

**BILLS OF LADING: A  
HANDBOOK. WITH  
AN APPENDIX OF  
STATUTES AND FORMS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649033553

Bills of Lading: A Handbook. With an Appendix of Statutes and Forms by M. Muir Mackenzie

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**M. MUIR MACKENZIE**

**BILLS OF LADING: A  
HANDBOOK. WITH  
AN APPENDIX OF  
STATUTES AND FORMS**



# BILLS OF LADING:

A HANDBOOK.

BY

M. MUIR MACKENZIE,

OF LINCOLN'S INN, BARRISTER-AT-LAW,  
FELLOW OF HERTFORD COLLEGE, OXFORD.

*WITH AN APPENDIX OF STATUTES AND*



LONDON :  
SPOTTISWOODE & CO., 54 GRACECHURCH STREET, E.C.  
(SHIPPING GAZETTE OFFICE).

1881.

1	2	3
4	5	6
7	8	9
10	11	12
13	14	15
16	17	18
19	20	21
22	23	24
25	26	27
28	29	30
31	32	33
34	35	36
37	38	39
40	41	42
43	44	45
46	47	48
49	50	51
52	53	54
55	56	57
58	59	60
61	62	63
64	65	66
67	68	69
70	71	72
73	74	75
76	77	78
79	80	81
82	83	84
85	86	87
88	89	90
91	92	93
94	95	96
97	98	99
100	101	102
103	104	105
106	107	108
109	110	111
112	113	114
115	116	117
118	119	120
121	122	123
124	125	126
127	128	129
130	131	132
133	134	135
136	137	138
139	140	141
142	143	144
145	146	147
148	149	150
151	152	153
154	155	156
157	158	159
160	161	162
163	164	165
166	167	168
169	170	171
172	173	174
175	176	177
178	179	180
181	182	183
184	185	186
187	188	189
190	191	192
193	194	195
196	197	198
199	200	201
202	203	204
205	206	207
208	209	210
211	212	213
214	215	216
217	218	219
220	221	222
223	224	225
226	227	228
229	230	231
232	233	234
235	236	237
238	239	240
241	242	243
244	245	246
247	248	249
250	251	252
253	254	255
256	257	258
259	260	261
262	263	264
265	266	267
268	269	270
271	272	273
274	275	276
277	278	279
280	281	282
283	284	285
286	287	288
289	290	291
292	293	294
295	296	297
298	299	300
301	302	303
304	305	306
307	308	309
310	311	312
313	314	315
316	317	318
319	320	321
322	323	324
325	326	327
328	329	330
331	332	333
334	335	336
337	338	339
340	341	342
343	344	345
346	347	348
349	350	351
352	353	354
355	356	357
358	359	360
361	362	363
364	365	366
367	368	369
370	371	372
373	374	375
376	377	378
379	380	381
382	383	384
385	386	387
388	389	390
391	392	393
394	395	396
397	398	399
400	401	402
403	404	405
406	407	408
409	410	411
412	413	414
415	416	417
418	419	420
421	422	423
424	425	426
427	428	429
430	431	432
433	434	435
436	437	438
439	440	441
442	443	444
445	446	447
448	449	450
451	452	453
454	455	456
457	458	459
460	461	462
463	464	465
466	467	468
469	470	471
472	473	474
475	476	477
478	479	480
481	482	483
484	485	486
487	488	489
490	491	492
493	494	495
496	497	498
499	500	501
502	503	504
505	506	507
508	509	510
511	512	513
514	515	516
517	518	519
520	521	522
523	524	525
526	527	528
529	530	531
532	533	534
535	536	537
538	539	540
541	542	543
544	545	546
547	548	549
550	551	552
553	554	555
556	557	558
559	560	561
562	563	564
565	566	567
568	569	570
571	572	573
574	575	576
577	578	579
580	581	582
583	584	585
586	587	588
589	590	591
592	593	594
595	596	597
598	599	600
601	602	603
604	605	606
607	608	609
610	611	612
613	614	615
616	617	618
619	620	621
622	623	624
625	626	627
628	629	630
631	632	633
634	635	636
637	638	639
640	641	642
643	644	645
646	647	648
649	650	651
652	653	654
655	656	657
658	659	660
661	662	663
664	665	666
667	668	669
670	671	672
673	674	675
676	677	678
679	680	681
682	683	684
685	686	687
688	689	690
691	692	693
694	695	696
697	698	699
700	701	702
703	704	705
706	707	708
709	710	711
712	713	714
715	716	717
718	719	720
721	722	723
724	725	726
727	728	729
730	731	732
733	734	735
736	737	738
739	740	741
742	743	744
745	746	747
748	749	750
751	752	753
754	755	756
757	758	759
760	761	762
763	764	765
766	767	768
769	770	771
772	773	774
775	776	777
778	779	780
781	782	783
784	785	786
787	788	789
790	791	792
793	794	795
796	797	798
799	800	801
802	803	804
805	806	807
808	809	810
811	812	813
814	815	816
817	818	819
820	821	822
823	824	825
826	827	828
829	830	831
832	833	834
835	836	837
838	839	840
841	842	843
844	845	846
847	848	849
850	851	852
853	854	855
856	857	858
859	860	861
862	863	864
865	866	867
868	869	870
871	872	873
874	875	876
877	878	879
880	881	882
883	884	885
886	887	888
889	890	891
892	893	894
895	896	897
898	899	900
901	902	903
904	905	906
907	908	909
910	911	912
913	914	915
916	917	918
919	920	921
922	923	924
925	926	927
928	929	930
931	932	933
934	935	936
937	938	939
940	941	942
943	944	945
946	947	948
949	950	951
952	953	954
955	956	957
958	959	960
961	962	963
964	965	966
967	968	969
970	971	972
973	974	975
976	977	978
979	980	981
982	983	984
985	986	987
988	989	990
991	992	993
994	995	996
997	998	999
1000	1001	1002

## INTRODUCTION.

---

BILLS OF LADING as a separate subject have not hitherto been treated by any writer. No work on mercantile or shipping law is complete without a section devoted to this subject, which, in fact, is adequately recognized in all the standard law books. But as legal volumes swell their bulk, and particular sections grow in peculiar importance, it becomes necessary from time to time to take out a portion of the general matter, and by treating it in a separate form, both to make the knowledge of it more accessible and to give to the subject the independent place to which it has established a claim. In these days of extended commerce and keen competition, there arise, with respect to bills of lading, a multitude of questions whose answers must be sought in such exhaustive store-houses of learning as Maclachlan's Merchant Shipping, Smith's Mercantile Law, Maude and Pollock on Merchant Shipping, &c. It would be presumptuous to suggest that the following few pages could take the place of those excellent text books, even in a small section of the matters with which they deal. But there is obvious convenience in small and handy books where unprofessional people can find what they want to know without the research or even the physical labour which the fat modern text-book requires; and the only claim which this treatise makes, is that it deals with the law concerning bills of lading in the shortest way consistent with accuracy.

# CONTENTS.

---

## SECTION I.

### BILLS OF LADING GENERALLY.

1. The Bill of Lading, what it is.
2. Sets of Bills of Lading.
3. Stamps.

## SECTION II.

### SHIPMENT OF CARGO.—SIGNATURE OF BILL OF LADING.

4. Shipment of the Goods : Mate's Receipt.
5. Who entitled to have the Bill of Lading.
6. When to be signed.
7. The right to the possession of the Bill of Lading.
8. Refusal to give Bills of Lading.
9. Effect of signature where no goods shipped.
10. Description of the Goods.
11. "Weight Contents, &c., unknown."
12. Dangerous, &c., Cargo.

## SECTION III.

### DUTIES OF SHIPOWNER AND MASTER BEFORE COMMENCING THE VOYAGE.

13. Stowage of Cargo : Stevedore.
14. Loading Tackle and Dunnage.
15. Seaworthiness of Ship.
16. Manifest of Cargo.



## SECTION IV.

THE BILL OF LADING AS A MEANS OF DEALING WITH  
GOODS DURING TRANSIT.

17. Bill of Lading the Symbol of the Goods : Indorsement,
18. Indorsee's Title to the Goods.
19. Indorsement of unstamped Bill of Lading.
20. Duration of Bill of Lading as a Document of Title.
21. Separation of the parts.
22. Responsibility for Delivery to wrong holder.
23. Pledge of Bill of Lading : Factors' Acts;
24. Stoppage in transitu.

## SECTION V. .

EFFECT OF THE BILL OF LADING ON THE CONTRACT TO  
CARRY GOODS.

25. Common Carrier : Private Carrier.
26. Contracts by Charter-Party and Bill of Lading.
27. The Contract by Bill of Lading transferable.
28. Ship under Charter-Party : Effect of Bills of Lading.
29. Incorporation of Charter-Party.
30. Special Clauses protecting Shipowners.
31. Unusual Clauses in very small print.

## SECTION VI.

DUTIES AND RESPONSIBILITIES OF MASTER ON  
THE VOYAGE.

32. Delay and Deviation.
33. Care of the Cargo.
34. Duties when the Ship is Disabled.
35. Duty towards Cargo : Transhipment.

SECTION VII.

DELIVERY UNDER BILL OF LADING.

36. Arrival of the Ship : Place of Delivery.
37. 'As near as she may safely get.'
38. Duty of Consignee.
39. Statutory Warehouses.
40. Manner of Delivery.
41. Weighing and Measuring.
42. Delivery when Complete.
43. Time for Discharging : Demurrage : Lay days.

SECTION VIII.

FREIGHT.—LIENS.

44. Freight in general : Lien.
45. Statements as to Freight in Bill of Lading.
46. Persons liable to pay Freight.
47. On what quantity of Cargo.
48. Deductions for damage not allowed.
49. Deductions for discount, &c.
50. Freight *pro rata itineris*.
51. Miscellaneous Charges : Primage.
52. Other Liens of the Master.

SECTION IX.

DAMAGED CARGO.—EXCEPTED PERILS.

53. Damage to or Loss of Cargo.
54. Exceptions in Bill of Lading.
55. The Act of God.
56. The King's Enemies.
57. Restraint of Princes.
58. Perils or Dangers of the Seas, &c.
59. Loss by Robbery or Theft.
60. Not accountable for Leakage, Breakage, &c.
61. Fire.
62. Insurable Damage.
63. State Claims.

## APPENDIX.

- A. The Bills of Lading Act, 1855.  
 B. The Merchant Shipping Acts Amendment Act, 1862.  
 C. The Customs Clauses Consolidation Act, 1876.  
 D. Form of Bill of Lading, and of Clauses, Exceptions, &c.

## TABLE OF CASES.

	PAGE.
Australian Steam Navigation Co. v. Morse ... ..	54
Barber v. Meyerstein ... ..	22, 64
Blaikie v. Stenbridge ... ..	15
British Columbia, &c. v. Nettleship ... ..	9
Brown v. Powell-Duffryn Co. ... ..	11
Brown v. Byrne ... ..	70
Buller v. Fisher ... ..	78
Byrne v. Schiller ... ..	70
Capper v. Wallace... ..	59
Caughy v. Gordon ... ..	72
Cawthorn v. Trickett ... ..	58
Chappel v. Comfort ... ..	65
'Chasca,' The ... ..	78
Cole v. North-Western Bank ... ..	29
Cohn v. Davidson ... ..	16
Coulthurst v. Sweet ... ..	63
Coventry v. Gladstone ... ..	35
Craven v. Ryder ... ..	6
Crooks v. Allan ... ..	39, 49, 80
Czech v. General Steamship Co. ... ..	76
Cummings v. Brown ... ..	33
Davidson v. Gwynne ... ..	7
Davis v. Garrett ... ..	50
Dracachi v. Anglo-Egyptian Bank ... ..	42
Falk, <i>ex parte</i> ... ..	34
Fearon v. Bower ... ..	24