

50106 3 2 1 Today, pop quiz. Five questions. True or False. Listen carefully. L. J. will be strictly graded.

1. A volunteer who successfully salvages a boat subject to a marine peril in navigable waters must turn over the salvaged vessel to the owner upon his request. True or false?

False. Good answer L. J. The salvor is entitled to keep possession of the vessel and is not required to give possession of the salvaged boat to the owner, until the owner pays for the salvage or posts a bond for release of the vessel. If the salvor and owners cannot agree on an award, then the salvor must commence an action to enforce his maritime lien in rem.

2. A contract executed in Charleston for the sale of a merchant ship which is on a voyage in the Mediterranean Sea is within the admiralty jurisdiction and thus is governed by substantive admiralty law. True or false?

False. A contract for the sale of a vessel is not a maritime contract. The courts consider such contracts "preliminary" to any real maritime activity and thus not within the admiralty jurisdiction. State law will apply to govern such contracts.

3. Nonpayment for 120 tons of marine diesel oil provided to the QUEEN ELIZABETH II in Canada is a claim secured by a maritime lien on the cruiseship. True or false?

False. Eventhough bunkers are necessary to the essential mission of a luxury cruise ship like the QE2, and would be secured by a maritime lien if provided in a U.S. port, generally, Canadian law does not provide for a maritime lien to secure the sale of bunkers delivered to a vessel. If the ship were arrested in

Charleston, our courts would look to the law of Canada to determine the existence of a maritime lien for enforcement here.

4. Federal and state tax liens take priority over lower ranking maritime liens? True or false?

False. All maritime liens are higher in rank and thus take priority over all landside liens, including tax liens.

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. 50106