

MAY 4, 1900.

The Annual Meeting of the Maritime Law Association of the United States was held at the Association of the Bar in the City of New York, No. 42 West 44th Street, at 2.30 P.M.

There were present: Mr. R. D. Benedict, Hon. Addison Brown; Messrs. George B. Adams, Charles C. Burlingham, E. B. Convers, Frederic Dodge, Robert H. Hughes, J. Parker Kirlin, H. Pillans, Harrington Putnam, Julian B. Shope, Lorenzo Ullo, H. G. Ward, Franklin A. Wilcox.

Upon motion the present officers of the Association were re-elected to act for the coming year, namely: Mr. Robert D. Benedict, President; Mr. Harrington Putnam, Mr. Frederic Dodge, Mr. Henry G. Ward, together with the President *ex officio*, to be the Executive Committee: Secretary, Mr. Ward.

The Secretary then read the report of MR. WILHELMUS MYNDERSE, one of the delegates of the Association to the meeting of the International Maritime Committee, held at London in July last, which upon motion was accepted with the thanks of the Association.

Upon motion, MR. ROBERT D. BENEDICT and MR. JOSEPH H. CHOATE were elected delegates to the Paris Conference, to be held October 1st, 2d and 3d, and the President and Secretary were authorized to select three other delegates.

The meeting then took up for consideration the questions to be discussed at the Paris Conference.

I.

In respect to the liability of ship owners,

IT WAS RESOLVED: That the limitation should cover,

(1) Damage done to dykes, quays and similar fixed objects; and

(2) Maritime torts occurring without the privity or knowledge of the ship owner, and maritime contracts which are to be performed by the master and crew or which are entered into by a master in his capacity as such;

And that it should not cover

(3) Payment of wages of master and crew.

II.

A. *Salvage.*

IT WAS RESOLVED:

(1) That it is not advisable to regulate salvage in one uniform manner by legislation in the different countries, because the principles prevailing are so nearly alike that no regulation is thought to be necessary; and

In pursuance of the answer made to (1), IT WAS RESOLVED,

(2) Not to consider what may be the best rules to be adopted by such legislation, or

(3) On what basis the remuneration should be fixed; or

(4) By whom the remuneration should be payable; or

(5) To whom the remuneration is due; or

(6) Whether a contract made at time of imminent peril is to be rescinded *ipso facto* or according to the circumstances of the case.

B. *Obligation to afford assistance.*

IT WAS RESOLVED:

(1) That it should be made obligatory upon ships which have been in collision to assist each other so far as practicable; and

(2) That it is not advisable to create the same obligation in cases other than collision; and

(3) That the penalty for not standing by should be

1st. To create a rebuttable presumption of fault;

2d. Fine or imprisonment; or

3d. Temporary revocation of license.

III.

Jurisdiction in Collision Cases.

IT WAS RESOLVED that jurisdiction should be exercised by the Courts of the place in which the colliding vessel may be found, or wherever service can be made upon the ship owner, subject to the right to decline jurisdiction where both parties are non-residents.

The meeting then took up for consideration the subjects suggested in the notice of the meeting prepared by the Executive Committee.

IT WAS RESOLVED that the subject of preliminary acts in collision suits should be referred to a sub-committee of three, with directions to report at the next meeting of the Association.

The President appointed Mr. Putnam, Judge Brown and Mr. Dodge.

In respect to the proposed revision of the Revised Statutes of the United States transferring the jurisdiction of the Circuit Courts to the District Courts,

IT WAS RESOLVED that this Association is opposed to the pending Revision of the Statutes of the United States, concerning the organization and jurisdiction of the Courts of the United States, because the pressure of business upon many of the District Courts would under that revision be largely increased, while the practical withdrawal of a number of the Circuit Judges from that business to sit exclusively on appeal would lessen the judicial force dealing with matters of original jurisdiction, which is now too small; and, moreover, because the arrangement proposed by that Revision would tend to lessen in the District Courts the distinctive character which they hold as Courts of original Admiralty jurisdiction, which has had a most powerful influence in giving to the American Admiralty its high standing in the jurisprudence of the world.

And it was FURTHER RESOLVED that appeals from the District Court to the Circuit Court of Appeals should be heard before not less than three Judges, particularly in Admiralty cases.

IT WAS RESOLVED that it is the sense of this Association that a uniform supply and material lien law be passed by Congress, and that a Committee of three, of whom the President shall be Chairman *ex officio*, be appointed to draft such a bill and submit it to the next meeting of this Association, with full information as to the statutes now in force in the different States.

The President appointed Messrs. Hughes, Dodge and Kirlin.

IT WAS RESOLVED to recommend the passage by Congress of the Bill introduced by Senator Hoar in 1885, and reported by Senator Evarts, with amendments, in 1886, "to permit the owners of certain vessels and the owners or underwriters of cargo laden thereon to sue the United States."

IT WAS RESOLVED that Congress should enact a law conferring a right of action for loss of life caused by negligence at sea, and the President was directed to appoint a Committee of three to report such a bill at the next meeting of the Association.

The President appointed Messrs. Mynderse, Taft and George B. Adams.

The Secretary was instructed to communicate the action of the meeting as to the Paris Conference to the Secretary of the International Maritime Committee at Antwerp, and the action of the meeting in respect to legislation by Congress to the Chairmen of the Judiciary Committees of the Senate and the House, and to the Attorney-General.

A vote of thanks to the Association of the Bar of the City of New York for permission to meet in its building was unanimously carried.

The meeting then adjourned, to meet again at the same place October 11th, 1900, at 2.30 P.M.

HENRY GALBRAITH WARD,
Secretary.