DOCUMENT No. 331
JUNE, 1949

THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

ANNUAL MEETING — MAY 6, 1949

The Fiftieth Annual Meeting of the Association was held in the Carter and Evarts Rooms of the building of the Association of the Bar of the City of New York on Friday, May 6, 1949, at 3:00 P. M., pursuant to due notice, following the regular meeting of the Executive Committee, with the President, George deForest Lord, presiding.

PRESENT:

George deForest Lord, President
John W. R. Zisgen, Secretary
Thomas H. Middleton, Treasurer,

and the following seventy-seven members:

Ray Rood Allen
John Ambler
Irwin Asofsky
Myron H. Avery
James S. Benn, Jr.
Michael C. Bernstein
Charles S. Bolster
Joseph M. Brush
Thomas E. Byrne, Jr.
Vincent A. Catoggio
Leavenworth Colby
William E. Collins
Theodore R. Dankmeyer
MacDonald Deming
Martin P. Detels
Samuel R. Dorrance
Seymour P. Edgerton
Henry C. Eidenbach
Robert S. Erskine
Barton P. Ferris
Gilbert S. Fleischer
S. B. Fortenbaugh, Jr.
Cody Fowler
William A. Gillen
Julian S. Gravely, Jr.
Louis E. Greco
Charles S. Haight
C. W. Harvey
Wilbur H. Hecht
Oscar R. Houston
Peter F. Hunt
Daniel Huttenbrauck
R. Arthur Jett
Arnold W. Knauth
Peter J. Korsan
Paul H. Lacques
George M. Lanning
Vincent L. Leibell, Jr.
Henry N. Longley
J. M. Richardson Lyeth
Eugene P. McCue
Andrew J. McElhinney

P. J. R. McEntegart
Thomas F. McGovern
Gerald J. McKernan
James McKown
L. Vernon Miller
B. Allston Moore
Russell T. Mount
Herbert E. Ost
Francis E. Pegram, Jr.
Charles A. Pomeroy
John C. Prizer
Warner Pyne
Charles E. Quandt
Edward A. Quinlan
Gregory S. Rivkins
E. Curtis Rouse
Leon T. Seawell
John B. Shaw
Edward L. Smith
Carl G. Stearns
Harry F. Stiles, Jr.
Adelbert G. Straub, Jr.
Daniel A. Sullivan
Lane Summers
Max Taylor
Sidney W. Thaxter
Claude E. Wakefield
Thomas H. Walsh
George W. P. Whip
Gray Williams
Robert H. Williams, Jr.
James Henry Willock
Otto Wolff, Jr.
William H. Woolley
Stanley R. Wright

On motion of Mr. Collins, seconded by Mr. Longley, the reading of the minutes of the annual meeting of May 7, 1948 was dispensed with and they were approved as set out in Document No. 317, which had been distributed to all members.

On motion of Mr. Stearns, seconded by Mr. Knauth, the reading of the minutes of the Executive Committee meetings during the year, on July 8, 1948, September 17, 1948, December 16, 1948, February 2, 1949 and May 6, 1949, was dispensed with, as the principal matters transacted at those meetings are included in the reports of the President, Secretary and Treasurer.

REPORT OF THE EXECUTIVE COMMITTEE AND SECRETARY'S ANNUAL REPORT

The report of the Executive Committee and the Secretary's Annual Report, as follows, was read and, upon motion, duly seconded, was received and ordered filed:

There were five meetings of the Executive Committee during the year on July 8, 1948, September 17, 1948, December 16, 1948, February 2, 1949 and May 6, 1949.

At the meeting on July 8, 1948, the President appointed standing Committees of the Association. At that meeting, the Secretary was instructed to prepare and circulate an up-to-date list of members of the Association, and was also instructed to circulate to the membership the text of the Act to Extend the Admiralty Jurisdiction. These were subsequently circulated as Documents Nos. 318 and 323.

The following seven persons were elected to active membership at the meeting on July 8, 1948:

William A. Gillen
Fowler, White, Gillen, Yancey & Humkey
Citizens Building
Tampa 2, Fla.

L. A. Haslup
Dean of the College of Law
John B. Stetson University
DeLand, Fla.

Walter Humkey
Fowler, White, Gillen, Yancey & Humkey
620 Seybold Building
Miami, Fla.

John F. X. McKiernan
Hanrahan & Dougherty
67 Wall Street
New York 5, N. Y.

Howard Lionel Toft
First Ave. & Valley Drive
Atlantic Highlands, N. J.

Sheldon A. Vogel
Bigham, Englar, Jones & Houston
99 John Street
New York 7, N. Y.

Hervey Yancey
Fowler, White, Gillen, Yancey & Humkey
Citizens Building
Tampa 2, Fla.

At the meeting on September 17, 1948, a communication from the Secretary of the British Maritime Law Association expressing a wish for closer cooperation between our Association and the Comite Maritime International was read and referred to the Committee to Review Relations between the two Associations, which will report later today. The letter also expressed the hope that a reconciliation of British and American views concerning the York-Antwerp Rules, 1924, would be effected, and the President then appointed a Committee to look into the matter, which will also report this afternoon. At that meeting also, the Treasurer submitted a list of 34 members of the Association who were delinquent for more than two years in the payment of their dues and was authorized to drop them from membership in the Association unless the delinquent dues were promptly paid. 23 members were subsequently dropped, of whom 2 have since been reinstated.

At the meeting on September 17, 1948, the following seven persons were elected to active membership:

Benjamin M. Altschuler
39 Broadway
New York 6, N. Y.

James Bostwick
Pyne, Lynch & Smith
116 John Street
New York 7, N. Y.

Joshua Morrison
39 Broadway
New York 6, N. Y.

Charles E. Quandt
Baltimore Life Building
Baltimore 1, Md.

William T. Stevens
70 Pine Street
New York 5, N. Y.

Barent Ten Eyck
Hatch, Wolfe, Nash & Ten Eyck
70 Pine Street
New York 5, N. Y.

Erskine B. Wood
Wood, Matthiessen & Wood
1310 Yeon Building
Portland 4, Ore.

In addition, two United States District Judges were elected to associate membership:

Hon. Lloyd L. Black
Western District of Washington
Seattle, Wash.

Hon. Charles H. Leavy
Western District of Washington
Tacoma, Wash.

At the meeting on December 16, 1948, the Executive Committee considered a communication from the Comite Maritime International concerning the Gold Clause. It was the feeling of the Executive Committee that no substitute standard satisfactory for the purpose could be found under present conditions.

At the December meeting, the following twenty-four persons were elected to active membership:

Michael C. Bernstein
Bernstein, Weiss, Tomson, Hammer & Parter
70 Pine Street
New York 5, N. Y.

William J. Brennan
Lord, Day & Lord
25 Broadway
New York 4, N. Y.

Raymond J. Burke
Nelson, Healy, Baillie & Burke
52 Broadway
New York 4, N. Y.

Thomas F. Daly
Lord, Day & Lord
25 Broadway
New York 4, N. Y.

Herbert J. DeVarco
51 Chambers Street
New York 7, N. Y.

Gerald E. Dwyer
466 Lexington Avenue
New York 17, N. Y.

Jacquin Frank
291 Broadway
New York 7, N. Y.

John D. Garrison
Lord, Day & Lord
25 Broadway
New York 4, N. Y.

Garrard W. Glenn
Lord, Day & Lord
25 Broadway
New York 4, N. Y.

Benjamin E. Haller
Burlingham, Veeder, Clark & Hupper
27 William Street
New York 5, N. Y.

Milton James
Foley & Statt
80 Broad Street
New York 4, N. Y.

Franklin B. Lord, Jr.
Lord, Day & Lord
25 Broadway
New York 4, N. Y.

William H. McClendon, Jr.
806 Richards Building
New Orleans 12, La.

William F. McGinn
Room 1100
466 Lexington Avenue
New York 17, N. Y.

John R. Mahoney
Lord, Day & Lord
25 Broadway
New York 4, N. Y.

William H. Maness
301 Smith Building
Jacksonville, Fla.

C. B. M. O'Kelley
Burlingham, Veeder, Clark & Hupper
27 William Street
New York 5, N. Y.

Woodson D. Scott
Lord, Day & Lord
25 Broadway
New York 4, N. Y.

Samuel D. Stein
Lampke & Stein
11 Broadway
New York 4, N. Y.

George F. Tinker
Burlingham, Veeder, Clark & Hupper
27 William Street
New York 5, N. Y.

Charles W. Merritt
Lord, Day & Lord
25 Broadway
New York 4, N. Y.

Raymond Horgan
c/o Stockard Steamship Corp.
17 Battery Place
New York 4, N. Y.

Emil H. Kratovil
111 John Street
New York 7, N. Y.

Frank X. Ludeke
67 Wall Street
New York 5, N. Y.

At the meeting on February 2, 1949, it was determined, in view of the rapid increase in the membership and the increase in the number of applicants proposed and seconded by members not personally known to any member of the Executive Committee, to appoint a Membership Committee to pass on all pending and future applications, and it was determined to require the proposer and seconder of each applicant to provide information for the use of the Membership Committee as to the academic and legal education of applicants, the dates of their admission to the Federal and State Bars, if lawyers, their experience in the field of maritime law and their interest therein, and to request that the proposer and seconder vouch for the good moral character of the applicants. A Committee of five was subsequently appointed by the President and is presently engaged in examining all applications.

At that meeting also, an inquiry from the Secretary of the British Maritime Law Association as to possible subjects deserving a place on the agenda of the meeting of the Comite Maritime International at Amsterdam in September, 1949 was considered, and it was determined to defer suggesting subjects to be included in the agenda until today's meeting of the Association so that there might be included any suggestions which the members desired to make.

Six persons were elected to active membership at the February meeting:

Roman Beck
Krisel & Beck
27 William Street
New York 5, N. Y.

Walter B. Hall
Mendes & Mount
27 William Street
New York 5, N. Y.

Maurice A. Krisel
Krisel & Beck
27 William Street
New York 5, N. Y.

Sidney W. Thaxter
Linnell, Brown, Perkins, Thompson & Hinckley
192 Middle Street
Portland 3, Me.

George F. Wood
Pillans, Reams, Tappan & Wood
510 Van Antwerp Bldg.
Mobile 5, Ala.

Walter A. Sorenson
Marine Office of America
116 John Street
New York 7, N. Y.

At the meeting this afternoon immediately preceding this meeting, the principal business transacted was consideration of a report of the Membership Committee, and election of candidates whom it had approved.

Thirty-six persons were elected to active membership at today's meeting:

Henry T. Hornidge
405 Lexington Avenue
New York 17, N. Y.

Mark T. Walsh
Hill, Rivkins & Middleton
96 Fulton Street
New York 7, N. Y.

David M. Fink
Fink & Frank
291 Broadway
New York 7, N. Y.

Richard R. Bongartz
Pennsylvania Railroad Co.
Pennsylvania Station
New York 1, N. Y.

Donald B. Allen
Burlingham, Veeder, Clark & Hupper
27 William Street
New York 5, N. Y.

Ben C. Grosscup
Grosscup, Ambler & Stephan
Central Building
Seattle 4, Washington

Joseph E. Doti
U. S. P. & I. Agency, Inc.
116 John Street
New York 7, N. Y.

Martin J. McHugh
Macklin, Brown, Lenahan & Speer
99 John Street
New York 7, N. Y.

John C. Hart
Macklin, Brown, Lenahan & Speer
99 John Street
New York 7, N. Y.

Charles J. Carroll, Jr.
Macklin, Brown, Lenahan & Speer
99 John Street
New York 7, N. Y.

Gerson A. Weiss
Bernstein, Weiss, Tomson, Hammer & Parter
70 Pine Street
New York 5, N. Y.

Gilda Tedesco
Fink & Frank
291 Broadway
New York 7, N. Y.

George E. Duncan
Benckenstein, Brown & Wells
614 San Jacinto Building
Beaumont, Texas

Spencer V. Silverthorne, Jr.
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, N. Y.

Douglas B. Bowring
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, N. Y.

William J. Junkerman
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, N. Y.

William P. Kain, Jr.
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, N. Y.

M. E. DeOrchis
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, N. Y.

Tallman Bissell
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, N. Y.

Joseph K. Grainger
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, N. Y.

Vincent L. Leibell, Jr.
Bigham, Englar, Jones & Houston
99 John Street
New York 7, N. Y.

Daniel A. Sullivan
Bigham, Englar, Jones & Houston
99 John Street
New York 7, N. Y.

Frederick J. Waters
Hatch, Wolfe, Nash & Ten Eyck
60 Wall Street
New York 5, N. Y.

Benjamin H. Berman
Department of Justice
Admiralty Division
45 Broadway
New York 6, N. Y.

David P. Dawson
Kirlin, Campbell, Hickox & Keating
120 Broadway
New York 5, N. Y.

John H. Hanrahan, Jr.
Kirlin, Campbell, Hickox & Keating
120 Broadway
New York 5, N. Y.

Benjamin Thompson
Woodman, Skelton, Thompson & Chapman
85 Exchange Street
Portland 3, Maine

Charles A. Pomeroy
193 Middle Street
Portland, Maine

Thomas Coyne
Kirlin, Campbell, Hickox & Keating
120 Broadway
New York 5, N. Y.

Samuel L. Albarino
Kirlin, Campbell, Hickox & Keating
120 Broadway
New York 5, N. Y.

George Eckhardt, Jr.
Eckhardt & Pegram
1411 Fidelity Building
Baltimore 1, Md.

Louis R. Harolds
c/o William L. Standard
291 Broadway
New York 7, N. Y.

Carter H. Yates
Barry, Wainwright, Thacher & Symmers
72 Wall Street
New York 5, N. Y.

Nicholas J. Crisa
Tankers Company, Inc.
17 Battery Place
New York 4, N. Y.

Charles A. Buono
Charles W. Sexton Co.
150 Broadway
New York 7, N. Y.

William J. Mallen
Charles W. Sexton Co.
Board of Trade Building
Portland, Oregon

80 active members have been elected to membership during the year and 2 United States District Judges have been elected Associate Members. 3 active members have resigned and 8 active members and 1 honorary member have died. The total membership of the Association is now—

Active	697
Associate	66
Honorary	6
Total	769
Library	18
	787

We report with deep regret the deaths of the following members:

Honorary Member

Hon. William H. Hunt (1914)
of Charlottesville, Va.

Active Members

Lucius H. Beers (1924)
of New York, N. Y.

John L. Galey (1925)
of New York, N. Y.

John W. Griffin (1912)
of New York, N. Y.

Edwin V. Hellawell (1943)
of New York, N. Y.

Edward M. Seidl (1947)
of Baltimore, Md.

Joseph C. Sharp (1943)
of San Francisco, Cal.

Forrest E. Single (1923)
of New York, N. Y.

George H. Terriberry (1914)
of New Orleans, La.

The following resignations have been received:

Jas. Hy. Bruns (1924)
of New Orleans, La.

Oliver J. DuFour (1936)
of New York, N. Y.

Lt. Comdr. Armand D. Whiteman (1948)
of Washington, D. C.

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

June 1948—Document No. 317, Minutes of the Annual Meeting of May 7, 1948.

July 1948—Document No. 318, Secretary's Notice containing text of the Act for the Extension of Admiralty Jurisdiction.

July 1948—Document No. 319, Secretary's Notice of openings as civilian examiners in the Coast Guard.

July 1948—Document No. 320, Secretary's Notice containing the text of the Revised Rules 51 to 54 of the United States Admiralty Rules.

July 1948—Document No. 321, Secretary's Notice and return postcard, seeking correct addresses.

Oct. 1948—Document No. 322, Preliminary Report of the Committee on Revision of Title 28, United States Code.

Oct. 1948—Document No. 323, Membership List.

Nov. 1948—Document No. 324, Notice of Annual Fall Dinner.

Nov. 1948—Document No. 325, Text of the address of William D. Winter at the Fall Dinner.

Nov. 1948—Document No. 326, Second Preliminary Report of the Committee on the Revision of Title 28, United States Code.

April 1949—Document No. 327, Notice of Annual Meeting and Dinner.

April 1949—Document No. 328, Report of the Committee on the Revision of Title 28, United States Code.

April 1949—Document No. 329, Reminder of Annual Meeting and Dinner.

JOHN W. R. ZISGEN,
Secretary.

TREASURER'S REPORT

The following annual report of the Treasurer was summarized and, upon motion, duly seconded, was approved and ordered filed.

TREASURER'S ANNUAL REPORT

ANNUAL MEETING, MAY 6, 1949

Balance on hand, May 7, 1948	$ 2,637.35
Income from dues, May 7, 1948, to date	3,415.00
Sale of Documents	1.50
Refund of Deposit from U. S. Treasury—Supt. of Documents	13.22
Received from Board of Underwriters of New York—Reimbursement for postage used for distribution of circulars	10.42
Balance on subscription to 1948 Annual Dinner	259.20
Subscription to Special Dinner—November 19, 1948	1,452.00
Subscription to 1949 Annual Dinner	2,344.00
Unsolicited Funds	6.00
TOTAL	$10,138.69

Less Checks Drawn:

No. 200	May 10, 1948—to Hill, Rivkins & Middleton. Miscellaneous disbursements including clerical work, stenography and typing, telephone calls and postage	$ 354.35
No. 201	May 17, 1948—to Unique Printing & Stationery Co.—Punch	1.94
No. 202	May 17, 1948—to Addressograph-Multigraph Corp. Extra lines and alloy	.98
No. 203	May 26, 1948—to Unique Printing & Stationery Co. Dues Cards	9.95
No. 204	June 8, 1948—to Unique Printing & Stationery Co.—Letterheads	16.07
No. 205	July 12, 1948—to The Hecla Press —Printing 825 Copies Doc. 317	364.14
No. 206	July 12, 1948—to Unique Printing & Stationery Co.—Letterheads	4.50
No. 207	July 12, 1948—to Hunt, Hill & Betts—Typewriting, postage, taxi fare, carfare, re Annual Dinner	14.52

No. 208	July 12, 1948—to Barry, Wainwright, Thacher & Symmers—Telegrams and telephone calls, postage, stenography, etc.	82.88
No. 209	July 16, 1948—to The Hecla Press—800 Copies Doc. 318	7.65
No. 210	July 19, 1948—to Addressograph-Multigraph Corp.—Alloys	2.71
No. 211	July 19, 1948—to Unique Printing & Stationery Co.—Envelopes	30.00
No. 212	Cancelled	
No. 213	July 27, 1948—to John W. R. Zisgen—1,000 Envelopes	30.00
No. 214	July 28, 1948—to The Hecla Press—800 Copies Docs. 319 and 320	45.90
No. 215	August 2, 1948—to The Hecla Press—800 Copies Doc. 321 and 800 Postcards	28.56
No. 216	August 2, 1948—to Unique Printing & Stationery Co.—Balance due on envelopes	8.39
No. 217	August 5, 1948—to Unique Printing & Stationery Co.—1,000 Letterheads	16.07
No. 218	August 9, 1948—to Addressograph-Multigraph Corp.—Alloys	1.27
No. 219	August 11, 1948—to Hotel Astor—Balance due on Annual Dinner	372.40
No. 220	August 11, 1948—to Unique Printing & Stationery Co. Inc.—Balance on 1,000 Envelopes	7.35
No. 221	Cancelled	
No. 222	September 20, 1948—to Addressograph-Multigraph Corp.—Alloys	7.21
No. 223	September 29, 1948—to Unique Printing & Stationery Co.—Stamped Envelopes	30.00

No. 224	October 3, 1948—to Bigham, Englar, Jones & Houston — Misc. disbursements, including clerical, stenography, typing, postage, telephone calls, fares	256.86
No. 225	Cancelled	
No. 226	October 19, 1948—to Addressograph-Multigraph Corp.—Alloys	1.95
No. 227	October 28, 1948—to The Hecla Press—Printing 800 Copies Document 322	32.64
No. 228	November 5, 1948—to Unique Printing & Stationery Co.—Balance due on envelopes	7.35
No. 229	November 9, 1948—to Addressograph-Multigraph Corp.—Alloys	1.11
No. 230	November 15, 1948—to The Hecla Press—Printing 750 Copies Reservation Forms and 350 tickets	35.70
No. 231	November 19, 1948—to J. M. Richardson Lyeth—Refund on Dinner Ticket	8.00
No. 232	November 19, 1948—to Christopher E. Heckman—Refund on Dinner Ticket	8.00
No. 233	November 19, 1948—to Charles W. Hagen—Refund on Dinner Ticket	8.00
No. 234	November 19, 1948—to University Club—Deposit a/c Special Dinner	750.00
No. 235	November 26, 1948—to Addressograph-Multigraph Corp. — Alloys and service	5.57
No. 236	November 30, 1948—to Unique Printing & Stationery Co.—500 Envelopes	4.34
No. 237	December 7, 1948—to The Hecla Press—Printing 800 Copies Document 326	61.20
No. 238	Cancelled	

No. 239	December 9, 1948—to Unique Printing & Stationery Co.—1,000 Manila Envelopes	13.77
No. 240	December 13, 1948—to The Hecla Press—Printing 900 Copies Document 322	867.00
No. 241	Cancelled	
No. 242	January 13, 1949—to Madam Grimberg—Vinaver—Translation French Document	25.00
No. 243	January 25, 1949—to The University Club—Balance due on Special Dinner of November 19, 1948	1,096.07
No. 244	January 27, 1949—to William J. Ferris—Refund on Dinner Reservation	8.00
No. 245	January 27, 1949—to Robert S. Erskine—Refund on Dinner Reservation	8.00
No. 246	Cancelled	
No. 247	Cancelled	
No. 248	Cancelled	
No. 249	Cancelled	
No. 250	February 4, 1949—to Addressograph-Multigraph Corp.—Alloys	2.43
No. 251	February 4, 1949—to Unique Printing & Stationery Co.—Printing Government Stamped Envelopes	60.00
No. 252	March 7, 1949—to Unique Printing & Stationery Co.—Balance on envelopes	28.58
No. 253	April 7, 1949—to Park Lane—Deposit a/c Annual Dinner May 6, 1949	400.00
No. 254	April 12, 1949—to The Hecla Press—Printing 800 Copies Doc. 327—800 Copies Reservation Forms —60 Copies Letter and 350 Tickets	35.70
No. 255	April 20, 1949—to Addressograph-Multigraph Corp.—Alloys	.75

No. 256	April 22, 1949—to Frederic Conger —Refund on Dinner Ticket	8.00	
No. 257	April 28, 1949—to The Hecla Press—Printing 400 Copies Doc. 328—800 Copies Doc. 329—100 Applications for Membership	204.00	
No. 258	April 28, 1949—to Unique Printing & Stationery Co.—1,000 Envelopes	6.63	
No. 259	May 2, 1949—to MacDonald Deming—Refund on Dinner Ticket	8.00	
No. 260	Cancelled		
No. 261	May 2, 1949—to Rolnick & Asofsky —Refund 4 Dinner Tickets	32.00	
	TOTAL DISBURSEMENTS		$5,421.49
	BALANCE MAY 6, 1949		$ 4,717.20

RECAPITULATION

Balance on hand May 7, 1948	$ 2,637.35
Income	7,501.34
TOTAL	$10,138.69
Less checks drawn	5,421.49
Balance on hand May 6, 1949	$ 4,717.20

ITEMIZATION

Cost of 1948 Annual Dinner and Special Dinner of November 19, 1948	$ 2,218.47
Deposit a/c 1949 Annual Dinner	400.00
Refund on Dinner Tickets	88.00
Stationery and Supplies	264.99
General Printing and Multigraphing	1,692.44
Cost of translation	25.00
Addressograph Costs	23.98
Stenography and clerical, telephone calls, postage, carfare, etc.	708.61
TOTAL	$ 5,421.49
BALANCE AS OF MAY 6, 1949	$ 4,717.20

T. H. MIDDLETON,
Treasurer.

Dated: New York City
May 6, 1949

PRESIDENT'S REPORT

The President orally reported briefly upon the work of the Association during the past year, and referred particularly to the excellence of the work done by the Chairmen and members of the various Committees of the Association during the year, commending highly the conscientiousness which they had exhibited. He also referred to the rapid increase in the Association's membership, which has almost doubled in the past four years.

ELECTION OF MEMBERS

The President called for nominations for membership. Mr. William W. Barron, of the Edward Thompson Company, 399 Gold Street, Brooklyn 1, New York, a member of the Bar of the State of Montana, was nominated by Mr. James Henry Willock and seconded by Mr. William E. Collins, and he was unanimously elected to membership.

REPORTS OF COMMITTEES

Committee on Aviation and Admiralty:

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

During the past year there has been one dramatic rescue of over 70 lives on the high seas from a large flying boat forced down by lack of gasoline. The incidents of the year at sea continue to suggest that little, if any, property of value is being saved from aircraft at sea. On the other hand, a good deal of aircraft value is being saved in protected and inland waters.

We renew the recommendation that the U. S. law should be brought into line with the British and Irish law by a brief statute declaring that the principles of salvage shall apply to aircraft and air-cargo in peril on and in waters within the admiralty and maritime jurisdiction. The text of such a statute, based on that heretofore printed at page 2432 of our Minutes, is annexed.

Respectfully submitted,

CHARLES S. BOLSTER,
WILLIAM E. COLLINS,
DAVID L. CORBIN,
IRA S. LILLICK,
ARNOLD W. KNAUTH, *Chairman,*
Committee.

ANNEX

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, 1946 ed., sec. 177(a)) 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, domestic or foreign, or the cargo or apparel of an aircraft in, on or over any 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.

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.

On motion duly made, seconded and carried, the report was adopted, approved and ordered filed.

Committee on the Revision of the Limitation of Liability Provisions in the United States Admiralty Rules:

In the absence of the Chairman, George Whitefield Betts, Jr., the Secretary read the following report:

Since our previous report on this matter, dated December 28, 1948, Mr. Betts wrote to Mr. Henry P. Chandler, Director of the Administrative Office of the United States Courts, urging action by the court in the restoration in Rule 54 of the clause providing for filing the petition in the District where the vessel is, where suit has been brought in another district, and stating in effect that the

*None of the Navigation or Shipping laws refers to "vehicles".

omission of the clause in the revised rule was inadvertent and asking what method would be most advisable to obtain such action.

Mr. Chandler replied that he would consult the Chief Justice and enquire of him how best to take up the matter of such amendment, and that he would then answer Mr. Betts' letter definitely. Not hearing from Mr. Chandler, Mr. Betts again wrote him on February 23, 1949, and later spoke with him over the telephone, urging action, and was advised that the Chief Justice had not yet taken any action. Learning that there was shortly to be a meeting of the Judicial Conference, Mr. Betts conferred with Judge Learned Hand, who usually attends these meetings. After thoroughly explaining the matter to him he agreed to present the matter at the Conference. After his return Mr. Betts again conferred with him and was advised that he had presented the matter and that it had taken its place, among others, to be considered, but that it was not brought up for action at the meeting. Our experience is that it often takes a year to get such matters reached for action.

Judge Hand also thought that a reason for not taking prompt action at this time might be that the Judges thought that under the new power given them by Title 28 of the United States Code, they might appoint a Committee of Maritime lawyers to revamp all the admiralty rules, which we devoutly hope will not be done, as he thought the tendency might be to adopt most of the civil rules.

In the meantime, all that can be done is to keep pegging away at Washington and to urge that prompt action be taken in view of the slight change to be made in Rule 54. There is obviously no reason why such a small matter should await the revamping of all the rules, which would probably take several years. It might be well for our Association to drop a suggestion in a proper way that no need is seen for a revision of all the rules, with all the work that would be involved in the appointment of a Committee and sub-committees in the various districts, etc., especially as from what I have heard the present civil rules with some changes might be adopted as the admiralty rules. It might be easier to stop such a revamping before the machinery gets started.

Respectfully submitted,

GEO. WHITEFIELD BETTS, JR.,
ANTHONY V. LYNCH, JR.,
Committee on Revision of the Rules Relating to Limitation of Liability.

The President stated that the report appeared to be a preliminary or interim report which required no action by the Association at this time.

Committee on the Revision of Title 46, United States Code:

Henry N. Longley, Chairman, submitted and summarized the following report:

H. R. 4619 was introduced in the 80th Congress under date of December 2, 1947, to revise and codify the Shipping Laws of the United States. The bill was referred to the Committee on the Judiciary but no hearings were had on the bill before the end of that Congress.

H. R. 1251 was introduced in the 81st Congress on January 10, 1949. This bill is based on H. R. 4619 although there are a number of changes and modifications.

H. R. 4619 has been carefully considered by the Committee, each member taking charge of a section. Comparison has been made of the various chapters set out in the bill with the existing statutes, so far as this has been found practicable. The bill proposes certain changes in the law—many of little importance but some of considerable importance. The committee has gone on record with the Chairman of the House Committee on the Judiciary that it wishes to be heard in connection with the bill. Presumably there will be extensive hearings for the bill of 338 pages seeks to consolidate in one title all the maritime laws of the United States. If enacted, the proposed codification will presumably be the basic law with which the Admiralty Bar will be concerned for many years to come. It is suggested that members of the Association study H. R. 1251 in connection with their particular interests and advise the Committee of any specific objections they may have to the bill.

On January 3, 1949, H. R. 483 was introduced in the 81st Congress. This bill seeks to amend Section 5 of the Suits in Admiralty Act by providing a remedy against the United States in cases where certain claimants have mistaken their remedy by filing suits against agents or employees of the United States. In addition, the bill contains a specific provision that no interest shall be allowed on any claim filed under the Suits in Admiralty Act prior to the time when suit on such claim is brought, unless the suit is based upon a contract expressly stipulating for the payment of interest. In other words, the provision in relation to interest follows the decision in the 3rd Circuit in *The Virginia* (*Natl. Bulk Carriers* v. *U. S.*), 169 F. (2d) 943, and in *U. S. A.* v. *Eastern S.S. Lines* in the 1st Cir., 171 F. (2d) 589.

On April 6th the Chairman of this Committee appeared before a sub-committee of the House Committee on the Judiciary and urged that H. R. 483 not be adopted in the form presented so far as concerns interest but that the bill be amended so that interest on recoveries from the United States be left at the discretion of the courts in accordance with the provisions of Section 3 of the Suits in Admiralty Act. Subsequent to that hearing H. R. 4051 was introduced and referred to the Committee on the Judiciary. This bill covers the same matter as does H. R. 483 except that language in

relation to interest is that which this Committee suggested. The Chairman of your Committee thereupon wrote the Chairman of the Sub-Committee of the House Judiciary Committee expressing approval of H. R. 4051. Subsequently, without notice to your committee, another hearing was had on H. R. 483 at which a representative of the Department of Justice expressed violent opposition to the position taken by your committee. We are informed that action on both H. R. 483 and H. R. 4051 has been postponed until after the Easter recess, when another hearing is proposed and the conflicting views of your Committee and the Department of Justice will again be considered.

HENRY N. LONGLEY, *Chairman,*
CLEMENT C. RINEHART,
NORMAN M. BARRON,
WARNER PYNE,
PAUL C. MATTHEWS,
JOSEPH J. GEARY.

In answer to questions, Mr. Longley stated that the detailed comparisons of the existing Title 46 with the provisions of the pending Bills prepared by his Committee cover many hundreds of pages and urged all members to examine the pending Bills to see how their particular interests were affected, and to communicate with his Committee in the event that any member had any suggestions to offer. On motion, duly seconded, the Committee was ordered continued, and was requested to prepare a report to be printed and circulated to the membership.

Committee on the Revision of Title 28, United States Code:

Arnold W. Knauth, Chairman, stated that the report of his Committee had been printed and circulated to the membership as Document No. 328. He stated that a Bill amending Title 28 in certain respects was now pending before Congress, and that the amending Bill restored the fifteen-day time limit for appeals from interlocutory decrees. He inquired the wishes of the Association as to the time within which appeals from interlocutory decrees could be taken. On being separately put, a fifteen-day limit was favored by twenty members, a ninety-day limit by twenty members, and a thirty-day limit by twenty-six members.

[Secretary's Note: On the very day of the meeting the Senate passed the bill to which Mr. Knauth referred, and the President approved it on May 24, 1949. The Bill became Public Law 72, 81st Congress, First Session. Section 107 of it restores the 15-day time limit for appeals from interlocutory decrees in admiralty.]

Mr. Knauth also referred to a provision in the amending Bill making orders remanding causes to the State courts non-appealable, and stated that Mr. Summers would take this matter up later.

He also adverted to the proposal for the revision of all of the Admiralty Rules.

He further stated that counsel for the House Committee on the revision of laws had requested the deletion from his Committee's report of the paragraphs criticizing the codifiers of Title 28 for changing certain provisions of the Admiralty practice without consulting those engaged in the practice of Admiralty law. Mr. Knauth stated that his Committee felt that the criticism was justified, and declined to delete the paragraphs in question.

On motion of Mr. Longley, seconded by Mr. Betts, the report of the Committee on Title 28 was unanimously confirmed and the Committee was ordered discharged, with thanks.

The Committee to Confer with the Committee of the British Maritime Law Association to Explore the Possibility of Reconciling the Existing Divergencies of View between American and British Interests Concerning the York-Antwerp Rules, 1924:

In the absence of the Chairman, Mr. Keating, the Secretary read the following report:

The Committee appointed by President Lord to confer with the Committee of the British Maritime Law Association to explore the possibility of reconciling the existing divergencies of view between American and British interests concerning the York-Antwerp Rules, 1924, reports as follows:

1. The Committee have conferred at some length amongst themselves and have had extensive correspondence with the representatives of the British Maritime Law Association.

2. Your Committee is of the opinion that an excellent possibility exists of reconciling the existing divergencies of view between American and British interests concerning the York-Antwerp Rules, 1924. In fact, your Committee finds that the American and British points of view are not very far apart and believes that these differences can be resolved.

3. If the Association approves, your Committee is prepared to submit its views to our Association, to the Association of Average Adjusters of the United States, and to other interested bodies.

4. The further instructions of the Association are requested.

Respectfully,

CLETUS KEATING, *Chairman,*
J. P. NELSON,
OSCAR R. HOUSTON,
HAWLEY T. CHESTER.

Mr. Houston stated that all interests affected by the York-Antwerp Rules should be given ample opportunity to consider the recommendations of his Committee before action was taken upon them. On his motion, seconded by Mr. Knauth, the Association authorized the printing of the recommendations of the Committee, and their circulation to the membership of this Association, of the Association of General Average Adjusters, of various Steamship Associations, and to all others interested in the subject, and authorized the printing of sufficient copies to permit those who wished additional copies to purchase them for the use of their clients.

[Secretary's Note: The recommendations of the Committee have since been circulated as Document No. 330.]

On motion of Mr. Longley, seconded by Mr. Knauth, the Committee was ordered continued.

Committee to Review Relations between the Comite Maritime International and the Maritime Law Association of the United States:

John C. Prizer, Chairman, submitted and summarized the following report:

Your Committee has held several meetings. It has had the benefit of information furnished by the secretary and by past officers of the Association, of the report of Mr. Symmers upon his attendance at the Conference of the Comite Maritime in Brussels in September 1947, of letters received from the Secretary of the British Maritime Law Association, and of a personal conference by some of the members of your Committee with the Secretary while he was recently in New York. The following is your Committee's report:

When the Maritime Law Association of the United States was formed in 1899 the following words appeared and still appear in the second paragraph of the Article entitled "Objects":

> "and to act with foreign and other Associations in efforts to bring about a greater harmony in the shipping laws, regulations and practices of different Nations."

Three years prior to that time the Comite Maritime International had been formed, largely through the efforts of the Belgian lawyer and statesman, Louis Franck, who was for a number of years its secretary and later its president and who died only shortly before the second World War.

To what extent the formation of our Association was related to the formation of the Comite our records do not show. However, we sent a delegation of members to the 1899 Conference of the Comite and in 1900 our Association made a contribution of 500 francs ($100) to the Comite. In the years 1904 and 1905 contribu-

tions of a similar amount were made. Our records do not show another contribution until the year 1919, when our contribution was $150. Our secretary reports, however, that the treasurer's reports during that period were not submitted in sufficient detail to indicate definitely whether a contribution was or was not made to the Comite.

Attached hereto is a list of the known contributions made by this Association to the Comite from the year 1900 through the year 1940 and in the year 1947. In two years contributions of $300 were made and from the year 1928 through the year 1935 the contribution was $250 annually. Thereafter it was reduced to $125.

At the early conferences numerous members of this Association went to the meetings. Joseph H. Choate and Wilhelmus Mynderse (London 1899); Robert D. Benedict, Mr. Choate and others (Paris 1900 and Hamburg 1901); Messrs. Everett P. Wheeler, James E. Carpenter, J. Parker Kirlin and George W. Betts, Jr., of New York, and George Whitelock of Baltimore, as well as the secretary A. Gordon Murray (Hamburg 1902); Judge William W. Goodrich (Brussels 1905); Frederick Dodge of Boston (Liverpool 1905), Judge Bradford and Frederick M. Brown (Venice 1907); Judge Bradford, Charles Page of San Francisco and William R. Coe of New York (Bremen 1909); Mr. Brown (Paris 1911). After World War I, John M. Woolsey and William J. Conlen of Philadelphia (Brussels 1921); Judge Harrington Putnam and Charles R. Hickox of New York, R. M. Hughes of Norfolk, Fitzhenry Smith of Boston and H. A. Kelley of Cleveland (Brussels 1922). Judge Charles Merrill Hough was the Government delegate to the Diplomatic Conference at Brussels in 1922 and attended The Comite Conference at London with Charles S. Haight, presenting a report prepared by Messrs. Symmers, Mount and Staley. D. Roger Englar and Charles R. Hickox were the delegates at Gothenberg in 1923 and George de Forest Lord at Genoa in 1925; T. Catesby Jones at Amsterdam in 1927, with Charles S. Haight and Oscar R. Houston at Warsaw in the same year.

We have not had before us the Constitution of the Comite but the Secretary of the British Maritime Law Association informs us that according to the Constitution the principal objects of the Comite are the following:

> (a) To further by conferences, publications and other works the unification of maritime law;
>
> (b) To encourage the creation of national associations for the unification of maritime law;
>
> (c) To maintain between these associations regular communication and united action.

The Comite has a governing board known as the Bureau Permanent. Mr. Cyril Miller in his letter to us said that he understood Mr. Burlingham was the United States member of the Bureau Permanent before World War I. Mr. Burlingham, however, is not

aware that he ever held an official position in the Comite. He has, however, taken an interest in the work of the Comite ever since he met its officers at an International Law Conference which he attended as a delegate appointed by the President of the United States. He has corresponded with the Comite and made financial contributions to it from time to time as have Mr. Haight, Mr. Englar, Mr. Catesby Jones, Mr. Knauth and perhaps others.

In the past, 19 meetings of the Comite had been held up to the year 1940.

In view of the death of Maitre Louis Franck the British Maritime Law Association took the initiative toward the end of 1946 in reviving the Comite and a full Conference was held at Brussels on September 24, 25 and 26, 1947. Our Association had previously been requested to make good a check for $125 issued in 1940, which the Comite, as a result of war conditions, had not been able to cash. It was also requested to make a contribution in a substantial amount to assist in the expenses incident to the revival of the Comite. In July 1947 our Association made good the earlier check and in October 1947 it made a further contribution of $125. Our Association and those of its members who had previously been associated individually with the Comite, received a questionnaire regarding various matters that were to be brought to the attention of the Convention in September. Mr. Englar and Mr. Knauth replied to the questionnaire. The Association was invited to appoint delegates to the meeting but no official action was taken upon that request. Inquiries were made to ascertain what members of the Association might plan to be in Western Europe at that time and it later developed that Mr. William G. Symmers was able to make his plans to attend the conference as an unofficial observer.

The British delegation was headed by Lord Justice Scott of the Court of Appeal, who acted as temporary Chairman of the Conference, and included representatives of the Chamber of Shipping, the Liverpool Steamship Association, the Association of British Chambers of Commerce and the British Underwriters. Belgium, France, Italy, Holland, Denmark, Sweden and Norway were represented by strong delegations. Argentina was represented by two attorneys designated by the Director General of the Merchant Marine.

The Convention elected M. Albert Lilar, a former Belgian Minister of Justice, as the permanent president of the Comite. The following subjects, which had been embraced in the questionnaire previously sent to the members, were considered at the Convention:

1. Immunity of State-Owned Ships;
2. Limitation of Shipowner's Liability, particularly as regards the amount of the limitation fund expressed in terms of currency of the forum.
3. The Ocean Bill of Lading Convention, Articles 4(5), and 9—the value clauses;

4. The Paris 1937 Draft Conventions
   a. Civil Collision Jurisdiction
   b. Penal Collision Jurisdiction
   c. Provisional Arrest of Ships
5. Aircraft Salvage at Sea Convention
6. York-Antwerp Rules, 1924—uniformity of rate of interest.

Recommendations were made with respect to some of the questions stated. It is not, however, deemed to be the function of this Committee to report upon those recommendations.

The next Conference of the Comite Maritime International was proposed to be held at Amsterdam in the Autumn of 1949.

The letter addressed by Mr. Cyril Miller, Secretary of the British Maritime Law Association, to our secretary last August, in referring to the proposed Conference of the Comite, said:

> "We feel, however, that it is an absolute condition of the success of this project that the approbation and collaboration of American legal and commercial interests should be obtained."

Very probably Mr. Miller is hopeful of obtaining for the Comite Maritime the cooperation of wider commercial and shipping interests than our Association represents and of receiving more financial assistance than our Association is able to give. Nevertheless, in view of our long past association with the Comite and of the interest of our Association in the type of questions that are considered by that body, it is the recommendation of this Committee that our relations with the Comite be continued and that we endeavor to increase the size of the contributions which, in more recent years, we have been making to the Comite's expenses. Possibly to obtain as wide a participation of American Maritime interests in the activities and expenses of the Comite as its present supporters seem to wish, other American Associations more directly representative of American shipping and insurance interests may at some time participate in the activities of the Comite. That possibility, however, should not, in the judgment of your Committee, affect the revival and continuation of the participation of our Association.

Your Committee makes the following specific recommendations with reference to the relations of our Association with the Comite Maritime:

1. The Maritime Law Association of the United States should continue its relations with the Comite Maritime International and, if possible, participate more actively in the work of the Comite.
2. The Association should make a contribution to the expenses of the Comite Maritime annually or otherwise as required. The more recent contributions of $125.00 a year are deemed insufficient under present conditions. The exact amount of

contributions, however, should be determined by the Executive Committee with reference to the resources of our Association.

3. Our Association might well accept the suggestion contained in Mr. Cyril Miller's letter of August 12, 1948, addressed to our secretary, namely, that our Association have a representative upon the governing board of the Comite known as the Bureau Permanent. It is deemed appropriate that the president, for the time being, of the Maritime Law Association serve as its representative. The president when unable to attend in person at meetings of the Bureau Permanent or at Conventions of the Comite might designate a deputy or representative to attend in his place.

4. A question which this Committee believes should be brought before the Comite for its consideration and action is the question of international reciprocity in the enforcement of ship mortgages independently of the International Convention for the unification of certain rules of law relating to maritime liens and mortgages of 1926 to which neither this country nor Great Britain have adhered. In this connection attention is called to the following resolution which was unanimously approved by the House of Delegates at the meeting of the American Bar Association held in Seattle in September 1948:

> "RESOLVED, that the American Bar Association request the Department of State to negotiate multilateral treaties, conventions or agreements with or without legislation authorizing admiralty and other courts in the United States to give effect to and enforce foreign ship mortgages upon the principle of reciprocity, so that whenever any country under whose laws the foreign mortgage was executed agrees to give effect to and enforce ship mortgages validly made under the laws of the United States, the courts in the United States will give effect to and enforce ship mortgages validly made under the laws of that country."

Three questions of post-war importance which have already been brought to the attention of the Comite for consideration at its 1949 meeting are:

1. Amendment of the York-Antwerp rules relative to general average, to harmonize the present differences between the practice in New York and the practice in London.
2. Discussion of a basis for a more uniform limitation of liability in bills of lading with reference to present fluctuating currencies. It has been suggested that a limit be fixed at ten times the freight charge.
3. Discussion of a basis for a more uniform measure of limitation of liability in view of present fluctuating currency values. The most recent suggestion contemplates two limits: for death and

personal injury the appraised value of the ship at the beginning of the voyage, and for property damage one-half the appraised value of the ship at the beginning of the voyage.

February 11, 1949.

Respectfully submitted,

WILLIAM G. SYMMERS,
GEO. WHITEFIELD BETTS, JR.,
ARNOLD W. KNAUTH,
CHALMERS G. GRAHAM,
JOHN C. PRIZER,
Chairman.

List of the contributions made by The Maritime Law Association of the United States to the Comite Maritime International:

Nov.	13, 1900	— 500 francs, or	$ 100.00
May	6, 1904	— 500 francs, or	100.00
May	5, 1905	— 500 francs, or	100.00
July	6, 1919	—	150.00
May	1922	—	300.00
April	1923	—	300.00
April	1924	—	200.00
May	1925	—	200.00
May	1926	—	250.00
May	1927	—	250.00
May	1928	—	250.00
May	1929	—	250.00
	1930	—	250.00
May	1931	—	250.00
May	1932	—	250.00
May	1933	—	250.00
May	1934	—	250.00
May	1935	—	250.00
April	1937	—	125.50
April	1938	—	125.50
May	1939	—	125.00
May	1940	—	125.00
July	1947	—	125.00
	(This is a replacement of 1940 payment, not received because of war.)		
October	1947	—	125.00
			$4,701.00
	Less duplication		125.00
			$4,576.00

On motion of Mr. Symmers, seconded by Mr. Haight, the report was approved and ordered filed.

Committee to Report on the Status of Maritime Commission Examiners:

The Secretary reported that since the commencement of the meeting, Mr. Hupper, the Chairman of this Committee, had telephoned and asked that there be submitted as the report of his Committee the following:

> "It does not appear appropriate or necessary for us or any other friends of the Maritime Commission Examiners to take further action in the matter."

Mr. Rolnick stated that he did not understand the report, and expressed a fear that, if not now, then at some time in the near future, the status of Maritime Commission Examiners might be adversely affected.

On motion of Mr. Haight, seconded by Mr. Rolnick, the Committee was ordered continued.

Committee to Consider Amendments Proposed by the Department of State to Certain Sections of Title 46, United States Code, Dealing With the Repatriation, etc., of Seamen:

Edward L. Smith, Chairman, submitted and summarized the following report:

The State Department proposes to amend Title 46 U. S. C. Sec. 593 dealing with seamen's wages and repatriation expenses in the event of termination of a voyage through the loss or wreck of the vessel. The statute now provides that wages terminate with the voyage and that the seamen be repatriated as destitute seamen by the consul.

The difficulty sought to be remedied arises because nowadays, through collective bargaining or other agreements, seamen are usually entitled to wages, subsistence and repatriation expenses from their employer until returned to the United States and the Comptroller General has ruled that, where such rights to repatriation free of expense to the Government exist, the consular officer must take advantage of them before incurring expense to repatriate a seaman by other means pursuant to the statute. A number of Comptroller General decisions direct that consular accounts be surcharged for monies expended repatriating seamen in cases where, in the opinion of the Comptroller General, the consul involved could have made arrangements to have seamen repatriated at the expense of their employer. Your Committee is of opinion that a clarification of the respective liabilities and duties of shipowners and the Government

with respect to repatriation of shipwrecked seamen is desirable. Consular officers should not be required to discover what rights seamen may have under agreements with their employer dehors the articles, or the facilities which an employer may have to repatriate seamen after the wreck on pain of being personally surcharged with the expense of repatriation on the one hand or of failing to fulfill a statutory duty toward seamen on the other, and that an amendment to the section in question is warranted in so far as it seeks to clarify the duties of consular officers.

Your Committee is, however, of the opinion that no showing has been made as to the necessity of effecting a change in law with respect to a shipowner's obligation to pay wages in the event of wreck or loss of a vessel. One problem posed by the proposed change with respect to the obligation to pay wages is the liability of shipowners to pay wages during periods when seamen are imprisoned or interned after the loss of their vessel in time of war. During the last war this problem was dealt with by incorporating War Emergency Board decisions in collective bargaining or other agreements between seamen and the shipowner, and the issuance of certain types of war risk insurance by the Government insuring shipowners against the expense of paying wages during such periods. There is considerable doubt as to the advisability of imposing an absolute statutory obligation upon shipowners to pay wages during imprisonment or internment, regardless of the availability of insurance protection against such liability or other circumstances which could be taken into account when making agreements on the subject. There are other problems involved and, in your Committee's opinion, it would be wiser to leave an employer's liability to pay wages after shipwreck to the flexible procedure of collective bargaining or other agreement rather than to impose a statutory liability.

The amendments proposed by the State Department do not take into account the fact that many voyages contemplate eventual discharge of the seamen at ports other than the port of shipment, that seamen may unreasonably decline offers of reemployment or that repatriation may be prevented or unreasonably delayed by causes outside of the control of the shipowner. It is your Committee's view that the purposes of the proposed amendment, in so far as it is designed to clarify the respective duties of the seaman's employer and the consular officers with respect to maintenance and repatriation expenses after wreck or loss of a vessel, would be more equitably achieved by adoption of the following language in place of that proposed by the State Department:

> "In cases where the loss or wreck of a vessel terminates the service of any seaman before the period contemplated in the agreement, such seaman shall be entitled to subsistence and repatriation expenses to the time of arrival at the port of shipment or a port of discharge provided for by the agreement or until he is tendered reasonably similar employment aboard an-

other vessel, whichever occurs first. Responsibility for providing such subsistence and repatriation to such seaman shall rest with the seaman's employer, except in so far as such repatriation or reemployment is delayed or prevented by the seaman or by act of God, act of war, act of public enemies, arrests or restraints of princes, rulers or people. In the event that the employer refuses or is unable to assume immediate responsibility, the consular officers shall assume responsibility for subsistence and repatriation of such seaman, the consular expenditure to be reimbursable by the employer to the extent of the employer's obligation to the seaman."

In the event that it is deemed advisable to effect the change in law with respect to a shipowner's obligation to pay wages after wreck or loss of the vessel suggested by the State Department, it is your Committee's opinion that such a change, which it does not recommend, would be more equitably achieved by inserting the words "basic wages" before the words "subsistence and repatriation expenses" in the first sentence and the words "such wages" before "subsistence and repatriation" in the second sentence of the statutory language suggested above. The text then would read:

"In cases where the loss or wreck of a vessel terminates the service of any seaman before the period contemplated in the agreement, such seaman shall be entitled to basic wages, subsistence and repatriation expenses to the time of arrival at the port of shipment or a port of discharge provided for by the agreement or until he is tendered reasonably similar employment aboard another vessel, whichever occurs first. Responsibility for providing such wages, subsistence and repatriation to such seaman shall rest with the seaman's employer, except in so far as such repatriation or reemployment is delayed or prevented by the seaman or by act of God, act of war, act of public enemies, arrests or restraints of princes, rulers or people. In the event that the employer refuses or is unable to assume immediate responsibility, the consular officers shall assume responsibility for subsistence and repatriation of such seaman, the consular expenditure to be reimbursable by the employer to the extent of the employer's obligation to the seaman."

The State Department also suggests changes in 46 U. S. C. Sec. 683. This section provides that a consular officer, when discharging any seaman shall require the payment of and collect the arrears of wages and extra wages due the seaman. It also provides that the master shall give the seaman one month's extra wages in certain cases. It also provides that, where the seaman is discharged for illness or injury, the Government shall defray all his expenses of maintenance and transportation.

The Committee believes that this section is unfair to the consuls. It fails to discriminate between basic wages and overtime wages. It is easy for the captain, the seaman and the consul to determine what basic wages are due a seaman, but there is often a dispute as to what overtime is due. It is, therefore, felt that the statute should require the immediate payment to the seaman of only the basic wages in accordance with the shipping articles and leave the matter of overtime to further future adjustment by the seaman and his employer. Overtime frequently depends on the interpretation of union agreements of which the consul would have no knowledge.

The statute is also unfair in its provisions requiring one month's extra wages be paid the seaman. This is due in all cases unless the discharge is for neglect of duty, incompetency or injury occurring on the vessel. There are a great many other contingencies which should deprive the seaman of the extra month's wages. Illustrations are discharge for misconduct of the seaman, discharge for illness of the seaman, discharge because the seaman has been detained in connection with legal proceedings, discharge because of the termination of the articles. In all of these instances, it is unfair to give the seaman an extra month's wages.

Finally, the provision dealing with the discharge of a seaman for illness or injury which requires the expense of his maintenance and return to the United States to be paid by the American Government is practically unenforceable. The law itself places the burden on the employer of maintaining and repatriating such a seaman and paying him his wages until the end of the voyage or until he is physically able to obtain other available employment. Because there is such an obligation on the employer, the consul has made it a practice under instructions from the Comptroller General to refuse to discharge such a seaman until the consul obtains a commitment from the employer to pay the seaman's maintenance and repatriation. Any failure of the consul to see that this burden is placed upon the shipowner or employer, results in the Comptroller General refusing to approve the expense which the consul has incurred. The result is that the consul himself is charged with the expense. It is felt, therefore, that the statute should place the burden where the decided cases already place it, namely, on the employer, and that the consul's sole function should be to see that the seaman is paid his basic earned wages.

Finally, the statute should contain an exception, charging the seaman with the cost of his maintenance and repatriation in cases where the illness or injury necessitating the discharge is due to the seaman's wilful act or his own vice or misconduct. The case law at present provides that the employer does not owe a seaman maintenance for injury or illness resulting from his own wilful act or his vice or gross misconduct. This law, however, is of little practical value to the employer when a seaman is in a foreign port. The local law usually requires the shipowner actually to provide and pay for the hospital attention and subsistence of such a seaman and, if

the local law does not do so, the consul requires it. After the master has defrayed such expenses, he is prevented from deducting them from the seaman's earned wages because of the seaman's protest when he arrives in the United States that what the master has done has not been at the request of the seaman and that, even if the seaman owed the employer the money for such maintenance and medical attention, nevertheless, the rigid statutes protecting seamen prevent the deduction of such amounts from the seaman's wages. Probably the only time when the law would sanction such a deduction would be where it was necessary for the vessel in order to obtain clearance from the foreign port to defray such seaman's expenses. For this reason, it is felt that the statute should contain an express provision that medical attention and maintenance is not the responsibility of the employer where the illness or injury is due to the seaman's own wilful act or own vice or gross misconduct and should further provide that, where the shipowner has, nevertheless, defrayed such expenses, the cost of them may be deducted by the shipowner employer from the seaman's wages.

The Committee is of opinion that the purposes of the suggested amendment to the Section would be more appropriately achieved if the amendment were worded as follows:

Section 683—If any consular officer, when discharging any seaman, shall neglect to require the payment to the seaman of the arrears of basic wages in accordance with the contract set forth in shipping articles, and such extra wages as may be due the seaman in accordance with Sections 658, 684 and 685 of Title 46, he shall be accountable to the United States for the full amount thereof. If the seaman is discharged by voluntary consent before the consul, he shall be entitled to his wages up to the time of his discharge, but not for any further period. If the seaman is discharged on account of illness or injury, incapacitating him for service, his maintenance and repatriation to the United States shall be at the expense of the vessel on which the seaman was serving at the time of his discharge, unless such injury or illness is the result of the seaman's wilful act or own vice or gross misconduct, in which event his hospital and medical expense and the cost of his repatriation may be furnished or paid by the vessel or his employer, and shall be deductible from the seaman's earned wages.

PROVIDED, That, at the discretion of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph. (R. S. § 4581; June 26, 1884, c. 121, § 7, 23 Stat. 55; Apr. 4, 1888,

c. 61, § 3, 25 Stat. 80; Dec. 21, 1898, c. 28, § 16, 30 Stat. 759; Mar. 4, 1915, c. 153, § 19, 38 Stat. 1185.)

The last of the statutory changes suggested by the State Department, which have been referred to your Committee, are proposed amendments to 46 U. S. C. Sec. 701:

This Section, under the Code heading "Various Offenses: Penalties", now provides under Subsection Second that a seaman shall be punished for certain absences without leave,

> "by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute."

The Department proposes changing this penalty of "not *more* than two days' pay" to "not *less* than two days' pay" and adding at the end:

> "or in transporting the seaman to join his or another vessel, or to defray the expenses of his subsistence and repatriation to the United States."

The Committee believes that this Section does not cover the situation where a seaman may have had repeated absences without leave and might be held void because the penalty is left without limit and so suggests that, instead of changing the statute to provide "not less than two days' pay", it would be more appropriate to provide "not more than two days' pay for each offense".

The Committee further believes that the suggested amendment of the State Department, "or in transporting the seaman to join his or another vessel or to defray the expense of his subsistence and repatriation to the United States", is too indefinite and that it would be advisable, in order to prevent one penalty being a limitation on the other, to make the penalties cumulative so that the seaman would be responsible in cases of unjustifid absence for both the expense of his transportation and his subsistence and repatriation to the United States. It was felt by the Committee that this could be accomplished by changing the word "or" in each instance to the word "and".

It is accordingly recommended by the Committee that Section 701, Title 46, Paragraph Second, be amended as follows:

> "by forfeiture from his wages of not more than two days' pay for each offense and sufficient to defray any expense which shall have been properly incurred in hiring a substitute, and in transporting the seaman to join his or another vessel, and to defray the expense of his subsistence and repatriation to the United States."

Respectfully submitted,

VERNON S. JONES,
PAUL C. MATTHEWS,
EDWARD L. SMITH,
Chairman.

Mr. Rolnick stated that the National Maritime Union was unalterably opposed to the proposals of the State Department as an attempt to open the door to the deduction of earned wages of seamen, leading to extensive litigation. He further stated that there was no difficulty in computing overtime due seamen as the records were maintained by the master of each vessel. He further stated that he saw no need for any change in the laws relating to the desertion of seamen, and stated that the language employed in the State Department proposals seemed designed to effect a gradual dissipation of seamen's rights.

Mr. Smith stated that the sole purpose of the Department of State appeared to be to make it possible for Consuls properly to do the work assigned to them and to postpone the solution of disputes until the seamen could be returned to the United States.

The President stated that in view of the complexity of the questions covered by the report, it might be advisable to defer action upon it until after the report had been printed and circulated to the membership.

A motion, duly made and seconded, that the report be approved and adopted, was lost.

Committee for Improving the Handling of Cases on the Admiralty Calendar of the Southern District of New York:

Mr. McElhinney submitted and summarized the following report and moved the adoption of the resolution contained in it, which motion was seconded by Mr. Longley:

After submission of the report of our Committee to the Association last year, we submitted to Judge Knox, as the Presiding Judge of the United States District Court for the Southern District of New York, the two suggestions incorporated in our report. Judge Knox informed us that the first of our suggestions with respect to the manner of calling the Admiralty Calendar would be considered and acted upon at a meeting of the Judges of the Southern District.

With respect to our second suggestion that an additional Judge be permanently appointed for the Southern District and suitable arrangements worked out by the Department of Justice for the temporary assignment to that district of such Judges from other districts as might be temporarily available for duty in this district, Judge Knox suggested that in view of the fact that a bill was under consideration for the appointment of three Judges to the Southern District, it would be advisable not to submit our suggestion for the appointment of one Judge, but to cooperate with the other Bar Associations which were working in support of the pending bill.

It has now developed that two bills were submitted in the House of Representatives, one on January 13, 1949 by Representative Bloom (H. R. 1341) and one on January 25, 1949 by Representative Celler (H. R. 1826). Mr. Bloom's bill called for the appointment of three Judges for the United States District Court for the Southern District of New York and Mr. Celler's bill called for the appointment of four Judges. A companion bill, we understand, was drawn up by Senator McCarren for submission in the Senate, also calling for the appointment of four Judges for the Southern District. The City Bar Association and the New York County Lawyers Association have both gone on record as favoring the position of these bills.

No improvement has manifested itself in the press of work placed upon the Judges in the Southern District. The number of actions commenced has averaged 160 a month while in 1939 they amounted to only 49. The number of pending and undisposed claims on the docket in admiralty at the end of April, 1949 was 4,959, while at the end of 1939 they numbered only 745. The number of cases which have actually been placed on the Calendar in admiralty and were undisposed of amounted to 259 in 1939 and on April 30, 1949 amounted to 1785. The Admiralty Calendar in the Southern District is now approximately 29 months behind date. An action tried on March 24, 1949 had been placed on the calendar on October 21, 1946.

In view of these facts, it is the recommendation of your Committee that in cooperation with the New York City Bar Association and the New York County Lawyers Association, the Maritime Law Association pass a resolution approving of the passage of the Celler and McCarren bills or of any other bill which increases the number of Judges for the United States District Court for the Southern District of New York.

PROPOSED RESOLUTION

"WHEREAS, the number of suits instituted in the Admiralty Part of the United States District Court for the Southern District of New York has almost quadrupled since 1939, although the number of Judges permanently assigned to that district has not been increased in any way since 1939, and

WHEREAS, the number of cases on the Admiralty Calendar pending and not disposed of increased by April, 1949 to almost five times the number pending and undisposed of in 1939, and

WHEREAS, the disposition of the causes of action now pending in the Admiralty Part of the United States District Court for the Southern District of New York has been seriously delayed so that causes of action placed on the Admiralty Calendar are not reached for trial for over two years, now, therefore, be it

RESOLVED that the Maritime Law Association of the United States approves and urges the passage of the Celler bill (H. R. 1826) and the McCarren Senate bill calling for the appointment of four additional Judges for the United States District Court for the Southern District of New York and approves and urges the passage of any substitute or amending bill calling for the appointment of any number of additional Judges for the United States District Court for the said Southern District of New York."

Respectfully submitted,

COMMITTEE FOR IMPROVING HANDLING OF CASES ON THE ADMIRALTY CALENDAR IN THE SOUTHERN DISTRICT OF NEW YORK.
ANDREW J. MCELHINNEY,
Chairman.
WARNER PYNE,
VERNON S. JONES,
STANLEY WRIGHT.

After discussion, Mr. McElhinney accepted an amendment to the language of the resolution so as to make it read as follows:

"RESOLVED that The Maritime Law Association of the United States approves and urges the passage of the Celler Bill (H. R. 1826) and the McCarren Senate Bill, calling for the appointment of four additional Judges for the United States District Court for the Southern District of New York, and approves and urges the passage of any substitute or amending Bill calling for the appointment of any number of additional Judges not exceeding four for the United States District Court for the said Southern District of New York."

Mr. Longley also accepted the amendment and the resolution was unanimously adopted and the Committee ordered discharged.

Committee on Lights on Towed Vessels:

In the absence of the Chairman, Mr. Krusen, Mr. Erskine, a member of the Committee, submitted and summarized the following report:

This Committee was appointed several years ago to study apparent conflicts in the provisions of the Inland Rules and Local Inspectors' Rules in respect of lights to be carried by towed vessels; and more particularly, barges and scows. The Committee's report was filed at the Annual Meeting of the Association in May, 1945 (Document No. 300), and it concluded that the problem was a real one; that

there was need for revision; and that the Coast Guard should be asked to study the subject with a view to making such revision of the rules as might be appropriate. This report was approved by the membership and the Committee was enlarged for the purpose of obtaining a more comprehensive survey of the opinion of the industry and of the profession throughout the country.

Pursuant to the Committee's instructions, it has repeatedly asked the Coast Guard to study the question and to hold hearings for the purposes of determining what changes, if any, are desirable. While Captain Farwell was in charge of this work for the Coast Guard, some progress was made, and Captain Farwell made certain suggestions which were submitted to the Committee, and in respect of which there was some conflict of opinion. However, the Coast Guard has apparently been unwilling to press the matter or to institute hearings unless it has the assurance of the Maritime Law Association that it will not only suggest the problem and a possible solution, but will affirmatively advocate a specific solution.

When it became evident that the Coast Guard would not proceed of its own initiative, the Committee wrote to the Secretary, by letter dated June 21, 1948, and asked him to obtain, from the Executive Committee, some instructions as to the limits of the Committee's authority in advocating changes in the rules.

By letter dated July 26, 1948, the Secretary responded, in part, as follows:

> "After discussion, the Executive Committee felt that in view of the fact that your committee's report contained in Document No. 300 . . . had been approved by the Association as a whole, the Executive Committee could not authorize you to go further than to make recommendations to the Coast Guard in accordance with the conclusion set out in that report."

Since our Committee has submitted Document No. 300 to the Coast Guard on many occasions, and has failed to obtain any action, it is apparent that it will be unable to accomplish anything further under its present authority. Your Committee is aware of some disagreement among the membership as to the proper solution of the problem, and realizes that the Association may be reluctant, as a body, to affirmatively advocate adoption of specific rules.

The Committee recommends that if the Association does not see fit to give affirmative instructions which it may press before the Coast Guard, it should be discharged, and the matter left to the individuals who favor reforms.

Yours very truly,

LESLIE C. KRUSEN,
Chairman.

Lt. Comdr. Arzt stated that the rules regarding lights on towed vessels have now been made uniform.

On motion of Mr. Longley, seconded by Mr. Betts, the Committee was ordered discharged, with thanks.

Committee on the Extension of Admiralty Jurisdiction:

This Committee having concluded its work with the passage of the Act for the Extension of Admiralty Jurisdiction in June, 1948, the President extended the thanks of the Association to the Committee for its accomplishment.

Nominating Committee:

Russell T. Mount, Chairman, submitted the following report of his Committee:

The Nominating Committee appointed by the President of this Association submits the following names with the unanimous recommendation of the Committee for their election at the Annual Meeting of the Association to be held on May 6, 1949:

For President.....George deForest Lord
For Vice-President.....Lane Summers
For Secretary.....John W. R. Zisgen
For Treasurer.....Thomas H. Middleton

Your Committee also unanimously recommends for election as members of the Executive Committee to serve until 1952 the following:

Robert S. Erskine
Wilbur H. Hecht
Stanley R. Wright

Respectfully submitted,

BERNARD D. ATWOOD,
ANTHONY V. LYNCH, JR.,
CLEMENT C. RINEHART,
ARCHIE M. STEVENSON,
RUSSELL T. MOUNT,
Chairman.

The President requested Mr. Betts to assume the chair, which he did. On motion duly made and seconded, it was ordered that the nominations be closed and that the Secretary cast one ballot for the

persons named in the report of the Nominating Committee, and they were declared elected. The President then assumed the chair and expressed his thanks to the Association. He called upon Mr. Summers, the newly elected Vice-President, who also expressed his appreciation.

NEW BUSINESS

Mr. Moore inquired whether it might not be well to hold a regular meeting of the Association on the day of the Fall Dinner, in addition to holding one on the day of the Annual Spring Dinner. After discussion, it was determined to leave a decision on this matter to the Executive Committee.

Mr. Rolnick adverted to the recent death of Raymond A. Shea, U. S. Shipping Commissioner, and inquired whether a resolution of regret would be in order. The President stated that it had not been customary to pass such resolutions excepting in cases of the death of a member of the Association. He suggested that the record note the loss of a faithful servant of the Government.

Mr. Middleton adverted to the very great courtesy of the Association of the Bar of the City of New York in having made available to this Association for so many years the use of the Carter and Evarts Rooms in which to hold its annual meeting. On his motion, duly seconded, it was resolved that the thanks of the Association be extended to the Association of the Bar of the City of New York for its courtesy.

Mr. Mount moved that the thanks of the Association be extended to the officers and the Executive Committee of the Association for their services during the past year. The President stated that he would entertain the motion only if it were broadened to extend the thanks of the Association also to the Chairmen and members of the Committees of the Association, which had rendered such excellent service during the past year. As thus broadened, the motion was duly seconded and carried.

On motion, the meeting adjourned at 5:10 P. M.

ANNUAL DINNER MEETING

The meeting was reconvened at 6:30 P. M. on May 6, 1949 at the Park Lane Hotel with 320 active members in attendance. There were present as guests of the Association:

Mr. James J. Wadsworth, of the European Cooperation Administration
The Honorable Robert A. Inch
The Honorable Harold M. Kennedy
The Honorable Vincent L. Leibell
The Honorable Edward A. Conger
The Honorable Sylvester J. Ryan
The Honorable Thomas F. Meaney
and
Mr. Paul Worsley, of Willis, Faber & Dumas, Ltd., of London.

The President, George deForest Lord, presided and greeted the members and guests. As this was the Fiftieth Annual Dinner of the Association, he reviewed the circumstances leading to its formation in 1899, and its participation in twenty-six International Conferences, but voiced regret that the Association had failed effectively to urge the adoption of the Conventions agreed upon at those Conferences, with the exception of the Convention governing the Carriage of Goods by Sea. He expressed a hope that the Association would shortly effect agreement with the British Maritime Law Association to unify the rules relating to general average and urged the importance of international agreement upon the enforcement of ship mortgages.

With this summary of the past and present work of the Association, he called upon Mr. Charles C. Burlingham, the only one of the founders of the Association who is still a member. In a delightful vein, Mr. Burlingham reminisced concerning the Judges and the lawyers who had practiced admiralty in the courts of New York in the early days of the Association and before.

The President then called upon Mr. Wadsworth. Disclaiming to be either a lawyer or a shipping expert, Mr. Wadsworth pointed out that E. C. A. is not a shipper and that its only functions in transportation are to supervise expenditures of E. C. A. funds for payment of ocean freight, implement requests for procurement authorizations for freight purposes, establish regulations covering reimbursement of foreign nations for dollar port charges, and administer certain special provisions, such as the so-called American Flag Rule. He pointed out that by amendments to the E. C. A.

Act, Congress has now made it clear that market rates are to be interpreted as market rates for American vessels, and that the 50-50 clause shall be separately applied to dry bulk carriers, dry cargo liners and tankers.

Mr. Wadsworth pointed out that E. C. A. grants are made not to individuals but to the governments of their countries.

He stated that American flag vessels, during the past year, had carried 46.9% of the total tonnage of E. C. A. cargoes and had carried 55.2% of the berth cargo, which is the most remunerative. Due to other employment, U. S. tankers had carried only 29% of the tanker cargoes, but in March of this year the figure had risen to 42%.

In conclusion, he expressed a firm belief that E. C. A. was accomplishing its purpose and asserted that continued co-operation would bring peace.

An attractive booklet, with the cover embossed in gold, in honor of the Fiftieth Anniversary of the Association, was prepared under the supervision of the Dinner Committee. The booklet was printed without charge by The Hecla Press, to which the thanks of the Association are extended.

The members of the Dinner Committee were:

Norman M. Barron, Chairman
Henry C. Blackiston
Lawrence R. Thomsen
Andre V. Cherbonnier
MacDonald Deming

JOHN W. R. ZISGEN,
Secretary.