

41008 3 2 1 "Dear Attorney Cooper, I have heard the term general average. What does this term mean? If I find myself sweating like a horse doing 7th grade arithmetic, will general average help me? Your friend, Wayne, Laing Middle School, Mt. Pleasant. P. S. Please reply before next Tuesday."

Good question, Wayne. The admiralty law concept of general average goes back in history at least to Roman times. According to The Digest of Justinian, " It is provided by the Rhodian Law that if merchandise is thrown overboard to lighten the ship, the loss occasioned for the benefit of all must be made good by the contribution of all."

Similarly, the Rules of Oleron provide, " Article 8. A ship leaves Bordeaux or elsewhere, and it happens that a storm takes it at sea and the ship cannot escape without throwing out goods from within. The master is bound to say to the merchants: ' Signors, we cannot escape without throwing out the wines and the goods.' The merchants, if there are any (aboard), shall signify their good will who shall agree to this jettison, and that the master's reasons are most clear; and if they do not agree, the master ought, nevertheless, not to fear to throw out as much as shall seem to him good, swearing himself and the third of his crew on the Holy Gospels, when he shall have come safe ashore, that he did it of no malice, but to save their lives, the ship, the goods and the wines. Those which have been thrown out ought to be appraised at the rate of those which shall come safe, and shall be divided pound by pound amongst the merchants; . . ."

These general principles survive today as a part of the

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governing law of maritime nations. The concept is simple. Where those in command jettison a part of the cargo, which successfully saves the remainder from a common imminent peril, general average is declared and applied to compensate owners of the jettisoned portion out of assessments from those benefitted.

Now, back to your question, "Can general average help me with 7th grade arithmetic?" Yes, Wayne, it can. You can sense the imminent peril from the coming storm, so jettison television, jettison idle telephone chat, jettison all distractions and put your efforts and concentration on arithmetic. You will be compensated with good grades which flow from such discipline.

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.

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