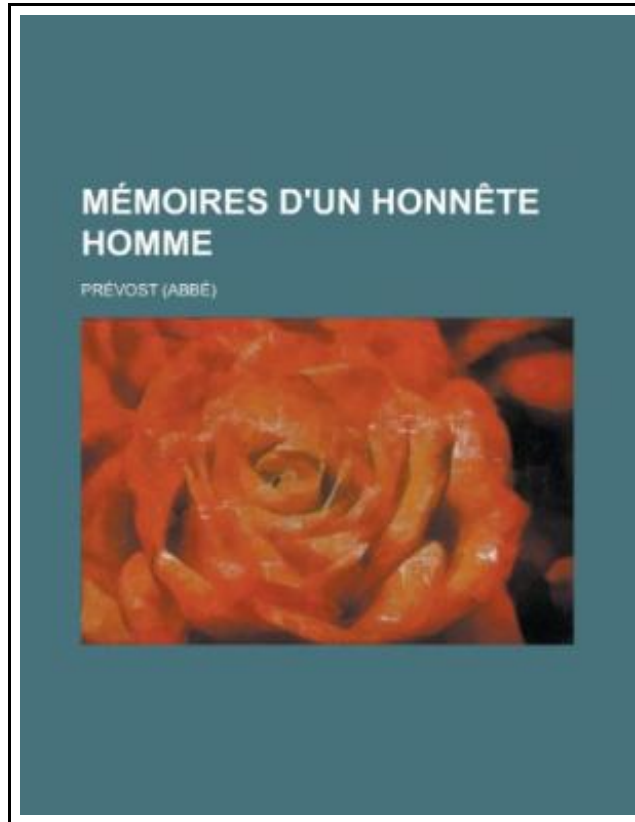


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(Rebecca Bechtelar)

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RareBooksClub. Paperback. Book Condition: New. This item is printed on demand. Paperback. 254 pages. Original publisher: Washington, D. C. : Federal Judicial Center, 2004. OCLC Number: (OCoLC)56819022 Subject: Maritime law -- United States. Excerpt: . . . Chapter 1: Jurisdiction and Procedure in Admiralty and Maritime Cases preme Court identified four separate purposes underlying the defini-tions of navigability : to delimit the boundaries of the navigational servitude; to define the scope of Congresss regulatory authority under the Commerce Clause; to determine the extent of the authority of the Army Corps of Engineers under the Rivers and Harbors Act; and to 22 establish the scope of federal admiralty jurisdiction. Man-made bodies of water, such as canals, may qualify as naviga-ble waters if they are capable of sustaining commerce and may be used 23 in interstate or foreign commerce. A body of water need not be navigable at all times, and some courts have recognized the doctrine 24 of seasonal navigability. For example, a body of water may be used for interstate and foreign commerce during certain times of the year but may not support such activity during the winter when the water freezes. Events that occur during the period when the waterway is ca-pable of being used may be subject to admiralty jurisdiction. The Admiralty Locus and Nexus Requirements Currently, in tort cases, the plaintiff must allege that the tort occurred on navigable waters and that the tort bore some relationship to tradi-25 tional maritime activity. The first requirement is referred to as the maritime location or locus criterion and the second as the maritime nexus criterion. Maritime Locus Maritime locus is satisfied by showing that the tort occurred on 26 navigable waters. Thus, maritime locus is present where a person on shore discharges a firearm and wounds a person on...



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