

MARITIME LAW ASSOCIATION OF THE UNITED STATES.

REPORT OF THE COMMITTEE APPOINTED TO CONSIDER THE ADVISABILITY OF PROPOSING CHANGES IN THE LIMITED LIABILITY ACTS OF THE UNITED STATES.

On October 18, 1912, a meeting of the Maritime Law Association of the United States was held, at which the report of a former Committee, dated September 17, 1912, on the same subject, was submitted, which report was presented by a majority of said Committee, who recommended that no change in the law of limited liability be made at the present time. A motion to adopt this report was lost, and a new Committee was appointed to further consider and report what changes, if any, should be made in the limitation of liability statutes of the United States. The Committee has held three meetings, at which the subject has been thoroughly discussed, and at which written communications have been received from members of the Committee who could not attend.

At all of the sessions it appeared to be the opinion of the majority of the Committee that some change in the Statute should be made, especially in reference to more adequate protection for the families of persons whose lives might be lost in maritime disasters. It was also considered that the present Statute, in case the offending ship is not lost, is inequitable by reason of putting on the owner of the more expensively constructed and equipped vessel, a greater proportional liability than on the owner of the cheaper or older vessel, and by reason of its giving practically no remedy at all in case of total loss of the vessel.

This Statute, while probably well adapted to the conditions of navigation at the time it was enacted, would seem not to fit the present state of the modern business of the sea, at least so far as vessels propelled wholly or in part by means other than sails are concerned.

It has therefore seemed to the Committee that the present English Statute fixing the liability of ship owners, at £8 per ton for damage to property and £15 per ton where there is

loss of life or personal injuries, is under all the circumstances more logical and just to both vessel owners, passengers and shippers, at least so far as vessels other than sailing vessels, small vessels or barges, are concerned.

The English property damage limit of £8 per ton applied to our sailing vessels and barges would be too large a valuation in most cases, and of course such vessels are not to any great extent carriers of passengers, and are owned largely by individual owners, and not by large incorporated lines. As to them, therefore, the Statute for limitation of ship owners' liability might remain as it is.

We recommend that the following resolutions be adopted:

Resolved: That this Association does not recommend any change in the existing law in relation to the limitation of liability of the owners of vessels propelled wholly or principally by sails, and of vessels having no motive power of their own, and of vessels having a gross tonnage not exceeding 500 tons, as fixed in the official certificate of register or enrollment of the vessel in the country to which she belongs.

Resolved: That in the case of all other vessels, the present laws should be amended so as to provide that the owners thereof shall not be liable for any loss or injury to property, occurring without privity or knowledge, as provided in Section 4283 of the Revised Statutes, to an amount exceeding Forty Dollars per gross ton of the vessel's tonnage, as fixed in the official certificate of register or enrollment of the vessel in the country to which she belongs, and in the case of any loss of life or personal injuries, occurring without privity or knowledge, as now provided by law, the owners shall not be liable to an amount exceeding Seventy-five Dollars per gross ton of the vessel's tonnage, ascertained as above.

This report is presented by all the members of the Committee who attended the meetings. Mr. Gorham of Seattle and Mr. Hart of New Orleans were unable to attend.

EVERETT P. WHEELER, *Chairman*,
GEO. C. HOLT,
JAMES E. CARPENTER,
HERBERT GREEN, *Secretary*,
GEO. WHITEFIELD BETTS, JR.,
BENJAMIN THOMPSON,
FREDERIC DODGE.