

# MARITIME LAW ASSOCIATION OF THE UNITED STATES.

NEW YORK, November 23, 1915.

The semi-annual meeting of the Maritime Law Association was held at the Bar Association of the City of New York on the 22d day of November, 1915, at three o'clock P. M. There were present Messrs. Holt, Ward, Putnam, Maclay, Carpenter, Hughes, Seawell, Murray, Field, Conlen, Leach, Fitz-Henry Smith, Jr., Wells and Hatch.

The President, Hon. George C. Holt, presided and the business before the meeting was the consideration of the redraft of the bill of the Committee on the Proposed Federal Statute for Damages for Loss of Life at Sea by wrongful act, neglect or default. Judge Ward moved that it be considered section by section. The motion being seconded, it was unanimously adopted.

Judge Ward then moved that it was the sense of the meeting that the bill should adopt, as a principle, that the Association was in favor of making the limitation within which an action for wrongful death could be brought under the bill, one year from the wrongful act. The same being seconded, it was duly carried.

The bill being considered section by section was approved. It is annexed.

On motion of Judge Putnam, it was

*Resolved*, that the Committee be authorized to cause the same to be introduced into Congress and the Committee, for the Association, advocate its passage at the approaching session of Congress.

*Further Resolved*, that the Committee be authorized to consent, in its discretion, to any change suggested during the bill's passage through Congress.

*Further Resolved*, that the Committee be authorized to

confer and act with the Committee of the American Bar Association relating to the same subject.

There being no further business to come before the meeting at this time a recess was taken until seven o'clock at Delmonico's, 44th Street and Fifth Avenue, for dinner. There were present at the dinner: Judge Holt, Judge Lacombe, Judge Hough, Judge Veeder, Judge Harrington Putnam, Everett P. Wheeler, C. C. Burlingham, Judge Augustus N. Hand, Joseph Larocque, Fitz-Henry Smith, Geo. W. Betts, Jr., John M. Woolsey, Oscar R. Houston, D. Roger Engler, T. Catesby Jones, Chas. Burlingham, Benj. Wells, Chas. W. Field, Chas. R. Hickox, Robert M. Hughes, A. Gordon Murray, Leon T. Seawell, W. M. Maclay, Jr., Robinson Leach.

Judge Holt introduced with fitting remarks, the Hon. E. Henry Lacombe, Senior United States Circuit Judge for the Second Circuit as the guest of the Association upon the approaching termination of his twenty-nine years of service as a United States Judge, to which Judge Lacombe responded expressing his deep feeling of gratitude that the members of the Admiralty Bar should express and approve such sentiments as Judge Holt had expressed.

Mr. Everett P. Wheeler proposed the following resolution:

*Resolved*, that in the judgment of the Association, International Commerce should be governed by International agreement; therefore the Convention of London, made in January, 1914, by representatives of all maritime nations, should be ratified without change, and the Seamen's Bill passed at the last Congress, should be modified so far as it attempts to change the terms of this Convention, and to abrogate provisions of existing treaties without the consent of other nations.

After discussion, participated in by Mr. Wheeler, Judge Lacombe, Mr. C. C. Burlingham, Mr. Engler and Commander Wells. Judge Lacombe suggested and moved:

*Resolved*, that the resolution be referred to a Committee of five, of which Mr. Wheeler shall be Chairman, for consideration of the whole matter; their findings to be submitted

to the members at a special meeting of the Association to be called for the purpose.

Judge Lacombe's motion being seconded, it was unanimously carried. The President appointed the following gentlemen as Committee:

MR. EVERETT P. WHEELER,  
HON. CHARLES M. HOUGH,  
HON. HARRINGTON PUTNAM,  
MR. C. C. BURLINGHAM,  
MR. CHARLES R. HICKOX.

The meeting adjourned *sine die*.

A. GORDON MURRAY,  
*Secretary and Treasurer,*  
68 William Street,  
New York City.

"AN ACT  
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, as follows:

SEC. 1. Whenever the death of a person shall be caused by wrongful act, neglect or default occurring on the high seas beyond a marine league from the shore of any State, or on any navigable waters of the Panama Canal Zone, the District of Columbia, or the territories or dependencies 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 relative against the vessel, person or corporation which would have been liable if death had not ensued.

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

SEC. 3. Such suit shall be begun within one year from the date of such wrongful act, neglect or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person or corporation sought to be charged; but after the expiration of such period of one year the right of action hereby given shall not be deemed to have lapsed until ninety days after a reasonable opportunity to secure jurisdiction has offered. After said period of one year it shall be barred as to an innocent purchaser for value without notice.

SEC. 4. If a person die as the result of such wrongful act, neglect or default as is mentioned in section one, 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 as a party, and the suit may proceed as a suit under this Act for the recovery of the compensation provided in section 2.

SEC. 5. 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 into consideration the degree of negligence attributable to the decedent and reduce the recovery accordingly.

SEC. 6. The provisions of any state statute giving or regulating rights of action or remedies for death shall not be affected by this Act as to causes of action accruing within the territorial limits of any state. Nor shall this act apply to the Great Lakes or to any waters within the territorial limits of any state.’’