DOCUMENT No. 440
August 29, 1960

THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

ANNUAL MEETING—MAY 6, 1960

The Sixty-first Annual Meeting of the Association was held at New York County Lawyers Association on Friday, May 6, 1960, commencing at 2:00 P. M., following the regular meeting of the Executive Committee, with the President, Arthur M. Boal, presiding.

PRESENT:

ARTHUR M. BOAL, President
T. K. JACKSON, First Vice President
HERBERT M. LORD, Secretary
J. JOSEPH NOBLE, Treasurer
JAMES J. HIGGINS, Membership Secretary

and the following 136 other members:

Robert B. Acomb, Jr.
John M. Aherne
William F. Andersen
Comdr. Frederick K. Arzt, USN
Richard B. Austin
Leslie M. Ball
Robert D. Barnes
Carlyle Barton, Jr.
Benjamin H. Berman
Michael C. Bernstein
Edward C. Biele
Henry C. Blackiston
Comdr. Charles A. Blocher, USN
Stuart B. Bradley
C. A. Brown
August C. Burns
Thomas E. Byrne, Jr.
J. Edwin Carey
Walter Carroll, Jr.
Leavenworth Colby
William T. Conlan
Walter X. Connor
M. L. Cook
William C. Coupland
Charles R. Dalton, Jr.
Theodore R. Dankmeyer
James O. Davis, Jr.
John G. DeRoos
Brunswick G. Deutsch
Sweeney J. Doehring
James J. Donovan
Corydon B. Dunham
August R. Duplaa
Clarence S. Eastham
Henry C. Eidenbach
Francis Emmett

James M. Estabrook
Warren M. Faris
Alfred M. Farrell, Jr.
Robert Alan Feltner
Barton P. Ferris
Charles N. Fiddler
Frederick Fish
William J. Fleming
John P. Forney, Jr.
Sparkman D. Foster
Abraham E. Freedman
William E. Fuller
William A. Gillen
Richard T. Graham
Julian S. Gravely, Jr.
Francis T. Greene
Raymond T. Greene
William A. Grimes
Richard A. Hagen
William Lawrence Hamm
Louis R. Harolds
Charles W. Harvey
Edward B. Hayes
Gerald Hennessy
Robert L. Hesse
Walter P. Hickey
John J. Hogan
Oscar R. Houston
James M. Hughes
Warren A. Jackman
Douglas A. Jacobson
William K. Johnson
William M. Keegan
Robert E. Kline, Jr.
Arnold W. Knauth
S. G. Kolius
Louis Kurz, Jr.
Nicholas D. LaMorte
Roy Leifflen
Joseph Lieberman
Edwin Longcope
Arthur O. Louis
Wilder Lucas
Comdr. C. E. Lundin, USN
Harry E. McCoy
Robert G. McCreary, Jr.
P. J. R. McEntegart
John C. McHose
James McKown, Jr.
John R. Mahoney
Thomas O. Markey
Leonard J. Matteson
George B. Matthews
Lloyd C. Melancon
Hugh S. Meredith
Thomas H. Middleton
William B. Miller, Jr.
Stephen A. Milwid
B. Allston Moore, Jr.
John C. Moore
Raphael Mur
Thomas O. Murphy
Captain Herbert E. Ost, USN
Richard W. Palmer
Percy J. Power
Cyril F. Powers
John C. Prizer
Warner Pyne
Edward A. Quinlan
Edward D. Ransom
Lucian Y. Ray
Kenneth J. Roonan
Woodson D. Scott
Leon T. Seawell
Richard F. Shaw
C. Jackson Simmons
James H. Simonson
John W. Sims
O. Meredith Smaw
Joseph C. Smith
William L. Standard
Joseph H. Stanziani

Daniel A. Sullivan
William G. Symmers
Edwin R. Trafton
Charles F. Tucker
Eugene Underwood
E. D. Vickery
Dewey R. Villareal, Jr.
Donald M. Waesche, Jr.
Guilford D. Ware
Russel T. Weil
Michael F. Whalen
Harvey Wienke
Reed M. Williams
J. Barbee Winston
Frank A. Wollaeger
William H. Woolley
Clarence J. Young
John W. R. Zisgen

On motion duly made and seconded, the reading of the Minutes of the Fall Meeting of November 6, 1959 was dispensed with, and they were approved as set out in Document 435 which had been distributed to all members.

On motion duly made and seconded, the reading of the Minutes of the Executive Committee meetings since the 1959 Annual Meeting was dispensed with as the principal matters are covered in the Report of the Executive Committee and the Secretary's Annual Report.

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

There have been four meetings of the Executive Committee since May 1, 1959. The meetings were held on July 1 and November 6, 1959, January 28, 1960 and this morning.

The activity of the Executive Committee to and including November 6, 1959 is covered in the Interim Report of the Executive Committee, of the Secretary and of the Membership Secretary, reported at pages 4484 through 4500 of Document No. 436.

At the Executive Committee meeting of January 28, 1960, plans for the holding of the Annual Meeting and Dinner were discussed and approved.

The President reported that he had forwarded several copies of the draft Nuclear Convention, Document No. 434, to the Secretary of State. After some time a reply was received stating simply that Document No. 434 had been referred to the International Atomic Energy Agency.

The President advised that he had appointed the following Nominating Committee: John Zisgen, Chairman; L. de Grove Potter, Arthur O. Louis, John C. Moore, Lane Summers, Leavenworth Colby, Cody Fowler, Burton H. White and Frank A. Bull.

The President reported further that he had extended an invitation to the Comité Maritime International to attend a meeting in New York in 1965 and that the invitation would be taken up at the next meeting of the Bureau Permanent.

The Executive Committee decided that a notice be sent with the next dues bills inviting members of the Association to contribute to a special fund to provide for the expenses of the Comité meeting, and that this procedure be followed in each of the four or five years preceding the scheduled Comité meeting in New York, subject to the decisions of succeeding executive committees. By this means members each contributing in the four or five years a total of $75.00, would largely defray the anticipated cost of $75,000.

The President stated that he would appoint a committee to plan the Comité meeting. That committee has since been appointed and is listed in Document No. 438.

The Treasurer's report was approved and placed on file. It was voted to drop from the Membership Roles nineteen members whose dues should remain unpaid on April 30, 1960.

Consideration was given to a request of a member that non-lawyers be permitted to apply directly for membership in the Administrative Law Division. It was thought that this could not be done because of the requirements of our Association's affiliation with the American Bar Association that no more than ten percent of the active membership be non-lawyer and that fifty percent of such membership be also members of the American Bar Association.

The January 28th meeting of the Executive Committee adjourned at 12:15 P. M.

At the meeting of the Executive Committee held this morning, the following principal matters were discussed:

The minutes of the meeting of January 28, 1960 were read and approved.

The Membership Secretary submitted the report of J. Edwin Carey, Chairman of the Admissions Committee, which recommended that the Executive Committee elect to active membership the following forty-four lawyers:

F. Aley Allan
Atomic Industrial Forum, Inc.
3 East 54th Street
New York 22, New York

William G. Beanland
Brunini, Everett, Grantham & Quin
First National Bank Building
Vicksburg, Mississippi

Waverley Lee Berkley, III
Jett, Sykes & Coupland
701 Citizens Bank Building
Norfolk, Virginia

George Francis G. Blewett
1802 Finance Building
Philadelphia 2, Pennsylvania

Edwin R. Borison
Kirlin, Campbell & Keating
120 Broadway
New York 5, New York

James G. Burke, Jr.
Chaffe, McCall, Phillips, Burke & Hopkins
1500 National Bank of Commerce Building
New Orleans 12, Louisiana

Joaquin Campoy
Deutsch, Kerrigan & Stiles
1700 Hibernia Bank Building
New Orleans 12, Louisiana

Jerome P. Catuzzi, Jr.
Hill, Betts & Nash
26 Broadway
New York 4, New York

Owen W. Cecil
Fulbright, Crooker, Freeman, Bates & Jaworski
Bank of the Southwest Building
Houston 2, Texas

CLAUS G. U. CLAESSON
Krusen, Evans & Shaw
21 South Twelfth Street
Philadelphia 7, Pennsylvania

ANDREW R. COLMANT
Hill, Rivkins, Middleton, Louis & Warburton
96 Fulton Street
New York 38, New York

JOHN F. COOK
City Attorney, City of Milwaukee
200 West Wells Street
Milwaukee 2, Wisconsin

J. EDMUND DE CASTRO, JR.
Jaeckle, Fleischmann, Kelly, Swart & Augspurger
720 Liberty Bank Building
Buffalo 2, New York

JOHN P. D'AMBROSIO
Vincent & Grist
15 William Street
New York 5, New York

HAROLD R. DEMOSS, JR.
Bracewell, Reynolds & Patterson
411 San Jacinto Building
Houston 2, Texas

DENNIS F. DONOVAN, JR.
McCabe, Van Evers, Donovan & Mundt
700 Torrey Building
Duluth 2, Minnesota

GEORGE J. DUFFY
Theodore F. Turner & Co.
123 William Street
New York 38, New York

WILLIAM DONALD FLECK
Dorsey & Burke
44 Wall Street
New York 5, New York

L. Robert Frank
Allen, Dell, Frank & Trinkle
(P. O. Box 2111)
305 Morgan Street
Tampa 1, Florida

Montague Horace Hackett
Kirlin, Campbell & Keating
120 Broadway
New York 5, New York

Harrington Harlow
Burlingham, Hupper & Kennedy
26 Broadway
New York 4, New York

Donald M. Haskell
Jacobs, Miller & Lederleitner
33 North LaSalle Street
Chicago 2, Illinois

James P. Heffernan
Coffey, Heffernan & Harrison
1317 Chamber of Commerce Building
Buffalo 2, New York

George M. James
9900 Pacific Avenue
Wildwood, New Jersey

Harry J. Kelly
Jaeckle, Fleischmann, Kelly, Swart & Augspurger
720 Liberty Bank Building
Buffalo 2, New York

James L. R. Lafferty
Steelman, Lafferty, Rowe & McMahon
24 Commerce Street
Newark 2, New Jersey

Alan S. Loesberg
Hill, Rivkins, Middleton, Louis & Warburton
96 Fulton Street
New York 38, New York

WILLIAM S. LYNCH
Burlingham, Hupper & Kennedy
26 Broadway
New York 4, New York

PHILLIP B. MOBERG, Lt. USCG
USCGC SAGEBRUSH (WAGL-399)
P. O. Box 4864
San Juan, Puerto Rico

J. WOODROW NORVELL
Nelson, Norvell & Floyd
1001 Columbian Mutual Tower
Memphis 3, Tennessee

WILLIAM A. PORTEOUS, JR.
Porteous & Johnson
503 American Bank Building
New Orleans 12, Louisiana

ROBERT B. PRESTON
Arter, Hadden, Wyckoff & Van Duzer
1144 Union Commerce Building
Cleveland 14, Ohio

JAMES S. REARDON
Foley & Martin
64 Wall Street
New York 5, New York

H. WALLACE ROBERTS
Clark, Ladner, Fortenbaugh & Young
1510 Chestnut Street
Philadelphia 2, Pennsylvania

JOHN S. ROGERS
435 East 79th Street
New York 21, New York

HERBERT B. RUSKIN
Kreis and Kreis
55 Liberty Street
New York 5, New York

WALTER E. RUTHERFORD
Haight, Gardner, Poor & Havens
80 Broad Street
New York 4, New York

MICHAEL J. RYAN
Carpinter & Baker
309 West Jackson Boulevard
Chicago 6, Illinois

MARLIN F. SCHOLL
Hill, Lewis, Andrews, Granse & Adams
3250 Penobscot Building
Detroit 26, Michigan

ROBERT L. SHAFTER
Bigham, Englar, Jones & Houston
99 John Street
New York 38, New York

VIRGIL N. WOOLFOLK, JR.
United States Coast Guard
815 Olive Street
St. Louis 1, Missouri

All were elected active members of the Association.

Upon motion duly made and passed, it was resolved that the Executive Committee invite the following non-lawyers to accept active membership in the Association:

William E. Holzchuh, of Theodore F. Turner & Co., New York.

Joseph DeMartini, Manager, Personal Injury Claims, Grace Line, New York.

Douglas Adams, Manager, Adjusting Department, J. C. Griswold & Co., New York.

Richard P. Godwin, Project Engineer, Nuclear Ship Savannah Project, Maritime Administration, Washington, D. C.

J. Joseph Noble presented the Treasurer's Report, which was approved. The report showed that cash on hand, including dinner receipts at the time of preparation of the report, stood at $13,992.81. The balance, without taking into account dinner receipts, was $4,550.31.

It was suggested by the President that the new Executive Committee consider whether dues of members should be raised to defray increasing costs, and that the new Administration give some con-

sideration to hiring an assistant to help with the administrative details of running the Association and handling the Association's dinners. The President also stated that the time may not be far distant when the Association will have to have a permanent office to handle the Association's affairs, perhaps in the building of the Association of the Bar.

It was moved and passed that the Treasurer be authorized to make the Association's £300 annual contribution to the Comité Maritime International.

The Treasurer reported that he intended to open an account in the East River Savings Bank to handle contributions to the fund for entertaining the Comité at New York, and a resolution on the form of the East River Savings Bank was duly moved and passed, authorizing the deposit and withdrawal of funds of this account.

The President called the attention of the Executive Committee to the inscription appearing on the embossed copy of the Laws of Oleron as they appear in the Black Book, to be presented at the Island of Oleron in commemoration of the 600th anniversary of the Admiralty Court. The ceremonies in London are to be held on May 31st and June 1st of this year. Judge Bailey Aldrich, a member of this Association, expects to attend, as well as other members of the Association.

The President reported further that, upon request of the Comité, he attended a meeting of experts on the subject of nuclear risks and liabilities held at Vienna on the 7th of March to attempt to head off efforts completely to rewrite the draft Nuclear Convention worked out at the Comité meeting at Rijeka last fall. Mr. Lelar, President of the Comité, presided over the panel of experts. Our Government was ably represented by Clarence Morse and Robert Seaver. The panel finally reached an agreement that the Government of Belgium would call a Diplomatic Conference. The only changes in the draft of the Nuclear Convention were the inclusion of a provision for governmental indemnity and a provision restricting suits under the Convention to one forum. The limitation amount, not yet decided upon, may be between $75,000,000 and $125,000,000. All agreed that there should be no governmental immunity. It now

appears likely that the Diplomatic Conference will be held in January of 1961.

The President reported further that the next meeting of the Comité is scheduled to be held in Greece in 1961. It is not yet known whether this meeting will be held. If it should not be, probably the next meeting will be at Stockholm in 1963.

The President reported having received a letter from the Arbitration Committee of the Association of the Bar of the City of New York about a panel discussion to be held on May 17th at the house of the Bar Association, to which our members had been invited.

It was suggested that about two months before the Fall and Annual meetings postcard notices be sent to all members advising of the date of the coming meeting.

Mr. Symmers reported on the activity of the Association's Committee on the Supreme Court Admiralty Rules, which had resulted in the publication in 1953 of Association Documents Nos. 375 and 375A, copies of which were again distributed with Document No. 437.

The President stressed that the Admiralty is decidedly in the international field; truly international law in action. The rules of practice must, he said, be acceptable for adoption in any country that participates in the movement of goods on ocean vessels. Such topics as matters in rem and limitation of liability do not lend themselves properly to the usual procedural practices under local law. The need for international uniformity will become more pronounced with the development of nuclear ships. These international problems present special needs for a complementary and separate body of procedural rules in admiralty.

The President expressed his appreciation for the cooperation of the Association, its members, officers, and committees in the last two years, and said that he looked forward to effective activity of the Association under the new administration.

The Executive Committee expressed its appreciation to our President, Mr. Boal, for his leadership both here and abroad, and a resolution of appreciation was moved and unanimously passed.

The Executive Committee meeting adjourned at 11:55 A. M.

During the past year, the Association has published the following documents:

May, 1959—Document No. 426, Notice of Election of Officers and Executive Committee, 1959-1960.

June, 1959—Document No. 427, Notice of Special Meeting of August 18, 1959.

June, 1959—Document No. 428, Report of Committee on the Comité Maritime International (nuclear liabilities).

July, 1959—Document No. 429, Report of the Annual Meeting of May 1, 1959.

August, 1959—Document No. 430, Further Notice of Special Meeting of August 18, 1959.

August, 1959—Document No. 431, Draft of International Convention relating to the Liability of Operators of Seagoing Nuclear Ships.

August, 1959—Document No. 432, Provisional Report of the Restricted Sub-Committee, Liability of Operators of Nuclear Ships.

October, 1959—Document No. 433, Notice of Fall Meeting of November 6, 1959.

October, 1959—Document No. 434, Final English Draft of International Convention Relating to the Liability of Operators of Nuclear Ships.

March, 1960—Document No. 435, Notice of Annual Meeting, May 6, 1960.

March, 1960—Document No. 436, Report of Fall Meeting of November 6, 1959.

April, 1960—Document No. 437, Notice of Appointment by the Chief Justice of Advisory Committee on Admiralty Rules.

April, 1960—Document No. 438, Articles of Association and By-Laws. List of Officers and List of Members.

Since November 6, 1959, there have been the following changes in our membership:

Lawyers elected to active membership	97
Non-lawyers elected to active membership	6
New Associate members	10
Active members transferred to associate membership	2
Lawyers resigned	11
Non-lawyers resigned	3
Lawyers dropped for non-payment of dues	11
Deaths, Lawyers	4
Net increase of membership	77

Summary of membership, May 6, 1960:

Honorary members	3
Associate members	165
Lawyers	1,241
Non-lawyers	144
Total membership	1,553
Law libraries on our mailing list	34
Total mailing list	1,587

Respectfully submitted,

HERBERT M. LORD,
Secretary.

JAMES J. HIGGINS,
Membership Secretary.

The Secretary's report was approved.

TREASURER'S REPORT

J. Joseph Noble made the following report:

The Association has an operating balance of about $4,500.00, which is the result of separating the so-called dinner proceeds from the general operating receipts. Previously the books showed a balance of $13,000.00 or $14,000.00 because dinner receipts were included. Last year the Fall Dinner cost an average of $14.79 a plate. 578 dinners were served, and the dinner resulted in a deficit of $1,793.00, the largest since 1953. The basic dinner charge was $3,500.00, which represented only 54% of the bill. Charges for beverages were about 18%.

During the year the dues obligations of one member of the Association, Mr. Matteson, who has maintained active membership for 40 years, have, under Article No. 3 of the By-Laws as amended, been terminated. He will continue his active membership with the privilege of voting.

There were 19 members who were delinquent for 3 years in payment of dues and they were notified pursuant to action taken by the Executive Committee. Eight of them settled their accounts and the other 11 have now been dropped from the rolls. At the present time we have 12 members in the $5.00 category and 23 members in the $10.00 category who are delinquent in paying dues for the 2 years prior to last Monday. In addition there are 19 members in the $5.00 category and 66 members in the $10.00 category who are delinquent in paying dues for last year. These unpaid and outstanding dues for the both years total about $1,335.00.

Some dues payments have included contributions to the fund for the entertainment of the Comité. Those checks have been returned. The members should send their Comité contributions by separate checks.

The Treasurer's report was approved.

THE PRESIDENT'S REPORT

The President reported that at the meeting held in March at Vienna under the sponsorship of the International Atomic Energy Agency, there was some doubt as to what could be accomplished. Fortunately, the State Department decided to ask Mr. Lelar to preside over this Conference, called a panel discussion, and Mr. Lelar presided for the three days with his usual skill. He kept it well under control; he even kept the Russians under control. No decisions were made at Vienna, but views were expressed and these were embodied in a report of the Secretariat. They included a comment that there should be governmental indemnity for the shipowner covering the difference between available insurance or insurance in amounts to be fixed by the licensing state and the total prescribed limited liability.

The man who did the work as the Secretariat of the Conference was Peiter Könz, now a member of our Association and of our

Nuclear Committee. A diplomatic conference probably will be held in January, 1961.

The President commented on the special ceremony at St. Paul's Cathedral in London on Wednesday, June 1st, commemorating the 600th anniversary of the English Admiralty Court. At that time Lord Merriman, the President of the Admiralty Court, will present to an officer of Her Majesty's Navy, a facsimile copy of the Laws of Oleron as they appear in the Black Book of the Admiralty, to be presented by him to the Island of Oleron. The inscription will read:

THE LAWS OF OLERON

This facsimile copy of the Laws of
OLERON
as they appear in
The Black Book of the Admiralty
is presented in the year 1960
to the people of Oleron
by subscribers in
the United Kingdom and the
United States of America
in commemoration of
The Sexcentenary of the Court of
Admiralty in England.

The Association was not requested to make a contribution to this gift; it volunteered to do so, and paid approximately one-fourth of the cost of about $4,000.

The President reported further that the French were planning a celebration on the Isle of Oleron and on the adjacent mainland of Rochelle on the 9th through the 12th of June in commemoration of the 800th anniversary of the promulgation of the laws of Oleron by Eleanor of Acquitaine.

The President reported further that a forum was held in Philadelphia at the end of April on the subject of nuclear ships. One afternoon was devoted to the problem of legal liabilities of nuclear ships. This was presided over by Leonard Matteson, who did a fine job.

The President reported that the Chief Justice has appointed an overall committee to consider revisions of the Rules in the Federal

Courts, and several advisory committees, including an Advisory Committee on the Admiralty Rules, of which Judge Pope of the Ninth Circuit is Chairman. He reported that there are three other judges on this Committee, Judge Bailey Aldrich of the First Circuit, Judge Dimock of the Southern District of New York, and Judge Christenberry of the Eastern District of Louisiana. The Advisory Committee also includes two Professors, Curry of Chicago and Black of Yale, and four practicing lawyers, Harold M. Kennedy and Arnold Knauth of New York, Abraham Friedman of Philadelphia and Leavenworth Colby of Washington. The Association has a Committee on Supreme Court Admiralty Rules which in 1953 issued a careful report proposing certain revisions of the Rules. This document has been furnished to the Advisory Committee. The Committee has requested additional copies and it has been reprinted and sent to the membership as well. The President asked that any suggestions concerning the Rules be sent either to the Association's Committee or to a member of the Advisory Committee.

The President called for reports of the Committees.

Committee on Bills of Lading:

The Bill of Lading Committee, by its Chairman, John W. R. Zisgen, made the following report:

The Committee has the following subjects under consideration:

The first is the problem of issuance of clean bills of lading against letters of indemnity for cargo not actually in apparent good order and condition.

The second is the question of amendment of Article X of The Hague Rules (the provision regarding applicability of the Rules) with which have become associated proposals for a new convention amending The Hague Rules in other particulars and regulating the transportation of goods in certain other respects.

The Comité Maritime International has pending before it two proposals, both drafted by our Association:

The first is a proposed International Convention, following the principles of the Pomerene Act, which would make it a crime to issue a clean bill of lading for goods not in apparent good order and condition.

The second is a draft resolution urging the International Chamber of Commerce to add to its "Uniform Customs and Practices for Commercial Documentary Credits" a provision which would, whenever accepted in a letter of credit, make a claused bill of lading negotiable if accompanied by a "Shipper's Supplemental Indemnity" covering the reservations contained in the bill of lading. The form of the proposed "Shipper's Supplemental Indemnity" is such that it could be used only for minor damages and *bona fide* disputes as to the number of packages or apparent condition of the goods. To make a claused bill of lading negotiable, it would be necessary for the shipper to obtain the carrier's endorsement of the supplemental indemnity, which the carrier would be free to refuse or which the carrier could grant on terms acceptable to it. Under this arrangement, the carrier would be absolutely liable to the holder of the bill of lading, and the carrier's only recourse would be against the shipper. Since the bill of lading would be correctly claused, there would be no fraud and the supplemental indemnity should therefore be legally enforceable by the carrier.

This Association's delegation to the conference at Rijeka reports that: (1) the first proposal described above was so generally disliked (although it had been drafted by our Association because the Brighton Conference of 1954 requested us to do so) that it was not even discussed at the Rijeka Conference of September 20-26, 1959; and (2) prior to the Rijeka Conference, comments with respect to the second proposal had been received from four National Associations. Upon arrival at Rijeka the comments of six other National Associations were distributed.

The comments adverse to the proposal all contained misconceptions, due to the fact that the proposal is based on fundamentally new principles. Our delegation accordingly authorized our representative in the International Subcommittee on Marginal Clauses and Letters of Indemnity to move that this question not be brought on for action in the Plenary Session and that it be studied further.

The merits of the proposed resolution were discussed at length in the International Subcommittee and our motion that it be studied further was approved. It was arranged that the Rapporteur of the International Commission prepare a summary of the comments to date and that there then be a new round of comments by the National Associations.

The Plenary Session adopted the following resolution:

> "The Conference, having examined the report presented by the President of the International Subcommittee, asks the Conseil de Gestion to ask the International Subcommittee to continue the examination of this problem and to address a new report to the Conference."

It is reported that the International Chamber of Commerce is aware of the discussions of this subject by the Comité Maritime International. It was represented at the Rijeka Conference by an observer, who attended the meeting of the International Subcommittee on Marginal Clauses and Letters of Indemnity. Thus far there is no indication of the International Chamber's position.

The present status of this question is that we are awaiting receipt of the summary which is being prepared by the Rapporteur of this International Subcommittee.

Now, as to the amendment of The Hague Rules and other regulation of transportation of goods, the Association's delegation to Rijeka reports that at the Conference of the Comité Maritime International at Rijeka, the International Subcommittee on Bill of Lading Clauses was instructed to study eight subjects relating to The Hague Rules and to report thereon to the Comité. Thereafter the President of the Subcommittee prepared a report on these subjects for discussion, and copies of it have been circulated to the members of our Bill of Lading Committee. The Committee has not yet had opportunity to give the report the detailed study it requires. A summary of it prepared by the Association's member of the subcommittee, Mr. Moore, is annexed for the information of the members, so that they may be in a better position to consider at the November meeting what comments our Association should make.

The report asks for the comments of the Subcommittee members and your Committee will, if it is continued, prepare and submit for the approval of the Association the reply to be given by our Association's member of the Subcommittee. The Committee recommends that it be continued.

The report was approved.

Committee on Arbitration:

The Committee on Arbitration by its Chairman, Clement C. Rinehart, made the following report:

At the Association's Fall Meeting, held November 6, 1959, your Committee on Arbitration reported that a hearing on H.R. 6322 had been held on June 18, 1959, by Subcommittee No. 4 of the Committee on the Judiciary of the House of Representatives. As the Association's members know, H.R. 6322 is a bill to amend Title 9 of the United States Code, relating to Arbitration. The proposed amendments have the endorsement of this Association, of the American Bar Association, of the American Merchant Marine Institute and of the American Arbitration Association.

Your Committee was hopeful that H.R. 6322 would be favorably reported to the House and enacted during the present session. On April 7th, however, Subcommittee No. 4 decided to defer action on the bill. The practical result of such deferment was to end the possibility of legislation by the 86th Congress.

Your Committee recommends that the Association should authorize and direct the Committee on Arbitration which may be appointed to succeed the present Committee, to arrange for the introduction, in the 87th Congress, of a bill similar to H.R. 6322 and to support its enactment by such measures as may seem appropriate to the President of this Association and to the Committee on Arbitration.

The report was approved.

Committee on the Proposed Code of Administrative Procedure:

The Committee on the Proposed Code of Administrative Procedure, by its Chairman, Roy Leifflen, made the following report:

Mr. President, last year the Committee reported on the introduction of S. 1070, which is the proposed code of Federal Administrative Procedure drafted by the American Bar Association. The bill is still pending with the Subcommittee on Administrative Procedure on the Senate Judiciary Committee and the Subcommittee has requested the views of various governmental agencies on the bill and the majority of the agencies have sent their comments to the Committee. No hearings have been scheduled on the bill. In my opinion it is unlikely there will be any developments in this

current session of Congress and the bill will die and probably be introduced again in the next session, and I would recommend that the commtitee be continued.

The report was approved.

Dinner Committee:

The Dinner Committee submitted the following report of its Chairman, Alexander E. Rugani:

The Fall Dinner of the Association, for members only, was held at the Hotel Commodore, New York, on November 6, 1959. Our President, Arthur M. Boal, presided. The guest speaker was the Hon. Richard P. Godwin, Director of the Nuclear Project Office of the Maritime Administration and the Atomic Energy Commission. There were 578 present at the dinner.

Our Sixty-first Annual Dinner for both members and guests will be held tonight, again in the Grand Ballroom of the Hotel Commodore. We expect an attendance of about 928. The guest speaker will be the Hon. John M. Cashin.

We hope the members and their guests will enjoy what presently appears to be the largest dinner meeting in the Association's history.

Committee on Jurisdiction and Venue in Suits against the United States:

The Committee on Jurisdiction and Venue in Suits against the United States, by its Chairman, Robert E. Kline, Jr., made the following report:

The Committee on Jurisdiction and Venue in Suits against the United States submits the following supplemental report with regard to H.R. 5396, 86th Congress, a bill to amend Title 28 of the United States Code to provide for transfer of cases between the district courts and the Court of Claims, and also by an amendment we shall now propose to amend Section No. 2 of the Suits in Admiralty Act (46 USC 742) by substituting the following sentence for the first sentence of that section as it now appears:

> "In cases where if such vessel were privately owned or operated, or if such cargo were privately owned or possessed, or if a private person or property were involved, a proceeding in admiralty could be maintained, any appropriate

non-jury proceeding in personam may be brought against the United States or against any corporation mentioned in section No. 1 of this Act."

It is proposed that this amendment shall apply to any cause of action brought after the date of enactment.

You will recall at the Fall Meeting of the Maritime Law Association that your Committee submitted a report on the subject legislation in which we advocated acceptance of two procedural amendments that had been proposed by the Secretary of Commerce and endorsed by the Judicial Conference. At that meeting the Maritime Law Association authorized your Committee to indicate to the Senate Judiciary Committee, before which the bill is pending, its approval of these two procedural amendments which would serve to clarify the court transfer legislation that we have been sponsoring.

At that meeting we also reported that the Secretary of Commerce had proposed a substantive change in existing law by way of amendment to Section No. 2 of the Suits in Admiralty Act (the jurisdictional section), which neither we nor the Judicial Conference favored, and which after considerable discussion the Maritime Law Association on recommendation of your Committee also declined to approve. We were instructed to press for prompt enactment of the bill, including the two procedural amendments, but without the proposed substantive amendment to the jurisdictional section.

It will be recalled at the Fall Meeting that Mr. Seaver, General Counsel of the Federal Maritime Board, Maritime Administration, Department of Commerce, and Mr. Colby, Chief, Admiralty and Shipping Section, Civil Division, Department of Justice (speaking for himself, however, and not officially for the Department of Justice), strongly advocated the adoption of the proposed change in the jurisdictional section of the Suits in Admiralty Act.

Shortly after the Fall Meeting Mr. Boal, as President of the Maritime Law Association, suggested to me and the other members of your Committee that we try to get together with Mr. Seaver and Mr. Colby and see if we could not come up with some amendment to the jurisdictional section upon which we could all agree. As a result, the Washington members of your Committee, Mr. Fort, Mr. Greene and myself, have had a number of conferences with Mr.

Colby and Mr. Seaver and we have now agreed upon an amendment to Section No. 2 of the Suits in Admiralty Act which we feel simplifies that section and should serve to eliminate some, if not all, of the confusion that has resulted from the jurisdictional language that appears in the present law. As already stated, it is proposed to substitute a new first sentence for the one that now appears.

For comparative purposes, the first sentence of Section No. 2 of the Suits in Admiralty Act as it now appears and the proposed substitute are as follows:

Present First Sentence, "In cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action herein provided for, a libel in personam may be brought against the United States or against any corporation mentioned in section No. 741 of this title, as the case may be, provided that such vessel is employed as a merchant vessel or is a tugboat operated by such corporation."

Proposed Substitute for First Sentence, "In cases where if such vessel were privately owned or operated, or if such cargo were privately owned or possessed, or if a private person or property were involved, a proceeding in admiralty could be maintained, any appropriate non-jury proceeding in personam may be brought against the United States or against any corporation mentioned in section No. 1 of this Act."

This proposed change will appear as a new Section No. 3 of the amended bill.

Section No. 4 of the amended bill will provide that the amendments made by Sections No. 1 and No. 2 (permitting the transfer of causes inadvertently brought in the wrong forum from a district court to the Court of Claims or conversely from the Court of Claims to a district court) shall apply to any cause or proceeding pending on or brought after the date of enactment, and also providing that the substantive jurisdictional amendment set forth in new Section No. 3 shall apply to any cause brought after the date of enactment.

Your Committee, in submitting this proposed procedural amendment for your consideration, can see no added difficulties that would result from its enactment. However, we should like to hear from any here who have had difficulty interpreting the section as it now

stands, and have an expression from them as to whether in their opinion the proposed new sentence will simplify the jurisdictional section and resolve some of the confusion that now pertains as to the proper forum in which to bring suit, or whether it will only serve to confound the situation further, which is certainly not what we want. If those in the Maritime Law Association who have had experience in this type of litigation can agree that the proposed amendment will be helpful, we should like to have their approbation of the language we are now proposing, and instruction from the Maritime Law Association to join with Mr. Seaver and Mr. Colby in advocating the inclusion of this amendment in the pending bill.

It is believed, with the united support of all concerned, that this legislation will have a good chance of receiving immediate and favorable consideration from the Senate Judiciary Committee, that the bill will be promptly reported to and passed by the Senate, and that concurrence by the House in the Senate amendments can be obtained before Congress adjourns.

We recommend that we be authorized to proceed in the manner indicated.

The report was approved and the Committee's recommendation was accepted.

Committee on Limitation of Liability:

The Committee on Limitation of Liability, by its Chairman, Raymond T. Greene, made the following report:

Since the Fall Meeting of the Association, your Committee has had two meetings, principally for the purpose of staying abreast of this subject, particularly with respect to the work being done by a special committee of American Merchant Marine Institute dealing with the subject of limitation of liability. This special committee of the AMMI is in the process of completing the task of editing the proposed legislation prepared by Government Counsel. This work is to be passed on to our Committee for review by them. The task of reviewing this proposed legislation is being done by both of these committees. It in no way is to be taken as an indication of a change in policy of this Association. The same is also true of the American Merchant Marine Institute. As this matter develops, the Association will be kept advised.

The report was approved.

Committee on Territorial Waters:

The Committee on Territorial Waters, by its Chairman, Henry C. Blackiston, made the following report:

You may recall that our Committee's last two reports have dealt primarily with the four Conventions on the Law of the Sea which were adopted by the United Nations Geneva Conference on April 27, 1958. These four Conventions are:

(1) the Convention on the Territorial Sea and Contiguous Zone,

(2) the Convention on the High Seas,

(3) the Convention on Fishing and Conservation of the Living Resources of the High Seas, and

(4) the Convention on the Continental Shelf.

There is also an Optional Protocol for the compulsory settlement of any disputes arising under the Conventions by the International Court of Justice.

Many nations have become signatories to the Conventions and Optional Protocol. However, as of this date, only Cambodia and Haiti have actually ratified all four Conventions, while the United Kingdom has ratified the first three Conventions and Afghanistan has ratified the second Convention. Haiti is the only nation which has ratified the Optional Protocol.

On September 9, 1959, the President of the United States transmitted these four Conventions and the Optional Protocol to the Senate for its advice and consent to ratification. On January 20, 1960, the Senate Foreign Relations Committee held formal hearings on the Conventions. At this time Arthur H. Dean, Chairman of the United States Delegation to the 1958 Geneva Conference, testified in favor of the United States ratification of the Conventions and Optional Protocol.

On April 27, 1960, the Senate Foreign Relations Committee rendered its report on the Conventions and the Optional Protocol and recommended that the Senate give its advice and consent to their ratification.

Meanwhile, the United Nations has held a second conference on the Law of the Sea at Geneva. On March 17, 1960, the delegates of 88 nations convened for a second attempt to achieve inter-

governmental agreement on two important issues which were left unresolved by the 1958 Conventions. These two important issues are: (1) the proper limits of territorial waters and (2) the extent of exclusive fishing rights of coastal nations.

At the 1960 Geneva Conference the Soviet Union and many African, Asian and Latin American countries reasserted the demands which they had made at the 1958 Geneva Conference for an extension of the territorial sea limits from the traditional three-mile limit to a distance of at least twelve miles.

The United States sought to meet these demands with a compromise solution and thus submitted to the Conference a modified version of a proposal which it had made at the 1958 Geneva Conference. The United States' new proposal called for a maximum six-mile limit for the territorial seas with an additional six-mile zone of exclusive fishing right for the coastal States, subject to the rights of foreign fishermen to fish in such outer zones if they had regularly done so for a five-year base period ending with 1957. The United States attempted to gain Canada's support for this plan by further proposing that the rights of such foreign fishermen be restricted to the same type and quantities of fish that these fishermen had acquired in their average annual hauls over the stated five-year base period.

Canada, however, rejected this plan, insisting that the coastal States have exclusive fishing rights in the proposed outer six-mile fishing zone.

After a month of negotiation, Canada and the United States finally agreed upon and submitted to the Conference a compromise proposal dated April 8, 1960. This new proposal adopted the United States' basic plan but provided that foreign fisherman could only continue to exercise their traditional fishing rights in the outer six-mile zone for a limited period of ten more years, or until October 31, 1970. This proposal was then further modified by an amendment of Brazil, Cuba and Uruguay which provided for the establishment of a regular procedure which would determine whether a coastal State should also have priority fishing rights in the waters beyond the outer six-mile zone.

On April 26, 1960, the Conference voted on the United States-Canadian proposal, as so amended. This proposal received a favor-

able vote of 54 to 28 (with 6 nations abstaining), which was exactly one vote short of the two-thirds majority required for the proposal's adoption. At the same time, the Conference rejected the Soviet-backed proposal presented by 18 Latin American, African and Asian countries which called for a twelve-mile territorial sea limit.

Thus, the 1960 Geneva Conference of 88 nations failed in its attempt to resolve the important questions of the proper limits of the territorial seas and the proper extent of the fishing rights of coastal nations.

Arthur H. Dean, Chairman of the United States delegation, immediately announced that, in light of the Conference's failure to reach agreement, the United States would continue to recognize only the three-mile limit for territorial seas. Other major Western powers stated that they too would only recognize this traditional three-mile limit.

Mr. Boal: Is there any other business?

Mr. Much: I noted that you had no report from the Committee on District Court Calendar Practice and Procedure. I don't know what it has done in the past but in the last two years I have been in four districts in which there have never been any Admiralty Rules and are none now, local rules I mean, and since apparently there is a renewed interest in the possible changes in the rules of the Supreme Court of the United States as they promulgate them in Admiralty, it seems to me very important we not let the matter go by default because in those districts where I do go other than along the Atlantic Seaboard the tendency of the Federal Courts is to just adopt the rules of Civil Procedure. There are many of these gaps and conflicts and inconsistencies which have disturbed not only me but I think most of the other members of our branch of practice and I suggest that the new governing body suggest to its new committee and consider appointing members on that committee some of them who are at least west of the Hudson River for the simple reason that I note that the committee now is composed entirely of New Yorkers, where the rules are certainly in good order. I think perhaps we might find other members west of the Hudson who might be as diligent in their areas of work.

Mr. Hayes: My good friend is misinformed in one respect. I am a member of that committee and I practice in Chicago. May I say that otherwise I heartily second the point of view which he has expressed with respect to a renewed interest by the Committee on Rules to be appointed in this matter of Admiralty Rules. I don't believe that the 1953 Rules express the views of any member of this present Association who has currently considered them, and I don't believe that there is one in fifty of the members of this Association who can be described as having currently considered them. I think there is something important going on. If we are to maintain Admiralty Practice, it does behoove this Association to make its voice heard with some courage moreover for the point of view of the Admiralty Practitioner not to compromise away at the outset in view of some notions that history began in 1938 on this question of procedure. We know better.

Mr. Whalen: Mr. Chairman, just to take a slight exception, I happened to have read the rules over the night before last. At least east of the Hudson River it would be remarkable and a forward advance if they were adopted.

Mr. Boal: Any other comment? I think you will find that the Rules Committee will be very eager to get suggestions from any source. I think they will weigh those suggestions. Judge Polk has indicated he is very careful not to express any opinion on any of them at this point and we have some very able men in the Association who are on the Committee. I think it is in safe hands. As Mr. Hayes said, we have got to be alert, if we have any ideas, let's give them to the Committee. I will repeat what I said to the Committee today, that in connection with the consideration of the Nuclear Convention, we found that jurisdiction was a very troublesome question. The Committee should bear in mind that the rules dealing with limitation procedures should be comprehensive enough to take care of the limitation of a nuclear incident and that those rules should be so practical and workable that other countries would be willing to adopt them in those areas where we need international uniformity, such as actions in rem, foreclosure of mortgages, limitation of liability under conventional statutes, and under the Nuclear Convention.

Now, any further comments?

Mr. Knauth: Ten years ago, fifteen years ago we had a great hassle on this subject. I seem to be regarded as a person of extremely fixed and resolute character who is immovable on the subject of Admiralty practice. Well, that may have been true ten or fifteen, twenty years ago. I have taken the position with Judge Polk and other people that I am not going to care a great deal longer about how cases are practiced. By the time any changes are made, I probably won't be practicing very actively, and so I have said that what I am out for is to see that the men between 30 and 50 years old in the Admiralty game get what they want for the next 20 or 30 years, and if your Committee will tell me what you want I will do my best to get it for you, and if I don't like what you want I may tell you that, past experience has caused me to feel that you are not wanting what is best for the next 20 or 30 years, but I am not going to fight with you very hard about that. I want to know what you want, and then I will do my best to get it over for you. That's the position I am taking on this new slant, so get a good committee with plenty of practicing men and managing clerks on it and we will get a good show and I hope we will set you up for the next 20 or 30 years in the way you want.

Mr. Boal: Any other comments? We have one more committee to report. That's the Nominating Committee. Before I call on them I would just like to say a few things about the people who have worked with me during the last two years.

I have had wonderful help and co-operation from everybody whom I have called upon from all the Committee Chairmen, members of the committees, and particularly grateful to my predecessor, Leonard Matteson, for the aid, help and counsel he has given to me at all times. He has been a great help and a great source of strength and satisfaction. I am also very grateful to the Chairman of the Dinner Committee, Michael Whalen, Alexander Rugani, and the other members of that committee. They do a lot of hard work. They should have credit for that. They do it cheerfully and well. I am also very grateful to the Secretaries we have had. They do a great deal of work, painstaking and detailed work. First, John Moore and then Herbert Lord. They have been wonderful. We had Herbert Lord first as Membership Secretary before he was a regular Secretary. Then Jim Higgins has been Membership Secretary and has done a lot of work. I am grateful to Joe Noble for his work

as Treasurer. For the Vice-Presidents, they haven't had as heavy a load as the Committee Chairmen but the last two years have been eventful ones, eventful ones to me. I appreciate very much being your President during this time and having an opportunity to take care in the best way I could of some of the problems that came up. I only hope that my successor has the co-operation of all of you that I have had. I am sure you will give it to him.

(Mr. Boal received a standing ovation.)

Mr. Boal: Thank you very much.

Now we will hear from the Nominating Committee. Mr. Zisgen.

Nominating Committee:

Mr. Zisgen: The Nominating Committee of your Association unanimously nominates the following persons for the offices to be filled at the election:

For President, Henry C. Blackiston, Esq. of New York.

For First Vice-President, Wilder Lucas, Esq. of St. Louis.

For Second Vice-President, Archie M. Stevenson, Esq. of New York.

For Secretary, Herbert M. Lord, Esq. of New York.

For Treasurer, J. Joseph Noble, Esq. of New York.

For Membership Secretary, James J. Higgins, Esq. of New York.

For Members of the Executive Committee, to serve until the Annual Meeting in May, 1963, William A. Grimes, Esq. of Baltimore; John R. Mahoney, Esq. of New York; George B. Warburton, Esq. of New York.

For Member of the Executive Committee, to serve until the Annual Meeting in May, 1961, to fill the unexpired term of J. Newton Nash, deceased, Sweeney J. Doehring, Esq. of Houston.

Mr. Boal: You have heard the report of the Nominating Committee. Are there any other nominations? If not, I will entertain a motion that the nominations be closed.

The motion was passed.

Mr. Boal: Now I will entertain a motion that the Secretary be instructed to cast one ballot for the entire slate.

The motion was passed.

Mr. Boal: I declare the slate elected.

Before I close, I would just like to state that Judge John Cashin will be the speaker tonight and I hope that you will all listen to him.

Now I turn the meeting over to Harry Blackiston, your President.

Mr. Blackiston: Well, we have had enough speeches today so I am not going to make any speech. I will have a very brief word to say tonight. I don't know whether you will listen to me or not, but for Heaven's Sake, do listen to the Judge. Now, unless there is any further business to be transacted this afternoon, I will entertain a motion to adjourn the meeting.

The motion was approved, and the meeting was adjourned at 3:40 o'clock P. M.