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Book Review

Orie J. Vande Visse

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Recommended Citation

Orie J. Vande Visse, Book Review, 16 Clev.-Marshall L. Rev. 595 (1967)

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*Reviewed by Orié J. Vande Visse**

YOUR BOAT AND THE LAW, by Martin J. Norris, The Lawyers Co-operative Publishing Company, Rochester, N. Y.; 1965; 398 pages; \$5.95.

When this book was first brought to my attention I hoped here might be an important and valuable guide to the law as it applied to pleasure boating. This sport has grown so rapidly since World War II that dock and harbor traffic have become almost as congested as our streets, yet few boaters have sufficient knowledge of the legal implications of this activity to adequately protect themselves and their fellow boaters. Unfortunately, I found this book to be a rather slipshod effort, with only limited usefulness. While it purports to be a guide to maritime law for both the pleasure boater and the non-maritime lawyer (p. v), it leaves much to be desired.

There are many chapters or sections of chapters which will be of value to the average yachtsman (he will have to thumb through the book to find these since there is no table of contents), however, the extraneous material on piracy (p. 266), duties of commercial vessels to the merchant seaman (p. 144), mutiny (p. 261), and the laws governing privateering (p. 268), while interesting, have little application to small boat ownership.

In the chapter on boating safety the author treats many dangerous situations which threaten the yachtsman and illustrates these with a number of sensational examples. Unfortunately, there is little law in this chapter. These situations and examples add little to the book because they tend toward the sensational rather than providing basic legal information.

In any event, most of the readers can provide just as many and just as bizarre examples from their own experience or from the tales told around the clubhouse or on the docks. The serious boater will already be aware of the hazards while the Sunday outboarder is not apt to read this book. Brief examples which illustrated specific points of law would have been much more valuable than the preachments in which the author indulges.

The author also includes interesting but non-legal information on such things as night boating, Coast Guard search and rescue operations, and artificial respiration. Here, again, this material seems to clutter up a book which might have been of more value if it had been limited to the law.

Almost all of the material on boat handling, safety, equipment, lighting and rules of the road are better and more completely covered in the

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authoritative volume by Chapman on *Small Boat Handling*, which, with the *Red Cross First Aid Manual*, should be aboard every boat large enough to have book storage space.

The author devotes one chapter (4) to personal injuries. He introduces the subject by noting the great frequency of injury claims and lawsuits involving guests of the boat owner, bathers, and swimmers run down by negligent helmsmen, as well as victims of boat collisions, mechanics and other workers seriously injured while repairing recreational and other small craft (p. 143). Unfortunately, too much space is devoted to history and the law as it is applied to the merchant seaman, whereas the yachtsman will be more interested in his rights and liabilities as a boat owner. Had the author concentrated on the legal duties and obligations of the pleasure craft operator and reviewed only briefly the Jones Act and other maritime law, which seldom if ever affect the recreational boater, it would have been more meaningful. Of importance to the boater is the guest statute and owner liability in this area. This problem is well handled and documented although even here many illustrations are drawn from merchant seaman accidents and might puzzle the layman as he tried to construct the law as it would apply to him.

The book is not without redeeming features. Chapter 1 deals with the purchase of a boat and is an adequate guide to the rights which the purchaser has in this transaction. Mastery of this important information may help the buyer avoid numerous mistakes which may prove costly. The various steps in the transaction and the remedies available for their breach do provide the purchaser with an understanding of the meaning of conditional sales contracts, warranties, and so on; so he can make his deal confident that he is preserving his rights.

Perhaps the most valuable material, and that which makes the book most useful for the small boat owner, are those chapters on insurance (5), liability (6), salvage (7), boat yard damages (9), and liens (11). These sections of the book should be read by every boat owner who desires to protect himself against the possibility of expensive litigation brought on by his ignorance of the law.

Although I found some of the chapters and sections of this book to be very valuable, for the most part I feel it was carelessly written—(e.g., a boat sets out from the Ohio side to cross over to the Illinois shore (p. 256); but what happened to Indiana?). It is poorly organized (no table of contents or list of cases cited), and contains a great deal of unimportant material and illustrative matter (it was held to be negligence and improper medical treatment to use cupping on a sick seaman. (p. 154)).

Had the author limited himself to the law as it applied to the pleasure boater and recommended two or three additional books such as the *Red Cross First Aid Manual* and Chapman's *Small Boat Handling* or other classics on seamanship he would have provided the boat owner

with a useful guide to his rights and duties. As it is, it may be an interesting book to read on a winter's evening while dreaming of the fitting-out season just ahead. It does contain much valuable information on how to avoid the legal pitfalls of boating, and the average yachtsman will probably benefit from reading it. Its weakness as a comprehensive guide to maritime law, as it is applied to pleasure boating does not, in my opinion, make it a "must" book for the boater.

