

THE LAW RELATING TO DEMURRAGE

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649471058

The Law Relating to Demurrage by J. E. R. Stephens

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J. E. R. STEPHENS

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TO DEMURRAGE**

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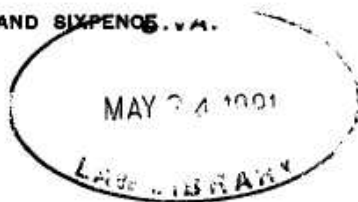
DEMURRAGE

BY

J. E. R. STEPHENS

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AND COURT-MARTIAL PROCEDURE," ETC.

PRICE SEVEN SHILLINGS AND SIXPENCE S. V. A.



LONDON :

THE SYREN & SHIPPING, LIMITED

93 LEADENHALL STREET, E.C.

AND

MESSRS. SWEET & MAXWELL

CHANCERY LANE, W.C.

1907

INTRODUCTION

ALTHOUGH there is no diminution in the number of legal practitioners, there is an increasing desire on the part of business men to know something of "how they stand" in certain circumstances without having recourse to their solicitors. They do not, however, wish to go to the expense of costly Law books, and it is even possible some of them recognise that were they to do so, the last state would be worse than the first. What they desire is *the Law laid down plainly and concisely*, in volumes which are neither bulky nor expensive. This is particularly the position in Shipping affairs, where all concerned in the industry—be they Owners, Brokers, Merchants or Officers—are almost daily confronted with some legal problem or another, small perhaps in itself, but yet of importance to them.

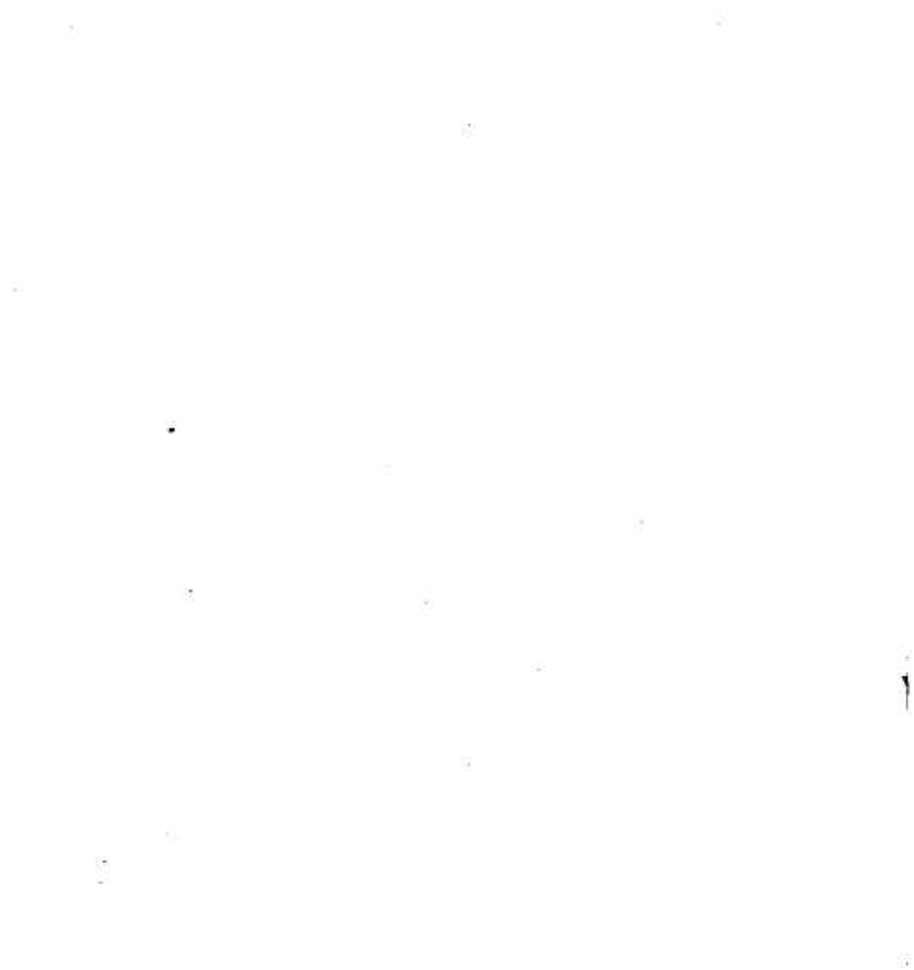
To meet this demand, The Syren and Shipping, Limited, have decided to issue a series of "Handbooks on Shipping Law." These, it is hoped, will fulfil the desired conditions; but in aiming at brevity and moderate cost, the absolute necessity of accuracy will be kept fully in mind, so that in consulting any of the series the inquirer will have no cause to fear that what he finds within its covers will lead him on the path which he should not take.

The first volume deals with Demurrage, an important subject on which there is at present no recognised text-book dealing exclusively with that branch of law, hence the initial volume of the series will appeal not only to men actually engaged in Shipping, but should be of service also to the legal community.

THE SYREN AND SHIPPING, LTD.

93 LEADENHALL STREET,
LONDON, E.C.

April, 1907.



P R E F A C E

THE law relating to Demurrage is a branch of mercantile law of the greatest importance to Shipowners, Charterers and Merchants. Although the subject is dealt with somewhat briefly in the books relating to the law of Merchant Shipping, yet so far as the author is aware, there is no separate treatise on this subject either in this country, America, or Australia. As the work contains many references to American decisions and as the law of demurrage is in those countries to all intents and purposes identical with our own, it is hoped that this treatise may be found useful to the lawyers and merchants of those countries. The present work has been prepared with special reference to making it acceptable in its scope and character to the practising lawyer, as well as to the commercial community in general. It is believed that this volume contains a reference to every decision on the subject, and to a number of the more important American decisions, and with very few exceptions, the facts of each case, with the decision of the Court, have been given fully, with quotations from the judgments of eminent Judges where it has been thought advisable in order to make the law clear. It has, however, been found impossible to reconcile in all cases the different decisions, as they appear somewhat contradictory; but this may be partly due to some particular fact having been omitted by the reporter, or some previous decision not having been brought to the notice of the Court.

It has been the aim of many authors to give, as succinctly as possible, the propositions decided by the Courts. This plan has not been adopted in the present work, it being in the opinion of the author the least serviceable in a legal treatise. The reports of cases are contained in hundreds of volumes, and are not always available to even the lawyer with a good legal library, whilst to the ordinary merchant they are wholly inaccessible. A treatise which epitomises in a line or two an important decision establishing a proposition of law often proves very unsatisfactory, and gives rise to a regret that more facts are not given. This is particularly so in a branch of law like that of Demurrage, where so much depends on the particular words used in the charter-party or bill of lading. Where a case is merely referred to without the facts, the facts may in most cases be found in another part of the book by referring to the table of cases.

J. E. R. STEPHENS.

2, ESSEX COURT,
TEMPLE, E.C.,
April, 1907.

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