as well of what is lost, as of what is safe. The Things lost are to be valued on the Foot of what they cost, without Regard to what they could have been sold for; because the Business is to make up a Loss which one has sustained, and not a Gain which he hath failed to make: But the Things which have been saved are which bear their Proportion of the Contribution, are to be estimated upon the Foot of what they may be sold for l. 2. §. 4. ff. de Lege Rhodia because it is that Value which has been saved from the Danger. And yet it would seem just, that those Goods which have been lost only to save the others should be valued on the same Foot with theirs: Since there was no Reason for throwing over Board the Goods of one Merchant more than of another, nor for extinguishing their Cargo; and it is only after the Ship is got into Port and in Safety, that the Contribution is to be made. Therefore Regulations have been made ordaining, that the Goods which have been thrown over Board should be estimated on the same Foot as those which have been saved, according to the Price for which they shall be sold. Laws of Oleron Art. 8. Ordinance of Wisby Art. 20. & Art. 39. But the Contribution being to be made in the Port of Delivery, it seems a necessary Consequence, that the Value of the Goods should be settled in that Port; not upon the Foot of what the Goods should be sold for which it is impossible to know, they not being all sold in the Port where the Ship arrives, but many of them further transported, and many Diminutions of the Profit in the Sales or usual Losses happening; nor upon the Foot of what they cost at first, which prime Cost cannot be justly known: But the Valuation ought to be made on the Foot of the Price at which the goods and other Effects may be reasonably valued at their Arrival in the Port, according to the several Views and different Regards, which may help us to make a just Estimate. Les Loix Civiles &c. Ibid.

Every Thing that is safe from Shipwreck by throwing the Goods over Board into the Sea, pays Contribution according to its Value, without any Distinction of that which is of less Weight or Burden as Jewels Rings Pearls and Cloaths, from weightier Goods or those of greater Burden as Mettals: And so the Master of the Ship contributes in Proportion l. 2. §. 2. ff. de Lege Rhodia. For it is the Value and not the Weight that creats the Care and Concern, and consequently that comes into Consideration. But those on Board the Ship do not contribute any Thing for their Persons, except it be for their Cloathes their Rings and such Things which they have about them l. §. 2. The Provisions which are put on Board the Ship for no other End but to be consumed during the Voyage, pay no Contribution l. §. 2. in fin. For these Kind of things are for the common Use. But we must not place in this Rank Corn Wine and other Things of the like Sort, which are put on Board the Ship to be there consumed, but are there as Goods to be transported from one Place to another. Les Loix Civiles &c. Ibid. Art. 8. If the Ship is damaged by a Storm and loses any of her Masts, Yards or other Parts of the Ship, the Expence of refitting the Ship and of repairing what was lost, will fall upon the Master of the Ship: For this Expence is more for fitting out the Ship, than for preserving the Goods; and the Master of the Ship is bound to furnish it in a good Condition for transporting the Things he takes Charge of in the same Manner, as Workmen furnish their Tools and bear the Loss if any

any of them break in the working l. 2. §. 3. l. 6. ff. de Lege Rhodia. But if to prevent a Shipwreck the Mast and Yards are cut down and thrown over Board to lighten the Ship that it may not perish, that Loss will be common l. 3. l. 5. §. 3. ff. de Leg. Rhodia. For that is not an Effect caused by the Violence of the Storm, but an Effect of the Fear of the common Danger. Yea if in a Danger which hath made it necessary to throw Goods into the Sea, it happens that other Goods being uncovered by the throwing of the upper-most Goods into the Sea, have by that Means received some Damage, as if the Waves of the Sea have got into them and spoil'd them; that Loss will be made good by Contribution as being a Sequel of the Loss of the Goods thrown over Board l. 4. §. 2. ff. eod. But the Owner of those Damaged Goods will contribute on his Part for the Loss of the Goods that were thrown over Board, not any upon the Foot of the Value of his Goods after they have been damaged; for it is only cast Value which he saves l. 4. §. 2. in fin. If a Ship is cast away and in the Wreck some save their Goods or other Things, they will not be obliged to contribute any Thing on their Part towards making up the Loss which the others suffered. For it is not by the Loss of the Ship and other Things that happens that they save theirs; but every one saves what he can out of the common Wreck: And the Contribution takes Place only where those are to be recompensed, whose Loss hath saved what remains to the others l. 5. l. 7. eod. If to lighten a Ship, that it may be able to enter to a River or into a Port it be necessary to take out a Part of the Lading, and that what was thus put in Board a Lighter happens to perish before it gets to Land; that Loss will be common, and what has been left in the Ship must contribute to make up the Loss. For it was for the Interest of the Ship that the Goods were put on Board the Lighter l. 4. pr. ff. de Lege Rhodia. But if in such a Case the Ship is cast away, and the Lighter gets safely into Port there will be no Contribution for Goods lost on Board the Ship, which Loss will fall upon those to whom the Goods appertain. Because the unloading of the Goods into the Lighter was not done for the Advantage of those to whom the Goods belonged; and the Loss of the Ship did no Ways contribute to the Saving of the Goods put on Board the Lighter l. 4. princ. pr. Besides the Goods having been loaded in the Lighter with no other View, but barely to lighten the Ship that it might get into Port: The Intention of all Parties was, that the Goods left on Board the Ship should answer for the Danger of those put on Board the Lighter with Design to save the Ship; and that if the said Lightening of the Ship did not preserve them from the Danger, then every one should bear his own Loss. If the Vessel which has been saved from Shipwreck by throwing Goods over Board, perishes afterwards in another Place before it gets to Land, the Loss of what was thrown over Board in the first Danger, becoming unprofitable to those who suffer the second Loss, there will be no Contribution due from them. Les Loix Civiles &c. Tom. 1. Part. 1. Liv. 2. Tit. 9. Sect. 2. Art. 1. But if in the second Loss any save a Part of their Goods out of the Wreck by Diving or otherwise; those whose Goods have been recovered out of the Wreck, must contribute to make up the Loss of what has been thrown