

REQUISITES FOR SALVAGE.

Facts Necessary in Order to Establish a Claim of that Nature.

A salvage claim is in the nature of a quantum meruit; but certain facts must exist to give it validity: First, a marine peril to the property to be rescued; second, a voluntary service not owed to the property as a matter of duty; third, success in saving the property, or some portion of it, from impending peril. These requisites distinguish salvage service from that which is compensated on the quantum meruit at common law. Hence, a right to compensation may exist for service in saving the vessel, though it does not constitute a claim for salvage. Thus, where valuable services were rendered upon the employment of the owners to a vessel in imminent peril, by one having great skill in rescuing wrecked vessels, and unusual means adapted to such exigencies, but under circumstances which prevented him from being compensated on the principle of salvage, it was held that he was entitled to recover a very liberal allowance for his services, to be measured as well by the extent of his skill and means as by the time and number of men employed. So, compensation for meritorious services in relieving a vessel aground, or otherwise in distress or danger, or even in attempting to do so, may be allowed, upon a bill for salvage, although a case for salvage compensation is not made out. And a person hired to assist, with a knowledge that his employer is operating under such a contract, is also limited in the amount of his recovery by the contract price, and the fact that he is uninformed as to the terms of the contract will not subject the property, or the owners, to an additional liability.

Contracts made for exorbitant compensation when the property is in peril will be closely scrutinized and not upheld. When the salvor has not taken advantage of his power to make an unreasonable bargain, courts of admiralty will enforce contracts made for salvage service. To defeat a salvage suit on the ground of a special contract, nothing short of a contract to pay a given sum for the services to be rendered, or a binding agreement to pay at all events, whether successful or unsuccessful in the enterprise, will have that effect. Parties may agree on the amount of salvage compensation, or on the principles on which it shall be adjusted, and such agreements, if fairly made and no advantage is taken of the ignorance or distress, are readily upheld by the courts.

A. O. U. W. NOTICE.

The members of Seaside Lodge, No. 12, A. O. U. W., are hereby notified to meet at their lodge room on Sunday evening, Jan. 21st, 1894, at the hour of 8:30 sharp, to march in a body to Grace Episcopal church for the purpose of attending services, to be held in memory of our brothers, who "have been called from this to the land of the hereafter."

The sermon will be preached by Bro. W. S. Short, the rector of the church. The members of other lodges are fraternally and cordially invited to assemble with Seaside Lodge, to attend the services.

By order of the Master Workman.

SUMMONS.

In the Circuit Court of the State of Oregon for Clatsop county: William Lehnig, plaintiff, vs. Emma Corder, Lydia Jamieson, Jennie Johnson, Sophia Lehnig, and Augusta McConnell, defendants.

To Emma Corder, Lydia Jamieson, Jennie Johnson, Sophia Lehnig, and Augusta McConnell:

In the name of the state of Oregon, you are hereby required to appear and answer the complaint filed in the above court, and cause, on or before the first day of the term of this court, next following the expiration of six weeks' publication of this summons, which will be the nineteenth day of February, 1894, and if you fail to appear or answer, for want thereof, plaintiff will take judgment against you for the sum of six hundred and ninety-eight dollars, with interest thereon from the 15th day of August, 1891, at the rate of eight per cent per annum, and for costs and disbursements of this action; and will also take an order directing the sale of certain real estate property, belonging to you which has been attached in this action; and which real property is situated in the county of Clatsop, state of Oregon, and particularly described as the northwest quarter of the northeast quarter and the east half of the northwest quarter of section thirty-one of township seven north, range eight west, in Clatsop county, Oregon.

Service of summons in this action by publication, is made pursuant to an order of the Hon. A. McBride, judge of the above entitled court, dated the 4th day of May, 1892.

W. T. BURNEY, Attorney for Plaintiff. Dated Jan. 4th, 1894.

SUMMONS.

In the Circuit Court of the State of Oregon, for the County of Clatsop: W. H. Kirkpatrick, plaintiff, vs. M. M. Ketchum and Ida H. Ketchum, defendants.

To M. M. Ketchum and Ida H. Ketchum:

In the name of the State of Oregon, you, and each of you, are hereby required to appear and answer the complaint filed against you in the above entitled suit by the first day of the next term of this court, to-wit: the third Monday in February, 1894, and if you fail so to answer, for want thereof, plaintiff will take judgment against you M. M. Ketchum, for the recovery of the sum of \$7,333.32, and interest thereon since May 11th, 1892, at the rate of eight per cent per annum, and for attorney's fees of eight hundred dollars, and disbursements of this suit, and against both of you for the foreclosure of mortgage on the following described land, to-wit: Lots six, seven and eight, and northwest quarter of the northwest quarter of section 28, in township 5 north, range 7 west, in Clatsop county, Oregon, and the sale of your interest therein, and for such other relief as asked for in the complaint in this suit. This is served upon you by publication for six weeks in the Weekly Astorian, a newspaper published in this county. By order of Hon. T. A. McBride, judge of said court, made on the 23rd day of December, 1892.

J. G. A. BOWLEY, Attorney for Plaintiff.

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Combined Assets,	\$45,403,044.00

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ADMINISTRATOR'S FINAL ACCOUNT.

Notice is hereby given that the undersigned, administrator of the estate of Alexander McDonald, has filed in the county court of the state of Oregon for Clatsop county, his final account as such administrator, praying for settlement of said estate and his discharge, and the said court has set Monday, February 5th, 1894, at the hour of 2 o'clock p. m., of said day, at the court house, for the hearing of said account, and all persons interested are notified hereby to then and there appear and show cause if any, why the same should not be allowed.

NOTICE OF ADMINISTRATION.

Notice is hereby given that the undersigned has been this day appointed the administrator of the estate of A. K. Burrow, deceased, by the county court of Clatsop county, Oregon. All parties having claims against said estate must present the same, duly verified, to the undersigned, at the office of Fulton Brock, attorney, in Astoria, Clatsop county, Oregon, within six months from this date.

WILLIAM McDONALD, Administrator of the estate of Alexander McDonald, deceased.

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