

## Maritime Law Dictionary

### [Actual Total Loss](#)

Property that is completely destroyed, or lost and irretrievable; a term of insurance and maritime law.

### [Admiralty](#)

Law or judicial body having to do with, or jurisdiction over, shipping and use of the sea.

### [Affreightment](#)

A transportation contract whereby a transportation company, shipowner or operator agrees to carry goods in return for a sum of money, the sum being paid called freight.

### [Allision](#)

A collision between a moving vessel and a stationary object.

### [Alluvion](#)

The gradual increase of land by the action of water such as by tides or currents.

### [Anchorage](#)

The temporary imobolization of a vessel near land through the use of some fixing of the boat to the land under the water bed.

### [Angary](#)

The right of a state at war, in circumstances of necessity, to seize or destroy property belonging to a neutral state.

### [Appraisal](#)

The informed and objective inspection and estimation of a thing's worth.

### [Appraisement](#)

The inspection and appraisal or valuation of property, especially vessels, such as by a court-appointed surveyor, before its judicial sale, thus allowing the court to make an informed decision as to whether the judicial sale price is fair to the parties, particularly where there are competing claims for the proceeds of sale.

## Arrest

The detainment or restraint of a person or thing for the purposes of determining legal rights as regards a thing, or suspicion of criminal activity as regards a person.

## Athens Passenger Convention

Formally, the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (PAL), 1974, an international treaty which establishes a regime of liability for damage suffered by passengers carried on a seagoing vessel.

## Avulsion

The removal of land from one real property and its deposit on the property of another, by the sudden action of nature (eg. water or volcano).

## Bail

The pledge of cash or property to secure the release of a thing or person which would otherwise be held in custody.

## Bailee

The person who receives property through a contract of bailment, from the bailor, and who may be committed to certain duties of care towards the property while it remains in his or her possession.

## Bailment

The transfer of possession of something (by the bailor) to another person (called the bailee) for some temporary purpose (eg. repair or storage) after which the property is either returned to the bailor or otherwise disposed of in accordance with the contract of bailment.

## Barrator

A person who, on more than one occasion, incites litigation or spreads false rumours.

## Barratry

An intentional wrongful act committed by the crew or master of a ship to the prejudice of the owner or the charterer.

## Bill of Lading

A document that a transport company possesses acknowledging that it has received goods, and serves as title for the purpose of transportation.

### [Bottomry](#)

An obsolete bond contract by which a ship owner or master borrowed money in a far-off port of call, for the repair of a ship in exchange for which, he would repay the loan on safe arrival at the ship's destination, for which the ship stood as collateral but where the lender assumed the risk of the loss of the ship en route.

### [Bridge](#)

A structure which spans an obstruction and which affords passage to people or things.

### [Cabotage](#)

Trade transit of a vessel along the coast (coastal trading), from one port to another within the territorial limits of a single nation.

### [Charterparty](#)

A transportation contract which includes the full and exclusive use of the airplane, vehicle or vessel for the duration of the transportation of either goods or persons.

### [CIF](#)

Transportation contract acronym for "cost, insurance and freight" usually in reference to the sale price being inclusive thereof.

### [Civil Law Rule](#)

Water law: a person who interferes with the natural flow of surface waters so as to cause an invasion of another's interests in the use and enjoyment of his land is subject to liability to the other.

### [Coastal Trading](#)

Trade transit of a vessel along the coast, from one port to another within the territorial limits of a single nation.

### [Collision](#)

An accidental contact between two or more vehicles or ships which causes damage.

### [COLREGS 1972](#)

Convention on the International Regulations for Preventing Collisions at Sea, 1972; an international set of standard navigation rules to prevent collisions at sea.

### [Common Carrier](#)

A carrier who accepts to transport goods or passengers indiscriminately.

### Common Enemy Doctrine

A rule that landowners can dispose of unwanted surface water in any way they see fit, without liability for resulting damage to one's neighbor.

### Common Law

Judge-declared law. Law which exists and applies to a group on the basis of customs and legal precedents developed over hundreds of years in Britain.

### Constructive Total Loss

Insured property that has been abandoned because its actual total loss appears to be unavoidable, or because it could not be preserved or repaired without an expenditure which would exceed its value.

### Continental Shelf

Subsoil and sea bed beneath the high seas but contiguous to the coast and which extends as a natural prolongation of the land into and under the sea.

### Cuius Est Solum Ejus Est Usque Ad Coelum Et Ad Inferos

Latin: for whoever owns the soil, it is theirs up to heaven and down to hell.

### Custodia Legis

In the custody of the law; the taking, seizing or holding of something by lawful authority.

### Demurrage

A term of transportation law which refers to the damages payable to a carrier as compensation for lost time.

### Derelict

Property that has been abandoned; especially in maritime law: a ship that is floundering or in peril and which the crew has been abandoned without hope for recovery or with no intention of saving the ship or of returning thereto.

### Dereliction

The enlarging of land adjacent to water by the gradual retreat of the water line.

### Diffused Surface Water

Water that is on the surface of land because of rain, melting snow or floods.

### Disrate

A term of maritime law where an officer or other seaman is either demoted in rank or deprived of a promotion.

### Dock

An artificial basin or enclosure for the reception of vessels.

### Dunnage

Materials used by ships to secure and protect cargo.

### Flood Waters

Waters which escape from a watercourse in great volume and flow over adjoining lands in no regular channel.

### Flotilla Principle

A method of calculating the ceiling of liability in the event of loss while ships are under tow, using the tonnage of all ships in the flotilla.

### Flotsam

Things found floating on the sea, issue from a ship that has been lost.

### F.O.B.

Acronym for 'free on board'; a contract whereby the seller of goods agrees to absorb the costs of delivering the goods to the purchaser's transporter of choice.

### Freight

The money paid by a person for the transportation of goods.

### General Average

A principle of maritime law where in the event of emergency, if cargo is jettisoned or expenses incurred, the loss is shared proportionately by all parties with a financial interest in the voyage.

### High Seas

A term of international and maritime law; the open ocean, not part of the exclusive economic zone, territorial sea or internal waters of any state.

### Himalaya Clause

A clause in a transportation contract purporting to extend liability limitations which benefit the carrier, to others who act as agents for the carrier such as stevedores or longshoremen.

### Impaired

A deterioration of an individual's judgment and decrease in his or her's physical ability. Used primarily in criminal law; driving under the influence of alcohol or disability law in regards to a person's physical or mental impairment.

### Inchmaree Clause

A standard clause in maritime insurance contracts covering risk of events not directly linked to perils at sea such as, but not necessarily limited to, loading accidents.

### Innocent Passage

A term of international law referring to a ship or aircraft's right to enter and pass through another's territory so long as it is not prejudicial to the peace, good order or security of the other state.

### In Personam

Latin: regarding a person; a right, action, judgment or entitlement that is attached to a specific person(s).

### In Rem

Latin: regarding a thing; proprietary in nature; a right or judgment related to the use or ownership of an item of property.

### Inscrutable Fault

A judicial finding that a fault has occurred but the court is unable to locate the source, to pinpoint a tort-feasor.

### International Convention on Salvage, 1989

An international treaty which standardizes, for signatories, the rules related to salvage and the compensation thereof.

### Jetsam

Things intentionally thrown overboard a ship in order to save the ship, and which things thrown over then sink.

### [Jones Act](#)

A section of a 1920 American law which gave injured sailors, or their estate, the right to sue the employer if the injury or death resulted from the employer's negligence.

### [Jus Publicum](#)

Latin: legal rights enjoyed by all citizens; more recently used in reference to the right of the public to access shorelines for fishing, boating, swimming, water skiing and other related purposes.

### [Laches](#)

A legal doctrine whereby those who take too long to assert a legal right, lose their entitlement to a right or compensation.

### [Lake](#)

An expanse of standing water or a widened portion of a river.

### [Law of the Flag](#)

A principle of maritime and international law; that the sailors and vessel will be subject to the laws of the state corresponding to the flag flown by the vessel.

### [Lay Day](#)

A term of a maritime law contract: days stipulated for the loading or unloading of cargo from a ship.

### [Lien](#)

A property right which remains attached to an object that has been sold, but not totally paid for, until complete payment has been made.

### [Ligan](#)

Also "lagan"; things thrown from a ship and attached to a float or buoy to mark their location.

### [Limitation Fund](#)

A guarantee or deposit made by a ship owner to meet any damage claim, and calculated on the negligent ship's tonnage.

### [Limitrophe](#)

Adjacent, bordering or contiguous.

### [LOF 2000](#)

A Lloyd's standard form of salvage contract.

### [Mareva Injunction](#)

A temporary injunction that freezes the assets of a party pending further order or final resolution by the Court.

### [Maritime Law](#)

A specialized body of law particular to transportation by water.

### [Maritime Lien](#)

A lien which attaches to a ship and its cargo.

### [MARPOL 73/78](#)

Acronym for the international treaty for the prevention of pollution from ships, 1973, as modified in 1978.

### [Marshalling](#)

If a creditor has access to two sources of payment, he shall take his payment out of that fund upon which another creditor has no access or lien.

### [Mooring](#)

The securing of a vessel to the shore or to the bottom, including by anchor.

### [Mortgage](#)

An interest given on a piece of land, in writing, to guarantee the payment of a debt or the execution of some action.

### [Pendente Lite](#)

Latin: during litigation.

### [Pennsylvania Rule](#)

An rule of maritime law that if a ship is in some violation of a navigation statute at the time of a collision, she is presumed to be at fault.

### [Percolating Water](#)

Water which seeps or filters through the ground without any definite channel and not part of the flow of any waterway (eg. rain water).

### Peril of the Sea

Damage to property occurring as a result of an accident at sea.

### Petitory Suit

An action in maritime law in which a person seeks to obtain a judgment as to title of a vessel independently of possession.

### Pier

A structure extending from shore into navigable water to afford passage to and from vessels.

### Piracy Jure Gentium

Piracy according to the law of nations.

### Piracy (Maritime Law)

Violence or depredation on the high seas or in the air, for private ends, using aircraft or vessels.

### Pirate

A person who engages in piracy.

### Possessory Action

Where a party entitled to possession of a vessel seeks to recover that vessel.

### Primage

A bonus given to the captain of a vessel to supplement his/her wages and salaries.

### Prize

Property taken at sea from an enemy.

### Prize Court

Courts instituted for the purpose of trying judicially the lawfulness of captures at sea.

### Ratione loci

Latin: by reason of the place.

### [Reconvention](#)

A rule of jurisdiction which enables a counterclaim against another who, although otherwise beyond the jurisdiction of the court, has voluntarily submitted to jurisdiction by initiating the principal action.

### [Replevin](#)

A legal action taken to reclaim goods which have been distrained.

### [Right of Hot Pursuit](#)

The right of a state to chase and arrest a vessel which has committed an offense within its waters.

### [Riparian Rights](#)

Special rights of people who own land that runs into a river bank (a riparian owner is a person who owns land that runs into a river).

### [River](#)

A watercourse which is of capacity to be navigated.

### [Salvage](#)

The rescue of vessels or cargo in peril at sea, and the reward thereof.

### [Salvor](#)

A person who engages in salvage.

### [Ship](#)

A boat or any vessel used in navigation.

### [Ship Mortgage](#)

The pledging and charge upon title of a ship and its machinery as security for a loan.

### [Sister Ship Arrest](#)

Maritime law: In the context of a legal claim against a particular ship, and in certain circumstances, the law allows the arrest of another ship belonging to the same owner, called a sister ship.

### [SOLAS - Safety of Life at Sea Treaty](#)

International treaty promoting the safety of life at sea.

### Spring

A concentrated flow of water coming from under the ground.

### Stream

A watercourse having banks and channel through which waters flow, at least periodically.

### Sue and Labour Clause

A standard clause in a maritime insurance policy which allows the insured to recover from the insurer any reasonable expenses incurred by the insured in order to minimize or avert a loss to the insured property, for which loss the insurer would have been liable under the policy.

### Surface Waters

Waters falling on the land by precipitation or rising from springs.

### Territorial Sea

Waters adjacent to a state's coast and subject to its sovereignty.

### Tidal Waters

Bodies of water within a state's territorial waters and that are subject to the ebb and flow of ordinary tides, whether navigable or not, and usually excluding harbors or lakes.

### Tonnage

The carrying capacity of a ship measured in tons.

### Towage

The assistance given by one vessel to accelerate the progress of another.

### Underground Stream

Waters that flow underground within a reasonably water that passes through or under the surface in an ascertainable channel.

### Vessel

Watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

### Voyage

In maritime law, the time of a ship's transit from one place to another.

### Watercourse

A stream usually flowing in a particular direction, in a definite channel, having a bed or banks, though it need not flow continually.

### Wharf

A platform elevated over the surface of the water to receive or disembark passengers or merchandise from vessels.

### Wreck

An abandoned vessel, or something abandoned off a vessel, which is either afloat, stranded, aground or sunken.

### York-Antwerp Rules

A set of internationally-accepted rules, first published in 1890, proposing points of detail in the application of the maritime law principle of general average.