

June 4, 1953

THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

ANNUAL MEETING—MAY 8, 1953

The Fifty-fourth Annual Meeting of the Association was held at the Association of the Bar of the City of New York on Friday, May 8, 1953 at 2:30 P. M., pursuant to due notice, following the regular meeting of the Executive Committee, with the President, Cletus Keating, presiding.

PRESENT:

Cletus Keating, President
Arthur J. Santry, First Vice President
John C. Crawley, Second Vice President
Henry C. Blackiston, Secretary
Thomas H. Middleton, Treasurer

and the following 73 members:

John Ambler	Robert S. Doak
Comdr. Frederick Karl Arzt	Sweeney J. Doehring
Leslie Munger Ball	Robert M. Donohue
Douglas D. Batchelor	James J. Donovan, Jr.
T. Massey Bedsole	Wilber E. Dow, Jr.
George S. Bernhard	William B. Dreux
Michael C. Bernstein	David W. Dyer
George Whitefield Betts, Jr.	Robert Eikel
Comdr. Charles A. Blocher	Robert S. Erskine
Charles S. Bolster	James M. Estabrook
Stuart B. Bradley	Charles N. Fiddler
James C. Coggill	William J. Fleming
Comdr. William I. Connelly	Abraham E. Freedman
Leavenworth Colby	Edwin J. Friedman
William E. Collins	Donald D. Geary
M. L. Cook	Milton C. Grace
Leo J. Curren	Richard A. Hagen
Theodore R. Dankmeyer	Charles Hann, Jr.
Henry P. Dart, Jr.	Comdr. Carl E. Hayes
Harold S. Deming	Wilber H. Hecht
MacDonald Deming	T. K. Jackson, Jr.

Comdr. Charles B. Kelly
Joseph Lieberman
Alfred A. Lohne
Henry N. Longley
Comdr. Carl E. Lundin
Anthony V. Lynch, Jr.
Andrew J. McElhinney
P. J. R. McEntegart
Nicholas S. McGowin
Leonard J. Matteson
B. Allston Moore
John C. Moore
Warner Pyne
Edward A. Quinlan
Clement C. Rinehart
Bernard Rolnick

Leon Sarpy
John B. Shaw
Richard F. Shaw
John W. Sims
Edward L. Smith
John J. Sullivan
Lane Summers
Lawrence R. Thomsen
Eugene Underwood
Charles A. Van Hagen, Jr.
Claude E. Wakefield
Michael F. Whalen
George F. Wood
William H. Woolley
Clarence J. Young

On motion duly made and seconded the reading of the minutes of the Annual Meeting of May 2, 1952 was dispensed with and they were approved as set out in Document No. 359, which had been distributed to all members.

On motion duly made and seconded the reading of the minutes of the Executive Committee meetings during the year, on July 22, September 4, November 21, 1952 and May 8, 1953 was dispensed with as the principal matters transacted at those meetings are included in the report of the Secretary.

REPORT OF THE EXECUTIVE COMMITTEE AND THE SECRETARY'S ANNUAL REPORT

There were four meetings of the Executive Committee during the year, namely, on July 22, September 4 and November 21, 1952 and May 8, 1953.

At the meeting of July 22, 1952 the principal matters considered were:

Dues of members in the armed forces were waived.

The President brought up the question of the policy to be pursued in connection with semi-annual dinners. In view of the crowded condition of rooms previously used for the semi-annual dinners it was agreed to secure a larger room for future dinners and at the same time to permit each member to invite one guest up to a total of 200 guests. In the past the cost of the dinner has run to \$10 a person although members were charged only \$8, the Association financing the difference. It was decided that in the future the charge for members should be \$9 and the charge for guests \$12.

A report was given regarding the activities of the Committee dealing with Jury Trials in Admiralty. This Committee reported that a compromise bill had been suggested providing for jury trials in admiralty only in personal injury cases. It was recommended that this bill and all others providing for jury trials in any form in admiralty proceedings should be opposed.

A report was received from the Secretary of the British Maritime Law Association reporting on the Diplomatic Conference in Brussels in May 1952.

Consideration was given to a request received from the Comité Maritime International for a contribution of £300 (\$840) per year from this Association. It was decided to contribute the sum of £300 for the coming year on the understanding that before committing ourselves in any subsequent year we must be advised to what extent the other national associations have met their assessments.

The question of current arbitration practices and the unsatisfactory procedure of having arbitrations conducted by commercial men with no lawyers being permitted to be in attendance was discussed.

A new committee was created to study the entire question, consisting of the following members:

Clement C. Rinehart, Chairman
Norman M. Barron
James T. Carpenter
Thomas F. Daly
Nicholas J. Healy, III
Walter T. Hughes, Jr.
John C. Moore

It was reported that this Association's Committee on Supreme Court Admiralty Rules had drafted a proposal for applying to Admiralty the Federal Civil Rules with certain exceptions and additions. The Executive Committee decided to request the Rules Committee to prepare a preliminary report with recommendations upon receipt of which a further meeting of the Executive Committee would be called to discuss the report.

The following seventeen lawyers were elected to active membership:

Richard G. Ashworth
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Rufus Barringer
Kirlin, Campbell & Keating
120 Broadway
New York 5, New York

R. Glenn Bauer
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Elizabeth Boyd
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Lawrence D. Bradley, Jr.
Lillick, Geary & McHose
634 So. Spring Street
Los Angeles 14, California

William H. Brainerd
Lillick, Geary & McHose
634 South Spring Street
Los Angeles 14, California

Shirley M. Coleman
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Donald N. Elberfeld
Lord, Day & Lord
25 Broadway
New York 4, New York

Henry J. Formon, Jr.
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

John P. Hale
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Walter B. King
Ziegler, King & Ziegler
P. O. Box 1079
Ketchikan, Alaska

James B. McQuillan
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Richard P. Moser
Grosscup, Ambler & Stephan
711 Central Building
Seattle 4, Washington

John J. Mulcahy, Jr.
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Robert L. Palmer
Little, LeSourd, Palmer & Scott
1510 Hoge Building
Seattle 4, Washington

J. Bond Smith, Jr.
Bigham, Englar, Jones & Houston
99 John Street
New York 38, New York

Gordon K. Wright
Lillick, Geary & McHose
634 South Spring Street
Los Angeles 14, California

The following non-lawyer was elected to active membership:

Carl E. McDowell
American Institute of Marine Underwriters
99 John Street
New York 38, New York

The meeting of September 4, 1952 was devoted to a discussion of the Supreme Court Admiralty Rules and the Interim Report of the Committee on the Supreme Court Admiralty Rules dated August 18, 1952. Mr. Symmers, Chairman of the Committee, and Messrs. Fiddler and Knauth, two other members of the Committee, attended for the purpose of explaining the written report. After lengthy discussion the Interim Report was approved in principle, the Executive Committee thereby approving the following general approach to the problem:

1. That there should be a separate set of admiralty rules.
2. That every one of the present admiralty rules should be carefully examined with a view to making such revisions, if any, as might seem appropriate.
3. That provision be made in the admiralty rules for incorporation by reference of such of the civil rules as might seem appropriate.

The Interim Report was printed and circulated to all members in September 1952 as Association Document No. 363.

At the same meeting the Executive Committee approved the appointment of a Sub-Committee to press for immediate adoption of interim amendments pending further study and consideration of overall amendments proposed by the Rules Committee. A report of this Sub-Committee was circulated to all members in September 1952 as Association Document No. 364.

At the meeting of November 21, 1952 the principal matters considered were:

A resolution was passed authorizing this Association to hold a meeting in the Boston area at the time of the American Bar Association's 1953 meeting in Boston and authorizing the President to appoint a committee to make the necessary arrangements. The President appointed the following Committee:

Arthur J. Santry, Chairman
Charles S. Bolster

A report was received from the Treasurer of the Comité Maritime International listing payments received in accordance with assessments levied upon certain member associations.

The following forty-two lawyers were elected to active membership:

Mark D. Alspach
Krusen, Evans and Shaw
225 South Fifteenth Street
Philadelphia 2, Pennsylvania

Clifford B. Alterman
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Sherman H. Barber
150 Nassau Street
New York, New York

George J. Biernesser
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Milton M. Borowsky
Freedman, Landy & Lorry
1415 Walnut Street
Philadelphia 2, Pennsylvania

Allan F. Bullard
1008 South Pacific Avenue
San Pedro, California

Francis X. Byrn
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

M. L. Cook
Royston & Rayzor
Cotton Exchange Building
Houston 2, Texas

William B. Dreux
Jones, Flanders, Waechter & Walker
847 National Bank of Commerce Bldg.
New Orleans 12, Louisiana

Charles E. Dunbar, III
Phelps, Dunbar, Marks & Claverie
321 St. Charles Street
New Orleans 12, Louisiana

Abraham E. Freedman
Freedman, Landy & Lorry
1415 Walnut Street
Philadelphia 2, Pennsylvania

John Gordon Gearin
Koerner, Young, McColloch & Dezendorf
800 Pacific Building
Portland 4, Oregon

John Geisness
Bassett, Geisness & Vance
811 New World Life Building
Seattle 4, Washington

Francis J. Haley
32 Broadway
New York 4, New York

Robert J. Hallisey
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

William Lawrence Hamm
Alcoa Steamship Co., Inc.
17 Battery Place
New York 4, New York

Lee C. Hinslea
McCreary, Hinslea & Ray
1970 Union Commerce Building
Cleveland, Ohio

Edward C. Holden, Jr.
United States Protection & Indemnity
Agency, Inc.
116 John Street
New York 38, New York

Warren Adams Jackman
Seago, Pipin, Bradley & Vetter
135 South La Salle Street
Chicago 3, Illinois

Lewis H. Johnson
Summers, Bucey & Howard
840 Central Building
Seattle, Washington

U. Grant Keener
Fulbright, Crooker, Freeman & Bates
Second National Bank Building
Houston 2, Texas

James P. Kchoe
Kirlin, Campbell & Keating
120 Broadway
New York 5, New York

Martin J. Kelly, Jr.
70 Pine Street
New York 5, New York

Karl V. Kerth
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Harry Kisloff
53 State Street
Boston 9, Mass.

Charles Lakatos
Freedman, Landy & Lorry
1415 Walnut Street
Philadelphia 2, Pennsylvania

Lester M. Levin
Landsman & Levin
39 Broadway
New York 6, New York

Wilfred R. Lorry
Freedman, Landy & Lorry
1415 Walnut Street
Philadelphia 2, Pennsylvania

William J. Madden
Bayley, Fite, Westberg, Madden & Goodin
725 White-Henry-Stuart Building
Seattle, Washington

Edward J. Mitchell
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Donald F. Mooney
Lord, Day & Lord
25 Broadway
New York 4, New York

Gordon W. Moss
Evans, McLaren, Lane, Powell & Beeks
1111 Dexter Horton Building
Seattle 4, Washington

Charles P. Nash
University of Virginia Law School
1409 Hilltop Road
Charlottesville, Virginia

David R. Owen
Semmes, Bowen & Semmes
10 Light Street
Baltimore 2, Maryland

George Veasey Parkhurst
Parkhurst & Williams
1214 Munsey Building
Baltimore 2, Maryland

Philip A. Ray
McCutchen, Thomas, Matthew, Griffiths & Green
1500 Balfour Building
San Francisco, California

John H. Thoerner
Atlantic Mutual Insurance Company
49 Wall Street
New York 5, New York

Frederick Travers
305 Broadway
New York 7, New York

Braden Vandeventer, Jr.
Vandeventer, Black & Meredith
819 Citizens Bank Building
Norfolk 10, Virginia

Houston H. Wasson
Lovejoy, Morris, Wasson & Huppuch
52 Wall Street
New York 5, New York

William A. Wilson
Dow & Symmers
70 Pine Street
New York 5, New York

L. Robert Wood
Lillick, Geary & McHose
634 South Spring Street
Los Angeles 14, California

The following two non-lawyers were elected to active membership:

Edward N. Smith
Moore-McCormack Lines, Inc.
59-61 Barrow Street
New York 14, New York

John W. Reardon
Grace Line, Inc.
25 Broad Street
New York 4, New York

At the meeting this morning the principal matters considered were :

Reference was made to an application of this Association filed in March 1951 for affiliation with the American Bar Association from which nothing had been heard. The Secretary was requested to make inquiries through Mr. Joseph W. Henderson.

The Secretary reported regarding his investigation of the practice of various Bar Associations in electing Justices of the United States Supreme Court to Honorary Membership. It was found that very few of the Supreme Court Justices had ever been made Honorary Members of the several Bar Associations questioned on the subject.

There was a discussion of the meeting at Antwerp to be held May 16 and May 17, 1953 of the Permanent Bureau of the International Maritime Committee. It was

RESOLVED, that our delegate, Mr. William G. Symmers, should not issue any formal invitation to the International Maritime Committee to hold its next meeting in New York but should inquire as to whether they would like to hold their next meeting in New York and, if so, when; and to further inquire as to the proposed agenda and to suggest that the next agenda include a consideration of sovereign immunity of government vessels engaged in merchant shipping.

A report was received from the Treasurer of the International Maritime Committee.

The following forty-one lawyers were elected to active membership:

Nathan Baker
1 Newark Street
Hoboken, New Jersey
William E. Bennett, Jr.
Butler, Bennett & Fitzpatrick
60 Wall Street
New York 5, New York
John C. Bruel
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York
Paul P. Burke
Hill, Rivkins, Middleton, Louis & Warburton
96 Fulton Street
New York 38, New York

Walter Carroll, Jr.
Terriberry, Young, Rault & Carroll
825 Whitney Bank Building
New Orleans 12, Louisiana

William T. Conlan
Ely, Bartlett, Thompson & Brown
294 Washington Street
Boston 8, Massachusetts

James F. Dunn
Dunn & Zuckerman
1475 Broadway
New York 36, New York

George J. Engelman
44 Whitehall Street
New York 4, New York

Daniel Flynn
Stapleton, Flynn & Lilly
56 Beaver Street
New York 4, New York

Harold N. Gast
Hess, Inc.
State Street
Perth Amboy, N. J.

Nathan Greenberg
One State Street
Boston, Massachusetts

Francis T. Greene
General Counsel, Federal Maritime Board
Commerce Building
Washington 25, D. C.

Harold Guttman
66 Beaver Street
New York 4, New York

Max E. Halpern
U. S. Maritime Administration
Commerce Building
Washington 25, D. C.

Robert P. Hart
Kirlin, Campbell & Keating
120 Broadway
New York 5, New York

Donald Havens
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Patrick J. Hughes
c/o Richard T. Graham
150 Broadway
New York 38, New York

Bernard F. Hurley
Nelson, Healy, Baillie & Burke
52 Wall Street
New York 5, New York

Edward L. Johnson
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Richard I. Leightner
c/o Richard T. Graham
150 Broadway
New York 38, New York

Richard S. Lombard
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Imogene McAuliffe
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Timothy J. Mahoney
Krusen, Evans and Shaw
225 South Fifteenth Street
Philadelphia 2, Pennsylvania

Jerry C. Massey
Maritime Administration
Dept. of Commerce Building
Washington 25, D. C.

Paul C. Matthews, Jr.
c/o Paul C. Matthews
11 Broadway
New York 4, New York

George V. O'Haire
Kirlin, Campbell & Keating
120 Broadway
New York 5, New York

John O. Parker
Ely, Bartlett, Thompson & Brown
294 Washington Street
Boston, Massachusetts

John J. Purcell
Stapleton, Flynn & Lilly
56 Beaver Street
New York 4, New York

Roland C. Radice
Kirlin, Campbell & Keating
120 Broadway
New York 5, New York

Edward D. Ransom
Lillick, Geary, Olson, Adams & Charles
311 California Street
San Francisco, California

Joseph M. Rault, Jr.
Terriberry, Young, Rault & Carroll
825 Whitney Bank Building
New Orleans 12, Louisiana

Paul G. Rogers
Burns, Middleton & Rogers
1318 Harvey Building
West Palm Beach, Florida

Robert L. Rosensweig
Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

Norman Stallings
Shackleford, Farrior, Shannon & Stallings
700 Tampa Theatre Building
Tampa 2, Florida

George W. Sullivan
Stapleton, Flynn & Lilly
56 Beaver Street
New York 4, New York

Curran C. Tiffany
c/o Joseph Cardillo, Jr.
52 Broadway
New York 4, New York

Donald L. Vetter
Seago, Pipin, Bradley & Vetter
135 South LaSalle Street
Chicago 3, Illinois

Thomas Francis Ward
Kerr Steamship Co., Inc.
32 Pearl Street
New York 4, New York

William Warner
Dow & Symmers
70 Pine Street
New York 5, New York

Henry Barton Williams
Army-Navy Club
1627 Eye Street, N.W.
Washington 6, D. C.

J. Barbee Winston
Phelps, Dunbar, Marks & Claverie
10th Floor, United Fruit Building
New Orleans 12, Louisiana

The following four non-lawyers were elected to active membership :

Walter L. Green
American Bureau of Shipping
45 Broad Street
New York 4, New York

Emmet McCormack
Moore-McCormack Lines, Inc.
5 Broadway
New York 4, New York

Lawrence Wagle
Phoenix Assurance Co.
2 Platt Street
New York 38, New York

Frank B. Zeller
Royal Liverpool Group
150 William Street
New York 38, New York

100 lawyers and 7 non-lawyers have been elected to active membership during the year. 1 United States District Judge has been transferred from associate membership to active membership. 1 lawyer has been reinstated to active membership. 9 lawyers and 1 non-lawyer have resigned from active membership.

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

Associate Members

- Hon. Charles H. Leavy (1948)
of Tacoma, Washington
Hon. John C. Mahoney (1941)
of Providence, R. I.

Active Members

- Capt. Myron H. Avery, USNR (Ret.) (1927)
of Washington, D. C.
Arthur W. Clement (1925)
of New York City
Capt. Raymond F. Farwell, USNR (1942)
of Seattle, Washington
Frank H. Gerrodette (1942)
of Flushing, New York
Howard M. Long (1916)
of Philadelphia, Pa.
Leon T. Seawell (1914)
of Norfolk, Virginia
W. Parker Sedgwick (1925)
of New York City
James Neill Senecal (1923)
of New York City
Harry F. Stiles, Jr. (1944)
of New Orleans, La.
Delbert M. Tibbets (1921)
of New York City

The total membership of the Association is now :

Honorary Members		5	
Associate Members		67	
Active Members			
Lawyers	838		
Non-Lawyers	96	934	
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Total		1006	

There are 22 law libraries on the mailing list making a total mailing list of 1028.

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

May 1952—Document No. 359—Report of Annual Meeting,
May 2, 1952.

July 1952—Document No. 360—Memorials of:

Allan B. A. Bradley
Francis G. Caffey
Chauncey I. Clark
W. Alexander Eldridge
John R. Hazel
Richard F. Lenahan
Eugene P. McCue
G. Hunter Merritt
Robert P. Patterson
William Radner
Archibald G. Thacher
Thomas D. Thacher
James Henry Willock

July 1952—Document No. 361—Memorial of Esmond Phelps.

Sept. 1952—Document No. 362—Secretary's Notice regarding
Supreme Court Admiralty Rules.

Sept. 1952—Document No. 363—Interim Report of the Com-
mittee on Supreme Court Admiralty Rules to the
Executive Committee.

Sept. 1952—Document No. 364—Report of Sub-Committee of
the Committee on Supreme Court Admiralty Rules.

Oct. 1952—Document No. 365—Membership List.

Oct. 1952—Document No. 366—Notice of Annual Fall Dinner.

Apr. 1953—Document No. 367—Notice of Annual Meeting.

Apr. 1953—Document No. 368—Reminder of Annual Dinner
Meeting.

Apr. 1953—Document No. 369—Report of the Committee on
Supreme Court Admiralty Rules.

HENRY C. BLACKISTON,
Secretary.

TREASURER'S ANNUAL REPORT**Annual Meeting, May 8, 1953**

Balance on Hand May 2, 1952.....	\$ 6,302.18
Dues Received	10,515.00
Balance on Subscription to 1952 Annual Dinner.....	576.00
Sale of List of Members.....	1.00
Subscription to 1952 Fall Dinner.....	5,271.00
Refund on Unused Stamped Envelopes.....	3.75
Subscription to 1953 Annual Dinner.....	5,151.00
	<hr/>
TOTAL.....	\$27,819.93

Less Checks Drawn:

No. 456	May 7, 1952—Hill, Rivkins & Middleton—Reimbursement stenography and typing, clerical, telephone calls, etc.	\$ 299.60
No. 457	May 8, 1952—Harry F. Stiles—Reimbursement Dinner Ticket	8.00
No. 458	May 14, 1952—Park Lane Hotel—Cost of 1952 Annual Dinner.....	5,213.04
No. 459	May 14, 1952—Calvert Magruder—Expense attending Annual Dinner....	32.96
No. 460	May 14, 1952—Henry W. Nichols—Refund Dinner Ticket of Thomas J. Healy	8.00
No. 461	May 14, 1952—Allan B. Lutz—Refund Dinner Ticket	8.00
No. 462	May 14, 1952—Charles DiMaria—Refund Dinner Ticket	8.00
No. 463	May 14, 1952—Frederic Conger—Refund Dinner Ticket	8.00
No. 464	May 14, 1952—Haight, Deming, Gardner, Poor & Havens—Refund 7 Dinner Tickets	56.00
No. 465	May 14, 1952—Bigham, Englar, Jones & Houston—Refund 2 Dinner Tickets	16.00

No. 466	May 20, 1952—O'Connor, Foley & Grainger—Refund Dinner Ticket.....	8.00
No. 467	June 11, 1952—The Hecla Press—Printing 980 copies Doc. 359.....	443.19
No. 468	June 11, 1952—Assoc. of the Bar of the City of New York—Use of Meeting Hall, Loud Speaker, and Cromwell Room	125.00
No. 469	June 13, 1952—Addressograph-Multigraph Corp.—Plates	2.97
No. 470	July 10, 1952—Unz & Co.—2700 Gov't Stamped Envelopes — 2600 Letterheads	258.76
No. 471	July 15, 1952—Unique Printing & Stationery Co.—3000 Envelopes.....	64.15
No. 472	July 23, 1952—Lord, Day & Lord—Stenographic services, overtime, photostats, postage, carfare, binding, etc.	266.52
No. 473	July 24, 1952—The Hecla Press—Printing 960 copies Memorials—(Docs. 360 and 361).....	287.37
No. 474	August 18, 1952—Unz & Co.—2000 Kraft Envelopes	49.44
No. 475	September 16, 1952—Comité Maritime International—Contribution	840.00
No. 476	September 23, 1952—The Hecla Press—Printing 1200 copies Docs. 362, 363 and 364	206.00
No. 477	September 26, 1952—Addressograph-Multigraph Corp.—Plates and ribbons	3.25
No. 478	September 29, 1952—Addressograph-Multigraph Corp.—Plates	1.86
No. 479	October 14, 1952—Unz & Co.—2000 Clasp Envelopes Printed	46.35
No. 480	Cancelled	
No. 481	October 21, 1952—The Hecla Press—Printing 1000 Doc. 366 and 1100 Doc. 361	808.10

No. 482	October 21, 1952—M. A. Goerl Co. —Multigraph 50 copies letter re Fall Dinner	5.10
No. 483	October 28, 1952—The Hecla Press —Printing 75 copies Fall Dinner Cards	12.88
No. 484	November 7, 1952—Addressograph- Multigraph Corp.—Plates	1.40
No. 485	November 13, 1952—The Hecla Press—Printing 970 Postcards—Re- minder Fall Dinner	15.45
No. 486	November 25, 1952—Wm. A. Skeen —Refund Dinner Ticket	9.00
No. 487	Haight, Deming, Gardner, Poor & Havens—Refund 7 Dinner Tickets...	63.00
No. 488	Cancelled	
No. 489	November 25, 1952—Lord, Day & Lord—Refund Dinner Ticket	12.00
No. 490	November 25, 1952—Zock & Petrie —Refund Dinner Ticket	12.00
No. 491	November 25, 1952—M. A. Goerl Co.—Multigraphing 168 copies Let- ter	5.82
No. 492	November 25, 1952—Lord, Day & Lord—Postage, fares, stenographic services, overtime	349.71
No. 493	November 25, 1952—John W. R. Zisgen—Refund Dinner Ticket	9.00
No. 494	November 25, 1952—Hill, Rivkins & Middleton—Refund Dinner Ticket	12.00
No. 495	November 25, 1952—Pyne, Lynch & Smith—Refund Dinner Ticket	9.00
No. 496	November 26, 1952—A d d r e s s o - graph-Multigraph Corp.—Plates	1.42
No. 497	November 26, 1952—The Biltmore —Cost of 1952 Fall Dinner.....	6,058.59
No. 498	November 26, 1952—William J. Tillinghast—O v e r t i m e and Inci- dental Expenses re Fall Dinner.....	107.60

No. 499	December 1, 1952—Edw. S. Murphy—Refund Dinner Ticket (Overpayment)	3.00
No. 500	December 1, 1952—Benjamin F. Stahl, Jr.—Refund Dinner Ticket.....	9.00
No. 501	December 8, 1952—Unz & Co.—500 3¢ Gov't Envelopes—500 Letterheads	42.49
No. 502	December 12, 1952—Wm. G. Symmers—Refund Dinner Ticket	12.00
No. 503	January 6, 1953—Addressograph-Multigraph Corp.—Plates	3.97
No. 504	January 22, 1953—Addressograph-Multigraph Corp.—Plates	2.04
No. 505	February 2, 1953—Bigham, Englar, Jones & Houston—Telephone calls, postage, and petty disbursements (\$15.54) less credit for Unused Stamped Envelopes (\$3.18).....	12.36
No. 506	April 8, 1953—M. A. Goerl Co.—Multigraphing 60 copies Dinner Committee Letter	5.92
No. 507	April 14, 1953—Addressograph-Multigraph Corp.—Plates74
No. 508	April 17, 1953—Hill, Rivkins, Middleton, Louis & Warburton—Refund Dinner Tickets	21.00
No. 509	April 17, 1953—Arnold W. Knauth—Refund Dinner Ticket	9.00
No. 510	Cancelled	
No. 511	April 17, 1953—The Hecla Press—Printing 1050 copies Notice of Meeting—1050 Reservation Forms—550 Dinner Tickets	36.57
No. 512	Cancelled	
No. 513	April 17, 1953—Addressograph-Multigraph Corp.—Plates	1.50
No. 514	Cancelled	
No. 515	April 20, 1953—Richard T. Graham—Refund overpayment on Dinner Tickets	6.00

No. 516	April 23, 1953—The Hecla Press— Printing Annual Dues Cards and Reminder of Dinner Meeting.....	48.93
No. 517	April 24, 1953—The Hecla Press— Printing 100 Application Blanks.....	10.30
		\$15,977.35
	TOTAL DISBURSEMENTS	15,977.35
	BALANCE MAY 8, 1953	\$11,842.58

RECAPITULATION

Balance on Hand May 2, 1952.....	\$ 6,302.18
Income	21,517.75
	TOTAL.....
	\$27,819.93
Less Checks Drawn	15,977.35
Balance on Hand May 8, 1953.....	\$11,842.58

ITEMIZATION

Cost of 1952 Annual Dinner and 1952 Fall Dinner in- cluding miscellaneous expenses in connection therewith	\$11,429.59
Refunds on Dinner Tickets	306.00
Stationery and Supplies	461.19
General Printing and Multigraphing	1,885.63
Addressograph Costs	19.15
Contribution—Comité Maritime International	840.00
Stenography and clerical, telephone calls, postage, car- fare, etc.	1,035.79
	TOTAL.....
	\$15,977.35
BALANCE AS OF MAY 8, 1953.....	\$11,842.58

THOMAS H. MIDDLETON,
Treasurer.

REPORTS OF COMMITTEES

Committee on Arbitration:

Mr. Clement C. Rinehart, Chairman, read the following report:

In accordance with Article 6 of the Association's by-laws, the Committee on Arbitration submits the following report.

The Committee was appointed in September, 1952, to consider and make recommendations concerning: (1) possible amendments to the United States Arbitration Act; and (2) the inclusion of arbitration clauses in various shipping documents.

In respect of the United States Arbitration Act, the Committee has under consideration what recommendations it should make regarding possible amendments to the Act on the following principal points:

1. A provision permitting decision by a court on questions of law arising in the course of an arbitration proceeding, either in the manner provided by Section 21 of the British Arbitration Act of 1950 or in some other form.

2. A provision to give statutory recognition and enforcement to the judicially recognized principle that the arbitrators selected by the parties shall be impartial persons. One possibility would be adoption of the provisions of Section 373 of the New York Penal Law forbidding discussion of the merits of the controversy between a party and any person selected or about to be selected as arbitrator, except at hearings at which both parties are present. Another possibility would be to prescribe a form of oath to be taken by the arbitrators setting forth the standards of proper conduct in such terms that the arbitrator could not properly make the required oath if those standards had not been observed.

3. A provision prohibiting arbitrators from arriving at awards on the basis of evidence (other than matters of common knowledge), not presented at hearings at which both parties are present.

4. A provision limiting the time within which a petition to compel arbitration may be granted by a court either by making applicable to arbitration proceedings the same statutes of limitation as apply to actions in court or by other appropriate means.

5. Provisions amending the procedural provisions of the Arbitration Act in the following respects, among others:

(a) A provision for substituted service of a petition to a court to compel arbitration or to confirm an award in cases where the

party to be served is not a resident of the district within which the agreed place of arbitration is located.

(b) A provision to prevent deadlocks, unreasonable delays and appointment of unqualified third arbitrators by authorizing the court to appoint a third arbitrator in cases where the two arbitrators appointed by the parties fail to agree on the selection of the third arbitrator within a reasonable time.

(c) A provision to require arbitrators to submit a proposed award to the parties and to give the parties an opportunity to be heard in respect of the terms thereof, the purpose being to avoid the frequent instances where the arbitrators unintentionally make a final award which, although it may be unworkable or may require clarification or amplification, cannot be amended by the arbitrators because, under present law, the arbitrators lose jurisdiction immediately on making the award.

(d) A provision for relief against unreasonable arbitrators' fees, by providing for judicial review on application of either party.

In respect of arbitration clauses in various shipping documents, the following principal points are under consideration by the Committee:

1. Whether arbitration clauses should be prohibited or recommended in shipping documents issued by common carriers.
2. Whether it is desirable to recommend any general form or forms of arbitration clauses for use in charter parties or other shipping documents.
3. Whether wider use of the procedures and facilities of the American Arbitration Association should be recommended in connection with arbitrations on maritime questions.

Although substantial preliminary work has been done, the pressure of other affairs during the winter has been such that the Committee has been unable to complete its work before the annual meeting.

The Committee unanimously recommends that it be reappointed for another year.

The importance of the questions under consideration is apparent. In practice, arbitration has become the sole remedy available in the great majority of charter party cases since the Arbitration Act became law in 1925 and the use of arbitration clauses in other shipping documents is increasing.

Because of the many and well-known defects in the present Act, as demonstrated by the experience of the last 28 years and because of loose practices which have occurred in many cases where arbitra-

tion clauses have required the appointment of commercial arbitrators, an overhaul of the situation is long overdue.

The Committee would welcome any written views or suggestions of members of the Association bearing either on the points listed above or on any other matters pertinent to the Committee's purpose.

CLEMENT C. RINEHART, *Chairman*,
NORMAN M. BARRON,
JAMES T. CARPENTER,
THOMAS F. DALY,
NICHOLAS J. HEALY, III,
WALTER H. HUGHES, JR.,
JOHN C. MOORE.

On motion duly made and seconded the report was approved.

Committee on Comité Maritime International:

In the absence of Mr. Archie M. Stevenson, Chairman, Mr. John C. Moore, a member of the Committee, read the following report:

The functions of the Committee are, as stated in the report of a previous Committee, "to maintain contact with the officers and the so-called 'International Commissions' or Committees of the Comité with a view to keeping our membership and especially our own Committee abreast of the various matters which are being considered by the Comité."

During the first week of May 1952, a Diplomatic Conference was held in Brussels to consider three draft Conventions prepared by the Comité on the following subjects:

- (a) Civil jurisdiction in matters of collision.
- (b) Penal jurisdiction in matters of collision.
- (c) Arrest of seagoing ships.

The State Department decided that in view of the short notice it would be impossible to arrive at the position of the United States with respect to these three conventions, and therefore merely assigned an observer to the Conference. Under the circumstance, your Committee decided that no useful purpose would be served in having a representative of this Association attend the Conference as an observer only.

Mr. Cyril Miller, Secretary General of the Comité, reported at length on the Conference by letter dated May 14th, 1952. He advised that the three draft Conventions were signed in considerably amended form with Denmark refusing to sign either the Convention

on Penal Jurisdiction in Collision cases or the Arrest of Ships Convention, and Norway, Sweden and Finland refusing to sign the Arrest of Ships Convention.

During the year, it was proposed that the secretarial work of the Comité be transferred to a firm of adjusters in Antwerp and a reorganization of the Secretariat was also proposed whereby the number of Secretaries General should be reduced to two. In addition, a revision of the so-called "Statutes" or by-laws of the Comité was proposed. Both of these proposals were approved by your Committee.

Following a resolution passed by the Bureau Permanent at the Naples Conference providing for the creation of a Standing Committee to act as an Advisory Body to the Bureau Permanent, this Committee, consisting of representatives of the National Associations, was established with Mr. Keating representing this Association.

At a meeting of the Bureau Permanent which followed the Diplomatic Conference at Brussels, it was decided that there was not sufficient prepared material to warrant a Conference of the Comité during the year 1953.

Your Committee recommends that the President of the Association be authorized and directed to continue the Committee on the Comité Maritime International, composed of such members of the Association as he shall designate.

ARCHIE M. STEVENSON, *Chairman*,
 WILBUR H. HECHT,
 PARKER MCCOLLESTER,
 JOHN C. MOORE,
 WILLIAM G. SYMMERS,
 OWEN C. TORREY.

On motion duly made and seconded the report was approved.

Committee on the Disposition of Wages and Effects of Deceased and Deserting Seamen:

In the absence of Mr. James B. Magnor, Chairman, Mr. Bernard Rolnick, a member of the Committee, read the following report:

Since the last report of the committee, proposed legislation designed to revise the procedure in the District Courts relating to the disposition of wages and effects of deceased and deserting seamen and to transfer jurisdiction to the Coast Guard, was introduced simultaneously into the House and Senate on May 29, 1952. It is identical with the suggestion to Congress by the Judicial Confer-

ence of the United States based upon the report of the Committee of the District Court Judges, and is contrary to the views of the Maritime Law Association. However, no hearings were held, no action was taken, and the bills expired upon the adjournment of Congress. No steps have yet been taken to re-introduce the bill at the present Session.

A bill amending Sec. 627 of Title 46 U. S. C. to increase the jurisdiction of the District Court from \$300. to \$1,000. with respect to money and effects of seamen which may be distributed without resort to probate proceedings was passed by the Senate in the last Session and submitted to the House, but no action was taken in the House and the bill has expired.

The legislation suggested by the Judicial Conference is also designed to transfer to the Coast Guard the increased jurisdiction with respect to monies and effects distributable without resort to probate proceedings. The committee does not oppose the increase from \$300. to \$1,000. but does oppose the transfer of the functions to the Coast Guard.

It is probable that similar legislation will be re-introduced and your committee feels that its work should be continued, in order to keep in touch with developments.

JAMES B. MAGNOR, *Chairman*,
SOL C. BERENHOLTZ,
SEYMOUR H. KLIGLER,
FRANCIS E. PEGRAM, JR.,
BERNARD ROLNICK,
WILLIAM L. STANDARD.

On motion duly made and seconded the report was approved.

Committee to Consider the Translation and Publication of Foreign Laws and Decisions Relating to Admiralty:

No formal report was received from this Committee but the following informal written report was submitted prior to the meeting by Mr. Arnold W. Knauth, Chairman:

There is apparently much American interest in cases in France. The *Droit Maritime Francais* is published every month in the year and is inexpensive and readily available; it contains all the current French material.

The *Rivista del Diritto Della Navigazione* is published three times a year and contains all the Italian material.

The Gazette Fiscale is published six times a year in Alexandria in the French language and contains all the Egyptian material and a good deal of material from other countries.

The Arkiv for Sjorett is published irregularly in Oslo and contains Norwegian material.

Mr. Leopold Dor continues to make preparations for reviving the publication of Revue de Droit Maritime Compare but has not yet been able to organize this work, which depends largely upon the possibility of obtaining foreign subscriptions; the numerous national restrictions on the transfer of money are a great impediment to the resumption of this enterprise.

The current Belgian cases are found in the publication of Jurisprudence Du Port D'Anvers.

From the foregoing list it appears that French, Italian and Norwegian are the three important languages in this matter.

ARNOLD W. KNAUTH, *Chairman.*

On motion duly made and seconded the informal report was approved.

Committee on the Enforcement of Foreign Mortgages:

In the absence of Mr. John C. Prizer, Chairman, Mr. Donald D. Geary, a member of the Committee, read the following report:

A year ago the Report of the Committee on the Enforcement of Foreign Ship Mortgages, which included the members of your present Committee, stated that the bill to amend the United States Ship Mortgage Act of 1920, to give the United States Admiralty Courts jurisdiction to foreclose foreign ship mortgages, which bill had first been introduced in the Senate on July 31, 1950, had, on March 9, 1951, been re-introduced by Senator Magnuson (acting for himself and Senator O'Connor, both members of the Committee on Interstate and Foreign Commerce) as Bill S. 1088 of the 82nd Congress, 1st Session, and that a companion bill had been introduced into the House of Representatives by Congressman John Allen of California, a member of the House Committee on Merchant Marine and Fisheries, on August 23, 1951, as H.R. 5274.

Last year's Committee reported that according to their information the Department of Justice, the Navy Department and the Treasury Department had each submitted letters to the Budget Bureau stating that they had no objection to our bill; that the Maritime Administration had objected to the proviso of the bill which subordinated

foreign preferred ship mortgages to maritime liens, but that Mr. Green, the General Counsel of the Maritime Administration, in a conference with members of your Committee, had consented to withdraw the objection if the bill were amended by adding to the proviso the words "performed or supplied in the United States" and that shortly before our last annual meeting a letter was written by the Acting Secretary of Commerce on behalf of the Maritime Administration strongly endorsing the bill provided the words "performed or supplied in the United States" were added thereto.

Your present Committee expected that the Bureau of the Budget would promptly forward the letters from the different Departments to the appropriate Congressional Committees, namely, the Committee on Interstate and Foreign Commerce in the Senate and the Committee on Merchant Marine and Fisheries in the House, and that the Senate might even report the bill out of Committee before the conclusion of the last session of The Congress. The Bureau of the Budget, however, failed to transmit the various letters and repeated inquiries on behalf of your Committee over a considerable time failed to obtain an explanation of the delay. Eventually it was intimated that representatives of the Bureau of the Budget themselves objected to the proviso of our bill. Neither bill was accordingly reported out of Committee at the last session and both bills died with the expiration of the session.

In view of the Autumn election and of the pressure upon Congress during recent months, your Committee has not regarded the time as advantageous for the re-introduction of the bill, nor has it reached a decision as to whether, if the bill is re-introduced, it should retain the proviso which caused the difficulty with the Maritime Administration and the Bureau of the Budget, or whether an effort should be made to sponsor the bill without the proviso. In the opinion of the present Committee the proviso to the bill should be the subject of further consideration.

Your Committee recommends that our Association continue to sponsor a bill for the enforcement of foreign ship mortgages and that a committee be appointed to work for the re-introduction, the support and passage of a bill in such form as it shall determine to be most likely to pass.

JOHN C. PRIZER, *Chairman*,
 JOSEPH CARDILLO, JR.,
 DONALD D. GEARY,
 GARRARD W. GLENN,
 RUSSELL T. MOUNT,
 BURTON H. WHITE.

On motion duly made and seconded the report was approved.

**Committee to Consider the Proposed Revision of
Title 46, United States Code:**

Mr. Henry N. Longley, Chairman, stated that his Committee was not called upon to take any action in connection with the proposed revision of Title 46 during the past year and revision of Title 46 is apparently in abeyance.

**Committee to Consider Amendment of Section 1500,
Title 28, U. S. Code:**

In the absence of Mr. J. Franklin Fort, Chairman, Mr. Warner Pyne read the following report:

The Association at its meeting in May, 1952, approved the text of a bill to be introduced into Congress, which it was believed would prevent a claim being barred under circumstances where a suit commenced in the District Court in Admiralty was dismissed for want of Admiralty jurisdiction after the six-year Court of Claims statute of limitations expired, thus foreclosing a remedy in the latter Court.

The bill, as approved by the Association, was taken up with Representative Robert Hale and Senator Homer S. Ferguson, who indicated that they would be willing to introduce the legislation. Representative Hale forwarded the bill to the House Legislative Counsel who reviewed the matter and suggested certain changes. By that time Congress had adjourned and the bill could not be introduced in the last session.

There have been certain matters which have delayed the introduction of the bill into Congress this session. Two admiralty cases having a bearing on the problem were argued before the Supreme Court in January and were only recently decided. These were the *Dona Aurora*, decided in March, 1953, involving the jurisdiction of the District Courts over suits brought under war risk insurance policies issued during World War II; and the *Potmar* case decided April 27, 1953, involving interpretation of the words "employed as a merchant vessel" in the Suits in Admiralty Act. Your Committee believes that the decisions in these cases will have a bearing on the presentation to be made before the Congressional Committees considering the proposed legislation, and introduction into Congress was, therefore, deferred pending those decisions.

In addition to the foregoing, the Department of Justice has informally suggested minor changes in the form of the legislation to which the Committee should give consideration. These changes will not, however, affect the basic purposes of the legislation.

Your Committee is now reviewing the matter in the light of the recent Supreme Court decisions, and the suggestions of the House Legislative Counsel and Justice Department, after which a revised bill will be drafted for approval by the Association or by its Executive Committee.

J. FRANKLIN FORT, *Chairman*,
JOHN W. CRANDALL,
JOHN HAYS,
WARNER PYNE,
EUGENE UNDERWOOD.

On motion duly made and seconded the report was approved.

Committee on Government Plans for Merchant Shipping:

In the absence of Mr. Charles S. Haight, Chairman, Mr. MacDonald Deming read the following report:

During the past year a number of developments have occurred which relate to Government plans for Merchant Shipping.

1. Serious study is being given by Government Agencies to tax problems in connection with the replacement of American Flag Vessels which have become, or will become, obsolescent. Most of the American Flag Ships now in operation were built during the war years, so that they will become 20 years old during the period 1960-1965. It is estimated that the cost of replacing this tonnage will amount to several billions of dollars.

A means of affording a measure of tax relief, to promote the replacement of obsolete vessels, would be for the shipowners to be allowed to make voluntary deposits with the appropriate Government Agencies, such deposits being placed upon a tax-exempt basis and to serve as a fund for the cost of replacing the vessels concerned.

Tax relief in connection with replacement of obsolescent vessels is of especial interest to subsidized shipowners, since they have certain requirements, under the subsidies, with respect to the replacement of vessels. Tax relief is of interest also to unsubsidized lines because, while they do not have the same requirements as to replacement of obsolescent vessels, the continued operation of vessels in excess of 20 years old incurs expenses and costs which would not arise in the case of new or younger vessels.

2. The past year has seen the completion of a number of vessels of the "Mariner" class.

3. While there is a substantial need for a number of large size combination passenger and cargo vessels in American Flag trades,

none have been built during the past year. Plans were under consideration for the construction of a number of such vessels, which would have been built with the aid of construction subsidies, but it has been necessary to postpone such plans until the situation is clarified in regard to construction subsidies and also until the situation develops further respect to the National Budget.

4. A number of points in connection with construction subsidies are now under consideration by various Government Agencies, and also are under examination by the appropriate Committees of Congress. These matters relate not only to the method of determining the amount of the construction subsidy, but also to the designation of the Government Agency which shall have final determination of matters relating to construction subsidies. It is necessary that these issues be clarified before the building of new vessels, with construction subsidies, can proceed.

5. The National Budget also plays an important part with respect to the construction of new vessels, because the efforts being made to reduce the Budget, necessarily have a tendency to defer the expenditure of funds for the construction of new merchant vessels.

6. There has been a marked improvement in cooperation between the Government Agencies relating to Merchant Shipping. An Inter-Departmental Committee has been created, consisting of representatives of the Federal Maritime Board, the State Department, the Coast Guard, the Department of Defense, and the Department of Justice. Its Chairman is Mr. Francis T. Greene, General Counsel to the Federal Maritime Board.

CHARLES S. HAIGHT, *Chairman*,
 MACDONALD DEMING,
 FARNHAM P. GRIFFITHS,
 BENJAMIN E. HALLER,
 P. J. R. McENTEGART,
 ADRIAN J. O'KANE.

On motion duly made and seconded the report was approved.

Committee to Oppose Jury Trials in Admiralty:

In the absence of Mr. J. Newton Nash, Chairman, Mr. Walter E. Maloney submitted the following report:

Three bills were introduced on the subject in the last Congress, namely, H.R. 5514, H.R. 5695 and S. 3069, which were referred to the Judiciary Committees of the House and Senate. The Committees took no action on the bills.

On May 1, 1953 Senator Langer introduced S. 1813 which is identical with H.R. 5695 and S. 3069 and it was referred to the Senate Committee on the Judiciary.

J. NEWTON NASH, *Chairman*,
TALLMAN BISSELL,
HAROLD A. BLACK,
ROBERT EIKEL,
J. WELLES HENDERSON,
FRANCIS H. INGE,
JOHN C. MCHOSE,
WALTER E. MALONEY,
ERSKINE B. WOOD,
BENJAMIN W. YANCEY.

Mr. Michael Bernstein questioned the advisability of opposing such legislation and suggested that it was just as feasible to have jury trials in admiralty as in many civil matters. Another member pointed out that the main emphasis of the proposed legislation was directed at personal injury cases brought by seamen.

On motion duly made and seconded the report of the Committee was approved and continued in office to oppose S. 1813.

Committee to Consider Inviting the Comité Maritime International to Hold Their 1953 or 1955 Meeting at New York:

Mr. Lawrence R. Thomsen, Chairman, read the following report:

In its report of May 2, 1952, your Committee was of opinion that in order to procure the cooperation of the various groups through whom the fund necessary to entertain the Comité Maritime International would have to be raised, a definite agenda of sufficient interest to warrant substantial contributions was a prime requisite.

Your Committee is now informed that the Permanent Bureau will convene in Brussels on May 16, 1953, at which time it will determine the date and place of the next meeting, and also the matters to be discussed. We are advised that a representative of our Association will attend the meeting of the Permanent Bureau. A proposal has also been made that should the Bureau determine to hold the meeting in this country in 1954, our representative should extend an invitation at that time. However, your Committee has no information as to the agenda to be arranged at the meeting of the Permanent Bureau, and is therefore not in a position to formulate any recommendation in respect of an invitation to the Inter-

national Committee. On the other hand, it is manifest that if an invitation is to be extended at all, it must be done at the meeting of the Permanent Bureau or shortly thereafter. It is therefore the thought of your Committee that the Executive Committee may wish to empower the member who is to represent the Association at the meeting of the Permanent Bureau, to extend an invitation should a suitable agenda be arranged.

LAWRENCE R. THOMSEN, *Chairman*,
 HENRY I. BERNARD,
 HAROLD S. DEMING,
 HERBERT F. EGGERT,
 ROSCOE H. HUPPER,
 PARKER MCCOLLESTER,
 WALTER E. MALONEY,
 HENRY C. THORN,
 WILLIAM J. TILLINGHAST, JR.,
 OWEN C. TORREY.

The President suggested that the Association might care to refer to the Executive Committee, with power to act, the question as to whether an invitation should be issued to the Comité Maritime International to hold its next meeting in New York.

On motion duly made and seconded the report of the Committee was approved and there was referred to the Executive Committee with power to act the question as to whether an invitation should be issued to the Comité Maritime International to hold its next meeting at New York.

Committee to Arrange a Meeting at the Time of the 1953 American Bar Association Meeting in Boston:

Mr. Arthur J. Santry, Chairman, stated that tentative arrangements have been made for a luncheon meeting of this Association to be held at the Country Club in Brookline, Massachusetts, at 1:00 P. M., Tuesday, August 25th, 1953. This is the time of the meeting of the American Bar Association in Boston. He estimated that the charge for the luncheon will be about \$4.00 a person. Mr. Santry said that about 125 people can be accommodated. He suggested that a notice be sent out in June to all of the members so that it will be possible to ascertain the approximate number of those who expect to attend.

On motion duly made and seconded the report was approved.

Committee on the Brussels Convention of May 10, 1952:

Mr. Oscar R. Houston, Chairman, read the following report:

The Committee has reviewed the text of the Convention relating to the Arrest of Seagoing Ships signed at Brussels May 10, 1952 as set forth in 1952 A.M.C. 2073 and compared it with the draft Convention adopted at the Naples conference of the International Maritime Committee in September 1951 and set forth in Association Document No. 351. The Naples draft Convention was approved in principle by this Association's Executive Committee under date of November 16, 1951 subject to ten objections and suggestions as set forth in Association Document No. 355.

This Committee compared these ten objections and suggestions with the Convention as adopted at Brussels with the following results, the numbers below referring to the items set forth in Association Document No. 355:

1. Our suggestion of adding wharfage and piloting to the list of maritime claims was accepted.
2. The suggestion to use the word "caused" rather than the word "done" was accepted.
3. Our suggestion that there be a definition of the word "arrest" was accepted.
4. Nothing was done about this suggestion dealing with the use of the word "shares".
5. Some revision was made of the articles in question but our basic objections did not appear to have been met.
6. Our strong objection to giving validity to agreements to limit disputes to a particular jurisdiction was not accepted.
7. We suggested the word "forfeiture" be added before the words "or penalties". However, the entire article was omitted.
8. The provision relating to the arrest of warships and state owned vessels was omitted altogether.
9. Our general comment under this item dealing with the problems of our judicial system was something which, of course, the Diplomatic Conference was unable to do anything about.
10. Similarly, this was a general comment which the Diplomatic Conference was not called upon to deal with.

Attention was also called to Article 10 of the Brussels Convention which is entirely new (1952 A.M.C. 2078). This seems to raise the

question as to whether or not foreclosure of ship mortgages would not in practice be entirely excluded from the Convention.

Under the circumstances, the Committee unanimously agreed not to recommend the Brussels Convention relating to the Arrest of Seagoing Ships in its present form. The Committee approves the Convention in principle but cannot accept it in its present form because most of this Association's recommendations were not accepted and there is an escape clause in the Convention on the very important matter of ship mortgages.

The Committee also considered the Brussels Convention of May 10, 1952 relating to Penal Jurisdiction in matters of collisions or other incidents of navigation. This Convention which does not apply to collisions or other incidents of navigation within the limits of a port or in inland waters and provides that where penal or disciplinary responsibility is invoked against any person in the service of the ship, criminal or disciplinary proceedings may be instituted only before the authorities of the state of which the ship was flying the flag at the time of the incident. This Committee unanimously approved this Convention.

The Committee then considered the Brussels Convention of May 10, 1952 relating to certain rules concerning Civil Jurisdiction in matters of collision. The Committee was of the opinion that this Convention, which seeks to limit suit to not more than one jurisdiction in matters of collision, would be objectionable from several standpoints. It was felt that the way would be opened to suits against the shipowner in a foreign port even after the vessel had sailed and without perhaps adequate notice of the proceedings and also at a time when it was then no longer practicable to take the testimony of the officers of the ship which had then sailed. Furthermore, the Convention appeared to prevent the institution of a second suit in another jurisdiction without first discontinuing a suit started in the first jurisdiction. This would be objectionable in a case where a second suit might be necessary to obtain full security.

The Committee was unanimously opposed to this Convention.

OSCAR R. HOUSTON, *Chairman*,
HAROLD M. KENNEDY, *Vice Chairman*,
CHARLES S. HAIGHT,
WILBUR H. HECHT,
PARKER MCCOLLESTER,
L. DEGROVE POTTER,
JOHN C. PRIZER.

The President called attention to the fact that this Committee had been called upon to deal with only the three conventions adopted at Brussels in 1952, and since there are four other Brussels Con-

ventions which also are under consideration by an interdepartmental committee in Washington, he thought it would be advisable to appoint a new committee to deal with all seven conventions.

On motion duly made and seconded the report of the Committee was approved.

Committee on the Supreme Court Admiralty Rules:

The President called attention to the report of this Committee which was circulated to the entire membership the end of April as Association Document No. 369. The President read a telephone message which he had received from Mr. Arnold W. Knauth expressing his regret at his inability to attend because of illness. Mr. Knauth was one of the members of the Rules Committee expressing the minority view. He advised the President that he would support whatever position this Association takes, that he has no feeling either way and stated that what he principally wants is something concrete to support.

Mr. Keating pointed out that the Committee had apparently found that it would be impossible to obtain new admiralty rules without the consent of the judges and that the judges charged with the principal responsibility in this connection were apparently quite insistent that the admiralty rules have in one way or another, as their preface, a provision to the effect that the civil rules shall apply insofar as applicable, with whatever listed exceptions and additions the specialized practice of admiralty might require. Mr. Keating also pointed out that he thought it would be advisable if the Committee were enlarged somewhat to give it an even wider geographical representation. He also suggested that all members of the Association be requested by mail to send their comments to the Chairman of the Committee so that a supplemental report could be prepared by the Rules Committee in time for presentation at the American Bar Association meeting in Boston in August.

There was a full discussion of the report on the floor. Mr. Summers stated that although he was classified in the printed report as being in the majority he believed that he should be listed as being in the minority since it was his position that the rules should be set out in full and that they should not incorporate some of the civil rules by reference.

Mr. Edward L. Smith stated that he did not believe that we should go on record at this time as approving the details of the report.

Mr. Leavenworth Colby suggested that the matter should come up again at the next annual meeting.

Mr. Henry N. Longley stated that he disagreed with Mr. Colby inasmuch as this Association will be asked to take a position at the American Bar Association meeting in August and that it is peculiarly the function of this Association to take the lead in a matter of this kind and therefore the views of our Committee must receive the support of this Association. Mr. Longley stated that he recognized that the report of the Committee had been only recently completed and circulated and that most members of the Association have not yet had time to give it adequate study. He suggested, therefore, that the comments of the membership be invited by mail and that a special meeting of this Association be held before the meeting of the American Bar Association in August for consideration of a supplemental report of our Rules Committee which will be a revision of the present report in the light of the comments and suggestions of our members. After full discussion and on motion duly made and seconded it was:

RESOLVED, that the majority report of the Supreme Court Admiralty Rules Committee as set forth in Association Document No. 369 is hereby approved in principle subject to the Rules Committee communicating by mail through the Secretary with the Association's members for their views; and it is further

RESOLVED, that a supplemental report be prepared by the Supreme Court Admiralty Rules Committee in the light of the comments received from the Association members in response to the above inquiry and it is further

RESOLVED, that a special meeting of the Association be held in June for the purpose of considering such supplemental report of the Supreme Court Admiralty Rules Committee.

Nominating Committee:

Mr. Harold S. Deming, Chairman, read the following report:

Your Nominating Committee, consisting of Messrs. Norman M. Barron, Charles S. Bolster, Donald D. Geary, Warner Pyne and Harold S. Deming, Chairman, unanimously nominate the following persons for election as Officers and Members of the Executive Committee, the Officers to serve for the forthcoming year and until their successors are elected and the Members of the Executive Committee to serve for a term of three years expiring at the Annual Meeting in 1956:

For President:

Cletus Keating
of Kirlin, Campbell & Keating
120 Broadway
New York 5, New York

For First Vice President:

Arthur J. Santry
of Putnam, Bell, Dutch & Santry
60 State Street
Boston, Massachusetts

For Second Vice President:

Charles S. Haight
of Haight, Deming, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

For Secretary:

Henry C. Blackiston
of Lord, Day & Lord
25 Broadway
New York 4, New York

For Treasurer:

George F. Tinker
of Burlingham, Hupper & Kennedy
27 William Street
New York 5, New York

For Members of the Executive Committee:

Leslie C. Krusen
of Krusen, Evans & Shaw
225 South 15th Street
Philadelphia 2, Pa.

Parker McCollester
of Lord, Day & Lord
25 Broadway
New York 4, New York

Harold M. Kennedy
of Burlingham, Hupper & Kennedy
27 William Street
New York 5, New York

On motion duly made and seconded, the report of the Nominating Committee was unanimously adopted and the nominees were declared elected to their respective offices.

There being no further business the meeting was, on motion duly made and seconded, adjourned.

ANNUAL DINNER MEETING

The Dinner Meeting was convened at 6:45 P. M. on May 8, 1953 at the Biltmore Hotel, with 646 members and guests in attendance. Harold M. Kennedy was the Guest of Honor. The following Federal Judges were present as guests of the Association:

The Honorable John W. Clancy
The Honorable Edward A. Conger
The Honorable Edward J. Dimock
The Honorable David W. Edelstein
The Honorable Richard Hartshorne
The Honorable Robert A. Inch
The Honorable John C. Knox
The Honorable Vincent L. Leibell
The Honorable Thomas F. Meaney
The Honorable Alfred E. Modarelli
The Honorable William F. Smith
The Honorable Edward Weinfeld

An attractive menu and seating list was prepared under the supervision of the Dinner Committee and was printed without charge by The Hecla Press, to which the thanks of the Association are extended.

The members of the Dinner Committee were:

William J. Tillinghast, Jr., Chairman
John W. Castles, 3rd
Herbert M. Lord

HENRY C. BLACKISTON,
Secretary.