March 1950

The American Law of Collision (John Wheeler Griffin, 1949)

Charles V. Silliman
University of Florida

Follow this and additional works at: https://scholarship.law.ufl.edu/flr

Part of the Law Commons

Recommended Citation

This Book Review is brought to you for free and open access by UF Law Scholarship Repository. It has been accepted for inclusion in Florida Law Review by an authorized editor of UF Law Scholarship Repository. For more information, please contact rachel@law.ufl.edu.

"If a vessel, being moored, lying at anchor, be struck or grappled with another vessel under sail, that is not very well steered, whereby the vessel at anchor is prejudiced, as also wines, or other merchandize in each of said ships damnified. In this case the whole damage shall be in common, and be equally divided and appraised half by half; and the master and mariners of the vessel that struck or grappled with the other, shall be bound to swear on the Holy Evangelists, that they did it not willingly or wilfully. The reason why this judgment was first given being, that an old decayed vessel might not purposely be put in the way of a better, which will be prevented when they know that the damage must be divided."

Thus in the 12th century did Eleanor, Duchess of Guienne, mother of Richard I of England, in the fourteenth article of her celebrated Sea Code of Oleron, deal simply and briefly with the problem of collisions involving vessels.

Since that time the law of maritime collision has developed to a complexity that has all but placed it beyond the reach of any but a trained specialist in admiralty law.

The lack of an available textbook bringing together the numerous scattered authorities, decisions, treaties, laws and rules covering the subject was doubtless responsible for much of the confusion of the legal profession in this field. This lack has been competently filled by the late John Wheeler Griffin of the New York Bar in his excellent Work The American Law of Collision.

Liability for collisions involving vessels being generally based on faulty navigation, and faulty navigation being determined by a violation of one or more of the applicable rules of navigation, it naturally follows that Mr. Griffin's text would concentrate on a study of these rules. It consists mainly of a discussion of the principal navigational rules governing American vessels, the International Rules, the Inland Rules, the Great Lakes Rules and the Western Rivers

136
Rules, with a comparison of them as well as a consideration of their interpretation by various courts.

The numerous cases cited, mostly American and exceeding three thousand, cover virtually every factual situation involving collision that has come before our courts. The extensive index, which includes references to material in American Maritime Cases, will facilitate the search for additional future material. The excellent plates illustrating the usefulness of photographs in determining the cause of a collision between vessels constitute a valuable addition to the text.

There are, of course, some omissions, which are probably inevitable in a book of this scope. For example, the criminal aspects of collision are not considered in the text, although there is an American Maritime Cases citation given in the index. Further, the question of salvage by a vessel at fault following a collision is hinted at on page 610 but not adequately discussed.

The most serious omission is the complete lack of discussion of the Act of June 19, 1948, involving a fundamental change in admiralty law, whereby the admiralty and maritime jurisdiction of the United States has been extended to damage or injury to persons or property caused by a vessel on navigable water, notwithstanding that such damage or injury may be done or consummated on land. Although half a page is taken up in expounding the proposition that admiralty had no jurisdiction when damage was consummated on land or done to a structure forming part of the land, the complete reversal wrought in this branch of the law by the act is dismissed with an obscure footnote on page 606 reading, "The Act of June 19, 1948 extended the jurisdiction."

These faults are nevertheless comparatively minor and detract little from the excellent coverage and scholarship displayed throughout the book.

No doubt Mr. Griffin's book will prove a welcome tool to specialists in the admiralty field, but it will probably find its greatest welcome among the harassed landlubbers of bench and bar, who will find new light in one of the hitherto obscure areas of their profession.

CHARLES V. SILLIMAN
Assistant Professor of Law, University of Florida