

51230 3 2 1 Well friends, let's clear the decks for an outstanding year in 1996. While we're waiting for the collards to cook down, I will review the admiralty highlights of the last term of the U. S. Supreme Court, then a question from Darlene.

1. In Chandris v. Latsis the U.S. Supreme Court further defined the test for seaman status. A worker is a seaman protected by the Jones Act if he contributed to the function of the vessel or to the accomplishment of its mission and he had a connection with a vessel or an identifiable fleet of vessels in navigation which was substantial both in terms of its duration and nature.

2. In Grubart v. Great Lakes the Court applied the locality test and the Sisson v. Ruby refinement of the nexus test and found Admiralty Tort Jurisdiction over pile-driving operations by a vessel on the Chicago River which punctured a tunnel under the river and resulted in claims for flooding of many businesses in downtown Chicago.

3. In City of Milwaukee v. Cement Division, National Gypsum Co. the Court reinforced the general rule that pre-judgment interest should be awarded in admiralty cases, absent exceptional circumstances. The Court specifically rejected disputed liability and mutual fault as exceptional circumstances. Indeed, most cases involve disputed liability and many involve allegations of mutual fault.

Finally, Darlene from Isle of Palms has posed a good question. During a voyage from Isle of Palms to the Gulf Stream, Darlene asks for the geographical location where the inland rules of the road cease to apply and where the 72 colregs begin to apply to the

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operation of her vessel. More than one experienced captain suggested that the inland rules applied 3 nautical miles offshore. The correct answer is found in 33 C.F.R. § 80.707 and § 80.710, which give the location of the demarcation line. If Darlene leaves Charleston Harbor through the jetties, she crosses the demarcation line drawn across the seaward extremity of the jetties; if she leaves via Dewees Inlet, the demarcation line is under the overhead power cable from Isle of Palms to Dewees Island; if via Breach Inlet, the demarcation line is the centerline of the Breach Inlet Bridge. I wonder how you see the centerline from under the bridge.

More next year 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. 51230

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