

THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

I.

At the last annual meeting held on May 5, 1941, a report was submitted by the Committee on Enlargement of the Supreme Court's Power to Make Rules in Admiralty. This report recommended legislation. After considerable discussion this report was referred to the Executive Committee for further consideration and report (Document No. 263, pages 2761-2).

This subject was discussed at the July 1941 meeting of the Executive Committee, at the conclusion of which the President appointed a Sub-Committee of the Executive Committee to further consider the subject and bring in a report at the November meeting, which was done.

II.

During last August, Judge Learned Hand, Senior Circuit Judge of the Second Circuit, inquired informally as to the attitude of the members of the Admiralty bar on the following points:

- (a) Doing away with new trial on Admiralty appeal;
- (b) Doing away with findings of fact and conclusions of law;
- (c) Doing away with assignments of error.

As it was impossible to obtain the views of the members before the Judicial conference was held in September, your President wrote informally to Judge Hand on September 17th.

III.

Your President received a letter from the Chief Justice of the United States dated October 26, 1941, which he acknowledged

October 27th (copies attached). A meeting of our Executive Committee was held on November 6, 1941, following which the Chief Justice was further advised on November 7th (copy attached). The inquiries of the Chief Justice and of Judge Learned Hand were considered and discussed at length. The Sub-Committee of our Executive Committee when reporting in reference to the report of the Committee on Enlargement of the Supreme Court's Power, reported in reference to said inquiries as well.

The members of the Executive Committee consider that the importance of the subjects involved requires a special meeting of the Association (called for January 16, 1942) so that definite action may be taken on these subjects, and the Chief Justice advised thereof. They also consider that a preliminary informal poll of the active members of the Association is desirable as an aid in preparing for said meeting.

We therefore enclose herewith, for active members, a form of ballot for the preliminary poll, together with a general memorandum which you may find of assistance when considering your ballot.

Will you kindly mark said ballot appropriately, according to your views on the several questions, sign your name and address and return it in the enclosed envelope by December 15, 1941.

Your replies will be regarded only as preliminary expressions of opinion and will not bind you or the Association as concerns the action to be taken. That will be determined at the special meeting.

P. J. R. McENTEGART,
Secretary.

[2778]

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.

October 26, 1941.

Chambers of
THE CHIEF JUSTICE
1929 Twenty-Fourth Street, N.W.

Dear Mr. Hupper :

I am informed that you are President of an Association of New York Admiralty Lawyers, and I should like to bring to your attention some proposals which have been made to me for changes in the Admiralty rules. Important suggestions are :

1. That the new trial in Admiralty on appeal be done away with.
2. That the pre-trial practice provided by the Rules of Civil Practice be adopted in admiralty ; and
3. That the Rules of Civil Procedure be extended to Admiralty practice so far as may be.

I should be glad if your Association could give some study to these proposals and let me have the benefit of its views.

Yours sincerely,

HARLAN F. STONE,
Chief Justice of the United States.

Roscoe H. Hupper, Esq.,
27 William Street,
New York City.

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THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

Hon. Harlan F. Stone,
Chief Justice of the United States,
1929 Twenty-Fourth Street, N.W.,
Washington, D. C.

October 27, 1941.

Dear Mr. Chief Justice:

I have your letter of October 26 and shall be pleased to bring to the attention of our Maritime Law Association the three subjects you mention. We have a meeting of our Executive Committee November 6, when the matter will be taken up for discussion and consideration of the best way to get the views of our membership so that the same may be transmitted to you.

With kindest regards,

Very sincerely yours,

ROScoe H. HUPPER

THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

Hon. Harlan F. Stone,
Chief Justice of the United States,
1929 Twenty-Fourth Street, N.W.,
Washington, D. C.

November 7, 1941.

Dear Mr. Chief Justice:

Referring further to your letter of October 26, which I acknowledged October 27, we had our Executive Committee meeting yesterday, when the three items you indicated were discussed. Our Committee decided to issue within a few days a questionnaire to our members in the various parts of the country who are particularly interested in the admiralty practice with request for early replies. Following receipt of these replies a meeting of our Association will be called here to take action concerning the several points and advices of the Association's views will then be forwarded to you.

With kindest regards,

Very sincerely yours,

ROScoe H. HUPPER