

*Chapter 9*

**TITLE, POSSESSION, OWNERSHIP, EMPLOYMENT OR  
EARNINGS OF A SHIP**

The jurisdiction of the Admiralty Court in regard to possession and co-ownership is exercised for a fourfold purpose:

1. to place claimants in possession of a ship
2. or of the earnings of a ship to which they may be entitled
3. while protecting the interests of one or more co-owners as against others, to enable a ship to be employed
4. to examine accounts between co-owners, and to apportion the earnings after such examination.

Section 4 (1) (a) and (b) of the Admiralty Act (2017) deals with the above subject maritime claims.

Under ordinary circumstances, when the owner of a personal chattel is wrongfully deprived of it, his only remedy is a personal action against the wrongdoer but where a ship is wrongfully detained, the ship itself, by Admiralty process, may be at once arrested and proceeded against, and a specific decree obtained, restoring it to the owner's possession. The court of Admiralty acquired ample jurisdiction to adjudicate upon all questions of title.

The master of the ship was formerly regarded as having possession of his ship as bailee for the owners, and he could thus effectively transfer possession. Today this view of the position of the master is no longer entertained, and the master is regarded merely as a custodian for the owner, whose servant he is, and who is the person in actual possession.

In a maritime claim, admiralty suit for possession by co-ownership, part-owners, majority owners, minority owners may be instituted for ship arrest including claim for employment or earnings of a ship.