

(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 duty of salvors.

At sea, the person who voluntarily saves a vessel or property from a maritime peril is, in the eyes of the admiralty courts, a salvor, entitled to a liberal salvage award based, in large part, upon the value of the property saved. The salvor's interest is protected by a maritime lien in the salvaged property.

While the law maritime is liberal with compensation for successful salvage, courts require the utmost honesty, good faith, and uprightness of conduct on the part of the salvors. Judge Marvin, in his 1853 opinion in the case of Church v. Seventeen Hundred and Twelve Dollars, declared, "The great fundamental laws every court must enforce. The law cannot therefore tolerate in salvors dishonesty, corruption, fraud, falsehood, either in rendering the service, or in their proceedings to recover the salvage."

The salvor must refrain from harming or despoiling that property which chance may have placed into his safekeeping.

The salvor must deal fairly and aid the victim without insisting upon unfair terms. A salvor, though successful in rescuing property, will receive a diminished award if he fails to live up to the standard of good faith required. He must speak

truthfully and act honestly.

Indeed, under federal criminal statutes, despoilers and plunderers of distressed, derelict and wrecked property within the admiralty jurisdiction are subject to criminal prosecution and upon conviction may be fined up to \$5,000 or imprisoned for not more than 10 years or both. Intent is not required for conviction.

Salvors have a duty to take such care of the property saved as a prudent person takes of his own property and they are liable for the consequences of their own negligence. Salvors may be held responsible for damages which they inflict on the saved property or which the salvaged property in their care inflicts on other property.

Some years ago a sunken wreck was discovered in Winyah Bay and reportedly contained a vast treasure of gold coins. In the hearing concerning salvage rights to the sunken wreck and treasure, two competing salvors testified before the judge. The first salvor knew that the judge was an enthusiastic bass angler and had testified that he had discovered the wreck while catching an 18 pound largemouth bass in the vicinity.

The judge was very interested in this testimony. But, the second salvor testified even more boldly: "Your honor, I found that wreck first. I remember the morning I was fishing in that same spot. My line got all hung up. I couldn't get loose for the longest time. When she came loose, I reeled up an old ship's lantern snagged on my hook. Your honor, the flame was still burning brightly in that lantern when I pulled her out of the water."

The judge reminded the second salvor that he was in federal court, under oath, and subject to penalty of perjury.

After a moment's reflection, the second salvor replied, "Well, your honor, if he'll knock 8 pounds off his bass, I guess I'll blow out my flame!"

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.