

DECEMBER, 1935

DOCUMENT No. 219

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

Reminder: Special Meeting, December 13th, at 8.30.

EXTENSION OF ADMIRALTY JURISDICTION.

The American Bar Association at Los Angeles in July, 1935, adopted the resolution proposed by its standing committee on Admiralty and Maritime Law, the text of which was printed in our Document 213, page 2209.

The American Bar Association thereupon submitted its draft text to the various local Bar Associations, and the Bar Association of New York City referred the question to its Committee on Admiralty, George W. Betts, Jr., Chairman. This Committee will on December 10th report in favor of the proposal to extend admiralty jurisdiction, but will recommend an alteration in the phraseology of the draft text as follows:

(The American Bar text to be deleted is enclosed in brackets. The new text proposed by the New York Bar Association is in *italics*.)

DRAFT BILL TO ACCOMPLISH THE EXTENSION OF ADMIRALTY
JURISDICTION.

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.], *done or consummated on land by a vessel in navigable waters.*

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.

Mr. Betts will move at our meeting on December 13th for endorsement of the principle of the extension of admiralty jurisdiction and for approval of the text of the New York City Bar Association's Committee.

PROPOSED NEW ARTICLES OF ASSOCIATION AND BY-LAWS.

Only one suggestion has been received as to amendment of the text proposed by the Executive Committee, Document No. 217. The suggestion relates to classes of membership. The old system has been that everyone is an "Active" dues-paying member except Judges, Commissioners and some founder members who have retired from active practice, who have been elected to "Associate" membership without dues and without vote. Under this system members of the Government's legal staff are active dues-paying members.

The new text would set up three classes of membership—active with dues, associate without dues or vote, and honorary without dues or vote; and persons in Government service.

The Association's principal expense is printing reports and documents, which are paid for by dues of active members and distributed without expense to associate members. If the new arrangement simply divides the present class of associate members into two sub-classes of associate and honorary members, the new arrangement will make no difference in the finances, except to transfer the active members who are on the Government's legal staff to the non-dues paying class as long as they are in Government service. But if the new arrangement should be understood to permit active members to choose to become associate members, the effect upon the Association's method of covering its expenses might be profound.

The suggestion is that Associate membership should be limited to persons who are active Judges, or active members of

the legal staff of the Government, or of any State or City, or active members of any other Department of the Federal, State or City Governments.

There would then be opportunity, upon the resignation of any active or associate member, to elect to honorary membership in recognition of distinguished services.

CONVENTION FOR THE REGULATION OF WHALING.

A bill to implement the Convention, which was ratified as a treaty by proclamation of the President on January 16, 1935 (U. S. Treaty Series No. 880), was passed by the Senate on August 24, 1935. This bill, S. 3413 (Report No. 1455), is now with the House of Representatives for consideration upon the reopening of Congress. It provides for licensing of whale fishing activities, penalties for violations, and the means of enforcing the Convention.

THE HAGUE RULES.

CARRIAGE OF GOODS BY SEA—BILL OF LADING—CONVENTION,
1934.

Enactment in Newfoundland.

The Legislature of the Dominion of Newfoundland passed, on April 30, 1932, "An Act to Amend the Law with Respect to the Carriage of Goods by Sea," effective June 30, 1932.

This "Carriage of Goods by Sea Act, 1932," enacts the Convention, in the form of a Schedule, in the exact text of the Schedule to the British Carriage of Goods by Sea Act, 1924.

The implied warranty of seaworthiness is abolished (Sec. 2) and the "Liability of Carriers by Water" Act (Ch. 187, Consolidated Statutes, Third Series) is repealed.

LIMITATION OF SHIPOWNERS' LIABILITY.

Money Equivalents of Various Uniform Statutes.

The Brussels Uniform Convention of 1922-1923 provides two limits or funds for claims, one for life and bodily injury claims, the other for cargo, collision and all other property claims.

The standard fund or limit for life claims is £8 Sterling per ton.

The standard fund or limit for cargo, etc., claims is the surrender or abandonment value of the vessel after disaster, plus 10 per cent. of the vessel's sound value at the beginning of the voyage (in lieu of surrender of actual freight), plus indemnity and average allowances for unrepaired intervening damages, the aggregate of these values, however, not to exceed £8 Sterling per ton.

The maximum combined liability thus cannot exceed £16 per ton.

The money equivalents of £8 now effective are:

	<i>Cargo Fund</i>	<i>Life Fund</i>	<i>Effective Date</i>
Uniform Convention.....	£8	£8	
France	1,000 Francs	1,000 Francs	23 Feb., 1936
Belgium	2,500 Francs	2,500 Francs	2 June, 1930
Netherlands	50 Florins	50 Florins	1927
Denmark	145 Kroner	145 Kroner	1931
Norway	145 Kroner	145 Kroner	10 Apr., 1934
Sweden	145 Kronor	145 Kronor	1930
Finland	* Finmark	*	12 Jan., 1935
Spain	* Pesetas	*	1930
Portugal	* Escudos	*	1930
Italy	† Lire	†	Suspended
Brazil	* Milreis	*	1930

COMPARISON WITH OTHER SYSTEMS.

Great Britain.....	£8	£7	1862-1894
American Statutes.....	Surrender of vessel and freight	\$60	1851-1935
Canada	\$38.92	\$34.05	
Germany	One fund, for all claims, measured by "Schiffswert und Fracht," or vessel and freight.		
Japan	One fund, for all claims, produced by abandonment of vessel and freight.		

* Information not yet received.

† Value not yet fixed.

ARNOLD W. KNAUTH,

Secretary,

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New York City.