

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

ANNUAL MEETING—APRIL 22, 1938

The Thirty-ninth Annual Meeting of the Association was held at the House of the Association of the Bar of the City of New York on Friday, April 22, 1938, at 4 P. M., following the regular Quarterly Meeting of the Executive Committee.

Present: D. Roger Englar, President, presiding; Stuart S. Janney, Vice-President; George C. Sprague, Secretary, and the following fifty-two members:

Earl Appleman	Arnold W. Knauth
Robert E. Ard	Leslie C. Krusen
Horace T. Atkins	Paul H. Lacques
Geo. Whitefield Betts	Edwin Longcope
Harold F. Birnbaum	Mark W. Maclay
Arthur M. Boal	L. J. Matteson
Charles S. Bolster	K. S. Mayhew
Allan B. A. Bradley	G. H. Merritt
George S. Brengle	P. J. R. McEntegart
Joseph M. Brush	Emory H. Niles
Ira A. Campbell	W. J. Nunnally, Jr.
Roy W. Chamberlain	John C. Prizer
Henry C. Eidenbach	Eugene Powdermaker
Robert S. Erskine	Charles F. Quantrell
Earle Farwell	Edward A. Quinlan
Morris Douw Ferris	John S. Quinlan
John L. Galey	Clement C. Rinehart
Albert T. Gould	G. S. Rivkins
John W. Griffin	Max Rockmore
Charles W. Hagen	John W. Ryan
Charles R. Hickox	Leon T. Seawell

Neil Senecal
John B. Shaw
G. Noyes Slayton
Herbert K. Stockton
D. M. Tibbetts

Eugene Underwood
Braden Vandeventer
Otto Wolff, Jr.
Wm. H. Woolley
Frank J. Zito

constituting a quorum.

The reading of the minutes of the previous annual meeting and of the quarterly meetings of the Executive Committee was dispensed with. The annual reports of the Secretary and Treasurer were read and, upon motion duly made, seconded and carried, were ordered placed on file; they are printed herewith, as follows:

Secretary's Report

The year's activities consisted of the Annual Meeting held on April 30, 1937, and four regular quarterly meetings of the Executive Committee. At the September meeting of the Executive Committee the President was authorized and directed to present to the House of Delegates of the American Bar Association an application for the representation of our Association by one delegate in said House of Delegates in affiliation with the American Bar Association, in accordance with Article V, Section 7 of the Constitution of said Association, with the proviso that, in the event such application be granted, the action of the Executive Committee and of the President in making such application be brought before the annual meeting of the Association for its approval and confirmation, and for such further action as might be desired concerning the manner and method of selection of such delegate. Such application was duly made and presented to the House of Delegates, referred to its Committee on Credentials for report to the Board of Governors for consideration at the annual meeting of the Association in July next.

We record with sorrow the deaths of the following members of our Association during the year:

Active Members

George Weems Williams (Baltimore).....	June 23, 1937
Peter S. Carter (New York).....	July 10, 1937
Walter Schaffner (Washington, D. C.).....	September 28, 1937
Edwin C. Hollins (New Orleans).....	Autumn, 1937
J. Dexter Crowell (New York).....	January 2, 1938
Charles S. Haight (New York).....	February 20, 1938

Associate Member

Hon. George W. Anderson (Boston).....	February 14, 1938
(Judge of the United States Circuit Court of Appeals for the First Circuit)	

The resignations of Paul L. Clugton of New York (1928), Charles T. Cowenhoven of New York (1921), Theodore Hoague of Boston (1920), Berwick B. Lanier of New York (1927) and Charles P. Buckley of New York (1937) have been received.

Henry H. Little of Norfolk, Va. (1910), who resigned as an active member last year upon retirement, and Alfred Huger of Charleston, S. C. (1910), who resigned this year upon retirement from practice, have been recommended by the Executive Committee as Honorary Members.

The membership accordingly stands at 316 Active, 52 Associate and 10 Honorary Members.

Fifteen new Active Members, 1 Associate and 2 Honorary Members have been approved by the Executive Committee and are proposed for election at this meeting.

University of Maryland Law Library has been added to our mailing list, making 12 libraries in all.

Giving effect to the elections, the total mailing list is accordingly 409.

The International Maritime Committee has sent bulletins containing a summary of the resolutions passed at the Paris Conference in May, 1937, including draft International Draft Conventions on (a) Penal Jurisdiction in Matters of Collision; (b) Civil Jurisdiction in Matters of Collision, and (c) Provisional Arrest of Ships in Matters of Collision, and copies of these documents

are on the table for examination of the members and will be printed as part of the minutes of this meeting and mailed to members.

Mr. McGrann having resigned as Chairman of the Standing Committee on Revision of Inland Rules, the President has appointed Leonard J. Matteson as Chairman of this Committee, and Mr. Anthony V. Lynch as the additional member.

Respectfully submitted,

GEORGE C. SPRAGUE,
Secretary.

April 20, 1938.

Treasurer's Report

BALANCE—APRIL 30, 1937.....		\$ 186.13
RECEIPTS:		
Sale of Documents.....	\$ 16.15	
DUES:—Arrears	210.00	
Current, 1937-8.....	1,200.00	
1938-9.....	15.00	
1938 Annual Dinner Subscription (Special)	364.00	1,805.15
		\$1,991.28
EXPENDITURES:		
Printing	\$ 150.50	
Stationery	52.25	
Clerical, Stenographic, Postage, Addressing and Mailing.....	414.05	
Construction of Shelves for Maritime Law Records	10.67	
American Maritime Cases:		
January-December, 1937—Subscription	\$50.00	
1933-1937 Digest.....	25.00	75.00
Sales Tax.....	4.23	
Bank Service Charge (May and June, 1937)	6.00	712.70
		712.70
AMOUNT ON DEPOSIT APRIL 22, 1938.....		\$1,278.58

Anticipated cost of Annual Dinner, April 22, 1938 (subscription, as above, \$364, plus probable charge on general funds of, say, \$300).....	\$ 664.00	
Contribution to International Maritime Committee for 1937-8, authorized by Executive Committee	125.50	789.50
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Anticipated Net Balance after payment of above expenses and contributions.....		\$ -489.08
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GEORGE C. SPRAGUE,
Treasurer.

Election of Members

On recommendation of the Executive Committee, and on motion duly made and seconded, the following were elected:

ACTIVE

MARTIN HENRY LONG,

Barnett National Bank Building, Jacksonville, Fla.

Proposer: George H. Terriberry.

Secunder: Joseph M. Rault.

RICHARD B. MONTGOMERY, JR.,

1304 Canal Bank Building, New Orleans, La.

Proposer: Thomas F. Mount.

Secunder: Joseph W. Henderson.

SHELDON Z. KAPLAN,

Elder, Whitman & Weyburn, Pemberton Building, Boston, Mass.

Proposer: Charles F. Dutch.

Secunder: Albert T. Gould.

B. U. MOUNT,

Fox & Pier, Inc., 99 John Street, New York City, N. Y.

Proposer: Arnold W. Knauth.

Secunder: George C. Sprague.

LESTER S. PARSONS,

Venable, Miller, Pilcher & Parsons, 425 Western Union
Building, 109 West Main Street, Norfolk, Va.

Proposer: Howard M. Long.

Seconder: Howard T. Long.

NICHOLAS J. HEALY, III,

Crawford & Sprague, 117 Liberty Street, New York City,
N. Y.

Proposer: George C. Sprague.

Seconder: H. Victor Crawford.

R. C. FULBRIGHT,

Fulbright, Crooker & Freeman, State National Bank Build-
ing, 838 Transportation Building, Washington, D. C.

Proposer: Roscoe H. Hupper.

Seconder: Chauncey I. Clark.

GEORGE L. VARIAN,

Crowell & Rouse, 111 Broadway, New York City, N. Y.

Proposer: E. Curtis Rouse.

Seconder: John A. Lyon.

WILLIAM G. SYMMERS,

United States Maritime Commission, Washington, D. C.

Proposer: T. Catesby Jones.

Seconder: W. J. Nunnally, Jr.

HORACE T. ATKINS,

111 John Street, New York City, N. Y.

Proposer: George C. Sprague.

Seconder: Robert E. Hill.

PAUL D. PAGE, JR.,

Head of Litigation and Claims Division, United States Mari-
time Commission, Washington, D. C.

Proposer: James W. Ryan.

Seconder: Leonard J. Matteson.

CHARLES J. CARROLL,

Assistant Counsel, United States Maritime Commission, 45
Broadway, New York City, N. Y.

Proposer: William E. Collins.

Secunder: Earle Farwell.

ALVIN McCONNELL,

505 First National Bank Building, Mobile, Ala.

Proposer: Palmer Pillans.

Secunder: Alexis T. Gresham.

JOHN HEMPHILL,

FRED. W. GOURLAY,

Lewis, Wolff, Gourlay & Hemphill, 208 South 4th Street,
Philadelphia, Pa.

Proposer: Otto Wolff, Jr.

Secunder: George C. Sprague.

ASSOCIATE MEMBER

HON. SAMUEL C. COLEMAN,

Judge of the City Court of the City of New York.

HONORARY MEMBERS

HENRY H. LITTLE (Retired)—Active Member 1910-1937,
936 Wainwright Building, Norfolk, Va.

ALFRED HUGER (Retired)—Active Member 1910-1937,
1 Broad Street, Charleston, S. C.

Committee Reports

COMMITTEE ON OPERATION OF VESSELS BY RECEIVERS :

Mr. Jones, as Chairman, reported that the Committee has been closely following the progress of the Chandler Bill, H. R. 8046. He stated that he had communicated with Senator O'Mahoney regarding the inclusion in Section 2a of this bill of the words "in admiralty," the effect of which would be to attempt to give the United States District Court, sitting in equity in 77B proceedings, the powers of a Court of Admiralty in sales of vessels operated by companies in receivership. Mr. Jones stated that he believed such an attempted delegation of power would be ineffectual in view of the decisions holding that only a sale by a United States Marshal in an admiralty proceeding in rem cuts off all liens, both maritime and otherwise, and gives the purchaser clear title, citing "*The Trenton*," 4 Fed. 657. Mr. Jones said that his Committee had no recommendations to make at this time, but suggested that it be continued so that it might follow the progress of the Chandler Bill. Upon motion duly made, seconded and carried, it was voted that the report be received and the Committee be continued.

COMMITTEE ON EXTENSION OF ADMIRALTY JURISDICTION :

Mr. Hickox, as Chairman of this Committee, said that it was not possible to report much progress on the Kenney Bill, H. R. 6658. This bill was introduced in Congress by Representative Kenney of New Jersey, but unfortunately he died within the past year. Opposition apparently developed before the Committee on the ground that the bill would throw the business that might be involved into the hands of practitioners in admiralty and the idea was that they had plenty to do already! A new sponsor for the bill will have to be obtained as Mr. Celler, who says that he brought the bill successfully through the Sub-Committee of the Judiciary Committee, does not seem to care to introduce or sponsor the bill himself. A discussion of H. R. 6658 as compared with S. 680 was then had. Mr. Betts stated that he had had certain correspondence with the House Committee of the Judiciary with

reference to H. R. 6658. Mr. Sprague said that he had recently learned that the United States Maritime Commission had made a report to the Senate Committee on Commerce regarding S. 680, but that he had been unable to ascertain whether this report was favorable or otherwise.*

Upon motion duly made, seconded and carried, Mr. Hickox's report for the Committee on Extension of Admiralty Jurisdiction was accepted and the Committee was continued.

COMMITTEE ON RULES OF CIVIL PROCEDURE FOR THE DISTRICT COURT:

Mr. Hickox, as Chairman of this Committee, reported as follows:

"On the 20th December, 1937, the Supreme Court adopted the new Rules of Civil Procedure for the District Courts of the United States and sent them to the Attorney General with the request that they be reported to Congress at the regular session in January, 1938. The rules were so reported by the Attorney General to Congress by letter of the 3rd January.

The rules provide that they will take effect three months subsequently to the adjournment of the Seventy-fifth Congress, but if that day is prior to September 1st, 1938, then the rules will take effect on September 1st, 1938.

The rules govern procedure in all suits of a civil nature, whether at law or in equity, but not in admiralty and with some other exceptions which do not seem to be material so far as admiralty is concerned.

The rules are published in the Supreme Court Reporter under date of 15th March and can also be obtained for 15¢ from the Superintendent of Documents.

Rules 26-37 provide for the taking of depositions and for discovery. In Rule 43b provision is made for the interrogation of an unwilling or hostile witness or an adverse party. 43c deals with the record of excluded evidence.

* It has since been learned that the report of the United States Maritime Commission approved S. 680, which extends admiralty jurisdiction to damages done by a ship to persons and property ashore.

The Committee recommends that the above mentioned rules should be incorporated in the admiralty rules but that 26a and 43c should be amended to read as follows:

'26a. When depositions may be taken. After jurisdiction has been obtained over any defendant or over property which is the subject of the action, the testimony of any person, whether a party or not, may be taken at the instance of any party by deposition on oral examination or on written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. * * *'

In the new rules, the section starts with the words 'by leave of court' and after the words 'subject of the action' are inserted the words 'or without such leave after an answer has been served.' The reason the Committee suggests that these quoted words be eliminated is because commonly testimony is taken by deposition before the case is at issue. In many instances, particularly in the case of seagoing witnesses, it would be burdensome, if not impossible, to apply to the court for leave to take testimony before the case was at issue. This right is now given by Sections 863 and 864 of the Revised Statutes by the Acts of Congress amendatory thereof and supplementary thereto. The practice under these sections has been followed with great satisfaction for many years and it is considered that it would be a distinct detriment if the privilege given under those statutes should be taken away.

A further sentence in Rule 26 provides 'Depositions shall be taken only in accordance with these rules.' The statute of the 19th June, 1934, under which the Supreme Court appointed a committee to prepare the Rules of Civil Procedure, contains the provision that after the rules go into effect 'all laws in conflict therewith shall be of no further force or effect.' It may be that after the rules go into effect, Sections 863 and 864 will no longer have any force.

'43c. If an objection to a question propounded to a witness is sustained by the court, the latter, on re-

quest, shall take and report the evidence in full unless it clearly appears that the evidence is not admissible on any ground or that the witness is privileged.'

The reason for this variation from the rule is that an appeal in admiralty constitutes a new trial and, therefore, the Appellate Court should have before it the evidence which the party below was prepared to offer, but which was ruled out.

Rule 30e provides for the examination, reading and signing of the deposition by the witness unless waived. The waiver by the witness should be specifically noted before the testimony is taken. If the witness does not agree to the waiver, the testimony would have to be submitted to the witness for signature.

There may be criticism with respect to the times mentioned in Rule 31a for the service of cross-interrogatories, redirect interrogatories and recross interrogatories, but it seems to the Committee that we should go along with the times specified in the rules.

In Rule 33 dealing with interrogatories to parties, it does not seem accurate to say that if the party served by interrogatories is a partnership, they may be answered by any officer thereof competent to testify on its behalf. Yet, if the Bar generally can get along with Rule 33 as written, we think that the admiralty Bar ought to manage to do so. Perhaps the court will interpret the rule as meaning that anyone competent to testify on behalf of a partnership or association may answer interrogatories.

There is an obvious advantage in having rules in the same language that deal with the same subject matters both in admiralty and at law and in equity. If we attempt to change the wording of some of these rules beyond what may seem necessary to conform to conditions in admiralty, we run the risk that we may not succeed in obtaining the approval of the Supreme Court to adoption of the desired rules in admiralty.

The revision of the Rules of Civil Procedure was undertaken several years ago by a very capable committee

appointed by the Supreme Court. A preliminary draft of the rules was submitted by the Committee to the Chief Justice on the 1st May and was also circulated quite largely among members of the Bar. Further revisions have taken place since that day until the final draft above mentioned.

The work seems to have been very carefully and well done. It is possible that if the matter were open, suggestions might still be made for alteration of some of the rules. Many suggestions, indeed, were made to the Committee and were not adopted. It cannot be expected, however, that every member of the Bar will be entirely satisfied.

These new rules make a great advance over any provisions now existing for the examination of witnesses before trial and for discovery. They minimize the likelihood of trial by stealth and should obviate a great deal of the difficulty that now exists in proving documents that are not really in dispute, but which may require substantial expense and trouble for their formal proof.

It has always been understood that the rules in admiralty made the practice less rigid and confined than practice on the law side. The Committee feel that it would be most unfortunate if that position should be reversed as it would be if we should not take advantage of the opportunity to try to have these common law rules incorporated in the admiralty rules.

It is the further recommendation of the Committee that the President of the Association be requested, on behalf of the Association, to submit a petition to the Supreme Court asking that the court should adopt as part of the admiralty rules, Rules 26-37, 43b and 43c with such alterations as are suggested in this report.

Respectfully submitted,
April, 1938.

GEORGE WHITEFIELD BETTS, JR.,
HENRY P. DART, JR.,
T. CATESBY JONES,
CHARLES R. HICKOX, Chairman."

Mr. Betts, a member of the Committee, suggested that the Committee obtain, if possible, the approval of the Senior District Judge of the Southern District and the Senior Circuit Judge of the Second Circuit to their recommendations submitting the petition to the Supreme Court. Mr. Jones said that this should be left to the discretion of the Committee. Mr. Matteson moved

“that the report be approved and that the Committee be continued and empowered to take such steps as, in its discretion, are proper to carry out these recommendations,”

and this motion was seconded by Mr. Vandeventer. Discussion then ensued. Mr. Nunnally and Mr. Bolster stated that they thought no petition to the Supreme Court should be made until the new rules of Civil Procedure had been interpreted in jurisdictions other than admiralty. Mr. Hickox stated that he thought there should be no delay in presenting this petition as there was a possibility that Sections 863/4 of the Revised Statutes relating to depositions might be held to be non-existent after the new rules of Civil Procedure went into effect, which would result in depositions in admiralty being greatly circumscribed. Mr. Ryan, Mr. Nunnally, Mr. Rockmore and Mr. Betts participated in the discussion as to the effect of the limitation of the use of testimony taken by deposition under the new rules. Mr. Vandeventer stated that he thought it impossible for the whole Association to pass on all these points and that, in his opinion, the Committee should be continued with instructions to carry out its recommendations. The question having been called for, it was unanimously carried.

COMMITTEE ON AVIATION AND ADMIRALTY:

Mr. Knauth, as Chairman, presented the following report:

“In the fall of 1934, Judge Veeder, at that time President of this Association, designated me to act as a member of the Advisory Committee to the American section of the International Technical Committee of Air Law Experts, usually known as the Citeja, and in that connection I have kept in touch with the work of the American sec-

tion, which now consists of four members, all of them officials of the State Department and the Department of Commerce. The Citeja has drafted a Convention to regulate salvage by and between vessels and aircraft at sea. This work was substantially completed in the years before there was any American co-operation in the work of the Citeja. The Draft Convention, while excellent in purpose and undoubtedly very necessary to both aviation and shipping, is not adapted to the system of salvage law as we know it. It would make radical changes in the law settled by the Maritime Salvage Convention of 1910, 37 U. S. Stat., at L. 1658, 1670, and by the corresponding Salvage Act of August 1, 1912, 46 U. S. Code 727-731. I pointed out these difficulties at the May meeting in 1936 and you then adopted a resolution urging six points in respect of which the text required amendment. Document 224, p. 2320; Document 225, pp. 2336-2338. Our views were endorsed in that year by the American Bar Association on the recommendation of its Admiralty Committee, of which Mr. Terriberry was Chairman, by the Board of Marine Underwriters of New York, by the Board of Underwriters of San Francisco and by the Admiralty Committee of the New York City Bar Association. The American delegates to the subsequent Citeja meeting at Berne in September, 1936, presented our views, but it was ruled that the matter had reached a point where basic criticisms could no longer be received and the objectionable text was thereupon finally approved by the Citeja in plenary session and declared ready for submission to the next session of the International Diplomatic Conference on Air Law.

To put the matter on record I had written an article which the Columbia Law Review published in February, 1936. To put the matter in more formal shape I wrote a report in December, 1936, which was approved by the Executive Committee and was printed as Document 230. This was sent to the various bodies which are interested and especially to the International Maritime Committee, which, when it met in May, 1937, in Paris, resolved to

have a Committee re-examine the Citeja draft. However, it seems that no Committee has actually re-examined the matter during the year which has since elapsed.

I have just learned that the Aviation Salvage at Sea Convention will be taken up in September, 1938, at Brussels by the International Diplomatic Conference on Air Law. The fight to have the text put in such shape as to be harmonious with our existing Maritime Salvage Law, and acceptable in its details of operation to our shipowners, underwriters and the officers, and crews of our ships must therefore be carried to the Diplomatic Conference.

The Diplomatic Conference has plenary power to re-write the text as it pleases; it need not take final action on anything until it is satisfied that the text is in proper shape.

The points which we criticize and the argument are, I think, fully set forth in our Document 230, to which reference can be made.

I therefore propose the following resolutions:

WHEREAS, there will be a session of the International Diplomatic Conference on Air Law at Brussels in September, 1938, and the subject of salvage of aircraft at sea will be taken up there on the basis of the Draft Convention adopted by the Citeja; and

WHEREAS, the Citeja Draft text is not satisfactory in respect of the points referred to in our resolution of May 6, 1936, and the argument with the appropriate documents has been developed in a report made to this Association in December, 1936, printed as Document 230; and

WHEREAS, the views expressed by this Association have been endorsed by the American Bar Association at its 1936 meeting, by the Board of Marine Underwriters of New York, by the Board of Underwriters of San Francisco and by the Admiralty Committee of the New York City Bar Association; NOW, THEREFORE, be it

RESOLVED, that this Association urges that the United States being deeply interested in the proper solution of the question of salvage as between aircraft and vessels at sea is opposed to the Draft Convention prepared by the Citeja for the reasons stated in our resolution of May 6, 1936, and the report embodied in Document 230; and be it

FURTHER RESOLVED, that the President and Secretary be requested to take up with the Secretary of State the question of presenting these views and bringing about the appropriate alterations in the text at the Diplomatic Conference to be held at Brussels in September, 1938; and be it

FURTHER RESOLVED, that the President endeavor to arrange with the State Department that the American delegation to the Diplomatic Conference should include persons especially versed in maritime law and if possible one or more members of the Admiralty Bar outside of the Government service, as was done in connection with the meetings of the International Diplomatic Conference on Maritime Law in 1909 and 1910 and 1922 and 1923; and be it

FURTHER RESOLVED, that the resolution of May 6, 1936, and the report of December, 1936, are now re-endorsed as expressing the views of this Association and are presented as a suitable basis for instructions to the American delegates.

The Citeja will meet in Paris in May and discuss topics which appear to have no particular bearing on maritime law, namely, salvage of aircraft on land—in regions like the Sahara Desert; the status of the navigating personnel of aircraft when abroad; the proposed compulsory insurance of the risk of damage done by falling aircraft to persons and property on the surface of the earth under the Rome Convention; the power of the Citeja to interpret its own Convention texts. The Diplomatic Conference in Sep-

tember may also consider the Citeja's Draft Convention on the liability of aircraft of different nationalities for collision.

April 21, 1938.

ARNOLD W. KNAUTH."

Mr. Knauth moved the resolutions contained at the latter end of his report and this motion was seconded by Mr. Keating. Mr. Jones moved an amendment to Mr. Knauth's resolutions to the effect that it is the view of this Association that any signature by American delegates to the Aviation Salvage Convention should be subject to the condition that the same be ratified by both Houses of Congress as legislation. The Chairman asked Mr. Knauth if he would submit to this amendment, but he declined to do so, and there was no seconder to the amendment. Mr. Ryan moved as a substitute for both Mr. Knauth's resolutions and Mr. Jones' amendment that it was the sense of this Association that the matter of the Aviation Salvage situation should be left to domestic legislation. There was no seconder to this motion. Mr. Knauth's resolutions were thereupon put to a vote and carried.

Mr. Jones then moved that this Association press its views that, in legislating on matters of this kind, it is desirable that such legislation originate in one of the Houses of the United States Congress and not in conventions abroad and that all matters, such as the Aeronautical Convention, should not be submitted to the Senate as a treaty but should be passed by both Houses as ordinary legislation. This motion was seconded and discussion was then had on this motion. Mr. Niles stated that, in his opinion, this motion was opposed to the rules of Constitutional Law and there was no way of preventing conventions from being adopted as treaties. Mr. Keating inquired of Mr. Jones whether by his motion he meant that, when a convention is signed abroad and comes to the State Department at Washington, it first be submitted to both Houses of Congress as legislation instead of being submitted to the Senate for ratification as a treaty and Mr. Jones said that was precisely what he meant. Mr. Bradley thereupon moved that the motion be laid on the table. His motion was seconded by Mr. Prizer. The motion to lay on the table was thereupon put and duly carried.

Mr. Knauth moved that a committee be appointed by the President to promote a bill in Congress in the form included in ANNEX 8 of Association Document No. 230 at page 2432 (December, 1936), or in such other form as the Committee may desire, reading as follows:

“SECTION 1. Section 7a of the Air Commerce Act of 1926 (49 U. S. Code, 1934 ed., sec. 177) is hereby amended to read as follows:

‘(a) The navigation and shipping laws of the United States, including any definition of “vessel” (or “vehicle”) found therein, and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft, *except in the following instances:*

i. *Any services rendered in assisting, or in saving life from, or in saving any aircraft or the cargo or apparel of an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, whether within or beyond the limits of the territorial waters of the United States, its districts, territories or possessions, or on the Great Lakes, or on any inland waters within the admiralty and marine jurisdiction of the United States, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel, her apparel, cargo, freights, and the persons on board, notwithstanding that the aircraft concerned may be a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters of the United States.*

ii. *Where salvage services are rendered by persons in an aircraft to any property or person within the admiralty and maritime jurisdiction of the United States in respect of maritime salvage, the salvors and the owner of the aircraft shall be entitled to the same remedies and reward for those services as they or he would have been entitled to if the aircraft had been a vessel,*

notwithstanding that the aircraft may be a foreign aircraft and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters of the United States.

SECTION 2. *This Act shall take effect immediately.’”*

This motion was seconded and, having been put to a vote, was duly carried.

COMMITTEE ON SAFETY AT SEA LEGISLATION :

Mr. Fowler reported that this Committee had nothing under consideration at present and that the Committee might be discharged. No motion was made, however, and, therefore, the Committee was continued.

COMMITTEE ON LIMITATION OF SHIPOWNERS' LIABILITY :

Mr. Janney reported for the Committee as follows :

“The report of the Committee on limitation of shipowners' liability reports that the Committee has unanimously concluded—

(1) That it is unwise for the Committee to recommend any legislation at the present time governing the question of limitation of shipowners' liability ;

(2) That the Committee feels that the Association should keep in close touch, either through its Secretary or a permanent Committee to be appointed for that purpose, with legislation affecting this question in Congress, and with the reports of Committees and other developments in the American Bar Association concerning the same question.

Due to the widely scattered membership of the Committee, we have not had the benefit of an actual meeting,

but the above conclusions represent the sense of the Committee as expressed in correspondence with the Chairman.

April 13, 1938.

Respectfully submitted,

STUART S. JANNEY,
Chairman."

A motion was made and seconded that the report of the Committee be approved and accepted and the Committee discharged. Upon discussion, it appeared that the Sirovich bill, H. R. 10030, was not before the Committee. The motion having been put to a vote, it was duly carried.

COMMITTEE ON CURRENT LEGISLATION :

Mr. Niles, as Chairman, reported that the Committee had not this year prepared a memorandum of current legislation to be printed and sent out as a document by the Association as it had done during the past two or three years and asked whether it was desired that the former system of preparing such memoranda and submitting the same to the Secretary for publication be continued. It seemed to be the general consensus of opinion that such memoranda and reports were valuable and should be continued.

Memorial to Peter S. Carter

On motion duly made, seconded and carried, a memorial prepared by Mr. Charles C. Burlingham and read by the Secretary was received and ordered spread upon the minutes. It is printed as a separate document herewith.

Memorial to Charles S. Haight

Mr. Griffin read a memorial to Charles S. Haight which he had prepared at the request of the President. On motion duly made, seconded and carried, the memorial was received and ordered spread upon the minutes. It is printed as a separate document herewith.

Nominations

Mr. Jones, on behalf of the Nominating Committee, presented the following nominations :

For President.....CHARLES R. HICKOX
 For Vice-President.....FARNHAM P. GRIFFITHS
 For Secretary and Treasurer.....GEORGE C. SPRAGUE

Members of the Executive Committee serving for three years :

HAROLD S. DEMING.....New York
 JOSEPH M. RAULT.....New Orleans
 CARL V. ESSERY.....Detroit

A motion having been made, seconded and carried to close the nominations with instructions to the Secretary to cast a single ballot for the nominees for the offices set opposite their respective names, and the Secretary having cast such ballot, the nominees were declared duly elected.

Mr. Englar, the retiring President, then called upon Mr. Hickox as President Elect to take the chair, which he did. After brief remarks by Mr. Englar and Mr. Hickox, the meeting, upon motion duly made, seconded and carried, adjourned at 6.30 P. M. to reconvene at the Hotel Ambassador at 7.15 P. M. for the annual dinner.

GEORGE C. SPRAGUE,
Secretary.

The Annual Dinner was held at the Hotel Ambassador at 7.15 P. M., April 22, 1938. One hundred and fifteen members of the Association were present. There were also present as guests of the Association eleven Judges, viz.: Judge Learned Hand of the Circuit Court of Appeals of the Second Circuit; Judges Francis G. Caffey, John W. Clancy, Murray Hulbert, John C. Knox, Vincent L. Leibell, Robert P. Patterson of the United States Court, Southern District of New York, and Judges Mortimer W. Byers, Clarence G. Galston, Robert A. Inch and Grover M. Moscovitz of the United States District Court, Eastern District of New York.

Morris Douw Ferris was Chairman of the Dinner Committee and the members of his Committee were:

Edward Ash	Charles W. Hagen
Arthur M. Boal	James S. Hemingway
Chauncey I. Clark	Henry M. Hewitt
William E. Collins	Robert E. Hill
John W. Crandall	Mark W. Maclay
Henry W. Dieck, Jr.	P. J. R. McEntegart
Robert S. Erskine	Paul Fearson Shortridge
Earle Farwell	G. Noyes Slayton
	Paul Speer