to the doctrine of Roman law that “ spontaneous services ” in the protection of lives and property should be rewarded. But that doctrine has not found a place in English law except, as part of the maritime law administered in the court of admiralty. Thus services on land, say in rescuing lives or houses or goods from fire, do not entitle the person rendering those services to reward, unless he has acted under some contract or employment. But at sea the right to reward springs from the service itself if it has been rendered to a ship, or her passengers, crew or cargo, or to property which has been thrown or washed out of her. And such a service entitles to salvage though the ship may be in harbour, or within a river, or even in a dock. This connexion of the lives or property with a ship seems essential. The right does not arise upon saving goods which have got adrift in river or harbour, even if they have been washed out to sea, nor upon saving property of other kinds which may be in peril on the sea or on the seashore. Thus a claim to reward for saving a gas- buoy or beacon, which had broken from its moorings in the Upper Humber, and was aground on the Lincolnshire coast, was disallowed by the House of Lords, affirming the court of appeal, in the case of the gas-float “ *Whitton No. 2,”* 1897, A.C. 337∙

The definite right to salvage for saving lives from ships is the creation of modern statutes. Formerly the Admiralty judges treated the fact that lives had been saved as enhancing the merit of a salvage of property by the same salvors, where the two could be connected; and so indirectly gave life salvage. And this is still the position in cases where the Merchant Shipping Act of 1894 does not apply. This act (§544) applies to all cases in which the “services are rendered wholly or in part within British waters in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel.” Also (§ 545) it can be applied, by Order in Council, to life salvage from ships of any foreign country whose government “is willing that salvage should be awarded by British courts for services rendered in saving life from ships belonging to that country where the ship is beyond the limits of British jurisdiction.” By section 544 the life salvage is made payable “ by the owner of the vessel, cargo or apparel saved”; and is to be paid in priority to alì other claims for salvage. Where the value of the vessel, cargo and apparel saved is insufficient to pay the life salvage, the Board of Trade may in their discretion make up the deficiency, in whole or in part, out of the Mercantile Marine Fund. The effect of the act is to impose a common responsibility upon the owners of ship and cargo to the extent of their property saved. Whatever is saved becomes a fund out of which life salvors may be rewarded, and to which they are entitled in priority to other salvors. In the case of the cargo *ex “Schiller”* (1877, 2 P.D. 145) salvage was allowed out of specie raised by divers from the sunken wreck, to persons who had saved some of the passengers and crew.

This limitation of liability to the amount of the property salved is also true with regard to salvage of property. The ordinary remedy of the salvor is against the property itself; by proceedings *in rem,* to enforce the maritime lien given him by the law upon that property. This enables him to arrest the property, if within the jurisdiction, into whose hands soever it may have come; and, if necessary, to obtain a sale, and payment of his claim out of the proceeds. The salvor has also a remedy *in personam,* used only in exceptional cases, against the owners or others interested in the property saved (Five steel barges, 15 P.D. 142); but it seems certain that that depends upon property having been saved, and having come to the owner’s hands; and that the amount which can be awarded is limited by the value of that property.

An essential condition is that the lives or property saved must have been in danger—either in immediate peril, or in a position of “difficulty and reasonable apprehension.” Danger to the salvor is not essential, though it enhances his claim to reward; but to constitute a salvage service there must have been danger to the thing salved. Again, the service must have helped usefully towards saving the lives or property. Ineffectual

efforts, however strenuous and meritorious, give rise to no claim. But the service need not be completely successful. If it has contributed to an ultimate rescue it will be rewarded, though that may have been accomplished by others. And as we have seen, there must have been ultimate success. Some of the property involved in the adventure must have been saved. And the value of that, or the fund realized by its sales, limits the total of the awards to all the salvors. Cases, of course, occur in which services at sea are employed by ships in danger: as where a steamer with a broken propeller shaft employs another steamer to tow her; or where a vessel which has lost her anchors employs another to procure anchors for her from shore. In such cases the conditions of reward above set out may not apply. Reward may be payable, notwithstanding entire failure of success, by the express or implied terms of the employment. But such a reward is not truly “ salvage.”

Services rendered in the performance of a duty owed do not entitle to salvage. The policy of the law is to stimulate voluntary effort, not to weaken obligation. Thus the crew cannot (while still the crew) be salvors of the ship or cargo; nor can the passengers, unless they have voluntarily stayed on the ship for the purpose of saving her. Nor can a pilot employed as such be salvor, unless he has boarded her in such exceptional circum- stances that his doing so for pilotage fees could not reasonably be required; or unless the circumstances of the service, entered upon as pilotage, have so changed as to alter its character; and it may be doubted whether such a change of circumstances is a valid ground for a claim of salvage remuneration by the pilot where he has had no opportunity of leaving the ship. So again of the owners and crew of a tug employed to tow a ship. They cannot claim salvage for rescuing her from a danger which may arise during the towage, unless circumstances have super- vened which were not contemplated, and arc such as to require extraordinary aid from the tug, or to expose her to extraordinary risk. Officers and crew of a ship of the royal navy may have salvage where they have rendered services outside the protec­tion which their ship ought to afford. But by the Merchant Shipping Act 1894, § 557, such a claim must be with consent of the Admiralty; and no claim can be made in respect of the ship herself.

The kinds and degrees of service are very various. The rewards given vary correspondingly. Regard is paid, first, to the degree of the danger to the property salved, to its value, and to the effect of the services rendered; next, to the risks run by the salvors, the length and severity of their efforts, the enterprise and skill displayed, and to the value and efficiency of the vessel or apparatus they have used, and the risks to which they have exposed her. In a modern case (the “ *Glengyle”* 1898, A.C. 519) a specially large award was given to vessels kept constantly ready for salving operations in Gibraltar Bay. It was owing to that readiness that the rescue had been possible. On the other hand, any negligent or improper conduct of the salvors will be considered in diminution of the award: as where they have negligently exposed the ship to damage, or have plundered the cargo, or dealt with it contrary to the owner’s interests. And where the rescue has been from a danger which was brought about by the negligent or improper conduct of those who effected the rescue, no salvage is allowed. So that where two colliding ships were both to blame for the collision, the master and crew of one of them were not allowed salvage for services in saving cargo of the other (cargo *ex “ Capella”* L.R. I A. and E. 356).

In apportioning the total award given for a salvage service among the owners, master and crew of the vessel by means of which it has been rendered, the special circumstances of each case have to be considered. In nearly all cases a large portion goes to the owners, and as in recent times the value and efficiency of ships (especially of steamships) have increased, so the propor- tion of the whole usually awarded to the owners has also increased. In an ordinary case of salvage by a steamship towing a distressed ship into safety, the share of the owners is usually about three- fourths; of the remainder the master usually gets about one-third,