

The Law of Salvage – A Summary

The law of salvage entitled the owner, officer, and crew of the *West Harshaw* to assert a salvage claim and receive a monetary award for services rendered to the *Ansaldo San Giorgio II*. The historic purpose of salvage awards is to encourage vessels to render aid to other vessels in distress. The rights of salvors are recognized throughout the maritime world.

The seminal United States salvage case is the *Blackwall* case decided by the United States Supreme Court in 1869. It, and subsequent cases, set forth the essentials of salvage as:

- 1) a marine peril to the property to be rescued,
- 2) voluntary service not owed to the property as a matter of duty,
- 3) success in saving the property or some portion of it from impending peril.

In the event the right to an award or the amount of it were not amicably agreed to, the *West Harshaw's* owner, officers and crew could have filed libels (complaints) in an admiralty court, petitioning the court to resolve the issues and render a money judgment against the *Ansaldo*.

The amount of a salvage award is at the discretion of the court, which would take into account the essentials set forth in *Blackwall*, and such things as the danger to the *West Harshaw* in effectuating the rescue and the skill and contribution of her crew in aid of the rescue. —*Thomas F. Daly, NMHS Trustee*