

50520 3 2 1 Members of a crew employed upon a vessel are called seamen, regardless of the size of the vessel or the duties of employment. Many workers, far removed from the traditional work of seamen, are classified as seamen under the admiralty law. Even bartenders, beauticians, musicians, and palm readers have all been found to be seamen, when employed aboard a cruise ship.

Because of the dangers and hardships traditionally faced by seamen and because seamen are essential to maritime commerce and to national defense, seamen are protected as wards of the admiralty courts and Admiralty Judges are liberal in the application of laws to protect them.

As Judge Biggs stated in Jones v. Waterman Steamship Corp. "the relationship of the shipowner to the seaman is more closely analogous to that of father and child than to that of an employer to a mere employee."

Seamen are commonly described by the admiralty courts as "poor and friendless and apt to acquire habits of gross indulgence, carelessness and improvidence." Time and again seamen are able to live up to the full measure of this description.

The seaman who falls ill or who is injured while under articles or subject to the call of duty is entitled to payments for maintenance and cure. The vessel herself and her owner are liable for such payments without regard to fault. The very same conduct by landlubbers which is condemned as "assault and battery of a high and aggravated nature," when committed by seamen becomes "mere horseplay." A seaman's negligence, drunkenness, fighting, or horseplay are routinely overlooked with appropriate remarks about

"the classic predisposition of sailors ashore." One Court awarded maintenance and cure to a seaman on shore leave in Yugoslavia who suffered a broken leg in jumping from the second story window of a brothel following a dispute over financial arrangements. Only willful misconduct of the seaman will forfeit his rights to maintenance and cure.

In the case of Ressler v. States Marine Lines, Inc., the Court denied maintenance and cure for gonorrhoea on the grounds that, in order to contract venereal disease, an unmarried sailor in Bangkok must engage in willful misconduct.

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. 50520