

50826 3 2 1 Mutiny against the lawful authority of the master of a ship is one of the most serious maritime crimes. In referring to the concept, the courts most often use the term "revolt" while laymen seem to prefer the term "mutiny," although the terms are synonymous. The Congress of the United States, demonstrating the same restraint recently shown in fiscal matters, uses not one term but both terms to define the crime of "revolt and mutiny."

18 United States Code § 2193 provides, "Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny, and shall be fined not more than \$2,000 and imprisoned not more than 10 years, or both."

Justice Story in United States v. Haines explained that revolt is an open rebellion of mutiny of the crew against the authority of the master in the command, navigation, or control of the ship.

The mere passive disobedience of a single member of the crew, without more, is not revolt or mutiny. However, an individual seaman who acts to disobey and resist the master and who also acts to stir up his shipmates to disobey and resist the master, is guilty of mutiny, as are all who join him in such conduct, even if unsuccessful.

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Although unseaworthiness of the vessel or insanity of the master may justify mutiny, rough treatment on the part of the master by way of rude, profane and insulting language will not justify resort to revolt. Even violence will not justify mutiny, if short of that extreme violence which takes life or limb,. In contemplation of maritime law the master stands in loco parentis with regard to his crew, and maritime law gives to the master aboard ship a power unknown on land, other than in the military service. The seaman's duty is prompt and respectful obedience to all lawful orders, no matter how harshly delivered.

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing. 50826

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