

April, 1938

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

---

*MEMORIALS — 1937-1938*

---

**MEMORIAL OF PETER S. CARTER**

*for*

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

*by*

**CHARLES C. BURLINGHAM**

PETER S. CARTER was born in Brooklyn on November 29, 1858, and died in Manhattan on June 4, 1937. He had been a member of this Association sixteen years.

He was descended from an English family that settled in St. Johns, Newfoundland, and he took great pride in his family's contributions to the history and development of the Dominion.

He attended the Public Schools and on leaving the Brooklyn Boys' High School he went into business with his father, who operated a fleet of sailing lighters in and about New York Harbor, and whose office was at the corner of Broad and South Streets in the building in which the Produce Exchange was then housed.

The experience he gained in handling sailing lighters in the tideways of the harbor, and in receiving and delivering their cargoes, was supplemented by several foreign voyages in sailing ships. These experiences and the knowledge he acquired of ships and of seamen naturally led him to an interest in the law of the

sea and created in him a strong desire to become an admiralty lawyer.

I have not been able to ascertain when he began to study law. He did not attend a law school, but was for a time with Benedict, Taft & Benedict at No. 64 Wall Street. He was admitted to the Bar in the Second Department on May 15, 1885. Although his early practice concerned canal boats and the claims of seamen almost exclusively, his knowledge of maritime affairs, his wide acquaintance in shipping circles, and his energy and industry in prosecuting all matters entrusted to his care soon brought him other cases. His most important client was Lewis Luckenbach, founder of the Luckenbach Line, and for more than forty years he appeared in the many Luckenbach cases.

He was admitted to the Bar not only of our New York City Districts, but also in Northern New York, New Jersey, Eastern Pennsylvania, Maryland and Southern Florida, as well as in the Circuit Courts of Appeals of the Second, Third, Fourth and Fifth Circuits. In 1904 he was admitted to practice in the Supreme Court of the United States. His most notable case there was *Chelentis v. Luckenbach S. S. Co.*, 247 U. S. 372, where the Court held by a vote of six to three that a vessel owner is liable only for the maintenance, cure and wages of a seaman injured in the service of his ship by the negligence of a member of the crew, whether a superior officer or not, and that this liability is not subject to be enlarged to full common law indemnity by the law of the State.

He was universally beloved by the members of the Admiralty Bar, who knew him affectionately as "Peter." His grasp of the facts of a case made him a worthy opponent, and his unfailing courtesy, fairness and good humor made the trial of a case against him a real delight.

He was one of the most picturesque figures at the Bar, his speech liberally salted with quaint expressions, and the judges heard him gladly. If his arguments were not always relevant, they expressed his honest convictions, and if a judge asked him a question on the facts, his answer was always candid. When hard pressed in argument, he would sometimes try to strengthen his case by declaring that he had been in the lightering business

himself and knew what he was talking about. Once in argument before Judge Brown, so Alexander Gilchrist informs me, he said: "Your Honor, I hold——" Judge Brown stopped him and said: "Mr. Carter, you can argue anything you like, but I will do the holding."

Another characteristic story of him is in connection with the *Chelentis* case. The afternoon was wearing on and Peter rose and, interrupting counsel, said to Chief Justice White that he would like to submit. This suggestion surprised the Chief Justice, who asked Carter his reason for it. Peter calmly replied that he had some witnesses in a case awaiting him on a ship in New York and he wished to catch the four o'clock train. The Chief Justice said: "Very well, Mr. Carter, you may submit." And submit he did and won his case!

December 31, 1889, Carter married Lillian Frances Clickner, who died some years ago. Their daughter, Ethel, Mrs. Elmer H. Wilkinson, and a grandson, Peter Carter Wilkinson, survive him.

Carter was of slight stature and not strong physically. Yet such was his fortitude that, although for years he suffered the excruciating pains of a serious internal disease, he never allowed his own suffering to affect the gentleness of his manner or the cheerfulness of his disposition.

He devoted much of his time and means to the assistance of his less fortunate brethren. Through his wide acquaintance and influence he often secured positions for those seeking employment. He was never happier than when helping others.

**MEMORIAL OF CHARLES S. HAIGHT**

*for*

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

*by*

**JOHN W. GRIFFIN**

CHARLES S. HAIGHT, a member of this Association since 1901, died on February 20, 1938. He was born in 1870 at New Lebanon Center, New York, a beautiful mountain country which he loved, to which he constantly returned, and where he lies buried. He graduated from Yale in 1892 and from the Harvard Law School three years later. He at once entered the office of Wheeler & Cortis, and remained throughout his life in that firm and its successors. In 1911, the firm was reorganized as Haight, Sandford & Smith, and he became the senior partner.

From the beginning, he was attracted by the admiralty, and for many years he drilled himself thoroughly in the routine of its practice, conducting many trials, especially of charterparty and collision cases. His success as an advocate was due partly to the intense conviction with which he presented every case which he took into court, partly to his unusual faculty of vivid, emphatic statement, and partly to the great thoroughness of his preparation. As a conciliator and negotiator, he was conspicuously successful, having to an unusual extent the ability to remove suspicion of each other from the minds of the parties to a controversy, and to lead each to understand the other's point of view.

In these earlier days, not content with the demands of an exacting practice, he did the greater part of the preparation of "Haight's Questions and Answers," which has smoothed the pathway to the Bar of many younger men.

As Mr. Haight's practice widened and as he grew to have an extraordinarily wide circle of friends in the shipping world, both here and in Europe, he became more and more interested in the broader problems of the shipping industry, especially in its international aspects. He believed that trade between nations was a great force for peace and good will in the world, and that the

man who worked to secure the harmonious operation of such trade, by promoting uniformity in law and by preventing any national action likely to lead to retaliation and international friction, was serving, not merely his clients, but the world. This conviction was the motive which inspired much of his life's work.

With the outbreak of the war, the international questions became acute and Mr. Haight was confronted by a multitude of problems of the utmost urgency and difficulty. Only a few illustrations of his work can be given.

As the war progressed, the British search for contraband became more and more strict, until finally every ship which sailed from this country for a neutral port in Europe was obliged to submit to search in a British port; frequently her cargo was discharged; she was apt to be detained indefinitely on suspicion, and, by the time she had been released, great losses had been incurred and frequently weeks of her time had been lost—this at a period when the world needed the full use of every possible ton of shipping. Mr. Haight succeeded, in co-operation with the British Ambassador, in working out a plan by which vessels loaded in this country under the supervision of British inspectors, by whom their hatches were sealed, and such ships passed the blockade without detention. In the case of baled goods, like cotton, a certain proportion of each shipment was examined by X-ray, in order to determine whether or not the bales contained concealed contraband.

Another important contribution which Mr. Haight made was the handling of negotiations for the purchase by the United States Government and by private American interests of about forty Austrian steamships interned in various American and foreign ports. The acquisition of these vessels increased American shipping by more than 400,000 deadweight tons. Subsequently, at the height of the submarine campaign, January-March, 1918, Mr. Haight visited Switzerland, representing the United States, on a special mission in an effort to purchase from German owners their vessels interned in South American ports.

The close of the war gave opportunities for the type of constructive work in which Mr. Haight particularly believed. He advocated, and finally secured the passage, of the reciprocal tax legislation, under which foreign steamship owners are exempt

from income tax in this country, provided that their own Government grants reciprocal immunity to Americans. This averted the danger of an international tax war on shipping.

Similar reasons led him to oppose, at a later time, the attempted regulation of foreign freight rates by national action, on the ground that such regulation was unwise, in that it would surely lead to retaliation, and illegal, in that it violated existing treaties.

He was a permanent American member of the Comité Maritime Internationale and frequently attended its meetings in Europe.

For some sixteen years, as Chairman of the Bill of Lading Committee of the International Chamber of Commerce, and purely as a work of public service, Mr. Haight advocated in this country and abroad uniformity of legislation with respect to the carriage of goods by sea under bills of lading, and it may fairly be said that it was due to him more than to any other man in the world, that the Hague Rules were enacted into law by practically all of the maritime nations. He put into this work, here and in Europe, an incredible amount of time and strength.

In many other ways Mr. Haight worked to preserve and to develop harmonious relations and uniform law among the maritime nations. In recognition of these services, he received the decorations of France, Norway, Sweden and Denmark.

His work along these and other lines made him an international figure in the shipping world, and brought him into close and cordial relations with many friends in most of the nations of Europe.

He was active in this Association as Chairman of the Committee whose work resulted in the Public Vessels Act, as Chairman of the Bill of Lading Committee, as delegate to the Congress of the International Chamber of Commerce, and in many other ways.

Mr. Haight's practice was only one portion of his activity. A large amount of time and strength were devoted to public service and to philanthropic work. He was a director of the Maritime Association of the Port of New York, and a very active member of the Board of Managers of the Seamen's Church Institute. As Chairman of the Joint Emergency Committee of Seamen's Welfare Agencies in the Port of New York, he organized a system of con-

tributions by the visitors to ships, which has provided a steady and dependable fund for the relief of destitute seamen. He was a founder and an active director of the Scandinavian American Foundation, and was also the founder, with others, of the Lebanon School for Boys, which occupies some of the buildings of the old Shaker settlement in New Lebanon. He was always an enthusiastic Yale man and in particular supported her scholarship funds. For nearly forty years he devoted time and strength to the work of St. James' Protestant Episcopal Church, of which he was the junior warden.

It is hardly necessary to speak to you, most of whom knew him well, of the charm of Mr. Haight's personality and of his extraordinary energy. A day of intense activity at the office was almost habitually followed by work at home, often extending far beyond the small hours. He never relaxed and his play was as strenuous as his work. He was fond of outdoor life and two or three times in each year he used to get away for a week of shooting at New Lebanon or in South Carolina, or of fishing in Canada. His sense of humor and his unflinching cheerfulness and optimism gave him extraordinary buoyancy. He took his own troubles with a smile and gave help, in advice, in money, and, above all, in spiritual stimulus, to an amazing number of people who brought their difficulties and their discouragements to him.

In 1897 Mr. Haight was married to Miss Alice M. Hoyt, and for almost forty years they had a singularly happy and harmonious life. Of their four children, one became his father's partner.

In September, 1937, while in Rio de Janeiro on an important business mission, Mr. Haight received word of the dangerous illness of Mrs. Haight. He left immediately by air, and a special plane from Miami brought him to her bedside in New Lebanon only a few hours before her death. This strain was followed by a prolonged period of excessively hard and trying work. He became ill early in February, but was apparently on the road to recovery, and was dictating letters, talking on the telephone and holding conferences, when the end came suddenly, thus fulfilling his oft-expressed wish that he might die in harness.

It seemed fitting that, at the moment of his burial on a rainy day in the hills of Lebanon, the sun broke through the clouds.

**MEMORIAL OF J. DEXTER CROWELL**

*for*

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

*by*

**E. CURTIS ROUSE**

JOSEPH DEXTER CROWELL, a member of this Association since 1920, died on January 3, 1938. He was born in Brooklyn on February 7, 1884, a son of Dr. Edward Payson Crowell and Florence Preston Crowell.

He received his preparatory education in Brooklyn and entered Amherst College. He was elected to Phi Beta Kappa in his junior year and was graduated with the degree of B.S. (*cum laude*) in 1905. He prepared for the Bar at the New York Law School, from which he was graduated in 1907, and was admitted to the Bar of New York that year.

Upon his graduation from Amherst he entered the law offices of Wheeler, Cortis & Haight as a clerk, and later became a partner. He resigned from this firm in 1915 to open his own office. In 1919 he entered partnership with E. Curtis Rouse, forming the firm of Crowell & Rouse, with which he continued practice until his death. He confined his attention, almost exclusively, to the Admiralty field of the law, and brought to his studies of the legal questions presented a keen and analytical mind and soundness of judgment.

He took no active part in politics or interests outside of his profession. His hobbies and recreation were centered in reading, boating and travel. In addition to membership in this Association, he was a member of the Bar Association of the City of New York.

In 1914 he married Miss Helen Paddock of New York, who, with their daughter, Helen Dexter Crowell, survives him. He is also survived by his mother and two sisters, Miss Ethel P. Crowell and Miss Florence M. Crowell.