

THE MARITIME LAW ASSOCIATION  
OF THE UNITED STATES

ANNUAL MEETING—MAY 5, 1944

The Forty-fifth Annual Meeting of the Association was held in the Carter and Evarts Rooms at the Building of the Association of the Bar of the City of New York, on Friday, May 5, 1944, at 4:15 P. M., pursuant to due notice following the regular quarterly meeting of the Executive Committee, with the President, John W. Griffin, presiding.

Present: John W. Griffin, President, P. J. R. McEntegart, Secretary and Treasurer, and the following 60 members:

Ray Rood Allen	T. Catesby Jones
Comdr. Myron H. Avery, USNR	Arnold W. Knauth
Lt. Edward R. Baird, Jr., USNR	Leslie C. Krusen
Henry I. Bernard	Paul H. Lacques
Geo. Whitefield Betts, Jr.	Henry H. Little
Harold F. Birnbaum	Henry N. Longley
Capt. Stuart B. Bradley, A.U.S.	Anthony V. Lynch, Jr.
(JAG)	G. Hunter Merritt
Joseph M. Brush	Arthur E. Muller
Ira A. Campbell	Lt. George T. Nickell, USNR
Roy W. Chamberlain	Louis W. Niggeman
Alfred T. Cluff	Hon. Emory H. Niles
William E. Collins	Raymond Parmer
Frederic Conger	Lester S. Parsons
James J. Conran	Sherman V. Petrie, Jr.
George A. Conroy	John C. Prizer
John W. Crandall	Edward A. Quinlan
Theodore R. Dankmeyer	William Radner
Harold S. Deming	Edwin K. Reid
Martin Detels	Gregory S. Rivkins
Seymour P. Edgerton	David A. Simmons
Lt. Henry C. Eidenbach, USNR	John H. Skeen
Earle Farwell	Archie M. Stevenson
Morris Douw Ferris	Eugene Underwood
Samuel B. Fortenbaugh, Jr.	George W. P. Whip
Ezra G. Benedict Fox	Carver W. Wolfe
Albert T. Gould	Otto Wolff, Jr.
Charles W. Harvey	William H. Woolley
John Hays	John W. R. Zisgen
Lt. Nicholas J. Healy, III, USNR	Frank J. Zito
Charles R. Hickox	

The reading of the Minutes of the Annual Meeting of May 7, 1943 was dispensed with because they had been printed as Document No. 285 and distributed to the members.

The reading of the Minutes of the Meetings of the Executive Committee during the year—namely, June 18 and October 22, 1943 and April 4 and May 5, 1944 was dispensed with inasmuch as the principal matters transacted at those 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 1943-44**

The year's activities consisted principally of the annual meeting held at 4:10 P. M. on May 7, 1943, followed by the annual dinner at The University Club on the evening of the same day and the efforts of its members and a committee in opposing the legislation to suspend the Public Vessels Act. The annual dinner was in honor of Judge John C. Knox, who, on April 29, 1943, completed 25 years on the bench of the United States District Court for the Southern District of New York. The dinner was attended by 236 members and their guests, while 10 Federal Judges were present by invitation. The President, John W. Griffin, acted as toastmaster. Interesting addresses were delivered by Chalmers G. Graham, Judge Augustus N. Hand and the guest of honor, Judge Knox.

There were four meetings of the Executive Committee during the year; June 18 and October 22, 1943; April 4 and May 5, 1944.

At the June 18th meeting, the members considered S. 1173, introduced in the Senate of the United States on June 9, 1943 and an identical bill (H. R. 2972) introduced in the House of Representatives of the United States on June 16, 1943. The declared purpose of these two bills was to suspend for the duration of the war plus 12 months, the provisions of the Public Vessels Act (Act of March 3, 1925). The Public Vessels Act permits suits by private interests against the United States for damages caused by Naval vessels, including collision, loss of life and personal injury, and other damages to private property within the admiralty jurisdiction and for compensation for towage and salvage services to such vessels. After a full discussion of the entire subject, the President was instructed to appoint a commit-

tee, of which he would be Chairman, to adopt such measures as their judgment might approve to express the opposition of the Association to these bills.

Immediately after the June 18th meeting of the Executive Committee the President appointed the following committee to act with him on this subject :

Chauncey I. Clark, of New York  
D. Roger Englar, of New York  
Earle Farwell, of New York  
Farnham P. Griffiths, of San Francisco  
Cletus Keating, of New York  
Joseph M. Rault, of New Orleans

On June 21, 1943 this committee met and approved a letter and memorandum prepared by the President. On June 24, 1943, that letter, together with the memorandum and a copy of S. 1173, were sent out to the members and interested organizations.

In the Senate of the United States S. 1173 was referred to the Committee on Naval Affairs. In the House of Representatives, H. R. 2972 was originally referred to the Committee on Claims. On September 17, 1943, this bill was rereferred to the House Committee on Naval Affairs.

On September 15, 1943, the Senate Committee on Naval Affairs conducted a hearing on S. 1173. At that hearing the President, John W. Griffin, among other witnesses, appeared and testified in opposition. Thereafter, and on September 20, 1943, a memorandum was submitted on behalf of our Association by the members of our Special Committee. After examining the reply memorandum submitted on behalf of the Navy Department, our Special Committee prepared and submitted a further memorandum on behalf of our Association. On October 15, 1943, our President was advised by Senator Walsh, the Chairman of the Committee on Naval Affairs, that his committee was prepared to submit a report on a bill which would be much less drastic than S. 1173.

At its October 22nd meeting, the members of the Executive Committee conferred with some of the members of its Special Committee on the bill to suspend the Public Vessels Act, and also with George Whitefield Betts, Jr., acting on behalf of the Maritime Association of the Port of New York and Clement C. Rinehart representing the Association of American Steamship Owners, in connection with this subject. At the conclusion of the discus-

sion, it was decided that each of the associations would write separately to the Chairman of the Senate Naval Affairs Committee.

At its October 22nd meeting, the members of the Executive Committee learned with sincere regret of the death on September 18, 1943, of one of their members, Alexis T. Gresham of Mobile. Under the provision of Article 11 of our Articles of Association and By-laws, Leslie C. Krusen of Philadelphia was appointed to fill the vacancy created by the death of Mr. Gresham and to hold office until the annual meeting of the Association, today.

At the same meeting of the Executive Committee the members considered the effect in these times of the rules of the United States District Courts for the Southern and Eastern Districts of New York, which required that applicants for admission to the bar should be members of the State bar for three years in the case of the Southern District, and two years in the case of the Eastern District. As a result of the discussion, a committee consisting of Ray Rood Allen, Chairman, T. Catesby Jones and Cletus Keating was appointed to confer with and present the views of the Association to the Senior Judges of the two Courts.

At the April 4, 1944 meeting of the Executive Committee the members considered the applicability to our Association of Section 117 of the recently enacted Federal Revenue Act of 1943 [Internal Revenue Code, Section 54 (e)]. They also considered the necessity of application to the Internal Revenue Department for exemption from Federal income tax. It was concluded that the Association should make application for exemption under Section 101 of the Internal Revenue Code and also file a return under Section 54 (e). At the same meeting of the Executive Committee the President reported that the United States Senate Committee on Naval Affairs had reported favorably on a bill less drastic than S. 1173. However, no action has been taken by the Senate on this bill. No action on this general subject has been taken by the House of Representatives. At the April 4th meeting of the Executive Committee, the Chairman of our Committee on Merchant Marine Hearings and Procedure reported the results of the conferences with the representatives of the United States Coast Guard. The exchange of letters on the subject has been printed and circularized as Document No. 288 to facilitate any discussion at today's meeting. At the same meeting of the Executive Committee reports were received from our Special Committee

to seek modification of the rules of the Southern and Eastern District Courts of New York requiring membership in the State bar for a period of years before an attorney can be admitted to membership in those Courts. The full report of this Committee showing the results attained will be submitted at today's meeting and will be printed in the minutes of the meeting.

At the April 4th meeting of the Executive Committee, the members considered the question of lights on towed vessels under both the Inland and Local Inspectors' rules, and also a proper definition showing the distinction between barges and scows. At the conclusion of the discussion, a Special Committee was appointed, consisting of Leslie C. Krusen, Chairman, Richard F. Lenahan and Robert S. Erskine.

At the May 5th meeting of the Executive Committee the members considered the ruling of the Ethics and Grievances Committee of the American Bar Association, which prohibits approved directories from listing the name of any association whose membership is not restricted to the legal profession. Our membership is not restricted to members of the legal profession. After consideration the subject was referred to a Special Committee to be appointed by the incoming President.

We report with sorrow the deaths of the following members:

#### ASSOCIATE MEMBERS

Hon. Julian W. Mack New York, N. Y.	(1924)	July 5, 1943
Hon. Luther B. Way Norfolk, Va.	(1931)	October 23, 1943

#### ACTIVE MEMBERS

G. Brick Smith Newport News, Va.	(1931)	May 16, 1942
Victor Leovy New Orleans, La.	(1918)	November 10, 1942
Morris Cooper, Jr. New York, N. Y.	(1923)	June 18, 1943
Alexis T. Gresham Mobile, Ala.	(1921)	September 18, 1943
Braden Vandeventer Norfolk, Va.	(1914)	September 28, 1943

G. Noyes Slayton New York, N. Y.	(1925)	February 1, 1944
Samuel D. McComb New York, N. Y.	(1935)	March 17, 1944

The following resignations have been received:

William M. Sheffield Ithaca, N. Y.	(1941)	May, 1943
Golden W. Bell Washington, D. C.	(1925)	May, 1943

Two associate members and 43 active members were elected at the last annual meeting. Four members were dropped for non-payment of dues. The total active membership is 381; associate 64; honorary 7; library 16; grand total 468.

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

- Document #285—Minutes of Annual Meeting, May 7, 1943  
 286—Annual Dinner, May 7, 1943  
 287—Notice of Amendment to Rule 22 of the United States Circuit Court of Appeals for the Second Circuit  
 288—Report of Committee on Merchant Marine Hearings and Procedure  
 289—Notice of Annual Meeting, May 5, 1944  
 290—Notice of Annual Dinner, May 5, 1944  
 291—Memorials of George Brick Smith, Victor Leovy, Jeremiah Neterer, Julian William Mack, Alexis Tardy Gresham, Braden Vandeventer, Luther Bynum Way, Edward E. Cushman, George Noyes Slayton and Samuel Deems McComb

## TREASURER'S REPORT

May 6, 1943 to May 4, 1944

Bank Balance May 6, 1943.....		\$2,846.96
-------------------------------	--	------------

## RECEIPTS:

Sale of Documents.....	\$ 6.00	
DUES:		
1941-42 .....	20.00	
1942-43 .....	45.00	
1943-44 .....	1,250.00	1,321.00
1943 Dinner (Subscriptions received after annual meeting).....	\$ 260.00	
1944 Dinner (Subscriptions received to and including May 4, 1944).....	1,780.00	2,040.00
		<u>\$6,207.96</u>

## EXPENDITURES:

1943 Dinner at University Club:		
By Subscription.....	\$1,174.00	
From General Funds .....	564.02	\$1,738.02
Printing .....	578.10	
Stationery .....	127.28	
Miscellaneous, including clerical, typing, postage, etc., January 1, 1943 to March 31, 1944.....	557.90	3,001.30
Bank Balance, May 4, 1944.....		<u>\$3,206.66</u>

## OUTSTANDING COMMITMENT:

1944 Annual Dinner:		
Subscriptions received to date.....	\$1,780.00	
Estimated charge on general funds .....	500.00	2,280.00
		<u>\$ 926.66</u>

**ELECTION OF MEMBERS**

The names of the following applicants for membership were read. On recommendation of the Executive Committee and on motion duly made, seconded and carried, the following 45 named persons were elected to active membership in the Association:

BRUNO J. AUGENTI

60 John Street, New York 7, N. Y.

CAPTAIN STUART B. BRADLEY, A.U.S. (JAG)

War Shipping Administration

Commerce Building, Washington, D. C.

GEORGE M. BRODHEAD, JR.

Rawle & Henderson

Packard Building, Philadelphia 2, Pa.

THOMAS E. BYRNE, JR.

Krusen, Evans & Shaw

225 South Fifteenth Street, Philadelphia 2, Pa.

ALLAN E. CHARLES

Lillick, Geary, Olson & Charles

311 California Street, San Francisco 4, Cal.

CAPTAIN JAMES C. COGGILL, A.U.S. (JAG)

War Shipping Administration

Room 4708—Commerce Building, Washington, D. C.

JAMES J. CONRAN

Burlingham, Veeder, Clark & Hupper

27 William Street, New York 5, N. Y.

G. FRANK DOUGHERTY

Pier 13, East River, New York, N. Y.

MAJOR CLARENCE S. EASTHAM, A.U.S.

War Shipping Administration

45 Broadway, New York 6, N. Y.

GILBERT S. FLEISCHER

War Shipping Administration

45 Broadway, New York 6, N. Y.

JOHN F. FRAZER

Riggs, Ferris, Geer & Mygatt

120 Broadway, New York 5, N. Y.

JOHN F. GERITY

Kirlin, Campbell, Hickox, Keating & McGrann

120 Broadway, New York 5, N. Y.



LOUIS C. GUIDRY  
Dart & Dart  
1008 Canal Building, New Orleans, La.

MICHAEL E. HANRAHAN  
J. H. Winchester & Co., Inc.  
19 Rector Street, New York 6, N. Y.

THEODOR HOLM  
Toplis & Harding, Inc.  
116 John Street, New York 7, N. Y.

PERRY A. HULL  
29 Broadway, New York 6, N. Y.

ALFRED P. JOBSON  
Marsh & McLennan, Inc.  
70 Pine Street, New York 5, N. Y.

WILLIAM H. LANE  
War Shipping Administration  
Commerce Building, Washington, D. C.

RICHARD S. LEAHY  
Macklin, Brown, Lenahan & Speer  
99 John Street, New York 7, N. Y.

VERNON T. LEE  
Socony-Vacuum Oil Co.  
26 Broadway, New York 4, N. Y.

SAMUEL LLOYD  
Lloyd, Decker, Williams & Knauth  
60 East 42nd Street, New York 17, N. Y.

ANDREW J. McELHINNEY  
Bigham, Englar, Jones & Houston  
99 John Street, New York 7, N. Y.

JAMES MCKOWN, JR.  
Haight, Griffin, Deming & Gardner  
80 Broad Street, New York 4, N. Y.

WALTER E. MALONEY  
9 Sunset Terrace, Maplewood, N. J.

STEVENSON MASSON  
Stewart Building, Baltimore, Maryland

J. NEWTON NASH  
Hatch & Wolfe  
70 Pine Street, New York 5, N. Y.

LT. GEORGE T. NICKELL, USNR  
Office of the Judge Advocate General,  
Navy Building, Washington 25, D. C.

- LOUIS W. NIGGEMAN  
War Shipping Administration  
Washington 25, D. C.
- JOHN F. QUARTO  
Macklin, Brown, Lenahan & Speer  
99 John Street, New York 7, N. Y.
- ADDISON ROBERTS  
Fire Association of Philadelphia  
401 Walnut Street, Philadelphia, Pa.
- JAMES W. REID  
630 Fifth Avenue, New York 20, N. Y.
- JAMES NEIL SENEAL  
111 John Street, New York 7, N. Y.
- RICHARD F. SHAW  
Bigham, Englar, Jones & Houston  
99 John Street, New York 7, N. Y.
- E. RIDGELY SIMPSON  
Merchants & Miners Transportation Company  
112 S. Gay Street, Baltimore, Maryland
- EDWARD L. SMITH  
Special Assistant to Attorney General  
War Shipping Administration  
45 Broadway, New York 6, N. Y.
- HARRY F. STILES, JR.  
Deutsch, Kerrigan & Stiles  
Hibernia Bank Building, New Orleans, La.
- ADELBERT G. STRAUB, JR.  
55 Liberty Street, New York 5, N. Y.
- ESLI L. SUTTON  
802 U. S. Court House, New York, N. Y.
- LT. ARTHUR E. TARANTINO  
Manning Division, United States Maritime Service  
Washington, D. C.
- MAX TAYLOR  
War Shipping Administration, Legal Department  
45 Broadway, New York 6, N. Y.
- WILLIAM A. VAN SICLEN  
Box 124, Ancon, Canal Zone
- HAROLD WEISS  
United States Attorney's Office  
Department of Justice, Admiralty Division  
45 Broadway, New York 6, N. Y.

FREDERICK A. WILDNAUER  
British Ministry of War Transport  
25 Broadway, New York 4, N. Y.

GRAY WILLIAMS  
Lloyd, Decker, Williams & Knauth  
60 East 42nd Street, New York 17, N. Y.

JOHN WRIGHT  
American Export Lines  
25 Broadway, New York 4, N. Y.

## REPORTS OF COMMITTEES

### COMMITTEE ON EXTENSION OF ADMIRALTY JURISDICTION

Charles R. Hickox, Chairman, submitted and discussed the following report of his Committee:

The situation with respect to the Bill to Extend Admiralty Jurisdiction is substantially the same as it was at the time of the Report of this Committee at the Annual Meeting last May.

Last July, word was received that the Pacific American Steamship Association was agitated about Senate Bill 554 and had received information that action was expected on the Bill soon. It developed that this Bill was identical with Bill H. R. 6322 of the last session, the status of which was covered by the Report of this Committee last May.

Inquiry was made of the Clerk of the Committee on Judiciary of the United States Senate and he advised on the 7th July that Bill 554 was pending in the Committee, but had not been considered and that as Congress was adjourning during that week, it was not expected that any action could be taken until after the recess. A letter from the Secretary of the Committee on Judiciary was written on the 15th October, 1943, and said that it was not planned to have any hearings by the Senate Committee on Bill 554.

In November, 1943, the District Counsel of the War Shipping Administration wrote about the proposed bill and suggested that the importance of the matter warranted the Administration vigorously pressing for action on the Bill. The District Counsel was informed of the present status as shown by the report of this Committee last May and by the subsequent correspondence above mentioned.

It subsequently developed that the Attorney General had written to Senator Van Nuys of the Committee on Judiciary that the Attorney General could not recommend enactment of the Bill as it would impose new and additional liabilities on

the United States for injuries incurred by vessels while the United States was at war. The District Counsel was informed of this development and he subsequently advised that he had conferred with a member of the Attorney General's staff who had intimated that a new draft of a bill was being prepared to eliminate the question of injuries to persons so as to avoid objections that had been made in some quarters.

Nothing further has been heard, however, of the matter and it seems that the opposition of the Attorney General to the Bill will prevent any favorable action for the duration of the war. Perhaps thereafter question of pressing the Bill can be taken up with greater prospect of success.

CHARLES R. HICKOX  
GEORGE WHITEFIELD BETTS, JR.  
OSCAR R. HOUSTON

24th April, 1944.

Supplementing his report, Mr. Hickox stated that at a recent meeting of the Admiralty Committee of the American Bar Association it was suggested that hearings be conducted on the Bill to Extend Admiralty Jurisdiction after the conventions of the political parties. Discussion followed on the report of this Committee and also on the advisability of our Association's appointing a Committee on Wartime Shipping Legislation which could act as a liaison between the various Government departments and the members of the Association. William E. Collins and William Radner joined in the discussion and informed the members of the status in their departments of legislation to extend Admiralty Jurisdiction. At the conclusion of the discussion, the report of the Committee on Extension of Admiralty Jurisdiction was approved and the Committee was continued.

It was also regularly moved, seconded and carried that the President appoint a Committee on Wartime Shipping Legislation. It was the view of the members present that this Committee would have power to deal with any one of the Government departments and that its jurisdiction should be broad enough to cover administrative as well as legislative matters. Furthermore, it was left to the discretion of the incoming President whether or not to merge this new committee with the Committee on Extension of Admiralty Jurisdiction.

**COMMITTEE ON LEGISLATION TO SUSPEND THE  
PUBLIC VESSELS ACT**

The President, as Chairman of this Committee, referred the members to the Secretary's Report on this subject and stated that he understood that the Committee on Naval Affairs of the United States Senate had either reported or was about to report S. 1173 in a form somewhat less drastic than originally. Commander Avery stated that on May 4, 1944, the Senate Committee on Naval Affairs had unanimously reported S. 1173 as changed. A copy of S. 1173 as reported is attached to these minutes at pages 2968-72 and marked Exhibit "A". [On May 25, 1944 the United States Senate passed and sent to the House of Representatives S. 1173 in the form as it appears in Exhibit "A".]

**COMMITTEE ON AVIATION AND SALVAGE**

Arnold W. Knauth, Chairman, submitted and discussed the following report:

The State Department continues to hold the view that no steps should be taken to enact the Aviation Salvage Convention while the present general state of war continues. The position is that all matters of this character should await the general settlements which will follow the war.

In the meantime, the immense amount of ocean flying during this war is demonstrating that aircraft can quite frequently play a significant part in the salvage of property in peril at sea. On the other hand, the aircraft themselves and the property on board are seldom the objects of successful salvage efforts; the aircraft of the present day, including the flying boats, do not often survive a forced landing at sea, and the occupants are frequently rescued from rubber rafts.

The subject must accordingly be carried along until the end of the war, when international agreement and legislation seem to be likely.

On motion duly made, seconded and carried, the report of the Committee was accepted and the Committee continued for another year.

**COMMITTEE TO CONFER WITH THE BUREAU OF MARINE  
INSPECTION AND NAVIGATION CONCERNING THE NEW  
EDITION OF "THE NAVIGATION LAWS"**

Arnold W. Knauth, Chairman, submitted and discussed the following report :

There is no present intention to prepare a new edition of the volume known as "Navigation Laws of the U. S." The 1940 edition, which contained some inaccurate captions and arrangements of material, continues to be in issue and in use.

However, a general revision of the statutes relating to vessel inspection and safety appears to be likely. The functions of the Bureau of Marine Inspection have been transferred, for the duration of the war, to the Coast Guard. Two Bills, S. 1788 and H. R. 4475, have been introduced with the object of leaving these functions permanently with the Coast Guard. The Senate Bill, introduced by Senator Bailey, has been referred to the Committee on Commerce. The House Bill, introduced by Mr. Bland, has been sent to the Committee on Merchant Marine and Fisheries, of which he is chairman. If these Bills should become law, it is understood that the Coast Guard would bring forward a Bill to revise those chapters of Title 46, U. S. Code, which relate to these functions. In that event, this Association would probably wish to create a larger and special committee to examine such proposed changes. In the meantime, it is suggested that this committee be continued to observe and report.

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

**COMMITTEE ON MERCHANT MARINE HEARINGS  
AND PROCEDURE**

The President referred to Document No. 288 in which the report of this Committee was printed and circularized to the members in April, 1944. Anthony V. Lynch, Jr., the Chairman of this Committee, spoke on the report. Charles W. Harvey inquired whether the Committee could, by further consultation with the United States Coast Guard, obviate the necessity for communications with the Commandant in Washington for permission to obtain transcripts of record. Mr. Lynch replied that the Commandant of the United States Coast Guard insisted upon all applications of this nature being made directly to Washington in order

that he could preserve uniformity in the work in the various districts. Upon motion duly made, seconded and carried, the report of the Committee was accepted and the Committee was discharged with the appreciation of the Association.

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

William E. Collins reported for this Committee and stated that there was no change in the situation since their report to the 1943 annual meeting. No legislation on the subject has been introduced in Congress. On motion duly made, seconded and carried, the report was accepted and the Committee continued.

**COMMITTEE ON ADMIRALTY PRACTICE**

George Whitefield Betts, Jr., reported for the Committee and stated that the two following subjects were giving the Committee concern:

1. New Rule 22 of the Circuit Court of Appeals for the Second Circuit with respect to appeals in admiralty.
2. The advisability of having in admiralty a rule similar to that permitting motion for summary judgment where no substantial issue of fact was involved.

Various members of the Association expressed their views on the subjects. Lester S. Parsons of Norfolk, Virginia, suggested that the Committee communicate with Claude M. Dean, Clerk of the United States Circuit Court of Appeals for the Fourth Circuit in Richmond, who had been working for some time under a similar rule. At the conclusion of the discussion, it was regularly moved, seconded and carried that the report of the Committee be accepted and the Committee continued.

**COMMITTEE FOR SECURING MODIFICATION OF AD-  
MISSION TO PRACTICE RULES OF THE SOUTHERN  
AND EASTERN DISTRICT COURTS OF NEW YORK**

Ray Rood Allen, Chairman of the Committee, submitted and discussed the following report:

On October 22, 1943, the President of the Maritime Law Association appointed the undersigned a committee to try to secure modification of the Southern District three-year requirement for admission to practice. Prior thereto, the desirability of such modification had been called to the attention of Judge Knox, and on October 28, before the Committee had taken action, an amendment was promulgated which eliminated the three-year requirement for the "duration" and for one year thereafter. The amendment reads:

"AMENDMENT TO GENERAL RULE 3.

For, and during the duration of the present war, and for a period of one year following the cessation of hostilities, *that portion* of General Rule 3, requiring an applicant for admission to the Bar of this court to be a member of the Bar of the State of New York, or of the Bar of the State of New Jersey, for *three* years, is hereby suspended and amended so as to read:

"Any person who is a member in good standing of the Bar of the State of New York, or of the Bar of the State of New Jersey, or who has been duly admitted to the Bar of either of those states when a member in good standing for five years of the Bar of some other state or territory or possession or the District of Columbia or of a foreign country, may be admitted to practice in this court on compliance with the following provisions:."

The Committee was then asked to try to secure modification of the Eastern District two-year rule. Accordingly, on December 10, the Committee addressed to Judge Campbell, for consideration by the Eastern District Judges, an application for amendment of the Eastern District Rule and called attention to the Southern District amendment. On January 3, 1944, the following modification of the Eastern District Rule was adopted:

"Rule 2. Any member in good standing of the bar of the State of New York, the bar of the State of New Jersey, the bar of the State of Connecticut or the bar of the State of Vermont, who has been a member for at least one year, may be admitted to practice in this Court on complying with the following provisions.

And, wherever in the second paragraph of Rule 2, being the following provision hereinbefore referred to, the term of two years shall be mentioned it shall be amended to read one year."



There are the following differences in the action taken in the two Districts:

(1) In the Eastern District, the time period is cut from two years to one year, not wholly eliminated, as in the Southern District;

(2) In the Eastern District, the change is not limited to "the duration" and one year thereafter, as in the Southern District;

(3) The amended Eastern District Rule applies to members of the Bars of Connecticut and Vermont. Previously, the Eastern District Rule applied, and presently the Southern District Rule applies, only in favor of New York and New Jersey practitioners.

Respectfully submitted,

RAY ROOD ALLEN  
CLETUS KEATING  
T. CATESBY JONES  
*Committee*

April 28, 1944.

On motion duly made, seconded and carried, the report of the Committee was accepted and the Committee was discharged with the appreciation of the Association.

#### **NEW BUSINESS**

The President reported that the publishers of legal directories would not permit subscribers to list membership in our Association in their biographical sections. The reason for this ruling is that the Ethics and Grievances Committee of the American Bar Association has decided that the only memberships that can be listed are those that are restricted to members of the legal profession. Under our Articles of Association and By-Laws, membership in our Association is not restricted to members of the legal profession and we have a number of members who are not members of the bar. This subject was discussed at the meeting of the Executive Committee held on May 5, 1944, and as a result of the discussion the incoming President was authorized to appoint a committee to confer with the American Bar Association.

George Whitefield Betts, Jr., spoke about the transfer of the duties of the Bureau of Marine Inspection and Navigation, originally in the Department of Commerce, to some other department or departments. A general discussion followed from which it appeared that although several Government departments were interested in taking over the work of that Bureau, still it had not been definitely decided where it should finally rest. Furthermore, if there is a transfer, it will probably also involve a recodification of the Navigation laws. Most of the members who expressed themselves seemed to feel that our Association should be interested in this general subject, although the members were not unanimous. At the conclusion of the discussion it was regularly moved, seconded and carried that a small committee be appointed by the President to consider and report on legislation for the transfer of the Bureau of Marine Inspection and Navigation.

D. A. Simmons, the future President of the American Bar Association, spoke about the members of our Association returning from the war, and stated that they should be brought up to date on developments in maritime law during their absence in the service. Arnold W. Knauth stated that Arthur T. Vanderbilt, former President of the American Bar Association, was now working on this general subject and had asked him to prepare an article on marine matters up to 1942. Mr. Knauth suggested that a small committee of the Association be instructed to look into this subject and to prepare a report on developments subsequent to 1942. On motion duly made, seconded and carried, the subject was referred to the Executive Committee with power to act.

#### ELECTION OF OFFICERS

William E. Collins, a member of the Nominating Committee, which consisted of himself, Chauncey I. Clark, Chairman, Harold S. Deming, George DeForest Lord, Leonard J. Matteson, L. DeGrove Potter, Arthur J. Santry and George W. P. Whip, presented the following nominations:

For President, for 1 year—

Geo. Whitefield Betts, Jr.  
120 Broadway  
New York 5, N. Y.

For Vice-President, for 1 year—

Joseph M. Rault  
Whitney Building  
New Orleans, La.

For Secretary and Treasurer, for 1 year—

P. J. R. McEntegart  
99 John Street  
New York 7, N. Y.

For Members of the Executive Committee, for the term  
expiring 1947:

Oscar R. Houston, New York, N. Y.  
Leslie C. Krusen, Philadelphia, Pa.  
William Radner, Washington, D. C.

The chair inquired for nominations from the floor. There were none. It was duly moved, seconded and carried that nominations be closed, that the foregoing nominations be made unanimous, and that the nominees named above be elected to the respective offices for the respective terms named. The Chairman declared the nominees duly elected.

There being no further business, the meeting, on motion duly made, seconded and carried, adjourned at 5:45 P. M. to reconvene at The University Club, 1 West 54th Street, New York City, at 6:45 P. M. for the Annual Dinner.

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

[ 2968 ]

**EXHIBIT A**

78TH CONGRESS  
2D SESSION

Calendar No. 862

S. 1173  
[Report No. 850]

IN THE SENATE OF THE UNITED STATES

June 9 (legislative day, May 24), 1943

Mr. Walsh introduced the following bill; which was read twice  
and referred to the Committee on Naval Affairs

May 4 (legislative day, April 12), 1944

Reported by Mr. Walsh of Massachusetts, with amendments

**A BILL**

To provide for staying judicial proceedings against the United States in time of war, on claims for damages caused by vessels of the Navy, or for towage or salvage services to such vessels, when the Secretary of the Navy certifies that the prosecution of such proceedings would endanger the security of naval operations or interfere therewith, and to authorize the settlement and payment of such claims, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in time of war the Secretary of the Navy shall certify to a court in which is pending a suit of the nature hereinafter defined, or to a judge of such court, that the prosecution of such suit would tend to endanger the security of naval operations in such war, or to interfere with such operations, all further proceedings in such suit shall forthwith be stayed until six months after the cessation of hostilities in such war, or until such earlier date as may be stated in such certificate. The suits to which this Act applies are hereby defined as follows: All suits under the Act approved March 3, 1925, entitled "An Act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United

States, and for other purposes" (43 Stat. 1112; 46 U. S. C. 781 ff), wherein a claim is made for damages caused by a vessel of the Navy, or in the naval service, or for compensation for towage or salvage services, including contract salvage, rendered to any such vessel. The stay of proceedings in pending suits as provided in this section shall not operate to suspend the issuance of process to take or preserve evidence to be used in the trial of the issues of the suit, or to prevent the completion of action under the authority of similar process already issued at the time of such stay of suit: Provided, That if at the time of certification by the Secretary of the Navy for stay of proceedings, as provided in this section, or at any time thereafter prior to the termination of stay, the Secretary of the Navy shall file with the court an additional certificate that the issuance of such process to preserve evidence or the completion of action on process already issued would tend to endanger the security of the United States or any of the naval or military operations in such war, or to interfere with such operations, then all such proceedings for the taking or preserving of evidence to be used by either party in the trial of the issues in such suit shall be suspended until six months after the cessation of hostilities in such war, or until such earlier date as shall have been fixed in the certificate for stay of proceedings in such suit.

SEC. 2. Whenever in time of war the Secretary of the Navy shall certify to the court, or a judge of the court in which proceedings for the purpose are pending, that the granting of a *dedimus potestatem* to take depositions, or a direction to take depositions in *perpetuam rei memoriam*, or the taking of depositions or production of evidence pursuant to such *dedimus potestatem* or direction, or pursuant to any other proceeding for the purpose, in connection with or in relation to any claim against the United States on which such suit would lie, would tend to endanger the security of the United States or any of the Naval or military operations in such war, or to interfere with such operations, then such *dedimus potestatem* shall not be granted, such direction shall not be made, and such deposition shall not be taken or evidence produced, until six months after the cessation of hostilities in such war, or such earlier date as may be stated in such certificate, and if prior to filing such certificate such proceedings shall have been commenced, the same shall upon filing

such certificate forthwith be stayed until six months after cessation of such hostilities or such earlier date as may be stated in such certificate.

SEC. 3. The phrase "vessels of the Navy or in the naval service" shall include for the purposes of this Act, in addition to all vessels of the Navy, and of the Coast Guard when operating as a part of the Navy, all vessels manned by the Navy, including the Coast Guard when operating as a part of the Navy, and all vessels chartered on bare-boat charter to the Navy, or to the Coast Guard when the Coast Guard is operating as a part of the Navy.

SEC. 4. At any time while a stay is in effect under this Act the Secretary of the Navy may file with such court or judge his certificate extending or shortening the time stated in his prior certificate, during which the prosecution of such suit or the taking of such deposition or production of evidence would tend to endanger the security of the United States or of such operations in time of war, or to interfere therewith. Any claimant or party deeming himself adversely affected by a stay under the provisions of this Act may serve on the Secretary of the Navy at Washington, District of Columbia, a written notice, requesting the Secretary of the Navy to reconsider the stay previously issued and to issue a further certificate. Such written notice shall identify the stay then in effect by attaching a copy of the certificate of the Secretary of the Navy upon which the stay is based or by a description sufficient for its identification. The said notice shall not contain any recital of the facts or circumstances involved. Within ten days after receipt of such notice, the Secretary of the Navy or some official designated by him, shall hold in secret a hearing at which the claimant or his representative may present such facts and arguments as he may think material with respect to the question as to whether or not a stay should be issued or maintained. Within ten days after such hearing, the Secretary of the Navy shall file with the court in which said stay is pending, or the court in which the proceeding stayed was instituted, his further certificate stating whether the stay shall then be terminated, or for what time the stay is to continue in effect. If the Secretary of the Navy shall fail to file such further certificate, the court, upon application by such claimant or party, shall issue its order directing the Secretary of the Navy to file a certificate within the time to be specified in such order. Any certificate issued by the

Secretary of the Navy shall remain in effect for the time stated therein or until it is terminated or altered by a further certificate. The filing of any further certificate under this section shall extend or shorten the time, as the case may be, during which the stay in relation to which it is made shall continue in effect, to the time stated in such further certificate, or shall terminate such stay if it be so stated in such further certificate: Provided, That in no case shall any stay under this Act remain in force longer than six months after the cessation of hostilities in such war.

Any certificate issued by the Secretary of the Navy pursuant to this Act may, in his discretion, be restricted, so that it stays only the taking of testimony of certain witnesses or evidence on certain subjects, in which event such proceedings as are not so stayed may continue.

Before making any certificate provided for in this Act, the Secretary of the Navy shall make or cause to be made such investigation of the case to which the certificate relates as to satisfy himself that the issuance of the certificate for the purposes authorized by this Act is necessary.

SEC. 5. The time during which a claimant may file suit of the nature described in section 1 upon a claim against the United States shall be computed by excluding the time during which a stay under section 2, or any extension thereof, shall be in effect as to any proceedings by or on behalf of such claimant for the taking of a deposition or the production of evidence in connection with or in relation to such claim.

SEC. 6. The Secretary of the Navy is authorized to consider, ascertain, adjust, determine, compromise, or settle claims for damages caused by vessels of the Navy or in the naval service, and for compensation for towage and salvage services, including contract salvage, rendered to such vessels, and to pay the amount of any claim so determined, compromised, or settled, and upon acceptance of such payment by the claimant, and not until then such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding: Provided, That this section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary to, and not in lieu of all other provisions of law authorizing consideration, adjustment, determination, settlement, and payment of claims: Provided further, That no claim in excess

of \$3,000 shall be considered hereunder which accrued prior to September 8, 1939; Provided further, That all payments of claims made under this section shall be made out of the appropriation "miscellaneous expenses, Navy": And provided further, That the payment of any claim on which a net amount exceeding \$100,000 is determined to be due from the United States, or which is compromised or settled at a net amount exceeding \$100,000 payable by the United States, shall not be authorized by this section, and all claims determined, compromised, or settled hereunder at a net amount exceeding \$100,000 payable by the United States shall be certified by the Secretary of the Navy to the Congress.

SEC. 7. (a) On payment of any claim determined, compromised, or settled under section 6 of this Act at a net amount exceeding \$3,000, but not exceeding \$100,000, payable by the United States, the Secretary of the Navy within twenty days of payment shall file a report with the Naval Affairs Committee of the Senate and House of Representatives setting forth the nature of the claim, the vessel or vessels involved, the amount paid with respect thereto, the basis of the determination, compromise, or settlement, and other pertinent facts: Provided, That during any war the reports required under this section may omit any fact or facts disclosure of which, in the opinion of the Secretary, would be prejudicial to the National security.

(b) Subject to the proviso of subsection (a) of this section, the Secretary of the Navy shall report to the Congress, at each session thereof, all claims which have been paid under this Act.