

Stephanie Plasschaert

Vrije Universiteit Brussel

ORCID: 0000-0003-1258-6881

THE NAUTICAL COMMISSION IN THE 19TH CENTURY ANTWERP¹

Despite of the great importance of marine insurance in Belgium, and especially Antwerp, during the 19th century – it is no coincidence that the first Belgian limited company is a marine insurance company, located in Antwerp – there has been little research on this historical period. When it comes to insuring freight and ships, Belgium and France are considered to be among the most important countries: by 1840, 26 corporations were selling marine insurance in Antwerp². Some literature exists about functioning of one particular marine insurance company, but no attention has yet been paid to the cooperation of the insurance companies among themselves, and with other institutions in the field. One of these many institutions, the Nautical Commission, should necessarily be taken into consideration in order to properly understand and analyze the functioning of the world of marine insurance in the 19th century in Antwerp.

Nowadays, the Nautical Commission conducts the court-ordered technical investigations. The Commission submits technical opinion concerning different areas of expertise, such as stowage, collision, stability, average, and contracts of carriage. The Nautical Commission ought to be independent and objective while conducting neutral fact-finding investigations at the request of the Belgian courts, and may not perform any other tasks that could compromise its impartiality. The court appoints the required experts of the Commission at the request of one of the

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² P. Borscheid, N. Haueter (eds.), *World insurance: the evolution of a global risk network*, Oxford, Oxford University Press 2012, p. 39.

parties³. The loyalty of the experts of the Commission lies with the Court of Commerce, as the Commission has a duty to act in the public interest⁴.

Despite its importance regarding the settlement of collisions and many other maritime, nautical and port-related activities, the early years of the Nautical Commission have yet to be studied thoroughly. This is partly because a fire destroyed many official documents in the archives in 1858⁵. What is left to study are the appointments of the experts of the Commission to assess the seaworthiness of the vessels before departure or at arrival, appointments to inspect damage to the cargo (or the average), and the certificates of seaworthiness⁶, letters regarding the Commission and its activities⁷, port regulation⁸, literature regarding the Nautical Commission, classification societies and the development of the 19th century Antwerp as a port city and her relevant institutions, reports and documents of the Antwerp court of commerce concerning maritime affairs⁹, a pamphlet on the changes in regulation and operating conditions, written by one of the first experts of the Nautical Commission¹⁰, and registers of classification societies: Lloyd's Register¹¹ and Bureau Veritas¹².

This institutional study analyzes the legal historical development of the inspection of vessels during the first half of the 19th century in Antwerp, taking into account the political and economic context. Because of the vague legal

³ A. Kegels, *Maritime fact finding by the Nautical Commission with the Antwerp Court of Commerce*, s. 1. Unpublished manuscript 2002, p. 12.

⁴ *Ibidem*, p. 14.

⁵ *Ibidem*, p. 16; L. Baudez, *Ontstaan van de Nautische Commissie bij de rechtbank van Koophandel te Antwerpen*, (in:) *Liber Amicorum Lionel Tricot*, Antwerp 1988, p. 56.

⁶ State Archives Beveren, *RK Antwerpen 0000*, series 26, No. 1-50.

⁷ State Archives Beveren, *Archives of the department of Twee Neten and the province of Antwerp*, series J and K (1615) 1794-1910 (esp. 1794-1860), No. 849, 850, 861, 862, 863, 884.

⁸ Felixarchief, series 289#1193, 289#2642, 289#2789, 289#1193, 289#2909, 289#2969; Felixarchief, stukken 1181#1315, 1181#812, 1181#1816, 1181#1301, 1181#1320, 1181#1811.

⁹ State Archives Beveren, *RK Antwerpen 0000*, series 26, No. 1-50.

¹⁰ X, *Mémoire à consulter sur la légalité de la visite des navires, et sur l'utilité d'une Commission Nautique libre dans un grand port de commerce*, Antwerp 1841, p. 125. The author of this pamphlet is considered to be the Nautical Commission expert J. A. Gras; see L. Baudez, *Ontstaan...*, p. 55.

¹¹ Lloyd's Register Underwriters, *The Register of Shipping for the year 1827*, London 1827, p. 798; Lloyd's Register Underwriters, *The Register of Shipping for the year 1828*, London 1828, p. 812; Lloyd's Register Underwriters, *The Register of Shipping for the year 1829*, London 1829, p. 782; Lloyd's Register Underwriters, *The Register of Shipping for the year 1830*, London 1830, p. 826; Lloyd's Register Underwriters, *The Register of Shipping for the year 1831*, London 1831, p. 770; Lloyd's Register Underwriters, *The Register of Shipping for the year 1832*, London 1832, p. 798, <http://www.maritimearchives.co.uk/lloyds-register.html> (visited May 17, 2019).

¹² Bureau de renseignements pour les Assurances maritimes, *Renseignements sur Navires Registre N° I-4*, Antwerp 1830, p. X.

framework surrounding the Nautical Commission, the possible influence of other actors on the quality of the Commission's activities, for instance the shipowners and judges actively engaged in deciding the working conditions regarding the Commission, is investigated; as are the evolution and needs of the maritime sector. This paper focuses in particular on the role of the classification societies and their interaction with the Nautical Commission.

The classification societies are often mistaken for insurance companies. This is a false assumption, as classification societies see to the plans, construction, technical state and safety of a vessel and apply a set of general rules and conditions a ship has to meet, in order to grant a class certificate with which one can obtain marine insurance cover. Classification societies are (private) bureaus that draft instructions regarding the supervision of construction and maintenance of vessels¹³. A vessel that is constructed according to these instructions receives a class certificate that states that the vessel is fit for her predetermined purpose¹⁴. This information is of vital importance for the insurance companies while assessing risks and providing the insurance cover¹⁵.

1. THE FOUNDING OF THE NAUTICAL COMMISSION DURING THE RECONSTRUCTION OF THE ANTWERP PORT

At the beginning of the 19th century, the Antwerp port infrastructure was outdated and in need of innovation. The wharves at the right bank and the docks for smaller vessels often lay dry at low tide¹⁶. The quays consisted of talus slopes with piers that were often difficult to approach¹⁷. Antwerp did not possess the necessary financial institutions or its own fleet: there was a need of a new commercial infrastructure¹⁸. With the coup of 9 November 1799 Napoleon became First Consul in France and he reinforced several measures to protect and encourage shipping¹⁹. This led the Antwerp port to awake from its slumber by the beginning

¹³ X, *Tentoonstelling 150 jaar Bureau Veritas*, Antwerp 1978, p. 5.

¹⁴ *Ibidem*.

¹⁵ *Ibidem*.

¹⁶ L. De Kesel, *Structurele ontwikkeling van de haven*, (in:) C. De Clercq (ed.), *Bouwstoffen voor de geschiedenis van Antwerpen in de XIXde eeuw: instellingen, economie, cultuur*, Antwerp 1964, pp. 124-125.

¹⁷ L. De Kesel, *Structurele ontwikkeling...*, p. 125.

¹⁸ For a detailed overview see S. Bindoff, *The Scheldt question to 1839*, London 1945, pp. 108-146; G. Asaert *et al.*, *Antwerp, a port for all seasons*, Deurne 1896, p. 289.

¹⁹ L. Torfs, *Nieuwe geschiedenis van Antwerpen of Schets van de beginsels en gebeurtenissen dezer stad, alsmede van de opkomste harer instellingen en gestichten*, Antwerp 1862-1868, p. 415.

of the 19th century²⁰. In 1803, Napoleon encouraged a series of impressive port modernisation works²¹. In the same year, 166 vessels arrived in Antwerp, and in 1804, even 274 vessels arrived, whereas in 1799 there was a complete standstill²².

Having in mind the difficult times of alternating periods of war, blockades of ports and economic reprisals between England and France, it is surprising that the Antwerp shipping industry rebuilt itself between 1800 and 1805²³. On the other hand, the port of Antwerp had an excellent location, as it was far inland, but had an easily and safe access to the sea, even for the larger vessels²⁴. The handling and selling of goods proceeded more smoothly and cheaply than in the Dutch ports, where there were strict guild regulations, restrictions, and more complicated selling conditions²⁵.

1.1. LEGISLATION CONCERNING THE CREATION OF THE COMMISSION

In this period the Nautical Commission was established. The origin of the Nautical Commission lies in the French regulation *Déclaration du Roi concernant les assurances* of 17 August 1779, which stated that with each planned departure, before the loading of the vessel, a visit to the ship was required, to ensure that the ship was “well prepared to undertake the journey” (“*en bon état de navigation*”)²⁶. The cabotage vessels, which transported cargo and passengers between ports in the same country, had to be visited annually²⁷. The visit was conducted by three experts: a captain or officer, a shipbuilder, and a carpenter, who were not allowed to be active in the trade of shipbuilding equipment²⁸.

²⁰ G. Asaert *et al.*, *Antwerp, a port...*, p. 281.

²¹ G. Asaert, *Maritieme geschiedenis der Nederlanden*, 3, 1976, p. 88; G. Asaert *et al.*, *Antwerp, a port...*, p. 292.

²² *Ibidem*, p. 282-283. In 1798 the legislator decided that the origin of the loading was decisive for the nationality of the vessel. This meant that having a (small) amount of English goods on board could cause the ship to be confiscated. Because of this measure, neutral countries avoided sailing to Antwerp: in 1798 only two neutral vessels sailed to Antwerp, in 1799 none did. See G. Asaert *et al.*, *Antwerp, a port...*, pp. 282-283.

²³ K. Veraghtert, *De havenbeweging te Antwerpen tijdens de negentiende eeuw: een kwantitatieve benadering*, Leuven 1977.

²⁴ P. Guillaume, *L'Escaut depuis 1830*, II, Brussels 1903; G. Asaert *et al.*, *Antwerp, a port...*, p. 295.

²⁵ G. Asaert, *Maritieme geschiedenis...*, p. 88; G. Asaert *et al.*, *Antwerp, a port...*, p. 310.

²⁶ *Déclaration du Roi concernant les assurances* of 17 August 1779, Art. 1, (in:) M. Maugeret, *Législation Commerciale de l'Empire Français ou le Code de Commerce commenté*, III, Paris 1808, p. 526.

²⁷ *Déclaration du Roi...*, Art. 3.

²⁸ *Déclaration du Roi...*, Art. 1.

It was forbidden for the experts to be engaged in the building or repair of the vessels they had to inspect²⁹.

Similar institutions existed in France and Italy³⁰. An institution inspecting vessels controlled by the government did not exist in the United Kingdom. In 1873, the British Royal Commission on Unseaworthy Ships was searching for the general cause and possible prevention of shipwrecks. One of the plausible solutions was the installation of a “government survey of merchant ships”, a governmental survey of the seaworthiness of merchant vessels, to see to construction, reparations and loading of vessels by mandatory inspections³¹.

Twelve years later, new regulation on the same subject was introduced. The French Decree of 9-13 August 1791 stated in title III that in maritime cities captains or lieutenants from the navy were to be appointed to ensure the freedom and safety of the merchant routes and ports³². Experienced sailors, nominated by the local court of commerce attended vessels, and experts, appointed after taking a successful examination, granted tonnage certificates. The visiting officers were appointed annually³³. Each captain who wanted to equip a long-haul vessel was obliged to have the ship examined by two visitation officers, who then could grant a certificate of visitation, including a summa of all the necessary operations that had to be undertaken before starting the journey at sea³⁴. A second visit was required as soon as the ship was ready to sail, before it was loaded, to check if the necessary tasks were completed. If these were indeed completed, a certificate of seaworthiness was provided³⁵. With the annexation of Belgium, this French Decree applied also in Belgium as of 1795³⁶. When we compare the

²⁹ Arrêt du Conseil d’Etat du Roi (Sur la nomination des experts pour la visite des navires), 2 May 1782.

³⁰ Royal Commission on Unseaworthy Ships, *Final Report of the Commissioners, Minutes of the Evidence, and Appendix*, II, London 1874, viii.

³¹ *Royal Commission...*, vii. The British had a similar system to inspect the safety and health issues on passenger ships. However, they feared that imposing a mandatory inspection on merchant vessels, supervised by the government, would result in shipowners building their vessels only meeting the minimum requirements in order to achieve a certificate. See *Royal Commission...*, viii.

³² Loi relative 13 août 1791 à la police de la navigation et des ports de commerce, Art. 1 and 2 (in:) *Lois, et actes du gouvernement, IV, Août à Octobre 1791*, Paris 1806, pp. 89-98; see reference in State Archives Beveren, *RK Antwerpen 0000*, series 26, No. 3, report of visitation 1 March 1815. For more detailed information regarding 18th century French legislation on the inspection of vessels, see L. Baudez, *Ontstaan...*, p. 52.

³³ Loi relative 13 août 1791... Art. 8.

³⁴ *Ibidem*, Art. 12.

³⁵ *Ibidem*, Art. 13.

³⁶ L. Baudez, *Ontstaan...*, p. 52; F. Stevens, *L’introduction de la législation révolutionnaire and Belgique*, (in:) *La Révolution et l’ordre juridique privé. Rationalité ou scandale*, Paris 1988, II, pp. 485-493.

legislation of 1779 with the decree from 1791, we notice three differences. The decree demanded two visits to each vessel instead of one, it reduced the number of experts to two, changed their required qualifications, and it did not foresee the survey of cabotage vessels that transported cargo and passengers between ports in the same country.

One of many meetings between Muyskeyn, a former marine officer and captain, member of both the Swedish and French navy, and the French Naval Minister resulted in the resolution of 19 August 1802. The legal theory regarding the safety of the shipping industry was put into practice: the resolution stated that the long-haul vessels should be visited at arrival or departure, with some exceptions³⁷. The task of visiting and inspecting the vessels was assigned to the gentlemen Muskeyn, Verbrugge, a ship building engineer, and Hoest, a former port captain and head of the port pilotage³⁸. A joint position as the port captain and head of the port pilotage, held by one and the same person, provided Hoest with a lot of power³⁹. This unification was, however, no exception: Hoest would eventually be replaced by Solvyns for both of the titles⁴⁰.

Later on, Hoest was replaced by a long-haul captain George Morancourt in his role in the Nautical Commission⁴¹. The experts were paid dependent on the

³⁷ L. Baudez, *Een Antwerps zeeman*, 29, L. Baudez, *Ontstaan...*, pp. 54, 55; L. Baudez, *Loodsdienst*, 76-77. The complete resolution states: "Vu l'art. 6, titre 3e de la loi du 13 août 1791, relative à la police de la navigation et des ports de commerce; les juges de commerce établis and cette ville, arrêtent:

Art. 1. Sont nommés navigateurs pour la visite des navires pendant le terme d'un an, à partir de ce jour:

J.J. Muskeyn, ex-capitaine de vaisseau;

J.B. Hoest, ex-lieut. de vaisseau, capitaine du port;

G. Verbrugge, sous-ingénieur constructeur ordinaire.

Art. 2. Ces citoyens visiteront tous les navires allant de ce port et y retournant après un voyage de long cours.

Art. 3. Sont compris sous la dénomination de voyages au long cours, ceux entrepris pour la mer Baltique et la mer du Nord, Marseille, Toulon et autres ports plus éloignés de la France, les ports d'Irlande et de l'Ecosse. Sont exceptés de cette dénomination les ports de France plus rapprochés que Marseille, les ports d'Angleterre et de la Hollande.

Art. 4. Ces officiers chargés de la visite des navires ne pourront opérer qu'au nombre de deux. Leur traitement sera fixé par un tarif particulier".

³⁸ L. Baudez, *Ontstaan...*, pp. 54, 55.

³⁹ In het benoemingsbesluit van Hoest als havenkapitein luidde artikel 1:

"*Den capiteyn van de haeve der stad Antwerpen zal de vryheyd and zekerheyd zyner scheepvaert bewaeken: hy zal de politie over de kaeyen and scheeps-timmerwerken hebben; hy zal den ballast der scheepen naerseen; hy zal de gevischte lichaemen doen weghaelen. Hy zal de uytvoering der wetten bewaeken opzigtelyk de policie der vischvangst and den dienst der lootsen*". See: Felixarchief, piece 1181-812, "Besluit der 17den Germinal jaer IX der Fransche Republiek".

⁴⁰ L. Baudez, *Loodsdienst*, 76-77.

⁴¹ X, *Mémoire à consulter...*, p. 13.

tonnage capacity of the visited vessel. The costs made for stamps, registration and so forth could be reclaimed⁴². It was possible for the experts to be assisted by a boatswain or a carpenter⁴³. According to the law, each vessel had to be surveyed by two experts⁴⁴. It is worth noticing that there was no official founding of the Nautical Commission. In the beginning, this factual association consisted of three experts, but as time went on, more members joined them, and in maritime practice this association was referred to as the “Nautical Commission” or the “visitation commission”⁴⁵.

Although the law of 1791 stated that two experts had to be nominated, in practice there were always three officers active for the same task until 1833⁴⁶. This was not the only point where the law of 1779 was being followed, instead of the decree of 1791. In December 1809, the rules regarding the Nautical Commission would be modified and the Commission would permanently be staffed with an old marine officer, a shipbuilding engineer, and a master carpenter, much like the legal requirements stated in 1779⁴⁷. The experts always acted in groups of three⁴⁸.

The regulation of 1779 resolved also the issues concerning the visits of cabotage vessels. The overdue maintenance of cabotage vessels caused the industry to protest and, therefore, since 1805, the nautical experts had to visit the cabotage vessels annually⁴⁹. This would remain a future point of discussion because the French decree of 1791 did not foresee to subject cabotage shipping to the regulation of visitations, in contrast to the regulation of 1779. In 1816 several Antwerp shipowners and masters complained about the visitations, as they were sure that the French law of 1779 no longer applied⁵⁰. Nevertheless, it was decided that the law still applied and the masters of the vessels were obliged to produce the certificate of inspection before they were granted assistance by a pilot⁵¹. The law would be modified several times, until the Royal Decree of 25 November 1851 would include the annual visit of cabotage vessels once and for all⁵².

⁴² *Ibidem*, pp. 18, 19.

⁴³ *Ibidem*.

⁴⁴ Art. 2 and 4, Decision chamber of consult of Court of Commerce of Antwerp, 19th August 1802, (in:) X, *Mémoire à consulter...*, p. 12.

⁴⁵ L. Baudez, *Ontstaan...*, p. 55.

⁴⁶ *Ibidem*, pp. 57, 58.

⁴⁷ Art. 1, Règlement X, X Décembre 1809 in X, *Mémoire à consulter...*, p. 18.

⁴⁸ *Ibidem*, p. 19.

⁴⁹ X, *Mémoire à consulter...*, pp. 16, 17.

⁵⁰ Felixarchief, piece 1181-1315, Document 12 March 1816.

⁵¹ Felixarchief, piece 1181-1315, Art. I and III, Document 12 March 1816.

⁵² L. Baudez, *Ontstaan...*, p. 51.

1.2. REMAINING OFFICIAL DOCUMENTS

Besides what we know from the legislation, we can learn more about the activities of the experts by what is stated in the still existing official documents. When the experts were appointed to survey the ship, they solemnly swore to perform their tasks “well and faithfully, by virtue of their best knowledge and conscience, to fulfill the function, appointed to them, finally adding »so truly help me God Almighty«⁵³. The documents regarding the certificates of visitation that still exist in the archives, show the experts nominated to visit the vessels before departure, at the arrival (which was not an obligation by the French decree, but a habit in the Antwerp port, as such included in the official appointment of 1802) and those appointed to inspect the average. The certifications of seaworthiness still exist as well, but they are nothing more than standard documents, stating that the vessel functions as it should, and is thus seaworthy. Unfortunately, no list was preserved until today of necessary repairs and works that each inspected vessel had to undertake after the first visit of the inspectors (before it received its certificate of seaworthiness, as this was granted after the second visit, if the necessary repairs and operations were successfully undertaken).

2. THE NAUTICAL COMMISSION AND UPCOMING CLASSIFICATION SOCIETIES DURING THE UNITED KINGDOM OF THE NETHERLANDS

From 1806 onwards, several mutual reprisals and blockades between warring France and England had a disastrous impact on maritime trade⁵⁴. The Antwerp port was again an inland port used for shipments from the Dutch ports via inland waterways⁵⁵. Despite the problematic period, the Antwerp port infrastructure was still being expanded⁵⁶.

After the defeat of Napoleon in 1813 and the collapse of the French empire, article XV of the First Treaty of Paris stated that the Antwerp port was a free and commercial port⁵⁷. With the signing of the Eight Articles of London, Belgium was merged with the Northern Netherlands on 21 July 1814. A favourable commercial climate soon stimulated the development of a solid commercial infra-

⁵³ For example, see State Archives Beveren, *RK Antwerpen 0000*, Series 26, No. 5.

⁵⁴ G. Asaert *et al.*, *Antwerp, a port...*, p. 283.

⁵⁵ *Ibidem*, p. 296.

⁵⁶ *Ibidem*, p. 300.

⁵⁷ *Ibidem*, p. 302.

structure. With the conservation of the Court of Commerce, a French institution, and the existing law (until decided otherwise), the Nautical Commission still lived on, and the legality and obligation of the visitation of vessels was confirmed by the Court of Commerce on 20 February 1816 and the provincial governor on 12 March 1816⁵⁸.

At the beginning of 1816, as a result of the blooming commerce, a meeting took place of the most important merchants and shipowners within the Antwerp Chamber of Commerce, to review the state of events of maritime safety and the legality of the Nautical Commission⁵⁹. The existing rules were slightly modified and the already active experts were reappointed. There was a re-election on 5 March 1818: Muskeyn, Verbrugge and Van Coolput were appointed, but this time as “provisional experts” for the period of one year⁶⁰. We can assume that a boost in naval trade provided more ships to survey for the experts, and this was reflected in the composition of the Nautical Commission. In 1815, the official documents drawn up by the Commission are signed by experts Muskeyn, Verbrugge and Van Coolput, but in 1823 we notice that the captains Marsily⁶¹, Stainton and Rolin join them, together with the master shipbuilder Lecarpentier⁶².

The founding of the Dutch Trading Company (NHM)⁶³ in 1824 enormously increased the activity of the Antwerp port and the shipping industry, as they were founded to strengthen national trade and industry in the struggle against powerful English competition for overseas markets, and the Dutch colonies, open to the Antwerp trade⁶⁴. Antwerp was being supported by a reliable governmental organisation⁶⁵. The NHM did not have its own fleet but chartered ships, so Antwerp merchants took advantage of this opportunity to build a new shipyard in 1825⁶⁶. In 1830, 44 shipowners would have been active in Antwerp, and 112 ships with the capacity of 30,000 tonnage would have been available⁶⁷.

The NHM, allocating its business fairly, also stimulated the rise of the marine insurance market in Antwerp with the law of 28 January 1821 that forbade foreign companies undertaking insurance business, with the result that six marine

⁵⁸ L. Baudez, *Ontstaan...*, p. 59.

⁵⁹ X, *Mémoire à consulter...*, pp. 21, 22; L. Baudez, *Ontstaan...*, p. 59.

⁶⁰ X, *Mémoire à consulter...*, p. 23.

⁶¹ Marsily is a shipbroker as well, see: F. Prims, *Geschiedenis van Antwerpen*, X, II, Brussels 1927-1949, p. 14.

⁶² For example see State Archives Beveren, *RK Antwerpen 0000*, Series 26, No. 7, Document 1 July 1823 and Series 26, No. 3 and 4.

⁶³ In Dutch: “de Nederlandsche Handel-Maatschappij (NHM)”.

⁶⁴ G. Asaert *et al.*, *Antwerp, a port...*, p. 312.

⁶⁵ *Ibidem*.

⁶⁶ *Ibidem*, p. 313.

⁶⁷ E. Witte, *Het verloren koninkrijk: Het harde verzet van de Belgische orangisten tegen de revolutie*, Antwerp 2014, p. 103.

insurance companies were founded between 1821 and 1830⁶⁸. King Willem I provided a decent financial and commercial infrastructure as well with the founding of the *Société Générale de Belgique* in 1822, which had a branch in Antwerp in 1824. It enabled to provide loans and advances on goods, government funds, acceptance of deposits, and so on⁶⁹. From 1825 until the Belgian Revolution in 1830, we notice a steady growth of the port⁷⁰.

It is in this favorable climate that Bureau Veritas was founded in 1828 (originally under the name *Bureau des renseignements pour les assurances maritimes*) by a flamboyant businessman Auguste Morel, together with his colleagues and family members Louis van den Broeck, Alexandre Delehay and Charles Lefèvre⁷¹. The Bureau did not only provided up to date information about the common insurance premiums in several ports, but about the actual state of affairs of the vessels that had to be insured as well⁷². The experts that inspected the vessels were active in Antwerp, Amsterdam, Rotterdam, Dordrecht, Schiedam, Ostend, Bruges, and Ghent. In Antwerp, these experts belonged to the insurance company Securitas⁷³, while for the other ports this was the personnel of Bureau Veritas itself⁷⁴. This way, the merchants and shipowners in Antwerp and other port cities obtained weekly premium rates and special conditions of insurance policies, concluded with the foreign insurance companies⁷⁵. Merchants and shipowners were capable of immediately noticing where a risk could be insured at the most profitable rate.

⁶⁸ K. Veraghtert, *Zeeverzekeringen te Antwerpen (1814-1860)*, (in:) *Geld en water, bank, verzekeringen en scheepvaart in de negentiende and twintigste eeuw*, themanummer "Tijdschrift voor Zeegeschiedenis" 1995, No. 14, p. 10; J. Hannes, J. Laureyssens, *De verzekeringsmaatschappijen en hun beheerders*, pp. 98-102; J. Laureyssens, *De naamloze vennootschappen en de ontwikkeling van het kapitalisme in België*, pp.16-23.

⁶⁹ K. Veraghtert, *Zeeverzekeringen...*, p. 9; H. Van der Wee, M. Verbreyt, *De Generale Bank 1822-1997, een permanente uitdaging*, Tiel 1997, pp. 17-20; F. Donnet, *Coup d'Oeil sur l'histoire financière d'Anvers au cours des siècles*, Antwerp 1927, pp. 267-271; J. Laureyssens, *Willem I, de Société Générale en het economisch beleid*, (in:) C. Tamse, E. Witte (eds.), *Staats-en natievorming in Willem I's koninkrijk (1815-1830)*, Brussels 1992, p. 207 *et seq.*; J. Laureyssens, *The Société Générale and the origins of industrial investment banking*, "Belgisch Tijdschrift voor Nieuwste Geschiedenis", 1975, issue 6, p.93 *et seq.*

⁷⁰ G. Asaert *et al.*, *Antwerp, a port...*, p. 304.

⁷¹ J. Hannes, *Het verzekeringswezen in België 1819-1914, een inleiding*, "Tijdschrift voor de economische geschiedenis in Nederland" 1991, Vol. 5, issue 2, Amsterdam, p. 88.

⁷² E. Willemse, *Het ontstaan en de ontwikkeling van het Belgische verzekeringswezen 1819-1873*. Unpublished licentiate thesis, Vrije Universiteit Brussel 1974, p. 58; J. Hannes, *Het verzekeringswezen...*, p. 88.

⁷³ See J. Hannes, *Securitas: honderdvijftigste verjaardag 1819-1869*, Antwerp 1969, p. 64.

⁷⁴ Bureau, *Register Veritas 1830*, 1.

⁷⁵ K. Veraghtert, *Zeeverzekering...*, pp. 14-16.

Bureau Veritas was only the start of the enthusiastic plans of Morel that would turn the Antwerp marine insurance market upside down. The positive flow and promising circumstances for maritime trade attracted surveyors from the classification society Lloyd's Register to Antwerp in 1829, and in the same year, Morel started his own classification register, the Veritas register, thanks to a personal loan of King Willem I. It contained a comprehensive summary of information concerning more or less every port in Europe and over ten thousand vessels. The Veritas register was popular for its regulated methodology: every ship obtained a "note of risk", based upon construction, material, age, previous accidents, in order to clearly and extendedly inform the insurers about the state of the vessel⁷⁶. The NHM relied on the classification of the Veritas register while choosing ships to charter or seeking insurance⁷⁷.

Another reason for the timing of the Veritas register is probably the difficult situation of its English rival. Lloyd's Register (the "Underwriter's Register" or the "Green Book") faced several problems, which started at the end of the 18th century and lasted until 1834. In the 1797-1798 register, a new style of classification was introduced, which was not well-received⁷⁸. Firstly, the symbols and letters used for classification were altered⁷⁹, and secondly, the classification was almost entirely based on the location of the port of construction⁸⁰. For example, a ship built on the Thames that was thirteen years old was still an A class vessel, whereas the same ship built in a northern port could only be an A class vessel for a period of eight years⁸¹. This was of course much to the disadvantage of the shipbuilding industry located outside of London⁸². Another criticism was that there was little transparency as to the method of classification. This led to the publication of the rival register: the Red Book or the New Register Book of Shipping (the Ship-owner's Register), published by a group of shipowners protesting against the aforementioned flaws⁸³. However, nor the Green Book, nor the Red Book met the needs or were up to the standards of the maritime sector. Both based the rating of a vessel mostly upon the location of its construction, although the

⁷⁶ A. Morel, *Manuel de l'assureur N° V*, Paris 1845-1846, xcvi et seqq.

⁷⁷ G. Asaert et al., *Antwerp, a port...*, p. 313.

⁷⁸ X, *Annals of Lloyd's Register, being a sketch of the origin, constitution, and progress of Lloyd's Register of British & Foreign Shipping*, London 1884, p. 13.

⁷⁹ The letters M (excellent), G, L and Z (very bad) replaced the well-known symbols A (excellent), E, I, O and U (very bad) to classify the vessels. The numbers 8 and 4 replaced the numbers 1, 2, 3 and 4 to rate the equipment. For example, a first class vessel with good outfit would be rated as an "A1" vessel, according to the previous system.

⁸⁰ X, *Annals of Lloyd's Register*, pp. 14-16.

⁸¹ *Ibidem*, p. 14.

⁸² *Ibidem*, p. 15.

⁸³ *Ibidem*, p. 16; H.G. Lay, *Marine insurance, a text book of the history of marine insurance including the function of Lloyd's register of shipping*, London 1919, p. 166.

Red Book in lesser extent than the Green Book⁸⁴. The Red Book did publish an explanatory note about their method of classification, but it was no more than one page long⁸⁵. The Red Book had surveyors in six ports while the Green Book had none, but the Red Book left out Exmouth and Star Cross in the list of the survey ports⁸⁶. The existence of two rival registers proved to be very counterproductive, with several public meetings by merchants and shipowners in 1823 as a result. The rivalry resulted in not only the price of the registers going up, but also in a decreased payment for the surveyors in 1828. In 1833 both registers were having such a hard time they expected both would declare bankruptcy within one or two years – which would be a dreadful outcome for the whole maritime industry⁸⁷.

It is clear that Morel made advantage of this opportunity. Register Veritas was well informed about all the flaws of its English rival and was immediately known for the use of a methodology that was more transparent than the one Lloyd's was using. Literature states it is Morel's international way of thinking that was absolutely innovative, but this is not entirely correct, as in this period Lloyd's was active abroad as well⁸⁸. Little is known about Lloyd's activities in Antwerp in the first half of the 19th century, but the Lloyd's Register homepage states that Antwerp was one of the first ports abroad that was visited by its experts, and that the Register has been active in Antwerp and Ostend since 1829⁸⁹. This is contrary to the beliefs that Lloyd's was not active in Antwerp until 1856⁹⁰. In 1856 a fixed surveyor was appointed for the Low Countries, Mr. Pretious, later to be replaced by Louis Meyer⁹¹. The reason behind this contradictory information could be the fire at the Royal Exchange in February 1838, that destroyed many valuable documents containing information on Lloyd's Register, such as the identity of the surveyors and the ports of their activity⁹². Through a thorough investigation of the well saved registers of Lloyd's, one can easily discover that Lloyd's was indeed active in Antwerp long before 1856. In the context of this study a list with the identity of 93 Antwerp shipowners was created, who were active between 1825 and 1848. We are certain that 51 of these shipowners were active in 1829. This overview was created with data from the classification of the Veritas register⁹³,

⁸⁴ X, *Annals...*, p. 19.

⁸⁵ *Ibidem*, p. 20.

⁸⁶ *Ibidem*, p. 16.

⁸⁷ *Ibidem*, pp. 43-44.

⁸⁸ Lloyd's was already active in Newfoundland in 1812.

⁸⁹ See for instance: <https://www.lr.org/en/who-we-are/brief-history/> (visited May 17, 2019).

⁹⁰ H.G. Lay, *Marine insurance...*, pp. 188, 250; G. Blake, *Lloyd's Register of shipping 1760-1960*, London, 1960, pp. X, 53, 137.

⁹¹ H.G. Lay, *Marine insurance...*, pp.188, 250; G. Blake, *Lloyd's Register...*, pp. X, 53, 137.

⁹² *Ibidem*, p. 25.

⁹³ Bureau, *Register Veritas 1829-1832*.

deeds containing the official foundation of ship-owner companies⁹⁴, a newspaper article that cites an overview of all the vessels sailing under the Belgian flag in 1847 and the specialized literature⁹⁵. The next step was to consult the Lloyd's Registers from 1827 to 1833, to check if the names on the created shipowners list were in the registers as well. In 1827 we count eight Antwerp shipowners in the Lloyd's Register. In 1828, we count a total of ten Antwerp shipowners. One year later there were at least seventeen Antwerp shipowners in the Register of Lloyd's. In 1830 and 1831, this trend continues, and 21 Antwerp shipowners made use of the Lloyd's services. In 1832 there were 22 Antwerp shipowners in the Register.

If both of the classification societies were active on the Antwerp market at the same moment, what were the differences and the similarities between the Lloyd's Register and the Veritas Register? These registers were similar in such a way that they both contained at least the name of the vessel, master and ship-owner, information on the type of vessel, the tonnage, and so on. Information on the number of decks and information on reconstruction, the age of the vessel, the keel and port of survey were mentioned as well. Finally, there was an estimation of the quality of the vessel and the equipment: the class. Research by the Royal Commission on Unseaworthy Ships in 1873 proved that the highest Veritas category was similar to the highest rank in the Lloyd's Registers⁹⁶.

Regarding the differences between the registers, we can conclude the following: Some technical details beyond the scope of this paper aside, it is striking that Veritas – a profit driven private corporation, unlike Lloyd's Register⁹⁷ – did not mention the port of construction in its register. This was most likely the result of the amount of criticism that Lloyd's received for finding the port of construction so overly important while deciding on the class. A second difference is that a rating done by Veritas seemed to be more informative and more extensive. By marks of trust and voyage the Register demonstrated how trustworthy a specific vessel was, and for which type of voyage it was best suited (for example, only suited for trans-Atlantic voyages, or only suited for coastal shipping). According to her founders, Veritas distinguished herself by precision and craftsmanship, not

⁹⁴ D. De ruysscher, S. Plasschaert, *Onderhandse akten inzake handelsvennootschappen in Antwerpen, 1815-1845*, Handelingen Koninklijke Commissie voor de Uitgave der Oude Wetten and Verordeningen van België 2017, p. 225.

⁹⁵ See R. Van Roosbroeck, *De Antwerpsche havenbeweging 1815-1830 en de scheidingsgedachte*, „Vlaamsche Gids“ Brussel 1932, pp. 241-252; A. De Vos, *De Antwerpse Koopvaardijvloot omstreeks 1830*; R. De Bock, *De Belgische handelsvloot rond het midden van de XIXe eeuw*, „Mededelingen Marine Academie“ Antwerp 1838-1839, pp. 150-176; *Etat Général de la Marine Marchande Belge et des Bateaux Naviguant a l'Intérieur*, „Courrier d'Anvers“ 31 December 1847, p. 27.

⁹⁶ *Royal Commission...* I, p. 39.

⁹⁷ *Ibidem* II, pp. 110-112.

letting an opinion depend upon the mere age of a vessel: on the contrary, Veritas took into consideration a broad variety of factors⁹⁸. This was of course a reference to and criticism towards the competitor Lloyd's, who deemed age as one of the primary factors in the rating of vessels. Another difference was that after an inspection done by a Veritas expert, the vessel was granted the certificate immediately, whereas the experts of Lloyd's surveyed the vessel provisionally, awaiting the approval of the committee of the classification society, which handed out the class certificate at a later date⁹⁹. Above all that, a vessel could enjoy the obtained Veritas class on average one year longer than was the case for a vessel surveyed by the Lloyd's¹⁰⁰.

This substantive comparison between the two registers leads to the question what, precisely, was the interaction between the Nautical Commission and the classification societies. The Commission and the classification societies probably both served different purposes. The Commission's main goal was to inspect and guarantee seaworthiness, while the classification societies conducted a more profound and detailed inspection and offered an extensive overview, including the actual state of the surveyed vessels. This made the registers even more valuable for an audience of the marine insurers and merchants. For them it was not only of importance if a vessel was able to defy the risks of the sea adventure. A vessel could indeed be seaworthy, but there were other important facets to determine the right premium, or to be willing to charter a certain vessel; for example the construction material, age, repairs, planned route or type of cargo. The international character of the registers made them even more attractive for merchants, shipowners and insurers.

What is left of the resource material of the Nautical Commission proves that the Commission itself referred to certificates of classification societies while surveying vessels. The Commission used a certain gradation in seaworthiness during the survey as well. In 1850 the Nautical Commission was active on a nationalisation project of foreign vessels. For this project, the Commission had to survey the vessels on multiple occasions, and thus the Commission was asked to explain what she meant by "seaworthiness". Expert Gras provided the following explanation:

One states that a vessel is in a perfect state of seaworthiness (*parfait état de navigabilité*) when it is new and has not undertaken more than two voyages of the type for which it is suited. One states that a vessel is in a very good state of seaworthiness (*très bon état de navigabilité*) when the ship has those features, to a large extent, that are necessary for her specific type of voyages, and the ship is ought to be a first class vessel in her category, before reaching the end of her classification-period. One

⁹⁸ Bureau, *Register Veritas 1830*, 2.

⁹⁹ *Royal Commission...* II, p. 138; H.G. Lay, *Marine insurance...* p.164.

¹⁰⁰ *Royal Commission...* II, pp. 110-112.

states that a vessel is in good state of seaworthiness (*bon état de navigabilité*) when it already has been repaired or has taken damage by stranding, collision or other mistakes that lower the market value of the vessel, by which she is degraded to a lower classification category. A vessel suited for voyages abroad is suited for trans-Atlantic voyages as well. A vessel suited for great coastal voyages (*grand cabotage*) could as well be suited for trans-Atlantic voyages, if the ship features metal doubler plates. In the latter case, the vessel should be navigated by a long haul captain¹⁰¹.

As mentioned above, we do know that the authorities did check if every vessel was surveyed by the Commission, and if a certificate of seaworthiness was indeed on board, and what the consequences were if the latter was not the case. To state that the regulation on visitations by the Commission was merely for form's sake, is incorrect. To enforce this statement, we refer to the situation regarding cabotage in 1814. There was a flare-up in the yet mentioned discussion if the Commission was supposed to survey cabotage vessels, because there were several problems in practice regarding the regulation. Letters between the Chamber and the Court of Commerce of Antwerp and the intendant and superintendent of the department show that in 1814, it had been difficult to execute the visitation regulation and to check if every vessel indeed was surveyed and in possession of the necessary certificate: in every letter containing the matter it is stated that "there is need of fitting measures to halt the breaches and violations"¹⁰². There were insufficient resources for the port captain to conclude his task to ensure that the regulation was followed. The superintendent confirmed on 2 January 1815 that, since it was agreed that the regulation on cabotage still applied, it was the task of the customs to check if the certificates were indeed on board¹⁰³. If the certificates were missing, the vessels were not allowed to leave the port, and no pilot (whose job was to guide the vessels into and out of the port) was allowed to assist the not-surveyed vessels.

If it was the task of the port pilot and the port captain and the customs to see to it that the cabotage vessels had the required certificates, one can assume that

¹⁰¹ L. Baudez, *187 years of Nautical Commission*, pp. 17-18; State Archives Beveren, *Archives of the Department of Tweek Neten and the province of Antwerp*, Series J and K (1615) 1794-1910 (esp. 1794-1860), No. 268B.

¹⁰² State Archives Beveren, *Archives of the department...*, Series J and K (1615) 1794-1910 (esp. 1794-1860), No. 862, letters and instructions considering the inspection of merchant vessels of 10 October 1814 between the sous-intendant and the head of the customs Baron De Visser.

¹⁰³ Every vessel was in need of the consent of the port captain and the customs. The port regulation of 17 October 1814 stated in the first article that no vessel was allowed to anchor without the assistance of a pilot, granted by the port captain. Article 3 stated that no loaded vessel was allowed to have a pilot on board, before being granted permission of the customs to load or unload. See Felixarchieff, piece 289#2648, port regulation of 17 October 1814. The port regulation of 1821 mentioned no permission of the customs to load or unload; one had to ask permission of the port pilot. See Felixarchieff, piece 289#1193, regulation of the *policie der haven* of 24 July 1821.

the authorities kept an eye on long haul vessels as well. This is confirmed by the Royal Decree of 8 March 1843: the *waterschout*¹⁰⁴ could protest the departure of a vessel that had no certificate on board¹⁰⁵.

There are little sources left that state how the commercial sector felt about the certificates and activities of the Commission. However, the yet mentioned Royal Commission on Unseaworthy Ships questioned Charles Bal (who was at that time the CEO of Bureau Veritas) and asked about the opinion of the Belgian maritime sector on the Nautical Commission¹⁰⁶. Bal stated that in France, Belgium and Italy the certificates of seaworthiness were useless for commercial practice: they were no more than pro forma documents, completely meaningless for the marine insurers¹⁰⁷. This was expected, because of the extended and detailed information the classification registers provided in comparison with that provided by a certificate of seaworthiness of the Commission. This supports the hypothesis that certificates of seaworthiness and surveys conducted by the Nautical Commission were different, but not less important, than the class certificates handed out by the classification societies; each achieving its own purpose. It was the Nautical Commission's task to guarantee safety of the vessels, even the vessels that remained beyond the scope of the surveys of the classification societies (in case they were not registered), or in cases of bribery or corrupted impartiality of the classification societies, a topic that will be discussed further.

3. THE BELGIAN REVOLUTION AND ITS CONSEQUENCES FOR THE MARITIME INDUSTRY AND NAUTICAL COMMISSION

With the Belgian Revolution in 1830, many merchants and shipowners no longer saw future in Antwerp and emigrated to the Netherlands or France¹⁰⁸. After the bombardment of the city on 27 October 1830, the river Scheldt was closed to all shipping by the Dutch navy¹⁰⁹. The Antwerp fleet was almost completely inactive: somewhat fifty vessels traded Antwerp for another port and about forty

¹⁰⁴ The "*waterschout*" or "*bailli maritime*" was originally a Dutch police position, that later on would become part of the maritime police. See J. Vynckier, *De zeevaartpolitie vroeger en nu*, "Mededelingen Marine Academie", Antwerp 1971-1972, pp. 101-117.

¹⁰⁵ L. Baudez, *187 years...*, p. 7.

¹⁰⁶ *Royal Commission...*, II, viii.

¹⁰⁷ *Royal Commission...*, II, viii.

¹⁰⁸ G. Asaert *et al.*, *Antwerp, a port...*, p. 329.

¹⁰⁹ E. Van Brussel, *Histoire politique de l'Escaut*, Paris 1864, p. 190 ; P. Giullaume, *L'Escaut depuis 1830*, II, Brussels 1903, p. 21 *et seqq.*

vessels were dismantled in the harbour¹¹⁰. As a result of this difficult political situation and the loss of commerce, the port of Antwerp went through an economic depression¹¹¹.

Thanks to the Article 3 of the Convention of London of May 1833, there was in fact free navigation on the river Scheldt, so commerce started to revive the same year¹¹². The shipbuilding engineer André Gras was appointed an expert and the Nautical Commission obtained two new assistant-deputies: a long haul Captain Auke Willems and a shipbuilding engineer Louis Marguerie¹¹³.

On 4 September 1833 measures were taken regarding the income of the experts, that had remained unchanged during the United Kingdom of the Netherlands¹¹⁴. The experts' remunerations, paid by "all whom it may concern", were reduced to a fixed sum for each visited vessel, regardless of the number of visitations and visiting officers that were necessary for the inspection¹¹⁵. It became less interesting for the experts to make use of their assistant-deputies, as they all had to share the fixed remuneration. One of the judges who decided this alteration was Cateaux-Wattel, not only a well-faring merchant, but also a ship-owner as well¹¹⁶. All of a sudden, the once honorable title of expert in the Nautical Commission became somewhat tainted: experts who visited a vessel several times before handing over the certificate, earned less than before. The expert that was humble and preferred to consult the opinion of his colleagues or assistants got paid less than those who didn't, since they had to share the earned amount.

In view of the re-elections, the officers stated that because of the disadvantageous alterations regarding the working conditions, it was no longer possible for them to function as experts in the Commission, but that they would continue to perform their tasks until replacement was found¹¹⁷. In November 1836 no new experts were nominated. The judges Pelgrims, Le Brasseur and Bisschop-Basteyns, who all had personal ties with several Antwerp marine insurance corporations¹¹⁸, decided to restore the former reimbursement of the experts and to pay

¹¹⁰ R. Van Roosbroeck, *De Antwerpsche...*, p. 251-252.

¹¹¹ G. Asaert *et al.*, *Antwerp, a port...*, p. 340.

¹¹² E. Van Brussel, *Histoire politique...*, p. 207; A. Rotsaert, *L'Escaut depuis le traité de Munster*, Brussels 1918, pp. 46-47; G. Asaert *et al.*, *Antwerp, a port...*, p. 333.

¹¹³ Decision Court of Commerce Antwerp, 24 August 1833, (in:) X, *Mémoire à consulter...*, p. 29.

¹¹⁴ L. Baudez, *Ontstaan...*, p. 58.

¹¹⁵ X, *Mémoire à consulter...* p. 26, and Art. 1, 2, Decision chamber of council of the Court of Commerce Antwerp of 4 September 1833 (in:) X, *Mémoire à consulter...*, p. 30.

¹¹⁶ E. Willemse, *Het ontstaan...*, pp. 314, 315, 346; Decision chamber of council..., p. 30. See X, *Stichting Maritiem Historische Databank*, http://www.marhisdata.nl/main.php?to_page=schip&id=8685 (visited May 17, 2019).

¹¹⁷ X, *Mémoire à consulter...*, p. 35.

¹¹⁸ E. Willemse, *Het ontstaan...*, p. 311, 372, 339.

the officers again for each visit¹¹⁹. The experts were re-elected, together with the two assistant-deputies¹²⁰.

The years to come were rather gloomy for the maritime industry¹²¹. Some insurance companies (temporarily) halted their marine insurance business, partly due to terrible winter storms in 1834 and 1836¹²². In 1837, the profitability of some industrial enterprises was threatened¹²³. Because of the emigration of many merchants and shipowners, bad times came for the banking and insurance business¹²⁴. Bureau Veritas moved to Paris to be led by Charles Bal instead of Auguste Morel, and the Banque de Belgique was in turmoil¹²⁵. In 1838 there was a massive withdrawal of the deposits, bringing the Banque de Belgique to the brink of bankruptcy¹²⁶. In an attempt to strengthen the government finances, higher duties were levied on sugar and the authorities proposed less profitable export terms¹²⁷.

Under these circumstances the Court of Commerce decided on 12 May 1837 to reduce the wages of the experts once again. In addition to the above stated explanation, there were severe complaints coming from the maritime sector: anyone who obtains a favorable price for certain services is less incited to pay more in the future: this used to be no different 160 years ago. Ever since the services of the Commission became more expensive, the industry began protesting against the visitations¹²⁸. It was thus decided that for vessels in construction or repair, only one fee was due, notwithstanding the fact that often more visitations were required for these ships¹²⁹. In several circumstances, transportation costs could not be reclaimed¹³⁰.

¹¹⁹ Official report of the general meeting of the Court of Commerce of Antwerp, 27 November 1836, Art. 2 in X, *Mémoire à consulter...*, pp. 37, 38.

¹²⁰ *Ibidem*, p. 38.

¹²¹ K. Veraghtert, *De havenbeweging...*, II, pp. 123-124.

¹²² G. Asaert, *Maritieme geschiedenis...*, p. 127; *Antwerp, a port ...*, p. 345.

¹²³ *Ibidem*, p. 340.

¹²⁴ K. Veraghtert, *De havenbeweging...*, II, p. 124.

¹²⁵ E. Buyst, I. Maes, *The regulation and Supervision of the Belgian Financial System (1830-2005)*, South-Eastern European Monetary History Network Athens 2008, p. 8; J. Hannes, J. Laureyssens, *De verzekeringsmaatschappijen...*, p. 103; G. Beeteme, *Antwerpen*, p. 125; G. Asaert *et al.*, *Antwerp, a port...*, p. 340; J. Laureyssens, *De naamloze vennootschappen en de ontwikkeling van het kapitalisme in België*, p. 131 *et seq.*; K. Veraghtert, *Antwerp, a port for all seasons*, 340.

¹²⁶ G. Asaert *et al.*, *Antwerp, a port...*, p. 345.

¹²⁷ *Ibidem*, p. 341.

¹²⁸ X, *Mémoire à consulter...*, p. 38.

¹²⁹ Art. 1 and 2 Official report of the general meeting of the Court of Commerce of Antwerp, 12 May 1837, (in:) X, *Mémoire à consulter...*, pp. 42-43.

¹³⁰ Art. 3 Official report of the general meeting of the Court of Commerce of Antwerp, 12 May 1837, (in:) X, *Mémoire à consulter...*, pp. 42-43.

It was not merely for financial reasons that the Commission did not always receive a warm welcome by the industry. The Commission obliged several shipowners, which were cunningly trying to obtain insurance cover for their vessel, making use of the abandonment clause in their insurance policy, to perform large-scale repairs to their unseaworthy vessels¹³¹. If the vessel was sunk or lost at sea, the abandonment clause afforded the owner the right to give up on finding or recovering the vessel and collect a full insurance settlement from the insurer. In this way, it was more profitable for them to make use of a worn-out vessel for as long as possible, until it finally perished, so they could take advantage of their insurance cover rather than pay a large amount of money to repair the vessel. Several of these shipowners were actively engaged in the Chamber of Commerce and might have been able to affect the working conditions of the experts¹³².

In addition, there are no sources that would prove how important the other actors in the maritime industry (except for the insurers) – such as the shipowners or merchants who entrusted their goods to the vessel and the sea adventure – considered the work of the Commission, especially since the coming of the Veritas register. The visitations of the Nautical Commission were obligatory and according the law, the certificate of seaworthiness had to be on board before being allowed to leave the port. We already explained that, in practice, the authorities did supervise whether the vessel indeed had the required certificates and that there were consequences if the latter was not the case (a vessel without certificate of inspection was not assisted by a pilot, and the vessel was not allowed to leave the port before it was inspected). Furthermore, it has to be noted that, every time the working conditions of the Commissions were affected in a negative way, the judges who were responsible were also active as shipowners, and those who made positive changes, had ties with insurance corporations. It is yet unknown whether the judges that were active as shipowners deemed the visitations and certificates of the Nautical Commission as less valuable, and vice versa. One can assume that a shipowner did not favor an all too eager expert of the Commission, watching his every move, but on the other hand, a ship had to be seaworthy and in a decent state to obtain a (more profitable) insurance policy. Perhaps it is possible that shipowners preferred surveys done by classification societies over the certificates of the Commission, since it was nearly impossible to obtain insurance cover for a vessel without a class certificate. The extra cost, on top of this, of an inspection done by the Commission, probably was considered to be annoying and expensive.

Due to these alterations, the atmosphere became grim for the Commission. The experts were often called upon for visitations, but were not paid afterwards, because the experts rightfully did not hand out certificates to the vessels that were

¹³¹ X, *Mémoire à consulter...*, p. 39.

¹³² *Ibidem*.

below standards. Quite often they visited ships that were lacking the most needed equipment such as anchors and cables¹³³. The industry blamed the Commission for being obstructive to trade and commerce: severe complaints and threats were no exception for the experts¹³⁴. The journal “Le Précurseur”, established by no less than Auguste Morel, often befouled the reputation of the Commission – according to a member of the Commission, this was because the Nautical Commission repeatedly refused to appoint the editor of the journal, who was a maritime insurance expert, as a visitation officer¹³⁵.

Although the Commission consisted of an extended and competent association (an old-captain and marine officer as chairman, two former long haul captains, a shipbuilding engineer, an ex-marine officer, a shipbuilder, a master ship’s cruiser, a stowage expert, a master sailor, a master carpenter and a master blacksmith), a proposal of judge (and ship-owner) Van Cutsem in 1838 led to a change in the composition of the Commission. From now on, half of the Nautical Commission should, if possible, have consisted out of navigators and shipbuilders, appointed for one year¹³⁶. The remunerations of the experts were once again to be reduced¹³⁷. Previous experts Muskeyn and Gras passionately refused to be reappointed, and the Court of Commerce appointed two previous assistant-deputies as experts¹³⁸. One of them was a master carpenter, suggested by the clerk of the Court, who was still active in his occupation of repairing ships¹³⁹.

The newly nominated experts were said to have little experience and limited themselves to signing standard documents by order of the clerk of the Court¹⁴⁰. Unfortunately, this cannot be investigated due to the lack of documents in the archives: as mentioned before, there remains little more than the actual appointments of the experts or the documents that state the vessel is seaworthy. There is nothing left of the process in-between. But it is at the very least remarkable to appoint a shipbuilder who was still practicing his shipbuilding occupation. One needs little imagination to understand that it could have been easier to grant certificates to a befriended ship-owner, than to one who had no commercial ties to the shipbuilder-expert. As far as the remaining documents were concerned, starting in this period, we notice a decrease in visitation reports and an increase in the appointments to inspect average¹⁴¹. We count fewer captains among the experts

¹³³ *Ibidem*, p. 46.

¹³⁴ *Ibidem*.

¹³⁵ *Ibidem*, pp. 39-40.

¹³⁶ *Ibidem*, pp. 6, 64.

¹³⁷ *Ibidem*, p. 61.

¹³⁸ *Ibidem*, pp. 69-70.

¹³⁹ *Ibidem*.

¹⁴⁰ *Ibidem*, p. 71.

¹⁴¹ For example see *State Archives Beveren, RK Antwerpen 0000*, Series 26, No. 33.

and a substantial increase in merchants and agents, which is not surprising, since there was more cargo to be inspected, than vessels¹⁴².

4. THE CLASSIFICATION REGISTERS STILL STANDING

In 1845, Auguste Morel published the register which was rival to the Veritas register: Register Integritas. Issues about objectivity and integrity quickly arose, in a high-risk industry where both were essential. Morel publicly announced Integritas was the only complete and correct register¹⁴³. He blamed Bureau Veritas for being too rigid, lacking any sense of innovation, and include too little ports, while not renewing the previous ratings of vessels but publishing the outdated ratings altogether¹⁴⁴. Integritas surveyed many more vessels than Veritas, and did not fear to hand out a bad rating if this was justified¹⁴⁵. Charles Bal responded furiously: Morel would shamelessly copy about 1200 ratings, including administrative errors made (and eventually revised) by Veritas¹⁴⁶. Veritas often granted very good ratings, but according to Bal, this was thanks to the many years of hard work of the Bureau and the surveyors, which caused the market to be left with few vessels in bad shape¹⁴⁷. Both parties handed out numerous arguments to plead their case.

The facts cannot be investigated further at this point in time, but both of the arguments will hold parts of the truth. To what extent was Bureau Veritas too soft, and to what extent were the surveyors of Integritas too demanding, both in order to be deemed as the best register available on the market? Both pleadings had solely one goal: to increase the sales volume of the registers. But the mere possibility that both these classification societies were able to deliver a flawed register and still were so popular in the industry, contributes to the hypothesis that the industry craved for their registers and that the classification societies held a dominant position.

Eventually, there were rumors in 1860 that the surveyors of Bureau Veritas were being bribed by shipowners and insurers¹⁴⁸. Despite these rumours and despite the fact that Lloyd's register was still active in Antwerp since 1856, 26,000

¹⁴² For example see *Ibidem*, No. 40 and 43; X, *Mémoire à consulter...*, p. 45.

¹⁴³ A. Morel, *Manuel...*, lxxxvi.

¹⁴⁴ *Ibidem*, x-xii.

¹⁴⁵ *Ibidem*, xcii.

¹⁴⁶ C. Bal, *Le Bureau Veritas à ses abonnés*, Paris 1845, pp. 6, 13.

¹⁴⁷ *Ibidem*, pp. 7-9.

¹⁴⁸ E. Willemse, *Het ontstaan...*, p. 63.

vessels were included in the Veritas register at this time, and Bureau Veritas had become a mandatory intermediary: without a positive survey by Bureau Veritas, it had become impossible for a shipowner to get his ship insured¹⁴⁹. Whereas the Nautical Commission could easily be tempered by the legislator, Bureau Veritas became so popular that abuse and arbitrariness might have been inevitable: a rating of the Bureau had become expensive and obligatory¹⁵⁰. Eventually, the Chamber of Commerce in Antwerp stated in 1861 that the surveying of vessels by Veritas had to be conducted by one surveyor of Bureau Veritas, one by the Chamber appointed shipbuilder, and one insurer.

CONCLUSION

Since the founding of the Nautical Commission in 1802, a lot happened in terms of politics and economy. Antwerp emerged as a port city of international importance with contemporary economic institutions. In this turbulent period, we notice several alterations in the regulation vis à vis the working conditions of the Commission, leading to consequences for the Commission and the quality of her operations. As the expert's compensations became restricted, it was more difficult for the experts to complete their tasks in a proper way. The elder experts with outstanding maritime reputations were replaced by seemingly less technically experienced personnel, or even experts of compromised impartiality (e.g. the gradual replacement of previous captains by merchants and the expert still active as a shipbuilder). What exact reasons lay at the roots of these changes regarding the operating conditions, is still unclear. Even though the Nautical Commission continued to exist through the ages, the economic challenges since the Belgian Revolution and the upcoming of the classification societies in Antwerp, undoubtedly left their marks on the position of the Commission in the maritime industry. Other possible causes were the personal background of the judges (who often had ties with the marine insurance industry or were active as shipowners) or an evolving need of the market, as it is still unknown to what extent the market deemed the visitations of the Nautical Commission as valuable. We do know that the marine insurance business considered the certificates of the Commission of little value while selling insurance policies. As it became more difficult to obtain insurance cover without a class certificate handed out by a classification society, the mandatory visitations of the Commission were an extra and unnecessary financial cost

¹⁴⁹ *Ibidem*, p. 62.

¹⁵⁰ *Ibidem*, p. 63.

for the shipowners. There were, however, consequences if the legal obligations regarding the visitations were neglected regarding cabotage vessels and long haul vessels since the Royal Decree of 8 March 1843, and we can assume that the same can be said for long haul vessels before 1843.

Regarding the interaction between the Nautical Commission and classification societies, we can conclude the following: Classification societies delivered valuable and competitive information to the shipping industry and insurance market. Whereas the Nautical Commission had the purpose to guarantee the seaworthiness of vessels, the classification societies provided more comprehensive information about the actual state of the vessels. Unfortunately, the dominant market position of the classification societies led to the fact that problems regarding objectivity and independence quickly arose, as there seemed to be issues concerning the quality of the decision making, supervision of the surveyors, transparent methodology, and impartiality of the surveyors. Where there was a gap in the information provided by classification societies because it was outdated or incorrect, the certificates of the Nautical Commission could offer a safety net for the general state and safety of vessels.

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Summary

This paper discusses from the perspective of a legal historian the development of the institution of the Nautical Commission and the supervision of seaworthiness of

vessels in Antwerp during the first half of the 19th century, mindful of the political and economic context. The possible influences of other actors onto the development of the Nautical Commission are taken into account, together with the needs and evolution of the maritime sector. In particular, the role of and interaction between classification societies and the Nautical Commission are analysed.

KEYWORDS

marine insurance, Classification Society, Nautical Commission, 19th century commerce

SŁOWA KLUCZOWE

ubezpieczenia morskie, towarzystwo klasyfikacyjne, komisja żeglugi, handel w XIX wieku