

50401 3 2 1 Ed writes from aboard his yacht THE DAWN OF HISTORY, "Dear Mr. Cooper, I enjoyed your program last week on the validity of marriage ceremonies on ships on the high seas. Does an officer other than the master have the authority to perform a marriage ceremony on the high seas?"

Good question, Ed. This goes to the heart of the matter at controversy in the case of Fisher v. Fisher which we discussed last week. At its core, the validity of a marriage in the eyes of the admiralty law is not a question of the authority of the official performing the ceremony, but a question of consent by competent parties to a civil contract of marriage. Although Mr. Fisher was not competent to marry under New York law, he was competent after he left New York aboard the american steamship LEVIATHAN bound for London. A formal ceremony, in due form or not, raises the presumption of consent of the parties, and the burden of proof is upon one who would show otherwise. The authority of the master or official which is recognized by the admiralty law is the authority to report the fact of the marriage in his official logbook.

Ed asks further, "In addition to marriages on board, what else must a master of a vessel record in the logbook?"

Good question, Ed. 46 US Code § 11301(b) provides that the master of a U.S. vessel on a foreign voyage must make entries for the following: each legal conviction of a seaman and his punishment, each offense committed by a seaman, each offense for which punishment is inflicted on board and the punishment inflicted, statements of the conduct, character, and qualifications of each seaman, each illness of or injury to a seaman and his

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medical treatment, each death on board with the cause of death, each birth on board, with the sex of the infant and the names of the parents, the name of each seaman who ceases to be a crewmember, the wages due to a seaman who dies during the voyage, the sale of the property of a seaman who dies during the voyage, and statements concerning the circumstances of marine casualties.

The U.S. Supreme Court recently ruled that entries in the logbook are now required for mummies or vampires who come to life on the high seas and roam the ship relentlessly sucking the lifeblood from all aboard. Wha wha wha. April fools.

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. 50401

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