

THE MARITIME LAW ASSOCIATION  
OF THE UNITED STATES

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ANNUAL MEETING—MAY 15, 1942

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The Forty-Third Annual Meeting of the Association was held at the House of the Association of the Bar of the City of New York on Friday, May 15, 1942, at 4:15 P. M., pursuant to due notice following the regular meeting of the Executive Committee, with the President, Roscoe H. Hupper, presiding.

Present: Roscoe H. Hupper, President, P. J. R. McEntegart, Secretary and Treasurer, and the following members:

Ray Rood Allen	Charles W. Harvey
Horace T. Atkins	Joseph W. Henderson
Myron H. Avery	T. Catesby Jones
James S. Benn, Jr.	Vernon S. Jones
George Whitefield Betts, Jr.	Arnold W. Knauth
Harold F. Birnbaum	Leslie C. Krusen
Arthur M. Boal	George M. Lanning
Charles S. Bolster	Henry H. Little
Joseph M. Brush	B. Allston Moore
Roy W. Chamberlain	Adrian J. O'Kane
John W. Crandall	Lester S. Parsons
Theodore B. Dankmeyer	Wharton Poor
Harold S. Deming	John C. Prizer
Morris Douw Ferris	Edward A. Quinlan
Samuel B. Fortenbaugh, Jr.	G. Noyes Slayton
John L. Gale	Paul Speer
Albert T. Gould	Otto Wolff, Jr.
Charles Hann, Jr.	William H. Woolley

Charles E. Wythe

The reading of the Minutes of the Annual Meeting of May 5, 1941, and the Special Meeting of January 16, 1942, which have been printed as Documents Nos. 263 and 272 and distributed to the members, was, upon motion duly made, seconded and carried, dispensed with.

The reading of the Minutes of the meetings of the Executive Committee during the year—namely, July 16, November 6, 1941, and January 16, April 2, May 15, 1942—was, upon motion duly

made, seconded and carried, dispensed with. The principal matters transacted at said meetings are included in the report of the Secretary.

The annual reports of the Secretary and Treasurer were read and upon motion duly made, seconded and carried, were approved and ordered placed on file and printed. They are as follows:

#### **SECRETARY'S REPORT FOR THE YEAR 1941-42**

The year's activities consisted principally of the annual meeting held at 4 P. M., May 5, 1941, followed by the annual dinner at The University Club, and also the special meeting of the Association held on Friday evening, January 16, 1942, at 8 P. M. The annual dinner was attended by 207 members and their guests, and 12 Federal Judges were our guests. Informal remarks were made by Judge Charles E. Clark of the Second Circuit Court of Appeals, Mr. Farnham P. Griffiths of San Francisco, and the President, Mr. Roscoe H. Hupper.

There were five meetings of the Executive Committee during the year: July 16, November 6, 1941, and January 16, April 2 and May 15, 1942.

At the July 16th meeting the President read the report of the Special Committee on Enlargement of the Supreme Court's Power to make Rules in Admiralty as this report appears on pages 2761-2 of the minutes. After this report was submitted to the annual meeting of May, 1941, and after discussion was had thereon, the report was referred to the Executive Committee for further consideration and report. After an extended discussion, the President was instructed to appoint a sub-committee of three members of the Executive Committee to consider the matter further and report at the November meeting of the Executive Committee. The President immediately appointed Russell T. Mount, Chairman, Wharton Poor and Leonard J. Matteson as members of this sub-committee. At its November 6th meeting the Executive Committee took up for consideration the letter of the Chief Justice of the United States dated October 26, 1941, to the President and the earlier informal inquiry of Judge Learned Hand, all in reference to certain proposed changes in admiralty practice. The Special Committee consisting of Messrs. Mount, Poor and Matteson then reported at some length. After extended

discussion, it was found to be the sense of the meeting that a special meeting of the Association should be held before a definite and complete report could be made to the Chief Justice, and that a preliminary and informal poll of the active members, not binding on the members or the Association, should be taken in advance, for aid in preparing for the special meeting of the Association. In accordance with the foregoing, a special meeting of the Association was called for 8 P. M. on January 16, 1942, at the Association of the Bar of the City of New York. Thereafter, notice of the meeting with a ballot for a preliminary poll was sent to the members.

A meeting of the Executive Committee was held on January 16, 1942, preceding the special meeting of the Association. At this meeting the members considered the results of the tally on the ballots returned by approximately 200 active members.

At the January 16th special meeting of the Association, 55 members attended, listened to the result of the preliminary poll and discussed at length the various proposals made by Chief Justice Stone and Judge Learned Hand, with the results set out in detail in Document No. 272 of March, 1942.

After the special meeting, the President communicated the results to the Chief Justice by letter dated January 23, 1942. Further relevant correspondence on the general subject was had between them under dates of February 3, 17 and 26, 1942. The subject appears to be at rest for the present, with the general feeling that certain statutes raise obstacles to the more important proposals for changes in the Rules. Under date of May 4, 1942, the Supreme Court ordered a new Admiralty Rule 44½ whereby pre-trial practice under Civil Rule 16 applies to admiralty. Under the circumstances, the committee provided for under the resolution passed at the special meeting of January 16, 1942, would appear to have no special responsibility at the present time. Said committee as recently appointed by the President consists of Russell T. Mount, Chairman, T. Catesby Jones and Roscoe H. Hupper. The developments as above recited, terminate the functions of the special committee on Enlargement of the Supreme Court's Power to Make Rules in Admiralty (as referred to in third paragraph of this report) and leaving the general subject (of and as it may develop further) with the committee appointed under the resolution of January 16, 1942.

The President received from Clerk Follmer of the District Court for the Southern District of New York a photostatic copy of the "Prize Rules and Standing Interrogatories in Prize" adopted and filed in that Court on January 8, 1942. At the suggestion of the Clerk, the Association arranged for the printing of these rules and interrogatories. Copies were sent to the Clerks of many Courts throughout the country, in addition to our members.

At the April 2nd and May 15th meetings of the Executive Committee, ways and means were considered for increasing the membership of the Association, specifically by inviting certain members of the Maritime Commission Bar to become members of our Association.

At the May 15th meeting the attention of members of the Executive Committee was called to the 1940 edition of "The Navigation Laws of the United States", in which the editors have departed from the proper nomenclature of the rules to prevent collision and have also omitted some important statutes. Consideration was given as to the best method for calling this situation, also matter of index, to the attention of the Bureau of Marine Inspection and Navigation with hope for improvement in the next issue.

The President has received from Chalmers G. Graham, Esq., one of our members and Admiralty Counsel of the War Shipping Administration, proposed form of bill of lading to be used in connection with requisitioned vessels. A number of our members have expressed their comments on this document.

We record with sorrow the deaths of the following members:

ASSOCIATE MEMBER

Hon. William P. James (1931) Los Angeles July 28, 1940

ACTIVE MEMBERS

Henry L. Wortche	(1939)	Baltimore	June 9, 1941
William H. McGee	(1911)	New York	June 22, 1941
William J. Nunnally, Jr.	(1925)	New York	September 9, 1941
Robert C. Tuttle	(1936)	Philadelphia	September 16, 1941
Vincent A. O'Connor	(1924)	New York	January, 1942
Carl K. Mengel	(1920)	New York	March 2, 1942

The following resignations have been received:

Everett Masten	(1925)	New York	May 14, 1941
Miles Wambaugh	(1931)	Boston	September 12, 1941
John Hemphill	(1938)	Philadelphia	December 17, 1941
James N. Senecal	(1921)	New York	December 17, 1941
Charles L. Minor	(1937)	New York	January 21, 1942
George R. Farnum	(1928)	Boston	April 27, 1942
Edgar W. Hunt	(1922)	Lambertville	April 27, 1942

Six associate members and 24 active members were elected at the last annual meeting; seven associate members and six active members were elected at the last special meeting; one member was transferred from active to associate membership; another member was transferred from associate to honorary membership; four members were dropped for non-payment of dues; one new library was added to our mailing list. The total active membership is 343; associate 66; honorary 10; library 17; total 436.

The publications of the Association for the year have been as follows:

- #263—Minutes of Annual Meeting, May, 1941.
- 264—Memorials of George Forbes, Thomas D. Hewitt, John E. Purdy and Walker B. Spencer.
- 265—Notice of Special Meeting, January 16, 1942.
- 266—General Memorandum.
- 267—Informal Ballot.
- 268—Memorandum on Ballot Items.
- 269—Reminder to return Ballot.
- 270—Reminder for Special Meeting of Association.
- 271—Prize Rules and Standing Interrogatories in Prize, adopted and filed January 8, 1942.
- 272—Minutes of Special Meeting held January 16, 1942.
- 273—Notes on the Silver Oar of the Admiralty Court sent to Judge Woolsey in December, 1941, by Lord Merriman.
- 274—Notice of Annual Meeting, May 15, 1942.
- 275—Notice of Annual Dinner, May 15, 1942.
- 276—Reminder of Annual Meeting and Annual Dinner.
- 277—Memorials of Stuart S. Janney, Edward R. Baird, Henry L. Wortche, William H. McGee, William J. Nunnally, Jr., Robert C. Tuttle and Carl K. Mengel.
- 278—Order of the Supreme Court dated May 4, 1942.

**TREASURER'S REPORT****May 5, 1941 to May 14, 1942**

Bank Balance May 5, 1941.....		\$1,582.47
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## RECEIPTS :

Sale of Documents.....	\$ 4.50	
DUES—Arrears .....	110.00	
1941-42 .....	1,606.00	
1942-43 .....	880.00	
1941 Dinner (Subscriptions received after annual meeting).....	60.00	
1942 Dinner (Subscriptions received to and including May 14, 1942).....	772.00	3,432.50
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		\$5,014.97

## EXPENDITURES :

1941 Dinner—At University Club:		
By Subscription.....	\$902.00	
From General Funds.....	437.65	\$1,339.65
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Printing .....	439.79	
Stationery .....	75.18	
Miscellaneous expenses including clerical, typewriting, postage, etc.....	636.63	2,491.25
		<hr/>
Bank Balance May 14, 1942.....		\$2,523.72

## OUTSTANDING COMMITMENTS :

Annual Dinner (1942):		
Subscriptions received to date.....	\$772.00	
Estimated charge on General Funds..	400.00	1,172.00
		<hr/>
		<u>\$1,351.72</u>

**ELECTION OF MEMBERS**

On recommendation of the Executive Committee, and on motion duly made, seconded and carried, the following named persons were elected members of the Association:

**Associate Membership**

HON. HARRY A. HOLLZER

U. S. District Judge, Southern District of California,  
Los Angeles, Cal.

Proposed by John C. McHose.

Seconded by P. J. R. McEntegart.

**Active Membership**

PARKER MCCOLLESTER

Lord, Day & Lord, 25 Broadway, New York, N. Y.

Proposed by Allan B. A. Bradley.

Seconded by George S. Brengle and George deForest  
Lord.

WILLIAM E. DOCTER

Assistant Clerk, U. S. District Court, Southern District of  
New York, U. S. Court House, Foley Square, New York,  
N. Y.

Proposed by Barton P. Ferris.

Seconded by Eugene P. McCue.

ELI ELLIS

Hatch & Wolfe, 70 Pine Street, New York, N. Y.

Proposed by James A. Hatch.

Seconded by Carver W. Wolfe.

CHARLES E. MILLER

Frank B. Hall & Co., Inc., 67 Wall Street, New York, N. Y.

Proposed by Carver W. Wolfe.

Seconded by James A. Hatch.

WILLIAM RADNER

General Counsel, War Shipping Administration,  
Washington, D. C.

Proposed by Roscoe H. Hupper.

Seconded by P. J. R. McEntegart.

JOHN FRANKLIN FORT

Burlingham, Veeder, Clark & Hupper,  
27 William Street, New York, N. Y.

Proposed by Roscoe H. Hupper.  
Seconded by P. J. R. McEntegart.

O. TAFT NELSON

Pyne & Lynch, 116 John Street, New York, N. Y.

Proposed by Anthony V. Lynch, Jr.  
Seconded by Warner Pyne.

JOSEPH G. KEARNS

Daniel F. Young, Inc., 8 Bridge Street, New York, N. Y.

Proposed by Harry D. Thirkield.  
Seconded by Gregory S. Rivkins.

FREDERICK MILLER

States Marine Corporation,  
90 Broad Street, New York, N. Y.

Proposed by Harry D. Thirkield.  
Seconded by Gregory S. Rivkins.

JOHN J. SANTRY

U. S. P. & I. Agency, Inc.,  
116 John Street, New York, N. Y.

Proposed by John B. Shaw.  
Seconded by Leslie C. Krusen.

SPRINGER H. MOORE, JR.

Krusen, Evans & Shaw,  
225 South 15th Street, Philadelphia, Pa.

Proposed by Leslie C. Krusen.  
Seconded by John B. Shaw.

WILLIAM J. TILLINGHAST, JR.

Hill, Rivkins & Middleton,  
60 Wall Street, New York, N. Y.

Proposed by Eugene P. McCue.  
Seconded by Barton P. Ferris.

J. THEODORE RICKARD

Bigham, Englar, Jones & Houston,  
99 John Street, New York, N. Y.

Proposed by Oscar R. Houston.  
Seconded by T. Catesby Jones.



HOWARD F. FANNING

United States Maritime Commission,  
99 John Street, New York, N. Y.

Proposed by William E. Collins and Albert T. Gould  
Seconded by Myron H. Avery.

GERALD J. MCKERNAN

Macklin, Brown, Lenahan & Speer,  
99 John Street, New York, N. Y.

Proposed by Paul Speer.  
Seconded by P. J. R. McEntegart.

JOHN C. DONOVAN

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

Proposed by Anthony Blasi.  
Seconded by P. J. R. McEntegart.

WILLIAM D. MITCHELL

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

Proposed by William E. Collins.  
Seconded by Myron H. Avery.

WADE H. SKINNER

General Counsel, United States Maritime Commission,  
Washington, D. C.

Proposed by Leslie C. Krusen.  
Seconded by John B. Shaw.

B. ALLSTON MOORE

Moore & Mouzon, 1 Broad Street, Charleston, S. C.

Proposed by Joseph W. Henderson.  
Seconded by Thomas F. Mount.

ROLF T. MICHELSEN

Michelsen & Chamberlain,  
55 Liberty Street, New York, N. Y.

Proposed by Roy W. Chamberlain.  
Seconded by Allan B. A. Bradley.

ALBERT F. CHRYSTAL

400 East 59th Street, New York, N. Y.

Proposed by Wharton Poor.  
Seconded by Roscoe H. Hupper.

REPORTS OF COMMITTEES

COMMITTEE ON EXTENSION OF ADMIRALTY JURISDICTION

George Whitefield Betts, Jr., reported for the Committee by reading two letters (dated April 29 and May 4, 1942) from the Chairman, Charles R. Hickox, to the Secretary:

“Congressman Baldwin has written me that the sub-committee of the Judiciary Committee to which was assigned the bill H.R. 4759 for enlargement of admiralty jurisdiction reported the bill adversely to the full committee and the full committee has tabled the bill. He also writes:

‘It is my understanding that during the present emergency many bills will be tabled which would otherwise be acted upon.’

No other reasons have been given for this action, nor was I advised by the sub-committee that any objections had ever been made to the bill although I had requested Mr. Baldwin to let me know if any committee was dealing with the bill so that if any objections were raised we could endeavor to meet them.”

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“Senator Andrews has written me that he is considering asking the Judiciary Committee of the Senate to set down his bill, S. 1722 for the Extension of Admiralty Jurisdiction, for a hearing soon and he will be glad to advise me of the hearing so that I can appear to support the bill.

Under these circumstances, I suggest that the Committee, of which I am Chairman, should be continued so that I may be in a position to appear before the Committee on the hearing. If it should be desired to have some other Committee to take the place of the present one, such a Committee should be arranged for at the annual meeting of the Association.”

On motion duly made, seconded and carried, this report was accepted, and the Committee was continued.

COMMITTEE ON AVIATION AND ADMIRALTY

Arnold W. Knauth, Chairman of the Committee, read the following report:

During the past year the matter of extending salvage principles to aircraft at sea has made some progress. Senator McCarran re-introduced his Bill, now S. 7, to enact the Aviation Salvage at Sea Convention into statutory law. The American Bar Associa-

tion approved a short Bill modelled on the existing British and Irish statutes, declaring that any services rendered in assisting or in saving life from or in saving cargo or apparel of an aircraft in or over the sea or any tidal water 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. The Committee on Aeronautical Law opposed that proposal, but its opposition was voted down.

The Association of Air Line Pilots has written to Senator McCarran that it would not favor that provision of S. 7 which would express in statutory form the duty and obligation of a pilot of an aircraft flying overseas to take any particular action in respect of an SOS call. The Air Line Pilots' view is that this aspect should be regulated from time to time as the possibilities of the art of aviation permit by regulations of the Civil Aeronautics Bureau which are made by experts and can be altered on short notice to fit the circumstances.

Further progress has been halted because of the pressure of the war. The stage is set, however, for a declaratory act such as has been approved by the American Bar Association, and perhaps for a version of S. 7 which would delegate to the Civil Aeronautics Bureau the power and duty to make regulations as to the participation by air pilots in efforts at salvage at sea.

It is therefore recommended by your Committee that the Maritime Law Association give its endorsement to the short Bill already endorsed by the American Bar Association and instruct your Committee to take advantage of any opportunity to have such a Bill introduced and advanced in Congress and brought to passage.

It is also recommended that the Maritime Law Association endorse Senator McCarran's Bill, S. 7, provided that an amendment substantially in the following terms is made to Section 4, or at some other appropriate point:

"Provided that the Civil Aeronautics Bureau of the Department of Commerce, or its successor, may, of its own motion or on application, and on hearing, make an order or orders releasing aircraft on any route, or any specified aircraft, or any specified owner or operator of aircraft, from the said obligation of assistance, for such periods of time and from time to time, not exceeding three years in any one order, as it may find warranted by the circumstances and in the public interest."

The text of the short Bill approved by the American Bar Association at Indianapolis in 1941 is annexed hereto.

Respectfully submitted,

ARNOLD W. KNAUTH  
WILLIAM E. COLLINS  
JOSEPH LULEY  
BURTON H. WHITE  
ROBERT W. WILLIAMS

May 4, 1942.

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**SHORT FORM BILL MERELY TO EXTEND SALVAGE  
PRINCIPLES TO AIRCRAFT, AS HAS BEEN  
DONE IN ENGLAND AND IRELAND**

PROPOSED FEDERAL BILL TO AMEND THE AIR COMMERCE ACT,  
1926, WITH RESPECT TO SALVAGE OF AIRCRAFT AT SEA.

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 maritime 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.

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\* None of the Navigation or Shipping Laws refer to “vehicles”.

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.

Upon motion duly made, seconded and carried, the above report was approved and the Committee continued with the understanding that the Committee is instructed to take advantage of any opportunity to have the proposed short bill introduced, advanced in Congress and brought to passage.

#### COMMITTEE ON WORKMEN'S COMPENSATION FOR SEAMEN

The following report of the Committee was read by Vernon S. Jones, Chairman:

The Committee on Workmen's Compensation for Seamen made two prior reports to the Association. The first report dealt solely with the answer to certain questions propounded by the Chairman of the Senate-appointed "Interdepartmental Committee to Study Workmen's Compensation for Seamen". These questions dealt with the portion of recovery taken by contingent fees, the advances, if any, by attorney to litigants, for court costs and maintenance of clients, the use of runners, etc.

The second report of your Committee noted a report to the Senate by their Interdepartmental Committee recommending the application to seamen of a workmen's compensation act similar to the Longshoremen's & Harbor Workers' Compensation Act but with certain modifications. It also noted the introduction of the Welch Bill in the House, proposing radical changes in the Longshoremen's Act and the inclusion of some seamen.

At the time of your Committee's second report, there had been no hearings on the Welch Bill, nor had any bill been introduced to implement the report of the Senate Interdepartmental Committee.

There has been no change whatever in the situation since the last report of your Committee. The Committee thinks, however, that it would be appropriate at this time to bring to the attention of the Association, the important features of the Interdepartmental Committee's report and of the Welch Bill.

The Interdepartmental Committee was composed of representatives of the Department of Commerce, Department of Labor, the Maritime Commission, the United States Employees' Compensation Commission and the Maritime Labor Board. It made a comprehensive study of the existing system of recoveries by seamen for injuries and of the feasibility and desirability of applying the Longshoremen's & Harbor Workers' Compensation Act to seamen. It reached the following conclusions :

1. Under the existing system, seamen are in a most favorable position to secure a recovery for injury and sickness.

2. The seamen are opposed to any change in the system largely because of the fear that they would receive less than they are now receiving under the existing system.

3. The shipowners are in favor of applying the existing Longshoremen's & Harbor Workers' Compensation Act to seamen.

4. Workmen's Compensation is in principle, more desirable and satisfactory than a system of liability based upon negligence.

5. The present Longshoremen's Act ranks high in compensation standards and was used by the Committee as a basis of comparison between the existing procedure and the proposed workmen's compensation plan for seamen.

6. The salient features of workmen's compensation principles could be applied to seamen without depriving them of their present traditional rights to wages to the end of the voyage and maintenance and cure.

7. To make such an act feasible, it would be necessary to make it attractive to seamen by incorporating the following provisions which were not usual in a compensation act :

- a. The compensation plan would become operative only at the end of the voyage, thus preserving the seamen's rights to their wages, maintenance and care for the duration of the voyage.

b. The compensation for the period of temporary total disability should in no event be less than the allowance for maintenance.

c. In computing the wage base upon which compensation is to be paid, it was to be assumed that the seamen worked twelve months a year instead of intermittently for an average of only eight and a half months a year.

d. The value of the seamen's subsistence and lodging as well as overtime and bonuses were to be included in the wage basis.

e. The benefits should be equal to those provided by the Longshoremen's & Harbor Workers' Compensation Act but the limit of \$7,500 in that Act should be removed.

The shipowners, which urge the application to seamen of the provisions of the existing Longshoremen's & Harbor Workers' Compensation Act, have not yet expressed their attitude toward the views of the Interdepartmental Committee recommending modifications of the Act as applied to seamen.

Your Committee is substantially in accord with the conclusions of the Interdepartmental Committee, and if a compensation act can be devised which on the one hand, will give the seamen more than they receive under the present system, and on the other hand, will not unduly increase the burden on the industry, we would favor it in principle. In line with this, we believe it advisable, however, to reserve judgment on the question of whether the present limit of \$7,500 should be removed entirely or whether it should be raised or retained. Any further action should await the introduction of a specific bill and consideration of views of industry and seamen which will undoubtedly be asked by the Committees considering the bills.

The Welch Bill (H. R. 4986) was referred to the Committee on Judiciary but no hearings have ever been held on it. The salient provisions of the Bill are as follows:

The Bill appears to extend the class of employees entitled to compensation to masters and members of the crew of all vessels not engaged in interstate or foreign commerce and possibly the masters and members of the crews of all vessels when not actually upon the high seas. The Bill is also made applicable to workmen injured on shore, taking over to an extent not clearly

defined territory now covered by State Workmen's Compensation Acts. The Act also provides that the increased rates of compensation provided for shall be further increased one-half in cases of "serious and wilful or gross negligence" which is so defined in the Bill as to cover any negligence of the employer in failing to furnish safe employment, a safe place to work or to adopt safe practices, means or methods.

The Committee considers the Bill objectionable (1) because, if workmen's compensation is to be granted to seamen, it should be done not by an extension of the Longshoremen's & Harbor Workers' Compensation Act, but by a separate act which takes into account their special status; (2) because the Bill abandons the clear geographical limits of the field covered by the present act, which applies to injuries on navigable waters, and the Bill does not define with sufficient clearness, the class of employees to which the Act is to be extended; (3) because it would be likely to convert a large proportion of the hearings on compensation claims into trials of issues of negligence.

The Bill provides that in cases of "latent disability", the two-year period within which a claim may be filed shall not begin to run until the causal relation between the disability and the employment is known to the claimant. It greatly increases the amount of compensation awarded and enlarges the field of injury and illness to which it would be applicable. No commitment on it is advisable until it has received thorough actuarial analysis.

It is unlikely that any action whatever will be taken by Congress on this subject during the present War Emergency.

Dated, New York, May 14, 1942.

Respectfully submitted,

VERNON S. JONES  
JOHN L. GALEY  
WILLIAM E. COLLINS



Upon motion duly made, seconded and carried, the report of the Committee was accepted and the Committee continued. After the foregoing motion was carried, discussion followed as to whether the Committee was specifically authorized to oppose the Welch Bill. As a result, the following resolution was proposed by the Chairman of this Committee, Vernon S. Jones, and, on motion duly made and seconded, was carried:

“RESOLVED, that the Committee of this Association on Workmen’s Compensation for Seamen be authorized to convey to Congress the Association’s disapproval of the Welch Bill for the reasons stated in the Committee’s report.”

The President referred to Document No. 273 of March, 1942, which contained “Notes on the Silver Oar of the Admiralty Court” sent to Judge Woolsey in December, 1941, by Lord Merriman, President of the Probate, Divorce and Admiralty Division of the High Court of Justice. In his covering letter, Lord Merriman stated that when he was a guest of the Canadian Bar Association in 1935, one of his hosts had told him that there was a silver oar in the “High Court at Philadelphia”. Upon inquiry being made, it developed that the present Philadelphia oar was made of brass and that it does not bear markings. Suggestion by an enthusiastic member of the Philadelphia Bar that the silver oar now located in Boston was originally located at Philadelphia does not appear to have the sympathy of the Boston Bar.

The President reported that he received from Chalmers G. Graham, one of our members and Admiralty Counsel of the War Shipping Administration, a proposed form of bill of lading to be used in connection with requisitioned vessels, and that comments thereon from certain of our members were forwarded to Mr. Graham.

The President reported that after the Special Meeting of the Association held in January, 1942, he had communicated the results to the Chief Justice and to Judge Learned Hand. Further correspondence on the general subject was had during February, 1942. The subject appears to be at rest for the time being, with a feeling that certain statutes raise obstacles to the more important proposals for changes in the rules. On May 4, 1942,

the Supreme Court entered an order incorporating into the Admiralty Rules the pre-trial practice now provided for in Civil Rule 16. In view of the foregoing, the Committee provided for under the resolution passed at the Special Meeting of January 16, 1942 (Russell T. Mount, Chairman, T. Catesby Jones and Roscoe H. Hupper) would appear to have no immediate special responsibility.

The President explained that at the suggestion of Arnold W. Knauth, the Executive Committee had considered ways and means for increasing the membership of the Association, specifically by inviting certain members of the Bar of the United States Maritime Commission to become members of our Association. Through our fellow member, Chalmers G. Graham, a list of the members of the United States Maritime Commission Bar has been supplied. This list has been examined and the Secretary instructed to invite certain of the attorneys appearing in that list to become members of our Association.

The President referred to certain defects mentioned by Mr. Knauth in the 1940 edition of "The Navigation Laws of the United States", and to appointment of a Committee to confer with the Bureau of Marine Inspection & Navigation for the purpose of improving later editions. Arnold W. Knauth, Chairman, Leonard J. Matteson and Roy W. Chamberlain are the Committee.

#### ELECTION OF OFFICERS

In the absence of the Chairman of the Nominating Committee, Mr. Betts read the following report of said Committee:

The Nominating Committee appointed by the President proposes the following candidates for election:

For President, to serve 1 year: John W. Griffin,  
of 80 Broad Street, New York, N. Y.

For Vice-President, to serve 1 year: Robert W.  
Williams, of Baltimore Trust Building, Baltimore,  
Md.

For Secretary & Treasurer, to serve 1 year: P. J. R.  
McEntegart, of 99 John Street, New York, N. Y.

For members of the Executive Committee, to serve 3 years:

Chalmers G. Graham, of San Francisco, Cal.  
George C. Sprague, of New York  
John W. Crandall, of New York

CLETUS KEATING, *Chairman*  
GEORGE WHITEFIELD BETTS, JR.  
CHAUNCEY I. CLARK  
ALBERT T. GOULD  
LESLIE C. KRUSEN  
JOHN C. PRIZER  
BRADEN VANDEVENTER

It was duly moved, seconded and carried that nominations be closed and that the foregoing nominations be made unanimous, also that the Secretary cast a single ballot for the nominees. The Secretary having cast a single ballot as directed, the President declared the aforesaid nominees duly elected to the respective offices set opposite their names for the respective terms named.

The President concluded by thanking the members and officers for their loyal cooperation and support during his terms of office.

There being no further business, the meeting, on motion duly made, seconded and carried, adjourned at 5:15 P. M. to reconvene at The University Club, 1 West 54th Street, New York City, at 7 P. M. for the annual dinner.

P. J. R. McENTEGART,  
*Secretary and Treasurer.*

**ANNUAL DINNER**

The Annual Dinner was held at The University Club, 1 West 54th Street, New York City, at 7 P. M. on May 15, 1942. 207 members and guests were present. Among the guests of the Association, there were present Judge Calvert Magruder of the Circuit Court of Appeals for the First Circuit; Judge John Biggs, Jr. of the Circuit Court of Appeals for the Third Circuit; Judge William Bondy, Judge Francis G. Caffey, Judge Edward A. Conger, Judge George Murray Hulbert, Judge John C. Knox, Judge Simon H. Rifkind, all of the District Court for the Southern District of New York; Judge Matthew T. Abruzzo, Judge Mortimer W. Byers, Judge Grover M. Moscowitz, Judge Robert A. Inch and Judge Clarence G. Galston, all of the District Court for the Eastern District of New York; and Percy G. B. Gilkes, Clerk of the District Court for the Eastern District of New York, as special guest of honor in recognition of his having recently completed 50 years of service in association with the Clerk's office.

Mr. Roscoe H. Hupper, the retiring President, acted as toastmaster. Mr. William Radner, General Counsel to the War Shipping Administration, and one of our members, explained the importance of ocean transportation to the war effort and indicated various legal aspects of the situation. Judge Magruder and Judge Biggs both spoke briefly on their interests as Judges, and on their earlier careers.

An attractive booklet containing the menu and seating arrangement, on the cover of which was a beautiful reproduction of the Barque "Aloha", was prepared by the Dinner Committee. This was printed without charge to the Association by Post Printing Company, Inc., to which the appreciation of the Association is specially extended.

The members of the Dinner Committee were:

Adrian J. O'Kane, *Chairman*

William E. Collins

Frank J. McConnell

John W. Crandall

P. J. R. McEntegart

John C. Crawley

Mark W. Maclay

Harold S. Deming

Thomas H. Middleton

Robert S. Erskine

Warner Pyne

Paul Speer