

604 3 2 1 In the practice of admiralty law in the United States, suits in rem are brought to enforce maritime liens against vessels and other maritime property. In rem jurisdiction over a vessel must be obtained by arrest of the vessel by the U.S. Marshal accompanied by service of process in rem on the vessel within the judicial district from which the process issued. Only federal courts have jurisdiction to proceed in rem. Although state courts generally have concurrent jurisdiction to hear admiralty claims in personam, state courts have no jurisdiction in rem.

What does the term 'in rem' mean? Literally, the term "in rem" comes to us from the latin meaning "against the thing" and is commonly used to refer to a claim or suit against a vessel, or other maritime property, which is called "the res" or "the thing." Claims against vessels themselves may properly be called in rem claims, as distinguished from claims against the owners or operators of vessels, which may properly be called in personam claims. The term "in personam" is also from the latin which can be translated "against the person" and is commonly used to refer to claims against persons, corporations, or similar entities.

Maritime liens arise as a matter of law to encumber vessels for wages owed crewmembers, for necessities provided to vessels, for salvage services received, for fault in a collision, for personal injury or property damage, for towage, for preferred ship mortgages, for duties owed by a vessel to her cargo, and for bottomry and respondentia. These liens may only be enforced by suit in rem commenced in federal court by arrest of the Defendant vessel in the district where she may be found.

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If you have provided necessities to a vessel in navigation on the order of her owner or master, until paid you have a maritime lien against the vessel for the value of your goods and services provided to the vessel. This means that you have the right to file suit in rem in the United States District Court to seek arrest and sale of the vessel for satisfaction of your in rem claim. If you have not been paid for necessities you provided to a vessel, see your local admiralty lawyer, this may give new meaning to the phrase "when your ship comes in."

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. 604

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