

40702 3 2 1 On land, the person who rushes in to save another's property from danger is considered a nosey intermeddler with no right of reward. At sea, the person who voluntarily saves property from a maritime peril is a salvor entitled to a liberal compensation.

As long as the owner remains in possession of a distressed vessel, he is entitled to contract for salvage or to refuse unwelcome offers. When a distressed vessel or property has been abandoned or has become derelict, any voluntary act which contributes to her safety may rank as an act of salvage.

The "moiety rule" which used to be applied by admiralty courts provided that salvors were entitled to half the value of the salved property. For a moment, just imagine an outing in your boat which quickly turns to stormy weather. While returning, you see a yacht in distress near the jetties and you successfully tow her back into Charleston harbor. Imagine the words of the judge as he applies the moiety rule to your salvage efforts, "It is hereby ordered that the salvage award in this case shall be one half of the \$3.2 million value of the salved yacht." Wow! Further, imagine your 1.6 million dollar check from the clerk of Court.

Fun while it lasted wasn't it? Well, easy come, easy go. . . the moiety rule is history.

Today Courts of admiralty usually consider the following circumstances as the main ingredients in determining the amount of a salvage award: (1) The labor expended by the salvors (2) The promptitude, skill and energy displayed in saving the property (3) The value of and danger to the salvors' property (4) The risk

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incurred by the salvors (5) The value of the property saved, and (6) The degree of danger from which the property was rescued."

Of these six factors, the most important remains the value of the property saved. Although the Moiety Rule has been abandoned, salvage awards remain generous to encourage swift salvage efforts which are often risky and dangerous. Public policy recognizes that owners of vessels at sea are well served by return of part of the value of their property in the face of a possible total loss.

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing.