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THE MARITIME LAW ASSOCIATION  
OF THE UNITED STATES

ANNUAL MEETING—MAY 6, 1966

The Sixty-Seventh Annual Meeting of the Association was held at the New York County Lawyers Association on Friday, May 6, 1966, commencing at 2:00 p.m., following the regular meeting of the Executive Committee, with the President, Nicholas J. Healy, presiding.

PRESENT:

NICHOLAS J. HEALY, President  
WILLIAM G. SYMMERS, First Vice-President  
BENJAMIN W. YANCEY, Second Vice-President  
JAMES J. HIGGINS, Secretary  
J. JOSEPH NOBLE, Treasurer  
J. EDWIN CAREY, Membership Secretary

and the following 209 other members:

Cromwell A. Anderson	Richard W. Buchanan
James L. Armstrong, III	Carl O. Bue, Jr.
Allan A. Baillie	William C. Bullard
Norman M. Barron	Morgan J. Burke, Jr.
Frank L. Bartak	Patrick L. Burke
Carlyle Barton, Jr.	Thomas E. Byrne, Jr.
David S. Batcheller	Byron K. Callan
Douglas D. Batchelor	James M. Carroll
Comdr. George M. Bates, USN	Walter Carroll
Waverley L. Berkley, III	Victor S. Cichanowicz
Edward C. Biele	Leavenworth Colby
Capt. Charles A. Blocher, Jr.	Donald O. Collins
Arthur M. Boal	Brendan Connolly
Henry J. Bogatko	Allan S. Dale
Stuart B. Bradley	Theodore R. Dankmeyer
C. A. Brown	Brunswick K. Deutsch
Charles D. Brown	W. Mahlon Dickerson
Thomas A. Brown, Jr.	James A. Dixon, Jr.

Sweeney J. Doehring  
 James J. Donovan  
 John C. Duggan  
 T. C. W. Ellis  
 Warren M. Faris  
 James W. Fay  
 Barton P. Ferris  
 Charles N. Fiddler  
 William J. Fleming  
 John P. Forney, Jr.  
 John L. Foster  
 Ezra G. Benedict Fox  
 Douglas M. Fryer  
 W. Gerald Gaudet  
 Joseph A. Gawrys  
 Gerard T. Gelpi  
 Willard G. Gilson  
 John B. Gooch, Jr.  
 R. Gordon Gooch  
 G. Morton Good  
 Virgil S. Gore, Jr.  
 Julian S. Gravely, Jr.  
 Louis E. Greco  
 Warren H. Greene, Jr.  
 El C. V. Greenwood  
 William A. Grimes  
 John J. Gruber  
 Norman K. Gurstel  
 Walter B. Hall  
 David G. Hanlon  
 Rufus C. Harris, Jr.  
 Fenton F. Harrison  
 James F. Hart  
 John Hatgis  
 Edward B. Hayes  
 George W. Healy, III  
 Nicholas J. Healy, Jr.  
 Wilbur H. Hecht  
 Eugene C. Heiman  
 J. Welles Henderson  
 Charles G. Herbermann, Jr.  
 Brooks P. Hoyt  
 James L. Hurley  
 Warren A. Jackman

Theodore K. Jackson, Jr.  
 Douglas A. Jacobson  
 John T. Jaeger  
 Robert A. Jenkins  
 Martin R. Johnson  
 William K. Johnson  
 Mark O. Kasanin  
 William M. Keegan  
 J. R. Kelly, Jr.  
 Charles D. Kennedy  
 David C. G. Kerr  
 John P. Kipp  
 S. G. Kolius  
 Donald Krach  
 L. Glen Kratochvil  
 Gunther F. Krause  
 Ralph C. Kreimer  
 Nicholas D. Lamorte  
 Thomas H. Leach  
 Theodore A. LeGros  
 Alfred A. Lohne  
 Henry N. Longley  
 Wilder Lucas  
 Capt. C. E. Lundin, USN  
 James W. Lynch  
 Howard M. McCormack  
 Harry E. McCoy  
 Robert G. McCreary  
 Joseph T. McGowan  
 Capt. Clinton J. McGuire, USCG  
 John C. McHose  
 John W. McMurray  
 J. F. McMullan, Jr.  
 George V. McShane  
 Thomas C. MacDonald, Jr.  
 Henry W. Magenheimer  
 Paul Malley  
 David Maloof  
 Frank J. Marston  
 John J. Martin  
 Leonard J. Matteson  
 Charles D. Meadows  
 Lloyd C. Melancon  
 Rolf T. Michelsen

John C. Monroe  
 B. Allston Moore  
 John C. Moore  
 Thomas F. Mount  
 Joseph A. Murphy  
 Thomas O. Murphy  
 Robert P. Nash  
 O. Taft Nelson  
 Elliott B. Nixon  
 Carl J. O'Brien  
 Francis J. O'Brien  
 William J. O'Brien  
 Richard T. O'Connell  
 Capt. Herbert E. Ost, USN  
 Brendan P. O'Sullivan  
 David R. Owen  
 Richard W. Plamer  
 Roland R. Parent  
 Peter Parker  
 Gordon W. Paulsen  
 John Poitevent  
 Robert B. Pohl  
 Cyril F. Powers  
 F. Herbert Prem  
 Robert B. Preston  
 Elmer Price  
 Charles E. Quandt  
 Edward A. Quinlan  
 John L. Quinlan  
 Michael Quinlan  
 Edward D. Ransom  
 Lucian Y. Ray  
 John H. Reilly, Jr.  
 Richard E. Repetto  
 Ben L. Reynolds  
 Norman B. Richards  
 Kenneth E. Roberts  
 John S. Rogers  
 Henry R. Rolph  
 Alexander E. Rugani  
 John M. Ryan  
 Michael J. Ryan  
 S. Eldridge Sampliner

Woodson D. Scott  
 Manuel A. Sequeira, Jr.  
 James H. Simonson  
 John W. Sims  
 John H. Skeen, Jr.  
 William B. Sleigh, Jr.  
 Joseph C. Smith  
 Richard H. Sommer  
 Benjamin F. Stahl, Jr.  
 William L. Standard  
 George W. Stretch  
 Daniel A. Sullivan  
 John J. Sullivan  
 Joseph C. Sweeney  
 John H. Tappan  
 Francis L. Tetreault  
 Richard M. Thomas  
 Cmdr. William H. Thornton, Jr.  
 Clarke W. Toole, Jr.  
 Eugene Underwood  
 Braden Vandeventer, Jr.  
 William P. VanEvera  
 Cornelius S. Van Rees  
 Dewey R. Villareal, Jr.  
 William R. Vincent  
 Kenneth H. Volk  
 Donald M. Waesche, Jr.  
 George R. Wagner  
 Elmer M. Walsh, Jr.  
 Owen B. Walsh  
 Guilford D. Ware  
 Gerard P. Watson  
 Donald C. White  
 Harvey Wienke  
 Gray Williams  
 H. Barton Williams  
 Reed M. Williams  
 Virgil N. Woolfolk, Jr.  
 David C. Zimmerman  
 John W. R. Zisgen  
 Hiller B. Zobel  
 Anthony N. Zock

On motion duly made and seconded, the reading of the Minutes of the Fall Meeting of November 5, 1965, was dispensed with and they were approved as set out in Document No. 496, which had been distributed to the members.

On motion duly made and seconded, the reading of the Minutes of the Executive Committee Meetings held since the 1965 Fall Meeting was dispensed with, as the matters transacted at those meetings were to be 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**

Mr. James J. Higgins: Gentlemen, since the last meeting on November 5, 1965, there have been three meetings of your Executive Committee. The first was conducted on January 7, 1966, the second on April 1, and the third, this morning.

The matters considered at such meetings were, briefly, as follows:

In January, the Treasurer, Mr. J. Joseph Noble, reported that the Association had a balance on hand of \$58,319.40.

A motion was duly made, seconded and unanimously carried that the President should address an appropriate note of sympathy to the family of the late Mr. Joseph M. Rault, former Vice-President of the Association and member of its Executive Committee.

A motion was duly made, seconded and unanimously passed to accept the invitation of our New Orleans members to hold the Association's 1966 November Meeting in that City.

The Executive Committee was unanimously in favor of the suggestion that a dinner-dance be held at New Orleans.

At the meeting on April 1, the Treasurer presented a report indicating that the Association's regular account presently amounted to \$29,224.62 and its savings account amounted to \$21,792.14 (to which interest was to be added) for a total of \$51,016.76. A motion was duly made and passed to accept the Treasurer's report.

The Membership Secretary reported that the Association's membership, as of April 1, 1966, was 1,936, including 1 honorary member, 170 associate members, 1,584 lawyer members and 181 non-lawyer members.

A motion was duly made and passed authorizing the President to invite Assistant Professor L. Kinvin Wroth, of the University of Maine, to accept an associate membership.

In view of the United States Post Office regulations concerning ZIP Code pre-sorting requirements effective January 1, 1967, a motion was duly made and passed authorizing the Membership Secretary to have Lincoln Letter Service convert our mailing system to accommodate ZIP Codes. The total cost will be approximately \$230.

Next, the principal matter for consideration was discussed, namely, the plans for the Association's November, 1966 meeting to be held in New Orleans.

Following discussion, a motion was duly made and passed confirming the appointment of the New Orleans General Planning Committee consisting of Messrs. Robert B. Acomb, Jr., Brunswick G. Deutsch, T. C. W. Ellis, Rufus C. Harris, Jr., Raymond H. Kierr, George B. Matthews, Henry J. Read, Leon Sarpy, John W. Sims, with Benjamin W. Yancey as Chairman.

A motion was duly made and passed providing that all notices and invitations in connection with the New Orleans meeting be sent out by the Association in the usual manner, with replies, however, directed to the committee in New Orleans. Furthermore, it was agreed a canvass would be made of the membership to determine the number of members who would probably attend the meeting in New Orleans.

It was agreed that, if necessary, the New Orleans Committee might employ a secretary to handle the paper work during the fifteen to thirty days preceding the meeting.

A motion was duly made and passed appointing Mr. Alfred A. Lohne as New York Vice-Chairman of the dinner-dance to be held Friday evening, November 4, 1966, and Mr. James J. Higgins as New York Vice-Chairman of the New Orleans General Planning Committee.

Consideration was given to the possibility of amending the Association's By-Laws to provide for admitting as members non-citizen foreigners. The consensus was such an amendment would perhaps unnecessarily complicate the work of the Association.

At this morning's meeting the principal matters considered were as follows: (The Treasurer rendered his report, and I am sure you will hear from him in a few moments).

57 new lawyer members were accepted for membership together with 14 non-lawyer members, and their names are as follows:

Lawyer members,

Richard F. Allen, Esq.  
Lane, Powell, Moss & Miller  
1700 Washington Building  
Seattle, Washington, 98101

Charles T. Barnes, Esq.  
Montague, Applequist, Lyons, Nolan, Donovan  
& Knetsch  
1000 Alworth Building  
Duluth, 2, Minnesota

Richard Bounds, Esq.  
Cunningham, Bounds & Byrd  
(P. O. Box 4486)  
1350 Dauphin Street  
Mobile, Alabama, 36604

Donald J. Brannan, Esq.  
Pan American Petroleum Corp.  
American Oil Building  
P. O. Box 50879  
New Orleans, Louisiana

David S. Brown, Esq.  
Kramer, Marx, Greenlee & Backus  
29 Broadway  
New York, New York

John J. Carr, Esq.  
Symmers, Fish & Warner  
37 Wall Street  
New York, New York

Tom Clendenin, Jr., Esq.  
Cox, Wilson, Duncan & Clendenin  
422 East Elizabeth Street  
Brownsville, Texas

Calvin E. Cohen, Esq.  
Wright & Cohen  
12 Church Circle  
Annapolis, Maryland

Wallace L. Cook, Esq.  
Burlingham, Underwood, Barron, Wright & White  
25 Broadway  
New York, New York

Robert C. Davee, Esq.  
Eastham, Watson, Dale & Forney  
1201 Mellie Esperson Building  
Houston, Texas, 77002

William R. Dorsey, III, Esq.  
Semmes, Bowen & Semmes  
10 Light Street  
Baltimore, Maryland, 21202

Charles Andrew Doyle, Esq.  
Bigham, Englar, Jones & Houston  
99 John Street  
New York, New York

James H. Drury, Esq.  
Drury & Lozes  
641 National Bank of Commerce Building  
New Orleans, Louisiana, 70112

David L. Fobes, Esq.  
Haight, Gardner, Poor & Havens  
80 Broad Street  
New York, New York

John L. Foster, Esq.  
Foster, Meadows & Ballard  
3266 Penobscot Building  
Detroit, Michigan, 48226

Francis Lawrence Gannon, Esq.  
Hill, Betts, Yamaoka, Freehill & Longcope  
26 Broadway  
New York, New York

Stephen S. Gerard, Esq.  
Haight, Gardner, Poor & Havens  
80 Broad Street  
New York, New York

Frank W. Gormley, Esq.  
Federal Maritime Commission  
1321 H Street, N. W.  
Washington, D. C.

Norman K. Grustel, Esq.  
Robins, Davis & Lyons  
400 Rand Tower  
Minneapolis 2, Minnesota

Dale Harvill, Esq.  
Baker, Botts, Shepherd & Coates  
1600 Esperson Building  
Houston, Texas

Neal Douglas Hobson, Esq.  
Willing, Saul, Saunders, Benson & Woodward  
1122 Whitney Building  
New Orleans, Louisiana, 70130

William P. Kardaras, Esq.  
Bigham, Englar, Jones & Houston  
99 John Street  
New York, New York

John Patrick Kelley, Esq.  
Krusen, Evans & Byrne  
21 South Twelfth Street  
Philadelphia, Pennsylvania, 19107

J. Donald Kenny, Esq.  
States Marine—Isthmian Agency, Inc.  
90 Broad Street  
New York, New York

Peter Martin Klein, Esq.  
Admiralty & Shipping Section  
United States Department of Justice  
Room 600  
42 Broadway  
New York, New York

C. E. Laborde, Jr., Esq.  
Marksville, Louisiana

Oliver J. Latour, Jr., Esq.  
Hamilton, Denniston, Butler & Riddick  
P. O. Box 1671  
Mobile 1, Alabama

Arnold Buffam Lovell, Esq.  
Thacher, Proffitt, Prizer, Crawley & Wood  
40 Wall Street  
New York, New York

George Henry Lowe, Esq.  
Thacher, Proffitt, Prizer, Crawley & Wood  
40 Wall Street  
New York, New York

Malcolm R. Maclean, Esq.  
Connerat, Dunn, Hunter, Houlihan, Maclean & Exley  
P. O. Box 525  
Savannah, Georgia

James S. McMahon, Jr., Esq.  
Bigham, Englar, Jones & Houston  
99 John Street  
New York, New York

Arthur J. Mandell, Esq.  
Messrs. Mandell & Wright  
707 South Coast Building  
Houston, Texas

William Manns, Esq.  
Manns, Manns & Lande  
430 North Rodeo Drive  
Beverly Hills, California

Herman D. Michels, Esq.  
Toner, Crowley, Woelper & Vanderbilt  
810 Broad Street  
Newark, New Jersey

Konrad M. Michelsen, Esq.  
Hill, Betts, Yamaoka, Freehill & Longcope  
26 Broadway  
New York, New York

Donald J. Miller, Esq.  
Lucking, Van Anker & Miller  
1603 Ford Building  
Detroit, Michigan

Donald Lang Miller, Esq.  
Jaeckle, Fleischmann, Kelly, Swart & Augspurger  
720 Liberty Bank Building  
Buffalo, New York

Robert S. Milnickel, Esq.  
Heineke, Conklin & Schrader  
135 South LaSalle Street  
Chicago, Illinois

Robert P. Nolan, Esq.  
Montague, Applequist, Lyons, Nolan, Donovan  
& Knetsch  
1000 Alworth Building  
Duluth, Minnesota, 55802

Francis M. O'Regan, Esq.  
Bigham, Englar, Jones & Houston  
99 John Street  
New York, New York

Peter Parker, Esq.  
Semmes, Bowen & Semmes  
10 Light Street  
Baltimore, Maryland, 21202

J. Scot Provan, Esq.  
Sea-Land Service, Inc.  
P. O. Box 1050  
Elizabeth, New Jersey

Michael E. Quinlan  
Krusen, Evans & Byrne  
21 South Twelfth Street  
Philadelphia, Pennsylvania, 19107

Gerald S. Rourke, Esq.  
Burlingham, Underwood, Barron, Wright & White  
25 Broadway  
New York, New York

Daniel K. Schlorf, Esq.  
Bradley, Eaton, Jackman & McGovern  
135 South LaSalle Street  
Chicago, Illinois

James L. Schupp, Jr., Esq.  
Terriberry, Rault, Carroll, Yancey & Farrell  
825 Whitney Bank Building  
New Orleans, Louisiana, 70130

Newton B. Schwartz, Esq.  
317 West Building  
Houston, Texas

James J. Senter, Jr., Esq.  
Haight, Gardner, Poor & Havens  
80 Broad Street  
New York, New York

Bertram Edwin Snyder, Esq.  
Department of Justice, Civil Division  
Admiralty & Shipping Section  
Ninth and Pennsylvania Avenue  
Washington, D. C., 20530

Sterling F. Stoudenmire, Jr., Esq.  
Waterman Steamship Corporation  
61 Saint Joseph Street  
Mobile, Alabama

Randolph W. Taylor, Esq.  
Burlingham, Underwood, Barron, Wright & White  
25 Broadway  
New York, New York

Thacher W. White, Esq.  
Haight, Gardner, Poor & Havens  
80 Broad Street  
New York, New York

Robert J. Williams, Esq.  
Bigham, Englar, Jones & Houston  
99 John Street  
New York, New York

Frank L. Wiswall, Jr., Esq.  
29 Nightingale Avenue  
Cambridge, England

John A. Witte, Esq.  
Dow & Stonebridge  
80 Broad Street  
New York, New York

K. Edward Wolcott, Esq.  
American Commercial Lines, Inc.  
1030 East Market Street  
Jeffersonville, Indiana

Maurice D. Yager, Esq.  
Terriberry, Rault, Carroll, Yancey & Farrell  
825 Whitney Bank Building  
New Orleans, Louisiana, 70130

Non-lawyer members,

Lloyd L. Andersen  
The Kemper Group  
110 William Street  
New York, New York

Raymond H. Barnett  
S. N. Eben & Co.  
116 John Street  
New York, New York

Charles E. Barry  
Talbot, Bird & Co., Inc.  
156 William Street  
New York, New York

Dudley Blond  
Marine Office of America  
123 William Street  
New York, New York

William A. Carlson  
Despard & Co., Inc.  
161 William Street  
New York, New York

Joseph H. Copeland  
Wm. H. McGee  
111 John Street  
New York, New York

Edmund E. Davis  
States Marine Lines, Inc.  
90 Broad Street  
New York, New York

Arthur J. Elias  
Cities Service Tankers, Corp.  
60 Wall Street  
New York, New York

J. Robert Hunter, Vice-President  
Carr, Fox & Pier, Inc. (Reinstated)  
250 Broadway  
New York, New York

James M. McNamara  
Chubb & Son, Inc.  
90 John Street  
New York, New York

Robert A. Murphy  
Chubb & Son, Inc.  
90 John Street  
New York, New York

William B. Marks  
Talbot, Bird & Co., Inc.  
156 William Street  
New York, New York

John M. Rayment  
Atlantic Mutual Ins. Co.  
45 Wall Street  
New York, New York

Oswald P. Villarrubia  
T. Smith & Son, Inc.  
416 Common Street  
New Orleans, Louisiana

As a result of the elections this morning the total membership is now, 2,009, consisting of 1 honorary member, 1,641 lawyer members, 194 non-lawyer members and 173 associate members.

A motion was also duly made and unanimously passed that this Association make a contribution of \$1,500 to the Association of the Bar of the State of New York in recognition of the assistance and facilities it provided during the Comité meeting here in New York last September.

With respect to the coming fall meeting in New Orleans Mr. Yancey has received some response to the card questionnaire sent out, with the result that approximately a total of 233 affirmative responses have been received. As broken down so far 65 New York members planned to attend with their wives, 11 planned to attend without their wives, and generally on the Eastern Seaboard outside of New York another 33 members have indicated they will be present with their wives and 10 without, and excluding New Orleans, 72 members have indicated an intention to attend from the Gulf area and another 22 from the Great Lakes, 10 from inland points and 10 from the West Coast.

The grand total actually amounts to 252. Of course, with the number of ladies, that figure is almost doubled in view of the planned dinner-dance.

A motion was made and duly passed that the Association open a bank account with the National Bank in New Orleans so that that Committee can deposit the money they receive there in connection with reservations and the like.

Tulane University is conducting a symposium in New Orleans on Tuesday, Wednesday and Thursday, November 1, 2 and 3, which immediately precedes this Association's meeting in New Orleans. In due course the membership will receive further information as to the program to be put on by Tulane University Law School.

Furthermore, it was the sense of the Executive Committee this morning that the Association limit future out of town meetings to not more than one every two years.

I believe I have now covered most of the activities that occurred this morning. The meeting adjourned at 12:00 o'clock.

Thank you, Mr. President.

Mr. Healy: Thank you, Mr. Higgins.

## THE TREASURER'S REPORT

Mr. J. Joseph Noble: The first item of report is the Comité Maritime Internationale. In connection with that project we collected from the individual members of the Association, the lawyers, 25,000 odd-dollars. We also collected \$33,000 plus from firms, many of which included the individual lawyers.

From organizations outside of the practice of the law we collected \$31,000 which coupled with the moneys that we received from the entertainment projects brought a total of about \$116,000, which we collect for the Comité fund or, I should say, Mr. Boal collected mostly.

We had a deficit of \$2,260 which we charged to the general account, so that the entire Comité project was carried out with a deficit to the Maritime Law Association of \$2,200.

The general account of the Association, at present, has a balance of 50,000 odd-dollars. We have collected about \$1,100 since the last report, which consisted principally of delinquent dues, and we disbursed \$8,400, leaving a net balance of \$50,000.

Mr. Healy: Thank you, Mr. Noble.

I would like to entertain a motion that the Treasurer's report be approved.

Voice: So moved.

Mr. Healy: Thank you Mr. Noble for taking care of the Comité funds as well as the general funds of the Association.

Is there a second?

Voice: Second.

Mr. Healy: Any discussion?

All in favor.

Opposed.

Approved.

## REPORT OF THE MEMBERSHIP SECRETARY

Mr. J. Edwin Carey: I don't think I have anything to add to Mr. Higgins' remarks. We have reached the grand plateau of membership in excess of 2,000. Our present membership, as Mr. Higgins has announced to you, presently stands at 2,008 members. We never thought we would reach that plateau, but we have and we are very happy that we have.

Thank you.

Mr. Healy: Thank you, Mr. Carey.

## COMMITTEE ON SUPREME COURT ADMIRALTY RULES

Mr. John W. R. Zisgen: Mr. President, this is principally a status report. At our meeting last November we reported that the proposed amendments to the Rules of Civil Procedure to accomplish the unification of the Civil Practice and the Admiralty Practice in the form that we then outlined to you had been approved by the Judicial Conference.

Actually at that time the Judicial Conference had already submitted the Rules, or proposed Rules, in that form to the Supreme Court. The Court kept them under consideration until February 28, and on February 28 it adopted them by a formal order, and on that date the Chief Justice transmitted them to Congress as he is required to do by statute.

Under that statute the Congress has ninety days in which to disapprove of the rules and that period will expire on the 29th of May. If Congress takes no action to disapprove them, and I don't anticipate that it will, they will then go into effect on the date that the Court designated.

That date is the 1st of July of this year, which is less than two months away, and the order of the Supreme Court provides that once the rules become effective they shall govern all actions that are thereafter commenced and they shall also govern all actions which are then pending, excepting to the extent that the Court in which a particular proceeding is pending finds that their application to that proceeding either is not feasible or would work an injustice.

If it finds either of those things, the former practice, that is to say, the present practice as of this moment, continues to govern those particular proceedings.

Anticipating that the Rules will become effective on July 1st, we become a little bit worried over the provisions concerning time for appeal. The proposed Rules or Amended Rules allow a standard thirty-day time to appeal from any decree and, of course, our present practice gives fifteen days for appeal from an interlocutory decree and ninety days from a final decree.

What principally worried us was what would happen with respect to proceedings in which the statutory time for appeal hadn't expired on July 1st, and because of that information we caused to be issued a bulletin or a committee report, Document No. 501, that suggested in essence that Proctors play it safe and take appeals

which were in that category within the shortest time within which an appeal could be barred.

Turning to a different subject, last November at our meeting the Association adopted a resolution recommending that the practice of receiving new proof on appeal be preserved in what would now be suits in admiralty and be extended to all civil non-jury appeals. That resolution was submitted to a Sub-Committee of the Advisory Committee on Appellate Rules at a meeting last January, and it will be one of three proposals which will be submitted to the full Advisory Committee at its meeting sometime later this spring.

It's the only proposal concerning that subject that has been put forward by members of the Bar. There are two others that have been suggested by Judges but we have not yet been able to find out what they are, so I can't tell you how our proposal compares with theirs nor what in all likelihood will happen at this meeting later in the spring.

Gentlemen, at the meeting of the Association in November 1964 we recommended that this Committee be continued until such time as the draft unification proposals be adopted or amended or rejected, and that report was approved. It seems apparent that the time is rapidly approaching when the time schedule that we outlined there will have come to an end, and we recommend therefore that when the unified rules become effective this Committee be discharged and that it be replaced by the watchdog committee whose creation the Association approved at that meeting in November 1964.

Thank you.

Mr. Healy: Thank you, Mr. Zisgen.

Gentlemen, you have heard the report of the Committee on the Supreme Court Admiralty Rules which has been chairmanned so ably by John Zisgen, and before him by John Castles. I think they both deserve a great deal of gratitude from the members of this Association for the tremendous amount of hard and able work that they have put into projects of the new rules. I think it's largely due to their efforts that so much of the old Admiralty Practice has been preserved.

So I would entertain a motion to give a rising vote of thanks to Mr. Zisgen and to his predecessor, Mr. Castles, and to the members of their Committee on the Supreme Court Admiralty Rules.

(Standing ovation.)

## COMMITTEE ON BILLS OF LADING

Mr. John C. Moore: Mr. President. Since the 1965 Fall Meeting, there have been no developments in connection with either Letters of Indemnity or Revision of the Hague Rules, the two subjects which have been within the jurisdiction of your Committee for many years.

The Comité Maritime International has, beginning just after its September 1965 meeting, undertaken the study of container traffic with a view to elaborating an International Convention to deal with the private law aspects of this traffic. An International Sub-Committee has been formed under the leadership of Hon. Kaj Pineus, President of the Swedish M.L.A., who was Chairman of the Sub-Committee which did the ground work on revision of the Hague Rules. Mr. Pineus prepared an informative background report and questionnaire, which our President, Mr. Nicholas J. Healy, referred to your Committee for attention.

The Pineus Report and Questionnaire have been studied by all the members of your Committee, who collaborated in the preparation of a reply. The reply consists of preliminary comments expressed personally in the name of the Chairman of your Committee so as not to bind the Association or even your Committee. As Mr. Pineus had asked that the replies from the various countries be in his hands by April 15, 1966, it was not possible to report the matter to the Association before sending in the reply.

Copies of the Pineus Report and Questionnaire and of the reply sent in the name of the Chairman of your Committee are filed herewith. These can be reproduced by the photo-offset process at a total cost of about \$300 for 2,000 copies of each and your Committee raises the question whether, in view of the timeliness of this subject, the Association wishes to have these documents reproduced and mailed to all its members.

In any event, your Committee would very much appreciate receiving comments from the members of the Association related in any way to this new subject. All comments should be sent to the Chairman of the Committee at 80 Broad Street, New York, N. Y. 10004.

Now, having heard the report of the Treasurer a few minutes ago I think it would be appropriate to move that the Association approve the expense of distributing copies of the Pineus Report, the Questionnaire and of our answer.

Mr. Healy: All in favor?  
Opposed?  
Carried.  
Thank you, Mr. Moore.

### **COMMITTEE ON THE COMITÉ MARITIME INTERNATIONAL**

Mr. Arthur M. Boal: Mr. President. I assume that you have all read the report which has been circulated so that I don't need to go into very much detail.

In that report we tried to review the disputes that took place at the meeting of the Comité, particularly with reference to what is really the central part of the proposed convention, that is, the liens which will come ahead of the mortgage and those that would come after it.

We didn't come out too well at the convention and cargo liens were ruled out completely as to liens ahead of the mortgage. Liens for tort damage were severely restricted. I think at this time it would be a mistake for the Association to take a definite position except that I would—I hope and I recommend that we state in this report that the Association adhere to the position it took at our special meeting—just prior to the meeting of the Comité in September, and when the Diplomatic Conference has been called, that we then look at it again and see what position should be taken and prepare a position paper for the State Department or whoever represents this country at the Diplomatic Conference.

Thank you.

Mr. Healy: Thank you, Mr. Boal.

### **COMMITTEE ON REGULATIONS FOR PREVENTING COLLISIONS AND MATTERS CONCERNING COAST GUARD REGULATIONS**

Mr. Gordon W. Paulsen: The primary work of the Committee since our last meeting has been with respect to the suggested revision of the Inlands, Great Lakes and Western Rivers Rules to conform to the maximum extent practicable with the new International Rules.

I call them new but it's 1960. I guess it's not so new any more.

There has been substantial progress since our last meeting. We are not, as a Committee, in a position to make a report with recommendations. This is also in the nature of a status report.

I think that the person best equipped to give a report on the progress is Commander Richard Thomas, who is a member of this Association and who is in charge of the Revisions Committee of the Coast Guard, the Rules of the Road Branch of the Coast Guard.

I would ask Mr. Thomas if he would give his report now concerning the status of the recommendations and, if any have questions concerning it, Commander Thomas would be in a position to answer them.

Mr. Healy: Thank you, Mr. Paulsen.

Commander Thomas: Thank you. Just to bring you up to date, since this time last year we had the meeting of the Rules of the Road Coordinating Panel, the Chairman of which is Mr. Healy, and we reviewed the proposal as it had progressed at that time, came up with an actual compromise package and we thought the way would be fairly clear for it thereafter.

About four months later the matter was reviewed again by the Western Rivers Panel. It was very important that the Western Rivers Panel have a full opportunity to submit its views on this project. They had their own definite ideas for the launching of the Rules of the Road Unification Project. What they wanted was to combine Inland and Western River Rules, period.

As you know, our project makes an attempt to combine Great Lakes Rules to the extent practicable with them after the review by that Panel. A compromise solution was again drawn up in approximately December of 1965 and this was submitted to the towing industries or representatives of various towing groups in this country which made further changes with respect to towing vessel lights and a couple of minor matters.

None of the changes mentioned has been very good and the proposal hasn't really changed very much since last year. However, the copy you have or you should have received today is fairly close to what we expect, we in the Coast Guard expect, will be the final package to be sent to Congress.

As far as the future review, the proposal is now in the hands of the Canadian government, which has reviewed it and has, as far as I know, distributed the proposal to representatives of the Canadian Great Lakes Industry.

The Canadians anticipate completion along about the end of June and with that timetable it should take us until approximately

August to prepare it for submission to the Treasury Department. Thereafter the Treasury will have to submit the proposal through the Bureau of the Budget to all of the executive departments, and that takes approximately six months.

From that we can gather, the Treasury would be in a position to transmit it to Congress sometime next spring, probably no sooner, in which case hearings could possibly be held a little over a year from now, and my optimistic guess for an effective date would be about 1 January, 1968.

That is the best I can bring you up on that.

Mr. Healy: Thank you very much, Commander Thomas.

Would you be willing to answer any questions if any of our members had any for you?

Mr. Thomas: Yes, sir.

Mr. Healy: Any questions that any of you gentlemen would like to ask Commander Thomas?

Everyone seems to be content with the proposals. Thank you very much, Commander. We are certainly very much obliged for you coming to us and addressing us in this way again.

(Applause.)

### **COMMITTEE ON CODIFICATION OF LAWS RELATING TO SHIPPING**

Mr. Herbert M. Lord: Mr. President, I have what may be termed a Chairman's status report.

In February the Committee on Commerce of the U. S. Senate issued a draft of proposed Merchant Marine Act of 1966, which attempt to codify in one statute the Shipping Act of 1916, the Merchant Marine Acts of 1920, 1928, 1933, 1936 and 1946, and the Reorganization Plans of 1949, 1950 and 1961. The draft, except collaterally, does not deal with the sections of Title 46 as to which the Coast Guard and the Customs Bureau are primarily concerned. As to these, the Coast Guard and the Customs Bureau are preparing codifications of their own.

Hearings on the draft Act will be conducted by the Committee on Commerce later this month. Copies of the draft, obtained from Mr. Gerald B. Grinstein, Chief Counsel of the Committee on Commerce, have been forwarded to members of our Association's Committee on Codification. Comments received back from the Committee members confirm our judgment that review of the draft in

detail is not a project which the Committee should undertake because of insufficient time and, more importantly, because interested groups within the maritime industry and their admiralty counsel, having studied the draft in detail, have reported fully and competently to the Commerce Committee Chairman, Senator Magnuson. This report will be limited to brief comments on the draft.

The draft, which was prepared by Pike & Fischer, Inc., has, in general, carried out faithfully and well the mandate of its authors—to prepare a codification effecting no changes in substantive law.

Some have considered unwise the effort to combine in one statute merchant marine laws dealing with regulatory functions of administrative agencies with those intended to foster the development of an adequate American-owned merchant marine. The type of problem this produces is illustrated by the adoption for the whole draft law of the policy statement of the Merchant Ship Sales Act of 1946 (that is, to promote an American Merchant Marine), which has no pertinent application to the regulatory aspects of the Shipping Act of 1916, applying, as they do, to commerce of the United States generally, including certain activities therein of foreign lines.

There are instances where the draft incorporates into sections of the proposed Act rules derived from decided Court cases. Since case law generally has a fairly narrow application to issues presented in litigation, the practice of engrafting case law upon statutory codification would seem unwise.

The codification has retained some anachronisms, such as the requirement for reporting the names and compensation of Maritime Administration employees, and of posting a conference tariff on board the vessel, under glass

One leading steamship group, commenting on the draft, has suggested that the words “toter minate” in the draft be straightened out to read “to terminate”. All will agree that something will be lost in the process.

The industry will be well represented at the hearings before the Commerce Committee later this month, and many improvements in the draft will result. It remains to be seen whether the effort to combine into one act the regulatory and promotional functions of the Merchant Marine Laws will be successful.

Mr. Healy: Thank you, Mr. Lord.

Mr. Healy: Aside from the report of the Nominating Committee, are there any further Committee reports? Yes, Mr. Boal.

Mr. Boal: Before the Nominating Committee reports, I would like to move that we give a rising vote of thanks to Nicholas Healy

and the other officers of the Association who did such a magnificent job in entertaining the Comité in New York.

(Standing ovation.)

Mr. Healy: Thank you very much, Arthur, and gentlemen for your kind thoughts.

I take it there are no further Committee reports other than the report of the Nominating Committee.

Is there any further business before the house?

Then, gentlemen, we will have the report of the Nominating Committee of which our former President, Mr. Hecht, is Chairman.

### REPORT OF NOMINATING COMMITTEE

Mr. Wilbur H. Hecht: Mr. President and members, the Nominating Committee which consisted of twenty members, ten New Yorkers and ten non-New Yorkers, felt that with the annihilation of time and space the time had come that we should give due consideration to non-New Yorkers as well as New Yorkers for the office of the Presidency.

We have accordingly nominated for the Presidency Benjamin Yancey of New Orleans. As for the other officers, we have nominated New Yorkers.

(Laughter.)

Mr. Hecht: For First Vice-President, James J. Higgins; for Second Vice-President, John C. Moore; for Treasurer, J. Joseph Noble; for Secretary, J. Edwin Carey; and for Membership Secretary, Francis J. O'Brien.

With respect to the three members of the Executive Committee for terms expiring in 1969, in order to keep at least the present geographical representation of five New Yorkers and four non-New Yorkers, and since two of the expiring terms are two New Yorkers and one was a non-New Yorker, we nominated John F. Gerity of New York, Herbert M. Lord of New York and Lucien Y. Ray of Cleveland.

That is the report of the Nominating Committee.

Mr. Healy: Thank you, Mr. Chairman.

Gentlemen, you have heard the report of the Nominating Committee. Are there any nominations from the floor?

Voice: Move that nominations be closed.

Voice: Second that.

Mr. Healy: Any discussion?

It has been regularly moved and seconded that the motions be closed.

(Nominations closed.)

Mr. Healy: All in favor.

I will now entertain a motion that the Secretary be directed to cast one ballot for the candidates listed in the report of the Nominating Committee.

Voice: So moved.

Voice: Seconded.

Mr. Healy: All in favor.

Gentlemen, before turning the gavel over to my very good friend, Ben Yancey, I do want to take this opportunity to thank all of the other officers of the Association and all of the members of the Executive Committee, the members of the other Committees and, in particular, their Chairmen for the fine cooperation which they have given during these past two years. They have made this job a very pleasant one and one that I will certainly cherish as long as I live. I have had many more honors in this life than I have deserved but certainly none could compare with the honor of serving as your President, and I know I shall never have another that will be in the same category as this.

So without further ado, it is my great pleasure to turn the gavel over to my distinguished fellow member from New Orleans, Ben Yancey.

(Standing ovation.)

Mr. Yancey: Gentlemen, I am highly honored and deeply touched. I merely want to say that I approach it with considerable trepidation because it's almost revolutionary to have an outlander President, a meeting out of New York and women at our dinner.

(Laughter.)

Mr. Yancey: You all also know, without my telling you, who rushed in where angels feared to tread. I will entertain a motion to adjourn.

Voice: So moved.

Voice: Seconded.

Mr. Healy: Any opposition?

So ordered.

(Whereupon, at 3:15 o'clock p. m., the meeting was adjourned.)