
Nom de la clause : Limitation of Vessel Owners Liability Act 1851

Objet de la Clause : Limitation for marine liability claims

Catégorie

Numéro : **Date :** 1851 (first act)

Pays d'origine : USA **Emetteur :**

Commentaires :

See also : http://www.access.gpo.gov/uscode/title46a/46a_7_.html

**TITLE 46, APPENDIX--SHIPPING
CHAPTER 8--LIMITATION OF VESSEL OWNER'S LIABILITY**

CROSS REFERENCES

Liability with respect to carriage of goods by sea, see section 1300 et seq. of this Appendix.

§ 181. Liability of masters as carriers

If any shipper of platina, gold, gold dust, silver, bullion, or other precious metals, coins, jewelry, bills of any bank or public body, diamonds, or other precious stones, or any gold or silver in a manufactured or unmanufactured state, watches, clocks, or timepieces of any description, trinkets, orders, notes, or securities for payment of money, stamps, maps, writings, title deeds, printings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material, furs, or lace, or any of them, contained in any parcel, or package, or trunk, shall lade the same as freight or baggage, on any vessel, without at the time of such lading giving to the master, clerk, agent, or owner of such vessel receiving the same a written notice of the true character and value thereof, and having the same entered on the bill of lading therefor, the master and owner of such vessel shall not be liable as carriers thereof in any form or manner; nor shall any such master or owner be liable for any such goods beyond the value and according to the character thereof so notified and entered.

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(R.S. § 4281.)

Codification

R.S. § 4281 derived from act Feb. 28, 1871, ch. 100, § 69, 16 Stat. 458.

SHORT TITLE

Sections 190 to 196 of this Appendix are popularly known as the "Harter Act".

CROSS REFERENCES

Amount of liability when nature and value of goods not declared, see section 1304 of this Appendix.

Sections unaffected by sections 190 to 195 of this Appendix, see section 196 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 196, 1308 of this Appendix; title 16 section 1443.

§ 182. Loss by fire

No owner of any vessel shall be liable to answer for or make good to any person any loss or damage, which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the design or neglect of such owner.

(R.S. § 4282.)

Codification

R.S. § 4282 derived from act Mar. 3, 1851, ch. 43, § 1, 9 Stat. 635.

CROSS REFERENCES

Liability of carrier and ship for loss from fire, see section 1304 of this Appendix.

Remedies reserved, see section 187 of this Appendix.

Section unaffected by sections 190 to 195 of this Appendix, see section 196 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 187, 188, 196, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 183. Amount of liability**(a) Privity or knowledge of owner; limitation**

The liability of the owner of any vessel, whether American or foreign, for any embezzlement, loss, or destruction by any person of any property, goods, or merchandise shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall not, except in the cases provided for in subsection (b) of this section, exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

(b) Seagoing vessels; losses not covered in full

In the case of any seagoing vessel, if the amount of the owner's liability as limited under subsection (a) of this section is insufficient to pay all losses in full, and the portion of such amount applicable to the payment of losses in respect of loss of life or bodily injury is less than \$420 per ton of such vessel's tonnage, such portion shall be increased to an amount equal to \$420 per ton, to be available only for the payment of losses in respect of loss of life or bodily injury. If such portion so increased is insufficient to pay such losses in full, they shall be paid therefrom in proportion to their respective amounts.

(c) Tonnage of seagoing vessels

For the purposes of this section the tonnage of a seagoing steam or motor vessel shall be her gross tonnage without deduction on account of engine room, and the tonnage of a seagoing sailing vessel shall be her registered tonnage: Provided, That there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use.

(d) Loss of life or bodily injury arising on distinct occasions

The owner of any such seagoing vessel shall be liable in respect of loss of life or bodily injury arising on distinct occasions to the same extent as if no other loss of life or bodily injury had arisen.

(e) Privity imputed to owner

In respect of loss of life or bodily injury the privity or knowledge of the master of a seagoing vessel or of the superintendent or managing agent of the owner thereof, at or prior to the commencement of each voyage, shall be deemed conclusively the privity or knowledge of the owner of such vessel.

(f) "Seagoing vessel" defined

As used in subsections (b), (c), (d), and (e) of this section and in section 183b of this Appendix, the term "seagoing vessel" shall not include pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels or their tenders, self-propelled lighters, nondescript self-propelled vessels, canal boats, scows, car floats, barges, lighters, or nondescript non-self-propelled vessels, even though the same may be seagoing vessels within the meaning of such term as used in section 188 of this Appendix, as amended.

(g) Vicarious liability for medical malpractice at shoreside facilities; statutory limitations

In a suit by any person in which the operator or owner of a vessel or employer of a crewmember is claimed to have vicarious liability for medical malpractice with regard to a crewmember occurring at a shoreside facility, and to the extent the damages resulted from the conduct of any shoreside doctor, hospital, medical facility, or other health care provider, such operator, owner, or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital,

medical facility, or other health care provider in the State of the United States in which the shoreside medical care was provided.

(R.S. § 4283; Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1479; Pub. L. 98-498, title II, § 213(a), Oct. 19, 1984, 98 Stat. 2306; Pub. L. 104-324, title XI, § 1129(a), Oct. 19, 1996, 110 Stat. 3984.)

Codification

R.S. § 4283 derived from act Mar. 3, 1851, ch. 43, § 3, 9 Stat. 635.

AMENDMENTS

1996--Subsec. (g). Pub. L. 104-324 added subsec. (g).

1984--Subsec. (b). Pub. L. 98-498 substituted "\$420" for "\$60" in two places.

1936--Act June 5, 1936, amended section generally, provided, that when owner's limited liability is insufficient to pay losses in full and the portion applicable to payment for loss of life or injury is less than \$60 per ton, such portion be increased to \$60 per ton, and if increased portion is insufficient, proportionate payments be made, inserted provision imputing privity or knowledge of master, superintendent, or managing agent to owner, construed "seagoing vessel" for purposes of section 183b of this Appendix as well as this section, and designated the amended provisions of section as subsecs. (a) to (f).

1935--Act Aug. 29, 1935, inserted provisions fixing total liability of owner of sea-going vessel, whether American or foreign, other than tugs, barges, or fishing vessels, for entire loss of life or injuries caused without his fault or privity at not less than \$60 for each ton of such vessel or the amount of value of his interest in such vessel and her freight then pending, if the latter be a greater amount; fixed tonnage of steam or motor vessel as her gross tonnage, without deduction for engine room, and tonnage of a sailing vessel as her registered tonnage, not including space for seamen; and imposed on owners, liability for losses of life or injury on distinct occasions to the same extent as if no other loss or injury had arisen.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 213(b) of Pub. L. 98-498 provided that: "The amendment made by subsection (a) [amending this section] shall apply to incidents occurring after the date of enactment of this Act [Oct. 19, 1984]."

CROSS REFERENCES

Apportionment of compensation, see section 184 of this Appendix.

Individual liability of shipowner, see section 189 of this Appendix.

Liability of master and owners for damage to passengers, see section 491 of this Appendix.

Longshore and harbor workers' compensation actions, amount of recovery not limited by this section, see section 948 of Title 33, Navigation and Navigable Waters.

Petition for limitation of liability, see section 185 of this Appendix.

Remedies reserved, see section 187 of this Appendix.

Section unaffected by sections 190 to 195 of this Appendix, see section 196 of this Appendix.

Surrender of vessel, see section 185 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 185, 187, 188, 196, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607; title 46 section 14305.

§ 183b. Stipulations limiting time for filing claims and commencing suit

(a) Time periods

It shall be unlawful for the manager, agent, master, or owner of any sea-going vessel (other than tugs, barges, fishing vessels and their tenders) transporting passengers or merchandise or property from or between ports of the United States and foreign ports to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of, or filing claims for loss of life or bodily injury, than six months, and for the institution of suits on such claims, than one year, such period for institution of suits to be computed from the day when the death or injury occurred.

(b) Claims not barred for failure to give notice

Failure to give such notice, where lawfully prescribed in such contract, shall not bar any such claim--

(1) If the owner or master of the vessel or his agent had knowledge of the injury, damage, or loss and the court determines that the owner has not been prejudiced by the failure to give such notice; nor

(2) If the court excuses such failure on the ground that for some satisfactory reason such notice could not be given; nor

(3) Unless objection to such failure is raised by the owner.

(c) Mental incompetents; minors; wrongful death actions

If a person who is entitled to recover on any such claim is mentally incompetent or a minor, or if the action is one for wrongful death, any lawful limitation of time prescribed in such contract shall not be applicable so long as no legal representative has been appointed for such incompetent, minor, or decedent's estate, but shall be applicable from the date of the appointment of such legal representative: Provided, however, That such appointment be made within three years after the date of such death or injury.

(R.S. § 4283A, as added Aug. 29, 1935, ch. 804, § 3, 49 Stat. 960.)

CROSS REFERENCES

Seagoing vessel defined for purposes of this section, see section 183 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 183, 188, 1308 of this Appendix; title 16 section 1443.

§ 183c. Stipulations limiting liability for negligence invalid; contract limitations allowed

(a) It shall be unlawful for the manager, agent, master, or owner of any vessel transporting passengers between ports of the United States or between any such port and a foreign port to insert in any rule, regulation, contract, or agreement any provision or limitation (1) purporting, in the event of loss of life or bodily injury arising from the negligence or fault of such owner or his servants, to relieve such owner, master, or agent from liability, or from liability beyond any stipulated amount, for such loss or injury, or (2) purporting in such event to lessen, weaken, or avoid the right of any claimant to a trial by court of competent jurisdiction on the question of liability for such loss or injury, or the measure of damages therefor. All such provisions or limitations contained in any such rule, regulation, contract, or agreement are declared to be against public policy and shall be null and void and of no effect.

(b)(1) Subsection (a) of this section shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a crewmember, manager, agent, master, owner, or operator of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as such provisions or limitations do not limit such liability if the emotional distress, mental suffering, or psychological injury was--

(A) the result of physical injury to the claimant caused by the negligence or fault of a crewmember or the manager, agent, master, owner, or operator;

(B) the result of the claimant having been at actual risk of physical injury, and such risk was caused by the negligence or fault of a crewmember or the manager, agent, master, owner, or operator; or

(C) intentionally inflicted by a crewmember or the manager, agent, master, owner, or operator.

(2) Nothing in this subsection is intended to limit the liability of a crewmember or the manager, agent, master, owner, or operator of a vessel in a case involving sexual harassment, sexual assault, or rape.

(R.S. § 4283B, as added June 5, 1936, ch. 521, § 2, 49 Stat. 1480; amended Pub. L. 102-587, title III, § 3006, Nov. 4, 1992, 106 Stat. 5068; Pub. L. 103-206, title III, § 309, Dec. 20, 1993, 107 Stat. 2425; Pub. L. 104-324, title XI, § 1129(b), Oct. 19, 1996, 110 Stat. 3984.)

AMENDMENTS

1996--Pub. L. 104-324 designated existing provisions as subsec. (a) and added subsec. (b).

1993--Cl. (2). Pub. L. 103-206 substituted "court" for "any court".

1992--Cl. (2). Pub. L. 102-587 inserted "any" before "court".

CROSS REFERENCES

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188, 1308 of this Appendix; title 16 section 1443.

§ 184. Apportionment of compensation

Whenever any such embezzlement, loss, or destruction is suffered by several freighters or owners of goods, wares, merchandise, or any property whatever, on the same voyage, and the whole value of the vessel, and her freight for the voyage, is not sufficient to make compensation to each of them, they shall receive compensation from the owner of the vessel in proportion to their respective losses; and for that purpose the freighters and owners of the property, and the owner of the vessel, or any of them, may take the appropriate proceedings in any court, for the purpose of apportioning the sum for which the owner of the vessel may be liable among the parties entitled thereto.

(R.S. § 4284; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 251.)

Codification

R.S. § 4284 derived from act Mar. 3, 1851, ch. 43, § 4, 9 Stat. 635.

Act Feb. 27, 1877, amended R.S. § 4284 by substituting the word "owners" for "owner" in the expression "freighters and owners of the property".

CROSS REFERENCES

Remedies reserved, see section 187 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 187, 188, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 185. Petition for limitation of liability; deposit of value of interest in court; transfer of interest to trustee

The vessel owner, within six months after a claimant shall have given to or filed with such owner written notice of claim, may petition a district court of the United States of competent jurisdiction for limitation of liability within the provisions of chapter 6 of title 48 of the Revised Statutes and the owner (a) shall deposit with the court, for the benefit of claimants, a sum equal to the amount or value of the interest of such owner in the vessel and freight, or approved security therefor, and in addition such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of section 183 of this Appendix, or (b) at his option shall transfer, for the benefit of claimants, to a trustee to be appointed by the court his interest in the vessel and freight, together with such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of section 183 of this Appendix. Upon compliance with the requirements of this section all claims and proceedings against the owner with respect to the matter in question shall cease.

(R.S. § 4285; June 5, 1936, ch. 521, § 3, 49 Stat. 1480.)

REFERENCES IN TEXT

Chapter 6 of title 48 of the Revised Statutes, referred to in text, was in the original "this chapter, as amended", meaning chapter 6 of title 48 of the Revised Statutes, consisting of R.S. § 4252 to 4289. For complete classification of R.S. § 4252 to 4289 to the Code, see Tables.

Codification

R.S. § 4285 derived from act Mar. 3, 1851, ch. 43, § 4, 9 Stat. 635.

AMENDMENTS

1936--Act June 5, 1936, substituted provisions of this section for former provisions which provided that it should be deemed a sufficient compliance on the part of an owner with the requirements of title 48 of the Revised Statutes relating to his liability for embezzlement, loss, or destruction of any property, goods, or merchandise, if he transferred his interest in such vessel and freight, for the benefit of claimants, to a trustee appointed by court, after which all claims against the owner should cease.

CROSS REFERENCES

Remedies reserved, see section 187 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 187, 188, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 186. Charterer may be deemed owner

The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of title 48 of the Revised Statutes relating to the limitation of the liability of the owners of vessels; and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof.

(R.S. § 4286.)

REFERENCES IN TEXT

Title 48 of the Revised Statutes, referred to in text, was in the original "this Title" meaning title 48 of the Revised Statutes, consisting of R.S. § 4131 to 4305. For complete classification of R.S. § 4131 to 4305 to the Code, see Tables.

Codification

R.S. § 4286 derived from act Mar. 3, 1851, ch. 43, § 5, 9 Stat. 636.

CROSS REFERENCES

Remedies reserved, see section 187 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 187, 188, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 187. Remedies reserved

Nothing in sections 182, 183, and 184 to 186 of this Appendix shall be construed to take away or affect the remedy to which any party may be entitled, against the master, officers, or seamen, for or on account of any embezzlement, injury, loss, or destruction of merchandise, or property, put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or seamen, respectively, nor to lessen or take away any responsibility to which any master or seaman of any vessel may by law be liable, notwithstanding such master or seaman may be an owner or part owner of the vessel.

(R.S. § 4287.)

Codification

R.S. § 4287 derived from act Mar. 3, 1851, ch. 43, § 6, 9 Stat. 636.

CROSS REFERENCES

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 188. Limitation of liability of owners applied to all vessels

Except as otherwise specifically provided therein, the provisions of sections 175, 182, 183, 183b to 187, and 189 of this Appendix shall apply to all seagoing vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters.

¹ See References in Text note below.

(R.S. § 4289; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 320; June 19, 1886, ch. 421, § 4, 24 Stat. 80; June 5, 1936, ch. 521, § 4, 49 Stat. 1481.)

REFERENCES IN TEXT

Sections 175, 182, 183, 183b to 187, and 189, referred to in text, was in the original "the nine preceding sections", meaning R.S. § 4282-4283B and 4284-4288.

Section 175 of this Appendix, referred to in text, was repealed by act Oct. 9, 1940, ch. 777, § 7, 54 Stat. 1028.

Codification

R.S. § 4289 derived from act Mar. 3, 1851, ch. 43, § 7, 9 Stat. 636.

Section, as enacted in the Revised Statutes, was as follows: "The provisions of this Title relating to the limitation of the liability of the owners of vessels, shall not apply to the owners of any canal-boat, barge, or lighter, or to any vessel of any description whatsoever used in rivers or inland navigation."

It was amended, by striking out the words "this Title," and inserting the words "the seven preceding sections," by act Feb. 18, 1875.

It was further amended, to read in substance as set forth here, after the enactment of act June 26, 1884, ch. 121, § 18, 23 Stat. 57, classified to section 189 of this Appendix, by act June 19, 1886.

AMENDMENTS

1936--Act June 5, 1936, substituted "Except as otherwise specifically provided therein, the provisions of the nine preceding sections" for "The provisions of the seven preceding sections".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 183, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 189. Limitation of liability of owners of vessels for debts

The individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending: Provided, That this provision shall not prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said shipowners.

(June 26, 1884, ch. 121, § 18, 23 Stat. 57.)

Codification

This section was enacted as part of the Shipping Act of 1884.

The original text of the proviso read as follows: ``Provided, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said shipowners."

The provision concerning liabilities previously incurred was omitted.

CROSS REFERENCES

Other provisions relating to the liability of vessels, their owners, agents, or charterers, see sections 190 to 195 of this Appendix.

Section as applicable to all seagoing vessels and all vessels used on lakes or rivers or on inland navigation, see section 188 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188 of this Appendix.

§ 190. Stipulations relieving from liability for negligence

It shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge. Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

(Feb. 13, 1893, ch. 105, § 1, 27 Stat. 445.)

SHORT TITLE

Act Feb. 13, 1893, enacting this section and sections 191 to 196 of this Appendix, is popularly known as the "Harter Act".

EFFECTIVE DATE

Section 8 of act Feb. 13, 1893, provided: "That this act [enacting this section and sections 191 to 196 of this Appendix] shall take effect from and after the first day of July, eighteen hundred and ninety-three."

CROSS REFERENCES

Clause, covenant or agreement relieving carrier or ship from liability for loss or damage arising from negligence, fault or failure in duties and obligations provided, to be null and void, see section 1303 of this Appendix.

Transportation of live animals, section inapplicable, see section 195 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 194, 195, 196, 1311 of this Appendix.

§ 191. Stipulations relieving from exercise of due diligence in equipping vessels

It shall not be lawful for any vessel transporting merchandise or property from or between ports of the United States of America and foreign ports, her owner, master, agent, or manager, to insert in any bill of lading or shipping document any covenant or agreement whereby the obligations of the owner or owners of said vessel to exercise due diligence ¹ properly equip, man, provision, and outfit said vessel, and to make said vessel seaworthy and capable of performing her intended voyage, or whereby the obligations of the master, officers, agents, or servants to carefully handle and stow her cargo and to care for and properly deliver same, shall in any wise be lessened, weakened, or avoided.

¹ So in original. Probably should be followed by "to".

(Feb. 13, 1893, ch. 105, § 2, 27 Stat. 445.)

EFFECTIVE DATE

Section effective July 1, 1893, see section 8 of act Feb. 13, 1893, set out as a note under section 190 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 194, 196, 1311 of this Appendix.

§ 192. Limitation of liability for errors of navigation, dangers of sea and acts of God

If the owner of any vessel transporting merchandise or property to or from any port in the United States of America shall exercise due diligence to make the said vessel in all respects seaworthy and properly manned, equipped, and supplied, neither the vessel, her owner or owners, agent, or charterers, shall become or be held responsible for damage or loss resulting from faults or errors in navigation or in the management of said vessel nor shall the vessel, her owner or owners, charterers, agent, or master be held liable for losses arising from dangers of the sea or other navigable waters, acts of God, or public enemies, or the inherent defect, quality, or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service.

(Feb. 13, 1893, ch. 105, § 3, 27 Stat. 445.)

EFFECTIVE DATE

Section effective July 1, 1893, see section 8 of act Feb. 13, 1893, set out as a note under section 190 of this Appendix.

CROSS REFERENCES

Liabilities and immunities of carrier and ship, see section 1304 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 194, 196, 1311 of this Appendix; title 16 section 1443.

§ 193. Bills of lading to be issued; contents

It shall be the duty of the owner or owners, masters, or agents of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to issue to shippers of any lawful merchandise a bill of lading, or shipping document, stating, among other things, the marks necessary for identification, number of packages, or quantity, stating whether it be carrier's or shipper's weight, and apparent order or condition of such merchandise or property delivered to and received by the owner, master, or agent of the vessel for transportation, and such document shall be prima facie evidence of the receipt of the merchandise therein described.

(Feb. 13, 1893, ch. 105, § 4, 27 Stat. 445.)

EFFECTIVE DATE

Section effective July 1, 1893, see section 8 of act Feb. 13, 1893, set out as a note under section 190 of this Appendix.

CROSS REFERENCES

Bills of lading for carriage of goods by sea, see section 1303 of this Appendix.

Section inapplicable to the transportation of live animals, see section 195 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 194, 195, 196, 1311 of this Appendix.

§ 194. Penalties; liens; recovery

For a violation of any of the provisions of sections 190 to 196 of this Appendix the agent, owner, or master of the vessel guilty of such violation, and who refuses to issue on demand the bill of lading herein provided for, shall be liable to a fine not exceeding \$2,000. The amount of the fine and costs for such violation shall be a lien upon the vessel, whose agent, owner, or master is guilty of such violation, and such vessel may be libeled therefor in any district court of the United States, within whose jurisdiction the vessel may be found. One-half of such penalty shall go to the party injured by such violation and the remainder to the Government of the United States.

(Feb. 13, 1893, ch. 105, § 5, 27 Stat. 446.)

EFFECTIVE DATE

Section effective July 1, 1893, see section 8 of act Feb. 13, 1893, set out as a note under section 190 of this Appendix.

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 196, 1311 of this Appendix.

§ 195. Certain provisions inapplicable to transportation of live animals

Sections 190 and 193 of this Appendix shall not apply to the transportation of live animals.

(Feb. 13, 1893, ch. 105, § 7, 27 Stat. 446.)

EFFECTIVE DATE

Section effective July 1, 1893, see section 8 of act Feb. 13, 1893, set out as a note under section 190 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 194, 196, 1311 of this Appendix.

§ 196. Certain laws unaffected

Sections 190 to 196 of this Appendix shall not be held to modify or repeal sections 181 to 183 of this Appendix, or any other statute defining the liability of vessels, their owners, or representatives.

(Feb. 13, 1893, ch. 105, § 6, 27 Stat. 446.)

EFFECTIVE DATE

Section effective July 1, 1893, see section 8 of act Feb. 13, 1893, set out as a note under section 190 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 194, 1311 of this Appendix.