

**MARITIME LAW ASSOCIATION
OF THE UNITED STATES
MEETING OF DECEMBER 11, 1925.**

**STATEMENT CONCERNING CODIFICATION AND
REVISION OF THE NAVIGATION LAWS.**

The attention of members is called to the following statement concerning the Shipping Board's work on the navigation laws, mentioned by the President at the last meeting.

On September 9, 1919, by resolution, a Committee was appointed by the United States Shipping Board:

"To consider the Navigation Laws of the United States and the rules and regulations made thereunder, including the laws and regulations relating to the inspection of steam vessels and to advise the Shipping Board, as promptly as may be convenient, as to what changes should be made therein in the interests and for the benefit of the Merchant Marine of the United States."

This Committee consisted of:

P. A. S. Franklin, Chairman, J. Parker Kirlin, Homer L. Ferguson, H. F. Alexander, David T. Warden, Alfred Gilbert Smith, Eugene O'Donnell, Andrew Furuseth, William S. Brown, Darragh DeLancey, and A. N. McGray.

In March, 1920, this Committee presented a comprehensive report on the laws relating to the inspection and measurement of vessels, licensing of officers, and seamen, and made the following recommendation:

"The Committee recommends the redrafting and consolidation of the Navigation Laws in a single Shipping Act."

This recommendation was adopted by the Shipping Board, and the work was begun by Dr. L. B. Evans.

In May, 1924, this work of codification was intrusted to John S. Woodruff, an Admiralty Lawyer, acquainted with ships and with some practical experience in handling ships in port, in the stowage of cargoes and similar matters, who had served also as deck officer in sea service on a cruiser.

Since May, 1924, Mr. Woodruff has devoted his entire time to the examination of the Navigation Laws as contained in the Revised Statutes and in the Statutes at Large covering the entire field and has grouped and collected these laws into some 22 Chapters, of a proposed code containing altogether about 2000 sections.

Since November, 1924, he has been assisted in this work by Lylle R. Buskey, who as an attorney has had many years experience with the leading Law Publishers of the country as a law writer. Mr. Buskey's work has been largely devoted to the grouping and combining of the Statutes into their proper Chapters and sections, and he has devoted all his time since November, 1924, in cooperating with Mr. Woodruff in this branch of the work.

As a result, the statutes covering the entire field of the Navigation Laws, have been examined and tentatively grouped in the 22 Chapters, of which 12 have been developed into suitable form for criticism and for purposes of revision. These twelve Chapters include most of the laws concerning which there appears to be the greatest demand for change and cover more than half of the entire field. They are as follows:

- Chap. 1. Documentation and Recording of Vessels.
- “ 2. Admeasurement of Vessels.
- “ 3. Marine Inspection Service (Inspection of Vessels and Equipment).
- “ 4. Officers and Pilots of the Merchant Marine.
- “ 5. Shipping, Rating, Wages and Discharge of Seamen.
- “ 6. Protection and Relief of Seamen, including Effects of Deceased Seamen.

- “ 7. Offenses by and Against Seamen.
- “ 8. Entry and Unlading of Vessels and Landing of Cargo.
- “ 9. Clearance of Vessels.
- “ 10. Customs Officers.
- “ 11. Coastwise Trade.
- “ 12. Aids and Obstructions to Navigation.

This completed part of the codification of the existing laws is arranged in a *Column 1, containing the statutes themselves*, and a *Column 2, containing a restatement in code form of these statutes*, all arranged and grouped in what is intended to be a logical form. It should be noted that *this codification is of the existing law only* and that the *Column 2 is intended to be used, not as a final recommendation for enactment, but as a basis for revision* and change in the laws which in many particulars, seems to be eagerly sought.

This matter of revision was intrusted to Messrs. Woodruff and Buskey in September, 1925, in connection with the completion of the codification. Since that time they have communicated, by letter, with all the Federal Judges, with such of the United States Attorneys as by their location are concerned in the administration and enforcing of the Navigation Laws, with Associations of Steamship Owners, Ship Builders and Marine Underwriters, Carriers' Associations, Associations of Seamen and Engineers, and with many of the leading Admiralty Attorneys of the country. From all of these sources suggestions as to revisions of the law have been requested, and from the answers received there is being compiled a list of suggested revisions (which will be Column 3 of the work) to be used as a basis for future communication with those interested and for conferences to be held to reconcile the widely different and conflicting views so far as this may be done.

Assistance and cooperation has also been received or assured from all the Departments and Bureaus of the Government interested in the administration and enforcement of the Navigation Laws, and every source of information known to them including

a careful examination of the old files of the Shipping Board, has been used to obtain information upon which to base the revision.

The work is now in rapid progress to a conclusion, which will be reached within a reasonable time.

The views and criticisms of the members of the Maritime Law Association are earnestly sought.

JOHN S. WOODRUFF,
LYLLE R. BUSKEY.