

MARITIME LAW ASSOCIATION OF THE UNITED STATES.

MAY 5, 1911.

The Twelfth Annual Meeting of the Maritime Law Association of the United States was held at the rooms of the Bar Association of the City of New York, on the 5th day of May, 1911. In the absence of the President, Judge George C. Holt took the chair.

The Treasurer reported that there was a balance in the treasury of \$416.31. Mr. Everett P. Wheeler suggested that the members of this Association and their guests should have a dinner at some date in the autumn to be fixed, and that arrangements for such dinner should be placed in the hands of the Executive Committee, with power to appoint others to assist in details. This was put to a vote and passed.

The election of officers for the ensuing year being in order, the Secretary presented a letter from Hon. Addison Brown, President of the Association since 1907, in which Judge Brown said that owing to the condition of his health he would be unable to serve longer as President. On motion of Judge Charles M. Hough, the Secretary was directed to acknowledge the letter of Judge Brown and express the regret of the Association as to his action and the cause for it. The Secretary has since complied with the direction of the Association. Judge Harrington Putnam was then nominated in place of Judge Brown as President of the Association.

The Secretary presented a letter from Judge Frederick Dodge of Boston, which stated that he would prefer not to serve longer as a member of the Executive Committee, owing to the difficulty of attending the meetings in New York. The resignation was accepted and Mr. Fitz-Henry Smith, Jr., of Boston, was nominated in place of Judge Dodge. Mr. Lawrence Kneeland, of New York, was nominated in place of

Judge Harrington Putnam as a member of the Executive Committee. Officers were then elected as follows:

President.

HONORABLE HARRINGTON PUTNAM.

Secretary and Treasurer.

EDWARD GRENVILLE BENEDICT.

Executive Committee.

EVERETT P. WHEELER,
FITZ-HENRY SMITH, JR.,
LAWRENCE KNEELAND.

The Secretary presented a letter from Mr. Louis Franck, Hon. General Secretary of the International Maritime Committee, asking that the Maritime Law Association of the United States use its influence to have the United States Senate pass upon the two Conventions in regard to Collision and Salvage, which were adopted by the Brussels Diplomatic Conference of 1909. The Secretary was directed to write to the Secretary of State, to ask whether the Conventions had been submitted to the United States Senate, and if they have not, to request, on behalf of the Maritime Law Association of the United States, that the Department of State submit the Conventions to the Senate for its action, if the Department saw no reason to the contrary. The Secretary was also directed to notify Mr. Franck of the action of the Maritime Law Association of the United States. These directions have since the meeting been followed.

The Secretary presented a communication from the International Maritime Committee, under date of Antwerp, March 25, 1911, giving the place and date of the next International Conference as Paris, October 2, 3, 4, and 5, 1911, and conveying other information, which will be found in the communication itself, copy of which is annexed hereto. It was resolved that it be referred to the Executive Committee to appoint delegates from the Maritime Law Association of the United States to the International Conference.

The Secretary presented a communication from Mr. Fitz-Henry Smith, Jr., of Boston, in regard to the two bills submitted to Congress with the approval of the Maritime Law Association of the United States, one permitting suits against the United States for damages caused by vessels of the United States, and the other creating a right of action for death on the high seas, caused by negligence. Mr. Smith informed the Association that the bill permitting suits against the United States had been redrafted and introduced in the Senate by Mr. Brandegee of Connecticut. Annexed hereto is a copy of the bill as so re-drafted and introduced. Mr. Smith thought that a Committee should be appointed to examine the re-drafted bill in connection with the original bill of the Maritime Law Association, and report whether the re-drafted bill should be approved by the Association. Also, since there has been criticism of the Association's bill in regard to death by negligence on the high seas, that the Committee should examine the same, to see whether or not it should be re-drafted, and to report as to what further measures should be taken with reference to obtaining a statute dealing with the proposed right of action. Mr. Smith pointed out that the subject is treated in an international way in the Convention in regard to Collision, proposed by the Brussels Diplomatic Conference of 1909, which Convention has been approved by this Association.

On motion, the matter was referred to a Committee to consist of Mr. George Whitelock, of Baltimore; Mr. Fitz-Henry Smith, Jr., of Boston, and Mr. John M. Woolsey of New York, for consideration and report.

Judge Holt called attention to the Pilot Rules for the Inland Waters of the Atlantic and Pacific Coasts, which are issued annually in pamphlet form by the Department of Commerce and Labor. Judge Holt said that the Act of Congress to Adopt Regulations for Preventing Collisions upon Certain Harbors, Rivers and Inland Waters of the United States, approved June 7, 1897 (30 Stat. 96), is the fundamental law governing in cases of collision on inland waters: that the Board of United States Supervising Inspectors, Steamboat Inspec-

tion Service, has power, subject to the approval of the Secretary of Commerce and Labor, to make special rules, as provided for by Laws 1890, Chap. 802, Sec. 30, which rules, however, are supplementary to the directions of the Act concerning Collisions on Inland Waters: but that the Pilot Rules, as now issued, are an intermingling of the Act of Congress with local rules of the Supervising Inspectors in a manner which is confusing. Judge Holt thought that the Pilot Rules should be issued in a form which should first state the Act of Congress, with an addition, separate and apart from the provision of the Act, composed of the local rules made by the Inspectors: and that there ought to be a representation made to the Secretary of Commerce and Labor looking to a revision of the Pilot Rules in the form suggested.

Judge Hough moved that a committee of five be appointed by the Chair, the chairman of such committee to be Judge Holt, and that such committee make a report on the subject, such report to be sent to every member of the Maritime Law Association of the United States in advance of the dinner of the Association to be held in the autumn, and the matter otherwise to await the final action of the Association. The motion was carried. The Chairman afterwards appointed the Committee as follows: Hon. George C. Holt, Hon. Charles M. Hough, Everett P. Wheeler, Esq., J. Parker Kirling, Esq., and Charles C. Burlingham, Esq.

The annual meeting of the Maritime Law Association then adjourned, subject to the call of the President.

EDWARD GRENVILLE BENEDICT,
Secretary.

INTERNATIONAL MARITIME COMMITTEE.

ANTWERP, 25th March, 1911.

30, Rue Des Escrimeurs.

DEAR SIR,

Paris Conference, October 1911:

We have much pleasure in informing you that the Permanent Bureau has now definitely fixed the date of the next Conference, and that this will assemble at Paris on the 2nd, 3rd, 4th and 5th of October next.

The matters be submitted for discussion are; 1) Questions relating to Freight; 2) Compensation in case of personal injury. We hope that after the most interesting discussions which took place at Bremen, definite progress will be made in these matters.

London Sub-Committee, February 1911:

The Sub-Committee appointed at the Bremen Conference to deal with the subject of Freight, met in London on the 27th and 28th of February. The report of the proceedings will be sent to you.

Artelli-Prize:

The conditions under which this Prize, most generously offered by Mr. Filipo Artelli, is to be competed for, have been determined by the Permanent Bureau and a copy of them is enclosed.

Appointment:

The Permanent Bureau has decided to appoint as assistant Secretary Mr. Frederic Sohr, doct. jur. This gentleman carried out the duties of Assistant-Secretary to the Brémen Con-

ference with distinction. He will act under the supervision of the Hon. General Secretaries.

We are, Dear Sir,

Yours very truly.

THE PERMANENT BUREAU:

The President,

A. BEERNAERT.

The Hon. General Secretaries,

LOUIS FRANCK,

LESLIE SCOTT.

The Vice-President,

CHARLES LE JEUNE.

INTERNATIONAL MARITIME COMMITTEE.

PRIZE ARTELLI OF TRIESTE

RULES

ARTICLE 1.—A prize of **two thousand Francs** (£80) has been established by Mr. Filipo Artelli, of Trieste, to be awarded to the writer of the best book on the work of the unification of Maritime Law and on the history of the International Maritime Committee.

ART. 2.—Manuscripts should reach the office of the Secretaries of the International Maritime Committee (30, rue des Escrimeurs, Antwerp) not later than April 15th, 1912.

ART. 3.—A jury shall be appointed, consisting of five members to be nominated by the Permanent Bureau.

ART. 4.—Manuscripts may be written in English, French, German or Italian.

ART. 5.—The International Maritime Committee reserve to themselves the right to publish the work to which the prize is awarded.

ART. 6.—The prize may also be divided. In the event of the jury deciding that the prize ought not to be awarded, the sum of 2000 francs may be devoted in whole or in part to provide certificates of honourable mention or to the payment of rewards.

IN THE SENATE OF THE UNITED STATES.

April 25, 1910.

MR. BRANDEGEE INTRODUCED THE FOLLOWING BILL; WHICH
WAS READ TWICE AND REFERRED TO THE COMMITTEE
ON THE JUDICIARY.

A BILL

Permitting suits against the United States for damages
caused by vessels owned or operated by the United
States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the owner or charterer of any vessel and the owner of any cargo or property laden thereon shall have the right to sue the United States for any loss, damage, or injury to property, due in whole or in part to the fault of any vessel owned or operated by the United States. Such suit shall be brought in the District Court of the United States, sitting in admiralty, for the district in which the parties so suing, or any of them, may reside, or in which the vessel charged with fault may be found. Such district court is hereby authorized to enter a decree for the amount of such loss, damage, or injury against the United States upon the principles of liability obtaining in like cases between private parties in suits in admiralty, and with the same rights of appeal as now exist in other civil causes of admiralty and maritime jurisdiction: *Provided*, That this Act shall not extend to cases occurring prior to the passage hereof, nor in any case shall any such suit be brought more than two years after the loss, damage, or injury shall have occurred.

SEC. 2. That jurisdiction be, and hereby is, conferred upon the several courts of the United States for the purposes hereinbefore specified.

SEC. 3. That in any suit brought under this Act the libellant shall file his libel, duly verified, with the clerk of the dis-

district court having jurisdiction of the cause and shall forthwith serve a copy thereof on the United States attorney for such district and mail a copy thereof, by registered mail, to the Attorney-General of the United States, and shall file with the clerk of said district court an affidavit of such serving and mailing: *Provided, however,* That if the vessel of the United States charged with fault is not within the district in which the libel is filed, the Attorney-General shall have the right, within twenty days after the receipt of a copy of the libel, as provided herein, to remove the cause to another district in the United States where said vessel then is or to which, if at sea, she is then bound, and thereupon the libel and all other documents on file in the suit shall be transmitted by the clerk of the court in which they are filed to the clerk of the court to which said cause is removed, and thereafter such suit shall proceed as if it had been begun in the district to which the cause has been so removed.

SEC. 4. That if the United States shall contest any suit brought hereunder, the courts may award to the successful party against the losing party the necessary disbursements incurred by the former for typewriting and printing the record in such cause.

SEC. 5. That the Attorney-General shall report to the Congress at each session thereof the suits under this Act in which final decrees shall have been rendered since the previous session, together with the disbursements taxed therein, unless an appeal shall have been taken therefrom or the time to appeal therefrom shall have expired. From the date of such final decree interest shall be allowed on the amount recovered and disbursements at the rate of four per centum per annum until paid.