

Next we shall examine the provisions of the two codes as regards jettison. The Ragusan statutes use the verb *prohicere*, and the Rhodian Sea Law employs the terms 'εκβολή, αποβολή' to refer to jettison. The appropriate Ragusan statute is entitled:

Concerning those who jettison something from the ship into the sea.

We assert that if someone should decide to jettison something from the ship or boat into the sea, (and should do so) without the desire of the *naulerius* and of the majority of those who are on board that ship, that one who jettisons shall be required to make good all of that which he jettisoned⁵⁸.

The chapter is clear, simple, specific. Jettison can only occur after the approval of the majority of all those on board, plus the captain.

There is a similar, though slightly different, provision in the Rhodian Sea Law:

If the captain is deliberating about jettison, let him ask the passengers who have goods on board, and let them take a vote what is to be done⁵⁹.

There is a slight difference, however, in that the Rhodian Sea Law specifies that those who are to vote as to jettison are all those passengers with goods or cash (χρήματα) on board, whereas the Ragusan provision states that *all* those on board are to vote on jettison. The Rhodian Sea Law provides instances as to the manner in which jettison is to proceed⁶⁰.

If goods are to be thrown into the sea, let the merchant be the first to throw and then let the sailors take a hand. Moreover none of the sailors is to steal. If anyone steals, let the robber make it good twofold and lose his whole gain⁶¹.

Both practices, i.e. the vote and the priority of the merchant in jettisoning the merchandise, go back to ancient Græco-Roman practices and occur as well in the majority of the maritime codes of the mediæval Italian cities⁶².

Finally there is the matter of salvage, on which subject the Ragusan statutes have but one provision:

If a ship or boat should come upon goods at sea, or should capture some ship or a boat of enemies, everything that it has shall be divided into four parts; the ship or boat shall have one part, the second part shall belong to the cargo on the ship or boat, and the sailors and merchants shall have the other two parts among themselves equally⁶³.

In the Byzantine maritime tradition regarding jettison, the *Justinianic Digest*, reproduced in the later *Basilica*, established the general principles that were operative in this domain: 1. The original owners of goods lost in a storm still retained title. 2. Those who appropriated such goods are adjudged to be thieves. This applied not only to goods found on the high seas but for merchandise washed up on the shores as well. The Sea Law, however, underscores the right of the salvor to some share in the property thus found as a reward for and incentive to exertion in this direction⁶⁴.

Thus in the case of the law of salvage the materials in the maritime laws of Dubrovnik and Byzantium do not speak of fundamental similarities. Indeed the one passage that deals with the law of Salvage in Dubrovnik either indicates a system which is in complete opposition to that which prevailed in Byzantium, or else it does not cover all the possibilities in the disposition of salvaged goods and ships. It is highly probable that both these latter propositions are close to the truth.

Conclusions

It is appropriate at this point to attempt to make some observations, if not hard conclusions, as to the relation of the contents of and practices contained in the two maritime codes we have

⁵⁸ VII, lviii.

⁵⁹ III, 9.

⁶⁰ This is discussed in Part III, 38 which begins by addressing a hypothetical case in which a ship is carrying grain. But then the language of the text changes and the passage seems to be talking about merchandise in general.

⁶¹ III, 38.

⁶² Ashburner, cclxviii, ff, who cites Demosthenes and Juvenal.

⁶³ VII, xxxv.

⁶⁴ All of this is spelled out in detail by Ashburner, cclxxxviii-cxcxiii.