

THE

MARITIME LAW ASSOCIATION OF THE UNITED STATES.

NEW YORK, May 3, 1918.

The Nineteenth Annual Meeting of the Association was held in the Library of the New York Law Institute, Equitable Building, 120 Broadway, on Friday, May 3rd, 1918, at 4:00 P. M.

There were present: Hon. Harrington Putnam, Messrs. Everett P. Wheeler, Edward E. Blodgett, Charles C. Burlingham, Russel Loines, Roscoe H. Hupper, Oscar S. Houston, A. Gordon Murray.

The President, Messrs. Van Vechten Veeder, Robert H. Hughes, George C. Holt, and W. O. Hart notified the Secretary of their inability to attend.

On motion, Mr. Everett P. Wheeler took the chair.

On motion, duly seconded, Hon. Henry Galbraith Ward was re-elected President, and A. Gordon Murray was re-elected Secretary and Treasurer.

Mr. Everett P. Wheeler, Fitz Henry Smith, Jr., D. Rogers Engler were re-elected to the Executive Committee.

Mr. Floyd Hughes, of Norfolk, Va., and George Denegre, of New Orleans, La., were elected members of the Executive Committee to fill vacancies.

The following amendment to the By-Laws was adopted:

Resolved, That the By-Laws of this Association be and hereby are amended to read as follows:

- 4. The officers of this Association shall be a President, a Secretary, a Treasurer, and an Executive Committee, to consist of eight members, together with the President *virtute officii*, and that three members shall constitute a quorum for the transaction of business.

Further Resolved, That the Executive Committee have power to fill vacancies pursuant to the foregoing resolution.

The Executive Committee reported that, pursuant to a resolution adopted at the annual meeting May 4, 1917, it had authorized the Secretary to drop from the Rolls the names of eight members.

The Secretary submitted his report, showing that there are 35 Associate Members, 8 Government Service Members, and 130 Active Members. His report was approved and ordered on file. It is annexed hereto. (Page 4.)

The Treasurer submitted his report and it was approved and ordered on file. (Page 8.)

Mr. Edward E. Blodgett submitted a report for the Committee, appointed by the President December 7, 1917, to consider the question of Uniform Rules of Practice in Admiralty in the United States. The report was considered in detail and action taken in respect thereto. The report as acted upon is annexed hereto. (Page 9.)

Hon. Van Vechten Veeder, as Chairman of the Committee, appointed by the President December 7, 1917, to promote the passage of a bill increasing the compensation of the members of the Federal Judiciary, submitted a report showing that a bill had been introduced in the House of Representatives at Washington, had been referred to the Judiciary Committee and by that Committee to a Sub-Committee, and that the Sub-Committee had granted a hearing to the Committee of this Association and had reported favorably to the full Judiciary Committee, and that the same was on the calendar for a hearing before the full Judiciary Committee May 7, 1918. The bill as introduced and reported is annexed. (Page 13.) The general scheme of the bill is to fix the compensation of the Judges of the United States Courts in proportion to the population of the districts. The minimum compensation to be received by any District Judge will be \$6,500.00, and range up to \$10,000.00. Circuit Judges are to receive compensation of \$1,000.00 in addition to the highest paid District Judge in the Circuit.

On motion of C. C. Burlingham, duly seconded, the following resolution was adopted:

Resolved, That a committee of three be appointed by the

Chair to take up with the United States Shipping Board and other Governmental authorities the question of a remedy in Admiralty on claims involving government and requisition vessels.

The Chairman subsequently appointed the following committee:

HON. VAN VECHTEN VEEDER,
EDWARD E. BLODGETT,
FLOYD HUGHES.

There being no further business, the meeting adjourned.

A. GORDON MURRAY,
Secretary,
No. 56 Pine Street,
New York City, N. Y.

NOTE: The bill increasing Judicial compensation has been favorably reported by the Judiciary Committee of the House and an effort is being made to have brought in a Special Rule for its immediate consideration. It is requested that members request their Congressman to urge its immediate enactment.

A. GORDON MURRAY, *Secretary.*

TO THE MARITIME LAW ASSOCIATION OF THE
UNITED STATES.

A. GORDON MURRAY, Secretary of The Maritime Law Association of the United States, submits his report for the year ending April 30, 1918, as follows:

There have been two meetings of the Association during the year, as follows, to wit:

Annual meeting May 4, 1917.

Fall meeting December 7, 1917, followed by a dinner of members present at Delmonico's, 44th Street and Fifth Avenue, New York.

At the Fall meeting the following resolution was adopted:

“Resolved, That the dues of those members of the Association in the active service of the Government or any of its Departments or Auxiliaries during war be remitted.”

In accordance therewith the Secretary has made up a special list of members, known as “Government Service Members,” and the following names have been transferred to such list:

E. T. CHAMBERLAIN, Esq.,
Bureau of Navigation, Washington, D. C.

KENNETH GARDNER, Esq.,
27 William Street, New York City.

CHARLES R. HICKOX, Esq.,
27 William Street, New York City.

CLETUS KEATING, Esq.,
27 William Street, New York City.

SAMUEL J. REID, Jr., Esq.,
60 Wall Street, New York City.

JULIAN B. SHOPE, Esq.,
60 Wall Street, New York City.

ALBERT STRAUSS, Esq.,
1 William Street, New York City.

ARCHIBALD G. THACHER, Esq.,
59 Wall Street, New York City.

At the same meeting, after discussion, the President was requested to appoint Committees to deal with the matter of uniform rules for practice in Admiralty and to again urge the passage of a bill increasing the compensation of the members of the Federal Judiciary. The President appointed the following Committees:

As a Committee to consider the question of uniform rules for practice in Admiralty in the United States:

EDWARD E. BLODGETT, Esq., *Chairman*,
60 Federal Street, Boston, Mass.

FLOYD HUGHES, Esq.,
Seaboard Bank Bldg., Norfolk, Va.

D. ROGER ENGLAR, Esq.,
64 Wall Street, New York City.

As a Committee to promote the passage of a bill increasing the salaries of the Federal Judiciary:

HON. VAN VECHTEN VEEDER, *Chairman*,
27 William Street, New York City.

CHARLES S. HAIGHT, Esq.,
27 William Street, New York City.

MARK W. MACLAY, Jr., Esq.,
27 William Street, New York City.

Each Committee reports its progress and reports from each Committee will be submitted at this meeting.

The Secretary regrets to state that there have been during the year the following deaths:

JOSEPH H. CHOATE, Esq.,
60 Wall Street, New York City.

CHARLES W. FIELD, Esq.,
801 Calvert Bldg., Baltimore, Md.

JAMES J. MACKLIN, Esq.,
1 Broadway, New York City.

ROBERT H. SMITH, Esq.,
616 Equitable Bldg., Baltimore, Md.

BENJAMIN W. WELLS, Esq.,
27 William Street, New York City.

and the following resignations:

- JOSEPH H. CHOATE, Jr., Esq.,
60 Wall Street, New York City.
- EUSTACE CONWAY, Esq.,
66 Broadway, New York City.
- CHARLES STEWART DAVISON, Esq.,
60 Wall Street, New York City.
- JAMES D. DEWELL, Jr., Esq.,
129 Church Street, New Haven, Conn.
- CHARLES F. DUTCH, Esq.,
73 Tremont Street, Boston, Mass.
- A. J. GILCHRIST, Esq.,
Perry-Payne Bldg., Cleveland, Ohio.
- J. A. GUTHRIE, Jr., Esq.,
3 So. William Street, New York City.
- BEVERLY W. MISTER, Esq.,
Calvert Bldg., Baltimore, Md.
- A. A. RAVEN, Esq.,
49 Wall Street, New York City.

He takes pleasure, however, in reporting that the membership of the Association has been increased by the addition of the following members:

- FRANCIS C. ADLER, Esq.,
108 So. Fourth Street, Philadelphia, Pa.
- HON. THEODORE BRENT (Associate Member),
U. S. Shipping Board, Washington, D. C.
- HON. BAINBRIDGE COLBY (Associate Member),
U. S. Shipping Board, Washington, D. C.
- HENRY H. CHAFFE, Esq.,
P. O. Box 274, New Orleans, La.
- HON. WILLIAM DENMAN (Associate Member),
U. S. Shipping Board, Washington, D. C.
- HON. JOHN A. DONALD (Associate Member),
U. S. Shipping Board, Washington, D. C.
- P. A. S. FRANKLIN, Esq.,
9 Broadway, New York City.
- ALBERT I. GOULD, Esq.,
60 Federal Street, Boston, Mass.
- HON. EDWIN L. GARVIN (Associate Member),
P. O. Building, Brooklyn, N. Y.

HON. EDWARD N. HURLEY (Associate Member),
U. S. Shipping Board, Washington, D. C.

J. FLOYD JOHNSTON, Esq.,
3 South William Street, New York City.

HON. JOHN C. KNOX (Associate Member),
P. O. Building, New York City.

VICTOR LEOVY, Esq.,
P. O. Box 274, New Orleans, La.

HON. MARTIN T. MANTON (Associate Member),
P. O. Building, New York City.

ANTHONY M. MENKEL, Esq.,
59 Wall Street, New York City.

WILLIAM D. MACY, Esq.,
4 Wall Street, New York City.

HON. CHARLES R. PAGE (Associate Member),
U. S. Shipping Board, Washington, D. C.

JOHN C. PRIZER, Esq.,
59 Wall Street, New York City.

H. H. RAYMOND, Esq.,
Pier 36, North River, New York City.

HON. R. B. STEVENS (Associate Member),
U. S. Shipping Board, Washington, D. C.

ALFRED G. SMITH, Esq.,
4 Wall Street, New York City.

and that there have been restored to the rolls the following names :

ROBERT PENINGTON, Esq.,
904 Mark Street, Wilmington, Del.

JOHN H. SKEEN,
922 Equitable Bldg., Baltimore, Md.

The membership of the Association at present amounts to thirty-five (35) Associate Members, eight (8) Government Service Members and one hundred and thirty (130) Active Members, making a total of one hundred and seventy-three (173) members.

Respectfully submitted,

A. GORDON MURRAY,
Secretary.

TO THE MARITIME LAW ASSOCIATION OF THE
UNITED STATES.

A. GORDON MURRAY, as Treasurer of The Maritime Law Association of the United States, submits his annual report for the year ending April 30, 1918, as follows:

RECEIPTS.

April 30, 1917:

Balance carried over.....	\$627.52
Annual dues received during year.....	715.00
Dues paid in advance, for year 1918:	
Frederick M. Brown, Wm. H. Gorham.....	10.00
Refund on dinner at Delmonico's.....	16.00
Interest to January 1, 1918.....	11.05
	\$1,379.57

DISBURSEMENTS.

Room 8, Bar Association, May 4, 1917.....	\$ 2.00
Dinner at Delmonico's.....	410.60
Printing for year.....	94.00
Postage and expenses during year.....	25.00
Stenography and clerical services from May 1, 1917, to April 30, 1918.....	50.00
	\$ 581.60

TOTAL RECEIPTS	\$1,379.57
TOTAL DISBURSEMENTS	581.50
	\$797.97

Respectfully submitted,

A. GORDON MURRAY,
Treasurer.

MARITIME LAW ASSOCIATION

REPORT OF COMMITTEE APPOINTED TO RECOMMEND
CHANGES IN RULES OF ADMIRALTY PRACTICE.

The Committee appointed by the President of the Association at a meeting of the Association held in New York on December 7, 1917, for the purpose of considering and recommending such changes in the rules of practice for the Courts of the United States in Admiralty and Maritime cases as are desirable in order to secure uniformity of practice throughout the several circuits, has considered the subject referred to it and recommends that this Association request that the following changes in and additions to the Admiralty Rules of the Supreme Court of the United States be made:

1. Add to Supreme Court Rule No. 2 the following, immediately preceding the words "as the libellant shall in his libel or information, pray for or elect":

"Or by such monition with a clause therein that if the defendant is a non-resident of the state in which the district is comprised, or a corporation incorporated outside such state, to attach the goods and chattels of the defendant to the amount sued for; or if such property cannot be found, to attach his credits and effects to the amount sued for in the hands of the garnishees named therein." As adopted May 3, 1918.

2. In Supreme Court Rule No. 5 in the third line insert before the words "any commissioner" the words "the clerk or", and at the end of the rule the words "or any duly qualified Notary Public." As adopted May 3, 1918.

3. Add to Supreme Court Rule No. 52 the following:

"The testimony should be printed by question and answer, except where the parties by their proctors agree in writing that all or any fact thereof shall be printed in

narrative form, and such agreement shall be incorporated in the record." As adopted May 3, 1918.

4. Insert after the words "for the payment thereof into Court" in Rule 54 the following:

"With interest at the rate of 6 per cent. per annum from the date of the giving of said stipulation." As adopted May 3, 1918.

Add the following to the Supreme Court rules:

5. "No property in the custody of the Marshal or other officer of the court shall be delivered up without an order of the court; but, except in possessory actions, such order may be entered, as of course, by the clerk, on filing either a written consent thereto by the proctor on whose behalf it is detained, or an approved stipulation or an approved bond to the Marshal, as provided by law; or by dismissal or discontinuance of the libel; provided, however, except in proceedings under Section 941, of the Revised Statutes, the Marshal shall not deliver any property so released until the accrued costs and charges of the officers of the court shall first have been paid into court by the party receiving such property, subject to the decision of the court with respect to the amount of costs due such officers." As adopted May 3, 1918.

6. "In cases where a witness travels from a place outside the district to the place of trial his taxable mileage shall not exceed \$10.00, and in no case shall mileage be allowed for a greater distance than that actually traveled by the witness." As adopted May 3, 1918.

7. "In all cases where costs are allowed, reasonable premiums on bonds or stipulations for value and on bonds or stipulations for costs, paid by the party filing the same, shall be included as taxable costs." As adopted May 3, 1918.

8. "Admission to practice in any Circuit Court of Appeals or any District Court in causes of admiralty or maritime jurisdiction may be granted on motion of an attorney of said

Court to any member of the Bar of the Supreme Court of the United States or of the Circuit Court of Appeals in the circuit in which he resides, provided said person is of good character and professional repute, and provided further that, in every suit or proceeding, some attorney maintaining an office within the district or circuit where the same is pending, shall be appointed to receive service of notices or other papers." As adopted May 3, 1918.

9. "Where any vessel or other property is sold under process of the court, the relative priority of claims or liens shall be determined as of the date of the distribution of the fund realized from such sale, and shall not be affected by the respective dates of beginning suit thereon or of any decrees therein."

Your Committee has also considered the question of the enforcement of liens for labor, material and supplies as they are now enforced in the various Districts, and it is very strongly of the opinion that if it is possible to do so, a rule should be added for the purpose of harmonizing the law in the various Districts with respect to the length of time during which such liens retain their priority. It has reached the conclusion, however, that this is a question of substantive law, which cannot be governed by a rule of Court. It therefore suggests the advisability of endeavoring to obtain some legislation dealing with this subject matter.

Your Committee has also considered another matter, which, while probably outside the scope of its powers, seems to it to require some action by this Association. Under the present law, as construed by the various Collectors of Customs, a vessel sold and registered in a new District receives a clean registry which does not show any liens which may be recorded against her in the District where she was previously registered. This makes it necessary, in searching the title of any vessel, to examine the records in every port where she has ever been registered. It seems to us most desirable that an act be passed to remedy this situation. If the Association desires to take any action with a view to obtaining legislation

governing the registration of vessels, we think such legislation should also include provisions clarifying in general the present law with respect to the recording of bills of sale and mortgages.

Another matter which seems to your Committee to be of peculiar importance at the present time is the question of the right to proceed against vessels owned or requisitioned by the United States Government or its representatives. While the decisions of the Courts up to this time have allowed proceedings to be taken against such vessels, when used for commercial purposes, there is no method at the present time by which bond can be furnished and persons filing libels against such vessels have been faced with the alternative of either abandoning their rights or of taking action which would be likely to result in delaying vessels in Government service at a time when such a course might well seem unpatriotic. Your Committee believes that the time is ripe to ask the passage of legislation allowing proceedings to be brought against the United States in all cases where damage is caused by vessels owned or operated by it, without the necessity of obtaining an Act of Congress in each particular case. Such legislation should make some provision for the payment of any decree which may be obtained in any such suit; and should permit such suits to be brought in the District Courts of the United States.

NOTE: Subsequent to paragraph 8 all matters were referred back to the Committee to draft such bill or bills as they saw fit, and a Special Committee was appointed with respect to the last recommendation.

Respectfully submitted,

EDWARD E. BLODGETT,
D. ROGER ENGLAR,
FLOYD HUGHES.

65TH CONGRESS, 2D SESSION. H. R. 11134

IN THE HOUSE OF REPRESENTATIVES.

MARCH 30, 1918.

MR. CARLIN INTRODUCED THE FOLLOWING BILL; WHICH WAS
REFERRED TO THE COMMITTEE ON THE JUDICIARY
AND ORDERED TO BE PRINTED.

A BILL

To amend an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of the Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven, be, and the same hereby is, amended to read as follows:

"SEC. 2. The salaries to be paid to the district judges shall be \$6,500 per annum, except that in districts having a population of over five hundred thousand the district judge or each of the district judges appointed for those districts, respectively, shall receive annually additional compensation at the rate of \$500 for each half million of population or part thereof in their respective districts, in excess of the first five hundred thousand; which additional compensation, as the same may be ascertained, as aforesaid, in the said several districts, respectively, together with said sum of \$6,500, shall be the annual salary payable to the district judge or each of the district judges in such districts, respectively: *Provided however,* That the salary of any district judge appointed for more than one

district shall be determined on the basis of the aggregate population of the districts for which he is appointed. Such salaries shall be paid in equal monthly installments, beginning on the first day of the month next following the approval of this Act, and the amount to be so paid in the several districts, under the provisions of this Act, shall be ascertained by the Attorney General of the United States, from the last Federal census, and certified by him to the proper disbursing officer or officers. As soon after the first day of January next succeeding the taking of any future Federal census as may be practicable, any changes in such salaries, due to changes in population, shall be ascertained and determined by the Attorney General of the United States, and shall become effective on and after the first day of July next following: *Provided, however,* That at no time shall the salary of any district judge be diminished during his continuance in office, nor shall the salary of any district judge at any time exceed the sum of \$10,000 a year."

SEC. 2. That section one hundred and eighteen of the Act aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; in the fourth circuit, two circuit judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. Each circuit judge shall reside within his circuit. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided,* That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided for and authorized in other sections of this Act. The circuit judges shall receive, respectively, a salary equal to \$1,000 in excess of the highest salary paid, under the provisions of section two of this Act, to any of the district judges

of the judicial districts comprised within the judicial circuit for or from which the said circuit judges shall be appointed. Such salaries shall be paid in equal monthly installments, beginning on the first day of the month next following the approval of this Act, and the amount to be so paid in the several circuits, under the provisions of this Act, shall, from time to time, be ascertained and certified to the proper disbursing officer or officers by the Attorney General of the United States, and, when subject to be changed, become effective, as provided in section two of this Act: *Provided, however,* That at no time shall the salary of any circuit judge be diminished during his continuance in office, nor shall the salary of any circuit judge at any time exceed the sum of \$11,000 a year."

SEC. 3. That section two hundred and sixty of the Act aforesaid be, and the same is hereby amended to read as follows:

"SEC. 260. That when any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office after having held a commission or commissions as judge of any such court or courts at least ten years continuously, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his resignation for the office that he held at the time of his resignation. But, instead of resigning, any judge other than a justice of the Supreme Court, who is qualified to resign under the foregoing provisions, may retire, upon the salary of which he is then in receipt, from regular active service on the bench, and the President shall thereupon be authorized to appoint a successor; but a judge so retiring may nevertheless be called upon by the senior circuit judge of that circuit and be by him authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake.

“In the event any circuit judge, having so held a commission or commissions at least ten years continuously, and having attained the age of seventy years as aforesaid, shall nevertheless remain in office, and not resign or retire as aforesaid, the President, if he finds that any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, shall appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit, who, notwithstanding the incumbency of the judge so entitled to resign or retire, shall sit customarily as one of the judges of the circuit court of appeals of his circuit. And the judge so entitled to resign or retire, shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section one hundred and eighteen of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority: *Provided*, That the presiding judge of the said circuit court of appeals, whenever in his judgment the public good shall so require, may thereafter, from time to time, designate the judge, so entitled to resign or retire, to sit upon the hearing of any cause or causes in the said circuit court of appeals. And the Chief Justice of the United States may, upon like occasion, thereafter designate and appoint any such judge, so entitled to resign or retire, to service upon the circuit court of appeals of any other circuit; and he may likewise be designated and appointed as provided by section eighteen of this title, to hold a district court in any district, either within or without his said circuit.

“In the event any such judge of a district court of the United States, having so held a commission or commissions at least ten years continuously, and having attained the age of seventy years as aforesaid, shall nevertheless remain in office; the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional judge of such court, who, notwithstand-

ing the incumbency of the judge so entitled to resign or retire, shall preside customarily over the said district court, and shall exercise such powers as are vested by law in the judge thereof. And the district judge so entitled to resign or retire shall thenceforth be relieved, save as hereinafter provided, from service therein: *Provided*, That the said district judge so entitled to resign or retire as aforesaid may be designated and appointed from time to time to hold any district court, either in his district or within or without his circuit, as provided by sections thirteen, fourteen, fifteen, sixteen, and seventeen of this title, or to sit in the circuit court of appeals of his circuit, as provided by section one hundred and twenty of this title.

“Upon the death or resignation of any circuit or district judge, so entitled to resign, following the appointment of any additional judge as herein provided, the vacancy caused by such death or resignation of the said judge so entitled to resign shall not be filled, but the number of judges then in office shall be reduced accordingly.”

SEC. 4. That this Act shall take effect and be in force on and after the first day of the month next following its approval.