

UNIT TWENTY THREE

SALVAGE CLAIM

Lawyer: Captain, let's now settle the matter of rendering salvage services to your vessel. Please look through the documents and put your signature. The award is quite reasonable, don't you think so?

Master: *I'm afraid I don't follow you at all, Mr. Sharp. What kind of salvage do you mean?*

Lawyer: Well, Captain, these papers show all the services rendered to your ship on December 12th and 13th in accordance with your personal request on the Lloyd's salvage agreement terms.

Master: *I don't remember any such request.*

Lawyer: You certainly don't deny the fact of your grounding in the port waters while proceeding outwards, do you?

Master: *Of course I don't. I've, never intended to. We actually ran aground in a position athwart the channel.*

Lawyer: And you were obviously unable to free yourselves, otherwise you would not have called for assistance.

Master: *Well, I would not be so positive about that.*

Lawyer: Why didn't you free your vessel without assistance then?

Master: *The first attempt of the tug did not succeed as the tide was falling rapidly at the time. On the morning when the tide was much higher our vessel was re-floated quite easily. We did in fact call for assistance from the Port Authority.*

Lawyer: *Well Captain, you did need assistance, you called for it and it was duly rendered to you. That, in my opinion is most essential. A port tug was sent to the scene. The Harbour Master himself was directing the salvage operation.*

Master: *You are quite right, except in using the term "salvage" which is absolutely out of place here. You have only forgotten to mention the position in which the vessel ran ashore.*

Lawyer: As far as I know, it has nothing to do with what we are actually discussing. I must however admit that the position is shown on the plan and the diagram of the accident.

Master: *As a matter of fact it has. Let me remind you that my vessel completely obstructed the entry to and exit from the port.*

Lawyer: I don't quite follow your reasoning.

Master: *It's all very simple. The towing company has a statutory duty to remove any stranded ship which represents an obstruction to navigation. They have a right to recover only the expenses of doing so from the Owners, but neither the Towing Company nor any individual, including the Harbour Master, have any right to salvage award.*

QUESTIONS:

1. What did the Lawyer want to discuss with the Master?
2. When did the ship run aground and where?
3. How was the ship re-floated?
4. Did the Master actually call for assistance?
5. Was the assistance rendered to his ship?
6. Why could the Towing Company not claim the right to the salvage award in this case?
7. Which expenses did the Master accept to be borne by the Owners?

EXERCISES

I COMPREHENSION AND VOCABULARY

1. Complete the following text with the terms in the brackets:
(OWNERS, AGREEMENT, HARBOUR MASTER, SALVAGE, ON BOARD, TERMS)

A: The Harbour Master claims, however, that there was an oral between him and the pilot _____ your ship at that time. The pilot said that he had discussed the terms of _____ with you.

B: I admit that the _____ did offer the salvage agreement _____ to the pilot, but I as Master of the ship never assented to them as it would have been against the interests of my _____.

2. Read the text of this Unit closely and find the verbs which form collocations (verb + object noun) with the following nouns:
(MATTER, SALVAGE SERVICE, SIGNATURE, ASSISTANCE, SALVAGE OPERATION, ENTRY TO THE PORT, EXPENSES, RIGHT TO SALVAGE REWARD):

- example: *to settle the matter*, etc.

Rewrite the sentences where these collocations occur and translate them into our language.

II GRAMMAR

1. Word Forms. Complete the following sentences as required: (AGREE, AGREEMENT; PROCEED, PROCEDURE; ASSIST, ASSISTANT, ASSISTANCE)

1. _____ was rendered only two hours upon call.
2. The ship may _____ outwards.
3. In clearing a ship a strict _____ must be followed.
4. The ship was _____ by two tugs.
5. Have you signed the salvage _____?
6. The parties have _____ to enter the salvage agreement.
7. The _____ engineer inspected the damage.

2. Indirect Speech - Questions. Study the following pairs of sentences:

- (1) The Agent asked: "Was the ship damaged heavily?"
(1a) The Agent asked whether the ship had been damaged heavily.
- (2) The Master asked: "Will the ship be detained?"
(2a) The Master asked if the ship would be detained.
- (3) He wanted to know: "How many tanks has she?"
(3a) He wanted to know how many tanks she had.

Note that indirect questions are introduced by *WHETHER, IF, or QUESTION WORDS* (*How many, where, when, who, etc*).

Make up indirect questions on the basis of the information below. The verb in the brackets should first be in the present and then in the past tense, e.g.:

- (Pilot, ask): "Are you ready to proceed alongside?"
*(a) The pilot **asks** whether they are ready to proceed alongside.*
*(b) The pilot **asked** whether they were ready to proceed alongside.*

1. (*lawyer, ask*): "Was the accident very serious?"
2. (*lawyer, ask*): "Where did the accident happen?"
3. (*captain, wonder*): "What will the official survey show?"
4. (*surveyor, inquire*): "Are the tanks designed for dangerous cargo?"
5. (*master, ask*): "Do you require tug assistance?"
6. (*master, ask*): "When will the berth be available?"

3. Supply the right preposition:

A letter on salvage operations

Dear Sirs,

Further _____ my letter of 12th October this is to advise you our grounding _____ your port waters. The vessel was outward bound, proceeding _____ the fairway _____ the river during the commencement _____ the ebb tide. Abreast _____ Gunwale Point she touched ground and fetched up almost _____ (*poprijeko*) the channel blocking all traffic _____ the river. Owing _____ the above I sent a radio message the Port Authority _____ my request necessary _____ assistance.

Yours faithfully,
QQ, Master

III. TRANSLATION

1. Zanima me da li ćete moći pristati bez pomoći tegljača.
 2. Pitao je da li će zatražiti pomoć od susjednih brodova.
 3. Spasavalački brod je pitao da li smo potpisali Lloyd's-ov obrazac No cure - no pay.
 4. Htio bih znati kada je izdana garancija (*security*) i u kojoj valuti (*currency*).
 5. Zanimalo ga je tko je određen za arbitrano suca u ime brodarara.
 6. Tražio je gdje može krcati gorivo.
 7. Pitao je da li u toj luci može krcati gorivo.
2. MB "DICK": Ovdje m/b "Dick" Imam požar. Moja je pozicija stupnjeva jug, stupnjeva istok. Požar je u strojarnici. Naplavljujem (*flood*) strojarnicu sa CO₂. Imam 12 putnika i 21 člana posade.
- Isle Point Radio: *M/b "Dick", ovdje Isle Point Radio. Uхватili (pick up) smo vaš signal pogibelji (distress). Svi brodovi u blizini obaviješteni su o nesreći (disaster). Preuzimamo rukovođenje operacije spašavanja. Javite da li uspijevate ugasiti (put out) požar.*
- MB "DICK": Ništa ohrabrujuće (*encouraging*). Požar se proširio na skladište br.3.
- Isle Point Radio: *Šaljemo vam vatrogasnu jedinicu (brigade) da vam pomogne. Savjetujemo vam da spustite čamce za spašavanje i smjestite u njih putnike i posadu.*
- MB "DICK": Pripreme za spuštanje čamaca u toku. Bojim se da ima nastradalih (*casualties*). Zahtijevam medicinsku pomoć.
- Tegljač MIGHTY: Ovdje "Mighty", jak vjetar i valovi onemogućavaju tegljačima da pristupe zapaljenom (*burning*) brodu. Ne možemo početi sa gašenjem dok se nevrijeme ne smiri (*ease*). Drugi tegljači prikupili putnike i posadu iz čamaca za spašavanje.