

the rendition of salvage services by liberal rewards, it is equally its policy "not to provoke the salvor's appetite of avarice, nor to teach him to stand ready to devour what the ocean has spared. If he has rendered his assistance to the distressed in a proper spirit, he will be satisfied with a just and fair remuneration for the labour, hazard and expense he has encountered in the service; and it is only a proper spirit that we should seek or desire to satisfy. To this measure of compensation, the judge, governed by a liberal policy, will add a reasonable encouragement, which the generous and humane will hardly need, to prompt men to exertions to relieve their fellow-men in danger and distress."

The ingredients of a salvage service are, first, enterprise in the salvors in going out in tempestuous weather to assist a vessel in distress; risking their own lives to save their fellow-creatures and the property of others; secondly, the degree of danger and distress from which the property is rescued—whether it were in imminent peril, and almost certainly lost, if not at the time rescued and preserved; thirdly, the degree of labour and skill which the salvors incur and display, and the time occupied. Lastly, the value. Where all these circumstances concur, a large and liberal reward ought to be given; but where none or scarcely any take place, the compensation can hardly be denominated a salvage compensation; it is little more than a mere remuneration for work and labour.

The kind and degree of peril to which the property was exposed are important considerations in determining questions of salvage. No salvage can be earned unless the peril was real; not speculative merely. But it need not be such that escape from it by any other means than by the aid of salvors was impossible. It is sufficient to entitle to salvage that the peril was something extraordinary—something differing, in kind and degree, from the ordinary perils of navigation. There is a wide range between liability to ordinary perils and a condition in which perils are so great that unaided escape is impossible, or nearly so. The degree of peril from which a vessel is rescued is shown less by the opinions of witnesses, whose judgments are often warped by interest or by an *esprit de localite* than by the well-established facts of the case—such as the vessel's position, the state of the tide, course and strength of the winds, and the knowledge or ignorance of the dangers of the locality on the part of those in charge of the vessel. Where the master has the means of extricating his vessel, as by carrying out his anchors, and heaving overboard ballast, or cargo of but little value, the vessel cannot be considered as in much peril; for it must be presumed, that, if left to himself, he would do his duty, and if in such case he accepts the assistance of wreckers to do that for him which he could and would do for himself, in their absence, their remuneration ought not to exceed, very much a mere compensation *pro opere et labore*. However great may have been the peril to which the property was exposed, if it was not in fact saved by the instrumentality of those who claim the compensation, no salvage can be allowed however benevolent may have been their intentions and however heroic their conduct. Where a vessel is fraudulently cast away or abandoned by the master without any collusion with the salvors, they are entitled to salvage for saving the property. But if, knowing his offence, they remained silent and permitted the idea to prevail, that the vessel was lost by accident, they thereby become partakers of his crime and justly forfeit their claim to salvage.

The law exacts of salvors ordinary care and skill, that is, such as persons in their condition ordinarily possess and may fairly be expected to display; and such skill is exacted with especial strictness where they have assumed duties which others more competent stand ready to perform. If in consequence of neglect, or want of skill in sounding out channels, carrying out anchors, or navigating the vessel, or from any other omission of proper care or skill, the salvors incur unnecessary delay in extricating the vessel from its perilous position, or get it ashore a second time, their salvage ought to be reduced in proportion to the degree of negligence, or the want of skill; and where the negligence is gross or wilful it should be wholly forfeited. In determining the value upon which salvage should be awarded, seamen's wages earned subsequently to the rendition, and in continuation of the salvage services, a bottomry bond given by the sailors, and other charges fairly and necessarily incurred by the salvors or owners in the storage or preservation of the property, are to be deducted from the value. But wages, bottomry bonds, or other liens, earned or created antecedent to the rendition of the salvage services, are not to be deducted; for these are saved to the persons interested in them as much as the goods, and are subject to the salvage.

Risking life to save property or lives of others is an ingredient in salvage service highly estimated. But the Court has no authority to remunerate salvors for saving life merely. But if it can be connected with the preservation of property, whether by accident or not, then the Court can take notice of it, and enhance the reward accordingly. Ordinarily, where salvors have been employed and their services have commenced, and they are fully competent to accomplish the service they have undertaken with safety to the vessel and with facility, they ought not to be discharged against their will, by the master or owner, until the service is completed; nor interfered with by the employment of a second set; but where the first set are inefficient, or incompetent to perform the service, or they do not possess the necessary facilities, of which the master or owner on the spot must of necessity, in the first instance, be the judge, they may be lawfully discharged, and will be paid by the Court for the services they have rendered; and a second set may be rightfully employed. Where a set of salvors have been employed by the master, and they are forcibly dispossessed by other persons, without the concurrence of the master or owner, the persons so intruding can earn nothing for their own benefit; but every act done and every service performed by them will enure to the benefit, not of the owners, but of the original salvors, who would, but for the intrusion and dispossession, have performed the service.

Salvors have no right to carry the ship or goods to a port inconvenient to the owners, but ought to consult their true interests—and on the other hand, the master or owner has no right to insist that the ship shall proceed to a distant port, inconvenient to the salvors, without first satisfying their demand for salvage. When the ship is relieved, and in a condition to proceed on her voyage, and the demand of the salvors is small or clearly reasonable in amount, it may be for the interest of the owners, that the master should at once settle and pay the demand, and proceed on his voyage; and this he is considered as having authority to do; and he may, if he has no funds in hand, and the salvors will not accept his draft, deliver a portion of the cargo in satisfaction of their