

(intro Son of a Son of a Sailor):

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(voice of John Hughes Cooper):

Good morning to Captain and crew alike and welcome to the Admiralty Docket. This is John Hughes Cooper with a glimpse into your rights and responsibilities at sea and upon the navigable waters.

Today our subject is the maritime law of salvage.

The person who voluntarily saves a vessel or property at sea from a maritime peril is considered a salvor. Does a salvor who saves a derelict or abandoned vessel become entitled to claim ownership of the salvaged vessel? No. However, a successful salvor of a vessel or maritime property is entitled to a liberal compensation award based, in large part, upon the value of the property saved.

Salvors of a derelict or abandoned vessel have the right to maintain possession of the vessel in the face of demands of competing salvors and even demands of her owners. A maritime lien against the salvaged vessel arises at the time of salvage and allows salvors to proceed in the U. S. District Courts to have the Marshal arrest and sell the vessel to pay any salvage award. To avoid sale of the salvaged vessel, her owner may post security to assure payment of any award.

Liability to pay a salvage award extends to the salvaged vessel herself and to any party with a financial interest in her, including her owners, charterers, insurers, and mortgagee banks.

Ships, vessels, and boats of all descriptions may be subject to salvage. Their engines, boilers, tackle, equipment,

appurtenances, furniture, and apparel may also be subject to salvage. The cargos carried aboard such vessels are subject to salvage and subject to the salvage lien, up to cargo's proportional share based upon value. Even freights earned by a salvaged vessel are subject to the lien.

Mr. Justice Bradley writing for the U. S. Supreme Court declared in 1887 in the case of Cope v. Vallette Dry Dock Company, that salvage extends to "those things which have been committed to, or lost in, the sea or its branches, or other public navigable waters, and have been found and rescued."

If goods are cast into the sea to lighten the load of a ship in danger of sinking, they are called "jetsam." If a vessel sinks or otherwise perishes and goods are recovered floating upon the sea, they are called "flotsam." If goods are cast into the sea with a buoy or marker attached to them so that they can be found again, they are called "lagan." Jetsam, flotsam, and lagan are all subject to salvage.

Rafts, composed of lumber, timber, piles, or spars, when rescued on navigable waters are subject to salvage. Salvage awards have been granted for the saving of money found upon corpses, if floating in navigable waters. Generally, if a vessel or maritime property is in peril, any voluntary act which contributes to her ultimate safety may rank as an act of salvage.

What about human life? Can the act of saving human life entitle the volunteer to a salvage award?

Historically, the saving of human life was regarded as

fulfilling a moral duty, but not as entitling the salvor to a financial reward. Today, by federal statute, life salvors have a right to share in any award for property salvaged on the same occasion. However, life salvage, unaccompanied by property salvage, still goes without financial reward.

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.

(second voice with Send Lawyers, Guns and Money):

The Admiralty Docket is written and narrated by John Hughes Cooper who specializes in admiralty law litigation with the law firm of Cooper & Raley. The legal principles discussed are general in nature. Laws change and even similar circumstances may call for application of different laws. If you have a question for a future edition of The Admiralty Docket please write to John Hughes Cooper at P. O. Box 1248, Charleston 29402.