhere to or denounce its provisions, and penalties appropriate to enforcement of the various requirements. It may be suggested that a new approach by way of legislation, instead of by treaty action, might bring about the speedy enactment of most, if not all, of this generally desirable Convention.

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