

THE SOCIETY OF NAVAL ARCHITECTS
AND MARINE ENGINEERS

HISTORICAL
TRANSACTIONS

1893-1943



Published in 1945 by

The Society of Naval Architects and Marine Engineers
29 West 39th Street, New York 18, N. Y.

Cable Address: Archeng, N. Y.

History of United States Navigation and Vessel Inspection Laws

CAPTAIN H. C. SHEPHEARD, U.S.C.G.R., MEMBER¹

For more than 4000 years the importance of shipping and shipbuilding has received governmental recognition. During this time maritime laws have been adopted and changed, as experience dictated. The United States Government exercises control over shipping for the protection of the passengers, crews, cargoes and vessels.

The Colonies, before their independence, engaged in shipping to a great extent under the protective maritime acts of the British Parliament and the first Congresses under the new Constitution legislated for the protection of the merchant marine which the Colonies had already established. The third act of the First Congress, approved on July 20, 1789 (1 Stat. 27), imposed a duty on the tonnage of vessels. This was followed by an act on September 1, 1789 (1 Stat. 55), which provided for the registering and clearing of vessels and the regulation of the coastwise trade. This act is still the foundation of the navigation laws and until 1912 embodied the marine policy of the United States. Succeeding Congresses have built upon this foundation a system of laws designed to meet the growth and variety of conditions of our water-borne commerce, with increasing regard over a period of years for the safety of human life.

The development of the steamboat was accompanied by many disasters. Crudely constructed boilers resulted in many casualties. Explosions took place at frequent intervals and fires were not uncommon, frequently following the explosions. In 1832 fourteen per cent of the steam vessels in operation were destroyed by explosions and fires and more than 1000 people were killed. A lack of inspection laws or established rules of navigation contributed to the dangers from fire, explosion and collision, and in many instances there was added the hazard of incompetent officers and crew.

In 1838 Congress passed legislation for "better security of the lives of passengers on board vessels propelled in whole or in part by steam" and the Steamboat Inspection Service was created by the act of July 7, 1838 (5 Stat. 304). This act gave to the district courts of the United States the power to appoint inspectors of hulls and boilers for the purpose of ascertaining the seaworthiness of the vessels and the proper construction of boilers and their competent operation. However, results were negative and explosions, instead of diminishing, increased with a resultant increase in casualties.

To correct the inadequacies of the 1838 law, Congress, by the act of August 30, 1852 (10 Stat. 1852), reorganized the Steamboat Inspection Service and laid the groundwork for the present marine inspection activities of today. This act created nine districts and nine supervising inspectors with assistants, who were to be competent men experienced in the construction and operation of merchant steam vessels. This act also covered inspection and the issuance of certificates, and the authority to promulgate pilot rules.

Each supervising inspector organized the work in his district. The local inspectors inspected steam vessels, issued certificates of inspection, and licensed and classified all engineers and pilots of steam vessels carrying passengers. Although the law was administered carefully, it was inadequate inasmuch as there was a continual annual loss of life of about 700 persons.

To correct these conditions, Congress, by the act of February 28, 1871 (16 Stat. 440), reorganized the Steamboat Inspection Service and expanded the marine inspection laws to provide lawful protection to passengers and crews of vessels propelled in whole or in part by steam and to provide centralized supervision of the service by a "Supervising Inspector General," under the direction of the Secretary of the Treasury, and a Board of Supervising Inspectors.

¹ Chief, Merchant Marine Inspection, United States Coast Guard, Washington, D. C.

This Board, from time to time, was to establish all necessary rules and regulations for proper and uniform administration of the inspection laws. The law of 1871 reduced the yearly toll of life from 700 to approximately 245 persons.

The act of June 7, 1872 (17 Stat. 262), provided for the appointment of shipping commissioners at the more important ports of the country. These officers were to administer those portions of the navigation laws having to do with the shipping, discharge and care of seamen on American merchant vessels.

The act of July 5, 1884 (23 Stat. 118), created a special service under the Treasury Department, known as the Bureau of Navigation, with the duty of supervising administration of the navigation laws under the direction of a Commissioner of Navigation, to concentrate responsibility for the enforcement of these laws in a distinct service.

The act of June 19, 1886 (24 Stat. 79), abolished the payment of fees by owners of vessels as heretofore charged for the services of shipping commissioners. The duties of the shipping commissioners were increased and they could supervise the shipment and discharge of seamen on vessels engaged in the coastwise trade or trade between the United States and Canada, Newfoundland, the West Indies or Mexico, upon the request of the master or owner of such vessels.

The act of December 21, 1898 (30 Stat. 755), accomplished a sweeping revision of the law with respect to governmental supervision over the shipping and discharge of merchant seamen. This act provided for the application of common law relating to civil contracts for labor in the agreements between seamen and masters or owners. It also gave to seamen the right to quit in the domestic or nearby foreign trade without subjecting themselves to penalties except liability to suit for breach of contract.

The act of February 4, 1903 (32 Stat. 825, 826), transferred the Bureau of Navigation and the Steamboat Inspection Service to the newly created Department of Commerce and Labor.

On June 15, 1904, 957 persons lost their lives through the burning of the excursion steamer *General Slocum* in the East River, New York. To prevent similar accidents, Congress passed a series of amendments on March 3, 1905 (33 Stat. 1022), providing (1) the Board of Supervising Inspectors the authority to prescribe measures to guard against and extinguish fires, and to prescribe the number and character of lifesaving apparatus to be kept on board; (2) the Secretary of Commerce and Labor was empowered to form an executive committee, composed of the Supervising Inspector General and any two supervising

inspectors, with power to alter, amend, add to, or repeal any of the rules and regulations made by the Board of Supervising Inspectors, which have the full force of law when approved by the Secretary and continue in effect until 30 days after the adjournment of the next meeting of the Board of Supervising Inspectors; (3) the right of a person to appeal, first, from the action of a board of local inspectors to the supervising inspector of that district, or, second, to the Supervising Inspector General; (4) assistant inspectors were expressly placed under the direction, supervision and control of local inspectors; (5) salaries of local inspectors were definitely determined.

In order to provide protection for yachtsmen and their guests in the increasing motorboat industry, Congress passed the "Motor-Boat Act" of June 9, 1910 (36 Stat. 462), which defined motorboats as vessels propelled by machinery and not more than 65 feet in length, except tug boats and tow boats propelled by steam, and set up certain minimum standards and requirements for their operation and the protection of passengers.

The *Titanic* disaster occurred in 1912 and the International Convention for Safety of Life at Sea was held in London in 1914. Although this convention was not universally adopted due to World War I, the United States did, nevertheless, adopt the provisions of the International Convention with respect to lifesaving devices in its legislation by the "Seamen's Act" of March 4, 1915 (38 Stat. 1164). This act gave the Board of Supervising Inspectors authority to establish rules and regulations governing the number and character of lifesaving appliances required by law to be kept on board vessels, subject to approval of the Secretary of Commerce. Local inspectors were also authorized to examine and grant certificates of service to able seamen. Under regulations of the Secretary of Commerce, local inspectors also issued certificates to persons qualified to serve as lifeboatmen.

The act of June 7, 1918 (40 Stat. 602), required the numbering and recording of "every undocumented vessel, operated in whole or in part by machinery, owned in the United States and found on the navigable waters thereof, except public vessels, and vessels not exceeding 16 feet in length temporarily equipped with detachable motors."

The act of March 2, 1929 (45 Stat. 1492), required load lines to be placed on certain American vessels in the foreign trade and authorized the Secretary of Commerce to promulgate the necessary regulations, which became effective September 2, 1930. During this time delegates

from 30 maritime countries met at an international convention in London from May 20 to July 5, 1930. This International Load Line Convention was ratified by the United States on June 10, 1931, and it became effective January 1, 1933.* The requirements thereof, however, were incorporated in the Load Line Regulations of September 20, 1930.

The act of June 30, 1932 (47 Stat. 415), authorized and directed the Secretary of Commerce to consolidate and co-ordinate the Steamboat Inspection Service and the Bureau of Navigation in a Bureau of Navigation and Steamboat Inspection. All duties, powers and functions vested in each old bureau were vested in the new bureau. The offices of Supervising Inspector General and Commissioner of Navigation were abolished and a Director of the Bureau of Marine Inspection and Navigation was appointed.

The act of June 13, 1933 (48 Stat. 125), extended to internal-combustion-engine vessels the laws regarding the inspection of propelling and electrical machinery and equipment and also provided the issuance of regulations pertaining to boilers, pressure vessels and appurtenances (which include castings, steam piping, valves, mountings, fittings, etc., and the design, construction and installation thereof).

On September 8, 1934, the steam vessel *Morro Castle* burned at sea, resulting in the death of 124 persons, 89 of whom were passengers and 35 members of the crew. On January 24, 1935, the passenger steam vessel *Mohawk* collided with the Norwegian motorship *Talisman*. The *Mohawk* sank with a loss of 14 passengers and 31 members of the crew. These two disasters resulted in a most thorough Congressional investigation for the purpose of providing greater safety to passengers and crew. To accomplish this, Senator Copeland, chairman of the Senate Committee on Commerce, appointed a technical committee and the findings and recommendations of this technical committee are contained in Senate Report 184 of the First Session of the Seventy-fifth Congress. This report is widely recognized as the outstanding contribution to the safety of the United States merchant marine. The regulations contained in Senate Report 184 raised the standards set forth in the 1929 conference in many very important and essential particulars. Although Senate Report 184 has not been officially adopted by the Congress, the higher standards are nevertheless applied in the construction, equipment and operation of merchant vessels by ship designers, naval architects, shipbuilders, the Maritime Commission, the Coast

Guard and others concerned with the safety of merchant vessels.

The Seventy-fourth and Seventy-fifth Congresses (1936 and 1937) passed more marine legislation than was enacted during the previous twenty years, increasing the Bureau's jurisdiction and including many classes of vessels not heretofore subject to inspection.

The legislation enacted during this time falls into three groups: First, structure, equipment, or material used on a vessel; second, officers and crew, or seagoing personnel, necessary to operate a vessel efficiently; third, Federal supervision over the merchant marine.

In connection with the first group the United States Senate ratified the 1929 Convention for Safety of Life at Sea on June 19, 1936, and it was proclaimed by the President on September 30, 1936. Its ratification raised the standards for safety of life at sea. While this convention was not ratified until 1936, the study preparatory to the convention as well as the convention itself had a definite influence on legislation affecting marine navigation.

The "Coastwise Load Line Act, 1935," passed on August 27, 1935 (49 Stat. 888), required load lines for merchant vessels of 150 gross tons or over navigating the coastwise and Great Lakes waters. This act was amended June 20, 1936 (49 Stat. 1543), to include subdivision load lines for passenger vessels. To carry out the provisions of the statutes, the Secretary of Commerce was given authority to prescribe the necessary rules and regulations that included minimum standards for subdivisions as provided by the Safety at Sea Convention, 1929, to reduce the danger of the vessel if the underwater hull was breached.

The act of June 20, 1936 (49 Stat. 1544), extended the inspection laws to include ocean-going motor vessels of 300 gross tons or over.

The act of June 23, 1936 (49 Stat. 1889), provided that all tank vessels carrying dangerous liquid cargoes in bulk would be subject to inspection by the Bureau and authorized the promulgation of regulations regarding their construction, inspection and operation. Over 2500 more vessels in this class were to be inspected.

In the preparation of regulations, the American Bureau of Shipping freely made available its experience and counsel. Its rules of construction are used as a guide. The Bureau's inspectors were authorized to give credence to the reports and recommendations of its surveyors. It has surveyed and assigned load lines to more than 4000 vessels without serious complaint.

The second group, or seagoing personnel, gives consideration to the fact that a ship is no safer

than the knowledge and efficiency of its officers and crew. The act of June 25, 1936 (49 Stat. 1930-1936), often called the "Personnel Bill," was designed to improve conditions aboard ship and to give protection to seamen. A three-watch system of working hours was established on the majority of the seagoing vessels and included the deck and engine room personnel, and the normal hours of work were limited to eight per day. A monthly inspection of all crew quarters on American vessels over 100 tons was required.

This act required the cancellation of all existing lifeboatman and able seaman certificates and provided for a new series of certificates to be issued. Every member of the crew other than licensed officers was required to have a certificate of efficiency or a certificate of service, and either a continuous discharge book or a certificate of identification.

This act required that 75 per cent of the crew below the grade of licensed officer be American citizens. Vessels receiving government assistance were required to have 80 per cent of the crew American citizens, increasing 5 per cent each year until 90 per cent of the new crew were American citizens.

In regard to the third phase, Federal supervision of the merchant marine, many changes were made. The Maritime Commission was established under the Merchant Marine Act of 1936. The Bureau of Marine Inspection and Navigation was changed and improved by the act of May 27, 1936 (49 Stat. 1380). The major changes in the functions and organization were as follows:

The inspection districts and the supervising inspectors were reduced in number from eleven to seven, and each supervising inspector became a personal representative of the Bureau in regard to all the activities performed in the field.

This act also provided for the establishment of a technical staff in the Bureau and for the approval by the Director of all important designs of passenger vessels and alterations to existing vessels, including stability, subdivision, etc. Ten principal traveling inspectors were appointed to observe conditions on board ships at sea, to assure that a vessel was properly operated, the crew well trained and discipline maintained; that passengers were instructed in regard to lifeboat, fire, and abandon-ship procedure; and to see that working conditions, food, and those numerous things which affect the morale of the operating personnel were properly controlled and to perform such other duties as assigned.

This act provided for three boards, known as

"A," "B" and "C" Boards. The "A" Board consisted of representatives from the Department of Justice, Coast Guard and the Department of Commerce. This Board investigated casualties involving loss of life. It was required to go into the fundamental causes of an accident and to fix responsibility. The "B" Board consisted of a supervising inspector and two principal traveling inspectors of the Bureau. This Board investigated major cases not involving loss of life. The "C" Board consisted of personnel from the Bureau who were designated by the Secretary of Commerce to investigate all matters of a minor character.

During 1938 the President of the United States, with the advice and consent of the Senate, ratified a number of draft conventions or treaties of the International Labor Organization, among which was the Officers' Competency Certificates Convention of 1936. To carry out the provisions of this Convention, Congress passed the act of July 17, 1939 (53 Stat. 1049).

The Motor-Boat Act of 1910 was repealed and succeeded by an act of April 25, 1940 (54 Stat. 163), to provide for the better protection of life and property.

The act of October 9, 1940 (54 Stat. 1023), amended and succeeded previous similar acts relating to fires, spoilage and other damage, and empowered the Secretary to prescribe regulations to carry out the provisions of this law, applicable not only to vessels carrying the cargoes but to shippers making shipment of dangerous articles, to agents of shippers, freight forwarders, and to all other persons engaged in the transportation, carrying, conveying, handling, storing, or stowing of explosives or other dangerous articles or substances on board vessels.

The act of June 6, 1941 (55 Stat. 244), set up the procedure for requisitioning foreign ships berthed for protection in the United States, providing that these ships were to be inspected by the Bureau under rules and regulations promulgated by the Board of Supervising Inspectors. Existing regulations in part were applied to these vessels and in certain instances officers and crews from foreign countries were permitted to operate these vessels.

The President on May 27, 1941, declared an unlimited national emergency. Normal peacetime requirements became inadequate in affording the necessary protection to seamen and shipping under wartime conditions. The regulatory requirements for safety of life at sea were revised, particularly after the declaration of war, to provide for the prevention of enemy attacks by light and noise blackouts and degaussing equipment,

and for the safety of vessels after attack, by reinforced sea connections and remote control for engines and pumps. In addition, to facilitate abandonment after a successful attack, the regulations require the vessel's interior to be fitted with emergency lights and to be lined with luminous markers. Interior spaces where persons are liable to be trapped must have two or more avenues of escape, while engineering spaces must be fitted with flexible emergency escape ladders. Additional lifeboats and life rafts of improved design are required, to be always ready for immediate launching and to be fitted with equipment and supplies to improve the chances of survival.

The national interests required a deeper loading of coastwise vessels structurally qualified, to be accomplished within the limits of safety. The act, approved July 3, 1941, authorized this proceeding. In August the President suspended the terms of the International Load Line Convention and new load line regulations providing deeper loading for certain vessels on international voyages were promulgated.

On December 12, 1941, the President issued Executive Order No. 8976, authorizing the waiving of compliance with the navigation and inspection laws when necessary for war purposes. This Executive Order was supplemented by section 501 of the Second War Powers Act, passed March 27, 1942 (56 Stat. 180), authorizing the head of each department or independent agency responsible for the administration of the navigation and vessel inspection laws to waive compliance with such laws to such extent and in

such manner and upon such terms as he may prescribe either upon his own initiative or upon the written recommendation of the head of any other government agency whenever he deemed that such action was necessary in the conduct of the war.

For the purpose of expediting the war effort, the President by his Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), transferred the functions relating to safety of life at sea, marine inspection, seamen's welfare and certain other maritime activities exercised by the former Bureau of Marine Inspection and Navigation, Department of Commerce, to the United States Coast Guard for the duration of the war and six months thereafter.

We are likely to lose sight of the fact that necessary government regulation of shipping is impossible unless there has already been established the means by which we are able to distinguish between poor and good practice.

In the field of naval architecture and marine engineering no group has been more helpful in establishing these standards of good practice in advance of necessary regulation than The Society of Naval Architects and Marine Engineers.

Between your Society and the Government there stands another institution, the American Bureau of Shipping. For just three-quarters of a century the American Bureau has both established these standards and applied them. Without such assistance the Government's task could not have been accomplished.

DISCUSSION

MR. DAVID ARNOTT, *Council Member*: Captain Shephard has given us an interesting account of the United States navigation and inspection laws and of the development since its inception over a century ago of that government department still familiarly known as the Steamboat Inspection Service. No commercial activity is subject to so many rules and regulations as is the shipping business and this is true not only of this country but of the other maritime nations.

It will be admitted generally that a primary concern of any government is to ensure as far as is possible the utmost safety for its citizens when travelling by land or by sea. Major sea disasters are usually so spectacular that public opinion, not

always fully informed, is apt to be aroused with the result that demands are immediately made for additional safety regulations. The average man's childlike faith in legislation as a cure-all still persists, but be that as it may the government inspection service is inevitably put on the spot.

The appalling losses at sea of emigrant ships experienced about the middle of last century resulted in the setting up of the Marine Department of the British Board of Trade and it was the Plim-soll agitation consequent upon losses of ships alleged to be due to overloading that led to loading restrictions in Great Britain and ultimately to load line legislation. It is interesting to note from the paper that the Steamboat Inspection

Service was created by Congress in 1838 in an endeavor to prevent boiler explosions aboard ship. It is a far cry to conditions in 1832 as cited in the paper when no fewer than 14 per cent of the steamers in operation were destroyed by explosion. Boilers sure did bust in them days.

The disasters to the *General Slocum* in 1904, to the *Titanic* in 1912 and the *Morro Castle* in 1934, all with serious loss of life, had a far-reaching effect on rules and regulations affecting United States merchant shipping and it is undoubtedly a fact that the safety standards to which our ships in their respective classes are being built today are the highest in the world.

I heartily endorse the author's remark that a ship is no safer than the knowledge and efficiency of its officers and crew. The licensing of deck officers and engineers is a very important part of the duties of the government inspection service and constitutes a high responsibility. I should also like to thank Captain Shephard for his reference to the American Bureau of Shipping. Classification of merchant ships is not compulsory for a private owner but a Society like the Bureau which is representative of all the various shipping interests, owners, underwriters and shipbuilders, does provide an efficient means for the industry to regulate itself. It is the policy of the American Bureau of Shipping to continue to cooperate to the fullest extent with the inspection service of the United States Coast Guard with a view to the avoidance so far as possible of duplication of surveys and conflicting requirements.

MR. H. GERRISH SMITH, *Past President*: In listening to the discussion by Mr. Arnott, I am reminded of an incident in history that I have not seen recorded by Captain Shephard, but which I believe is entirely authentic. In the early days of navigation on the Hudson River the loss of property and the loss of life were so heavy from the explosion of boilers that somebody conceived the idea of putting the boilers and the machinery in what would be today, I suppose, a towboat, and towing the passengers on a barge. In the history of the navigation on the river, you will find sketches showing how that was accomplished.

In my responsibility with the Shipbuilders Council of America, it has been my privilege for the last fifteen years to be very closely in touch with the Bureau of Marine Inspection and Navigation, because of the many problems that come up from our members in connection with matters that are under the jurisdiction of that Bureau. I am going to mention three specific matters that have been given a good deal of thought and in

which the Bureau has cooperated very closely to eliminate what we felt were errors in the operation of the rules and regulations. They refer first to the changes in the rules.

In the past, it was very frequently the occurrence that changes in the rules and regulations were put into operation before they had been considered carefully by the industry. In some instances they were unworkable. They caused serious confusion and delay and sometimes resulted in the necessity of having to refer those particular matters back for a further review by the Bureau.

Although for many years the Bureau has endeavored to eliminate that difficulty, I am very glad to say that quite recently the Bureau has provided for very close cooperation through its Merchant Marine Council, an organization that is set up within the Bureau, which consists of a panel of consultants selected for their outstanding ability in the particular phase of the merchant marine and kindred industries, and on which representatives of the shipbuilding industry serve. That is their language, as covered in the notice concerning the Merchant Marine Council.

This Council provides for an opportunity for a joint discussion before a change in the regulations is put into effect, and gives members of the panel an opportunity to present their opinions and views as to the effect of a proposed change and avoids the adoption of changes that in the past have frequently been found to be impracticable.

The second matter is the interpretation of the rules. For many years past, long before I had any contact with this matter personally through the Shipbuilders Council, it had been brought to my attention that a rule put into effect in one port by a representative of the Bureau of Marine Inspection and Navigation did not necessarily apply in another port, and frequently when the ship was finished and passed all inspection rules at, say, Port A, when she arrived at Port B there were a great many changes that had to be made to satisfy the inspector in that port, and that extended frequently to three or four ports.

I am informed that that difficulty has been largely eliminated, but not 100 per cent, and it is a matter with which I believe the Bureau is struggling in order to accomplish the particular object that I have mentioned—that when the rules are once carried out in a particular port, they are acceptable for all ports.

A third matter related to the codification of the rules of the Bureau of Marine Inspection and Navigation. As far back as I can remember, it seems to me that everybody that has had any reference to these rules has always said one thing should be done; they should be recodified and the

duplications eliminated and revised rules put into a fewer number of volumes and in such shape that they can be more readily used by those who have to deal with them.

Of course, it is the shipbuilder and the ship operator who ultimately have to carry out these rules; in consequence, if they are set up in such a way that you can understand them more clearly and see that the conflicts as between one paragraph in Book A and another paragraph in Book Q, R, S, or T, or whatever it is, do not conflict—if you can eliminate those conflicts, you can simplify the handling of the rules.

Starting several years back, Mr. Hoover suggested the setting up of a committee and for three or four years our organization worked as members of that committee of the Bureau of Marine Inspection and Navigation to accomplish this particular purpose, and some headway was made. A change in organization and personnel in the Bureau suspended that particular work, but within the last few years it has been followed up assiduously by Captain Shephard and some of his staff. In 1939 the rules were sent out to the shipbuilding and ship repairing industry, and they commented very extensively on these rules, but that work, again, was suspended because of the war. I am informed, however, that it is the purpose of the Bureau to continue that study at such time as opportunity offers, out of which it is hoped that the rules can be classified and arranged according to use in a limited number of books with an elimination of much technical matter, to the great advantage of those who make use of the rules. Such clarifications will help to eliminate the errors in the use of the rules themselves.

MR. CLIFFORD C. KNERR, *Associate*: While the contents of Captain Shephard's paper come within the purview of the title, "History of United States Navigation and Vessel Inspection Laws," nevertheless, I believe the Society's membership should be cognizant of some of the duties of the Bureau under the various enabling legislation. Some years ago the Shipbuilders Council of America asked the Bureau of Marine Inspection and Navigation to give the Council, for its records, a brief statement of its responsibilities. In a terse statement, it defined its responsibilities as follows:

"Local boards inspect, at least once a year, each vessel of the merchant marine subject to inspection within its district; examine all merchant vessels arriving at and departing from the ports within the district; inspectors see that the vessel is properly constructed and suitable for the waters in which it is to navigate; every part of the ship,

including hull, machinery, and auxiliary apparatus, inspected and tested for safety and seaworthiness; life-saving equipment and fire-fighting apparatus examined to determine adequacy; a certificate is issued to each vessel found seaworthy, good for one year. It often occurs, however, that vessels are inspected more than once a year; and, in the case of excursion and ferry steamers, the regulations require that there must be three special inspections during the season of navigation.

"In addition to inspecting vessels in operation, the local inspectors examine all ships in process of building. Steel to be used in the manufacture of boilers is inspected at the mills, and the boilers are constructed and installed under the constant supervision of the local inspection boards. Certain vessels are subjected to stability tests."

This monograph sets forth categorically the history of the Bureau and the above statement clearly indicates the important part it plays in connection with our merchant marine. The author is to be congratulated on presenting with such clarity the history of such an important government bureau.

CAPTAIN SHEPHEARD: The attention of this Society is invited to the problem of a revision of the shipping laws now in the United States Code. To any group as familiar with the nation's maritime law as this, it is unnecessary to present any statement of the compelling need for such a clarification, revision and codification of the laws that have accumulated on the statute books for as long as a century and a half. But four points are suggested by the Coast Guard at this time.

The first of these is the feasibility of the present as a time to effect the revision and simplification of these laws. Certainly at the end of this war, when our merchant marine should be entering upon its greatest period of healthy prosperity, there will be little time to pause and embark upon such a complicated task. The Coast Guard is aware, as this Society is, that preparations should be made now for our post-war shipping. There is, in fact, no more propitious time than the present for this undertaking, since the solving of this old legislative problem before the war's end will be a boon to post-war shipping as soon as hostilities cease.

The second point is that the industry has been laboring under a severe handicap imposed by the very weight of these laws, many of which are contradictory and others of which are superfluous. The third point is that proposals affecting existent rights within the industry should be given most

careful consideration. And the fourth point is that no revision in the laws now in existence should be undertaken without complete participation by the industry.

With regard to the second point, it should be remembered that the present laws have accumulated on the statute books for a period as long as a century and a half. In all that time no systematic codification of these laws has been effected. Instead, they have been revamped, revised, amended and contradicted by subsequent acts in a piecemeal fashion, so that our shipping laws now form an unwieldy mass of contradictory, redundant and superfluous acts that are bewildering even to the legal mind. Many attempts have been made in the past to do something about this—the main effort having been made during the decade 1919–1929. But this effort was not successful, and the need remains the same.

The Coast Guard has subjected the situation to a long and detailed study, since the Commandant has long been anxious to answer the industry's

own demand that the oppressive weight of all this legislation be lifted from the industry.

In this task, however, the Coast Guard has no desire merely to recodify or to revise the laws on the strength of its own discretion and then impose the result upon the industry. On the contrary the Coast Guard is anxious that the industry's representatives in their respective fields of shipping shall have a voice in the undertaking. Consequently, no *fait accompli* shall be inflicted upon the industry. The industry, on the other hand, can submit proposals based upon its experience, and the Coast Guard's job will be to act for the welfare of the industry. The entire procedure will be predicated on the fact that the shipping laws should exist for the good of the shipping industry. The latter is entitled to a greater degree of the kind of stability that only concise and clear legislation can provide. And the Coast Guard proposes, in collaboration with the industry, to bring this about, to insure a healthy and prosperous post-war American merchant marine.