

# MARITIME LAW ASSOCIATION OF THE UNITED STATES.

NEW YORK, January 6, 1914.

There will be a meeting of the Maritime Law Association of the United States at the rooms of the Bar Association, 42 W. 44th St., New York City, on the 30th day of January, 1914, at 3 o'clock P. M. The following matters will be considered as part of the business of the meeting:

## I. BILL RELATING TO THE MAINTENANCE OF ACTIONS FOR DEATH ON THE HIGH SEAS.

The Judiciary Committee of the House of Representatives has reported this Bill in the form hereto annexed, which is practically the form as finally prepared by the Committee of this Association.

## 2. PILOT RULES FOR INLAND WATERS.

In September, 1911, a Committee of this Association presented a report on the Pilot Rules for Inland Waters, in which certain changes in the form of the present Rules were recommended. At a meeting of the Association held December 8th, 1911, the report of the Committee was adopted and the Special Rules recommended by the Committee were approved. The suggestions of the Committee as to the contents of the official pamphlet published by the Department of Commerce and Labor and containing the Rules, was also approved; and it was resolved that the Committee be authorized to present their report, their Special Rules and their recommendations to the Secretary of Commerce and Labor, the Supervising Inspector General and the Supervising Inspectors, and to take such steps as might be necessary to secure the adoption of the rules and

recommendations. Copies were presented to the above officers in accordance with the resolution, but no action has been taken by the Department towards making any changes in the Rules.

Recently the Secretary of Commerce and Labor has approved a suggestion that the Rules and Regulations of the Steamboat Inspection Service be re-written, and it would seem appropriate, therefore, at the present time, to again take up the suggested alterations in the Pilot Rules.

3. **BILLS TO PERMIT JURY TRIALS IN THE ADMIRALTY, &C,  
AND TO GIVE SHIP MASTERS A LIEN FOR WAGES.**

Mr. Beverly T. Mister, of Baltimore, a member of this Association, has prepared two bills, one permitting jury trials in the Admiralty and bills of exceptions on appeals, and the other giving masters of vessels a maritime lien for their wages. Copies of the proposed bills are hereto annexed. Mr. Mister desires this Association to recommend the bills and to urge upon Congress the passage of the same.

EDWARD G. BENEDICT,  
*Secretary.*

A BILL RELATING TO THE MAINTENANCE OF  
ACTIONS FOR DEATH ON THE HIGH SEAS  
AND OTHER NAVIGABLE WATERS.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas, the Great Lakes, or any navigable waters of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States in admiralty for the exclusive benefit of the decedent's wife, husband, parent, child, or dependent relatives against the vessel, person, or corporation which would have been liable to a suit for damages by or in behalf of the decedent by reason of such act if death had not ensued.

SEC. 2. That the recovery in such suit shall be a fair and just compensation *for the pecuniary loss sustained* to the persons for whose benefit the suit is brought and shall be apportioned among them by the court in proportion to the pecuniary damage they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

SEC. 3. That suit shall be begun within ~~one year~~ *two years* from the death of the decedent, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged: *provided, however,* That after the expiration of a period of ~~one year~~ *two years* from the decedent's death the right of action hereby given shall *not* be deemed to have lapsed ~~within~~ *until* ninety days after a reasonable opportunity to secure jurisdiction has offered.

SEC. 4. That if a person die as the result of wrongful act, neglect, or default occurring on the high seas, the Great Lakes, or any navigable waters of the United States during the pendency in a court of admiralty of the United States of a suit to

recover damages for personal injuries in respect of such act, neglect, or default, the personal representative of the decedent may be substituted for the decedent as a party, and the suit may proceed as a suit under this Act for the recovery of the compensation provided in section two.

SEC. 5. That in suits under this Act the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall ~~take~~ take into consideration the degree of negligence attributable to the decedent and reduce the damage accordingly.

SEC. 6. That this Act shall not affect the rights of ship-owners and others to avail themselves of the provisions of the laws of the United States relating to limitation of liability.

SEC. 7. That all suits for damages for the death of a person caused by wrongful act, neglect, or default occurring on the high seas, the Great Lakes, or any navigable waters of the United States wherever such death may occur shall be deemed to be within the admiralty and maritime jurisdiction of the United States, and in all suits in admiralty recovery of damages for death so caused shall be had only under the provisions of this Act; and where the death has been caused by wrongful act, neglect, or default occurring on the high seas suit for damages shall not be maintained in the courts of any State or Territory or in the courts of the United States other than in admiralty.

SEC. 8. That nothing in this Act shall be construed to abridge the rights of suitors in the courts of any State or Territory or in the courts of the United States other than in admiralty to a remedy given by the laws of any State or Territory in case of death from injuries received elsewhere than on the high seas: *Provided*, That there shall be but one recovery by the person injured or by or in behalf of any of the persons mentioned in section one.

AN ACT TO PERMIT JURY TRIALS IN ADMIRALTY  
CAUSES AND BILLS OF EXCEPTIONS  
ON APPEALS.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled:*

SECTION ONE. That in the trial of Admiralty and Maritime causes in the District Courts of the United States, the Court shall find the facts and its conclusions of law upon which it renders its judgment or decree, and shall further state the facts and conclusions of law separately so that in case of an appeal, the Appellate Court may see whether the findings of facts and conclusions of law are authorized by the evidence and the law; but either party to the cause may elect to have the facts determined by a Jury of Twelve Men under the direction of the Court, as in causes tried at Common Law; and the party to the cause may, by prayer presented to the Court, raise any question of law on the evidence in the cause for the guidance of the Jury in their findings of the facts, or the Court may instruct the Jury as to what the law bearing upon the facts in the cause is, and their verdict shall be entered of record unless set aside for cause, upon which a judgment or decree shall be entered; and that in a review of the judgment or decree on appeal, based either on the findings of the Jury or Court, the Appellate Court shall be limited to determination of the question arising upon the Record and to such rulings of the District Court on the evidence and the law as may be presented by a Bill of Exceptions prepared as in actions of law.

SECTION TWO. That this Act shall take effect from the date of its passage.

AN ACT TO GIVE A MARITIME LIEN TO MASTERS  
OF VESSELS FOR THEIR WAGES.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled:*

SECTION ONE. That any person in charge of a vessel as master, under a contract, expressed or implied, to run her on wages or salary, whether his name be on the ship's papers or not, shall have a Maritime Lien for his wages or salary which may be enforced by proper proceedings in rem.

SECTION TWO. That the Lien so given shall not apply to the master of a vessel who is running such vessel on a lay or share of her earnings, or is her charterer paying her owner a fixed sum independent of her earnings.

SECTION THREE. That this Act shall take effect from the date of its passage.