

MARITIME LAW ASSOCIATION OF THE UNITED STATES.

MINUTES OF ANNUAL MEETING OF MAY 7, 1909.

The Annual Meeting of the Association was held at the Rooms of the Bar Association of the City of New York on the 7th day of May, 1909. There were present Hon. Addison Brown, President; Edward Grenville Benedict, Secretary, and the following members: Hon. Frederic Dodge, Harrington Putnam, Robert H. Smith, Henry H. Tuttle, Frank Healy, Lawrence Kneeland, George B. Ogden, Edward S. Dodge, William R. Coe and William Harison. The President took the chair.

The reading of the Minutes of the last meeting was dispensed with.

The Treasurer presented a report showing balance on hand of \$612.78, and moved that the dues for the year 1909 be remitted, which motion was put and carried.

By Mr. Kneeland, it was moved that the present officers be continued in their respective offices for the ensuing year, the Executive Committee to elect their own Chairman, as Everett P. Wheeler, the present Chairman, submitted a communication stating that he desired to be relieved of the duties of such chairmanship.

On further motion, the Secretary was instructed to cast one vote for the officers, which was done, resulting in the election of Hon. Addison Brown as President, Edward Grenville Benedict, as Secretary and Treasurer, and Hon. Frederic Dodge, Everett P. Wheeler and Harrington Putnam, as members of the Executive Committee.

A report of the Committee appointed to advocate the passage of the Association's form of Lien Bill, Bill for Recovery of Damages for Death on the High Seas, and Bill Allowing

Suits against the Government in Certain Cases, was read and approved. Judge Dodge, for the Committee, supplemented the report with some remarks. The report is hereto annexed.

A letter from Mr. George Whitelock was read, suggesting that this Association might invite the assistance of the American Bar Association in recommending the passage of the above Bills by Congress.

On motion of Mr. Putnam, it was

Resolved, that the Maritime Law Association request the American Bar Association to join with it in recommending the passage of the three Bills above mentioned, and that Mr. Whitelock be authorized to communicate with the appropriate Committee of the American Bar Association, and request such Committee to present this resolution to the American Bar Association, together with the Committee's views upon it.

The International Maritime Committee having, in its circular letter of March 31, 1909, reminded the National Association and Committees of the resolution of the Venice Conference,

“That the National Associations should report to the Permanent Bureau the existing legislation and administrative means of regulation and publication in each country”

of liens on vessels, the matter was referred to the Special Committee on the Lien Bill and other Bills, with the request that they furnish to the International Maritime Committee the information desired, or otherwise reply to the Committee.

There followed a general discussion as to the treaty matters propounded by the Venice Conference, after which it was moved and carried that the whole matter be referred to the Executive Committee, with instructions to examine the proceedings of the Venice Conference, and if the Committee find that the matters of maritime lien therein discussed have not been finally passed, so as to preclude further action by this Association, to formulate and forward the views of this Association to the International Committee, and send copies to any delegates who may attend the Bremen Conference.

The draft articles concerning freight proposed by the Paris Commission were then discussed, and a Committee was appointed, consisting of Judge Brown, Mr. Kneeland, Mr. Coe, Mr. Ogden and Mr. Putnam, to formulate the views of the Association thereon, and to make any suggestions regarding the treatment of freight or general average, and communicate the same to the International Maritime Committee, and to the delegates from this Association to the Bremen Conference.

The subject of delegates to the approaching Conference at Bremen on September 22-26, 1909, was then taken up, and Judge Edward G. Bradford, Mr. Charles Page and Mr. William R. Coe were appointed delegates to that Conference, with power to add to their number other members of the Association, if they shall see fit.

The Commissioner of Navigation having notified the Association that the Diplomatic Conference might meet at Brussels during September, 1909, though no date has as yet been fixed, it was moved and carried that in case of the receipt of an announcement from the Government of a definite fixing of a date for such Conference, the Executive Committee of this Association have power to communicate to the Government the views of this Association as to a suitable delegate, and as to instructions to be given to such delegate.

The meeting then adjourned, subject to the call of the President.

EDWARD GRENVILLE BENEDICT,
Secretary.

MARITIME LAW ASSOCIATION OF THE UNITED STATES.

REPORT OF THE COMMITTEE APPOINTED AT THE MEETING OF DECEMBER 4TH, 1908, TO TAKE CHARGE OF THE BILLS RECOMMENDED BY THE ASSOCIATION.

The Committee intrusted with the bills recommended by the Association for adoption by the Congress of the United States, viz.: (1) A Bill Relating to Liens on Vessels; (2) A Bill Permitting Suits Against the United States; and (3) A Bill Authorizing Actions for Death Resulting from Maritime Torts; begs leave to report as follows:

That all three bills were introduced in Congress at the last session; in the Senate by Mr. Lodge and in the House by Mr. Jenkins, Chairman of the House Judiciary Committee. Both bodies referred the bills to their respective Judiciary Committees and both Judiciary Committees, in course, referred them to sub-committees. In the Senate this sub-committee consisted of Senators Depew (Chairman), Fulton and Rayner. The sub-committee of the House was made up as follows: Mr. Moon of Pennsylvania (Chairman), Mr. Higgins of Connecticut and Mr. De Armond of Missouri.

Your Committee endeavored to secure outside support for the bills and communicated with interested persons, urging them to write to Congress recommending the passage of the bills, and this was done in a number of cases.

Mr. H. C. Hunter, Secretary of the New York & New Jersey Dry Dock Association, sent out circulars to various concerns and associations throughout the country affected by the lien bill, and his replies revealed an almost unanimous approval of the measure. Some of these concerns and associations communicated with Congress and stood ready to advocate the bill before the Judiciary Committees.

The information which your Committee received from the House Judiciary Committee, from the very outset, was that all three bills would be favorably reported. And in response to a request by Congressman Jenkins a report was prepared by your Committee on every one of the bills, setting forth the reasons therefor, and these reports were sent on to the Judiciary Committee for use by it.

February 1st, Senator Depew wrote (speaking of the three bills): "Our Committee had a meeting to-day on the subject. I think the one in regard to liens we can pass. To the others there are too many objections among the members of the Committee to hope for success at this Session."

Your Committee frequently advised the Committees of Congress that it was prepared to appear before them in explanation of the bills, but while your Committee was endeavoring to arrange a date for a hearing, word was received that the Committees of Congress had adjourned without reporting any of the bills.

We have not been able to discover that there was very serious objection to the bills, and it is believed that we shall be able to secure the passage of the lien bill, if not of all three bills, at the next session of Congress. Had it been decided at the present session of Congress to take up matters other than the tariff the bills would have been introduced a second time this Spring.

Your Committee has not ceased in its endeavor to secure interest in and support for all of the Bills. Mr. Hunter is still working for the lien bill and Mr. George Whitelock, of Baltimore, a member of this Association and Chairman of the Committee on Commercial Law of the American Bar Association, is endeavoring to secure for the bill relating to liens and the bill authorizing actions for death the recommendation of the American Bar Association. Mr. Whitelock is the author of an article in the Harvard Law Review for April, 1909, dealing with the state of the law in relation to actions for death, and advocating the bill proposed by the Maritime Law Association, which bill is set out in full in a foot note of this article.

It is believed that the experience which your Committee has

had with the bills, and the information which has been acquired, will be of assistance when the bills are submitted to the next Congress.

Respectfully submitted;

For the Committee,

FREDERIC DODGE,
FITZ-HENRY SMITH, Jr.

Boston, May 3rd, 1909.