

THE LAW
OF
GENERAL AVERAGE
ENGLISH AND FOREIGN.

BY
THE LATE
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"A PRACTICAL TREATISE ON MARINE INSURANCE,"
ETC., ETC.

SIXTH EDITION.

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PREFACE TO THE SIXTH EDITION.

THE Editors have again followed the plan which they adopted in the previous edition for the purpose of distinguishing their contributions to the work from Mr. LOWNDES' own text, viz., the insertion of the additions to the text made by them in square brackets.

The English decisions to the end of July, 1922, have been incorporated. The latest, *Joseph Watson & Sons, Ltd. v. Fireman's Fund Ins. Co. of San Francisco*, was decided too late for adequate notice in the body of the work, but particulars of the case have been inserted as an addendum on p. xlvii.

New Appendices will be found, dealing with the laws of Danzig, Egypt, Roumania and Turkey.

Another new Appendix contains the draft of an International Code relating to General Average, which was prepared by a strong committee of the International Law Association, nominated by the late Lord Justice KENNEDY, and provisionally adopted at the Conference of the Association held at Madrid in 1913.

The Editors are deeply indebted to Mr. W. R. COE, who contributed the valuable Appendix on the law of

the United States to the Fifth Edition, for having revised it for the present edition. The Appendices dealing with the law of General Average in other countries have been revised by the gentlemen whose names are mentioned therein, and the Editors also wish to acknowledge their obligation to them for the kind assistance they have rendered.

E. L. DE H.

G. R. R.

LONDON,

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ADDENDUM.



In *Joseph Watson & Sons, Ltd. v. Fireman's Fund Insurance Co. of San Francisco* (1922), 38 T. L. R. 752, Rowlatt, J., held that a loss due to a sacrifice made in the mistaken though reasonable belief in the existence of danger was not recoverable against insurers as a general average sacrifice. The facts were that in the course of the voyage the master noticed what he thought was smoke coming from the hold, and, believing that the vessel was on fire, caused steam to be turned into the hold to extinguish the fire, whereby some rosin belonging to the plaintiffs was damaged. The learned judge found that there was no fire, and that the so-called smoke was steam from a broken pipe, impregnated with fumes from the rosin; and he held that the definition of general average in sect. 66 of the Marine Insurance Act (*post*, p. 25) did not cover losses incurred owing to a mistake as to a peril which was in fact non-existent.

In the United States it has been held, on the contrary, that a sacrifice made in good faith, under a mistaken idea that it was necessary for the preservation of the ship and cargo, must be made good in general average. See *The Wordsworth*, *post*, p. 739.

COMPARATIVE TABLE OF THE LAWS OF GENERAL AVERAGE.

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§ 1. General Principles.											
UNITED KINGDOM.	ARGENTINE REPUBLIC.	AUSTRIA.	BELGIUM.	BRAZIL.	CHILI.	FRANCE.	GERMANY.	GREECE.	HOLLAND.		
Yes, if the claimant is not in fault, or responsible for those in fault (pp. 32—40)	Not (pp. 435, 436)	.....	Not (p. 472)	Not, if due to defect of ship or fault of captain or crew (p. 488)	.....	Not, if result of negligence of master or crew, unless bill of lading exempts shipowner from this liability; to each other points apparently undetermined (p. 513)	Yes; the party responsible, however, not only cannot recover contribution, but is liable to each contributor to the extent of his payment (pp. 532, 558)	Not, if due to unseaworthiness of ship or negligence of master or crew (p. 573)	Not, where claimant is in fault (pp. 585, 586—588)		
2.—Can there be gen. average when the measures taken are unsuccessful?	Not, if ship lost in same peril (pp. 444, 445)	Not, if ship lost in same peril (p. 460)	Not (p. 474)	Not, if ship lost in same peril (p. 491)	.....	Not, if ship and cargo both lost. (pp. 511, 518)	Not, unless ship as well as cargo, wholly or in part, have been saved (p. 533)	Not, if ship lost in same peril (p. 575)	Not, if ship lost in same peril (p. 600)		
3.—Formal definition of gen. average.	All the damages deliberately incurred in case of danger and those suffered as the immediate consequence of those measures, and also expenses incurred in such circumstances, after due deliberation, for the common safety of lives or of ship or cargo conjointly or separately, from the time of the loading and departure up to the arrival and discharge (p. 431)	A voluntary and deliberate act, and its consequences, done to escape an imminent danger (p. 460)	The extraordinary expenses incurred and the damage voluntarily sustained for the common good and safety of the ship and of the cargo (p. 472)	Losses caused voluntarily in case of peril or unforeseen disaster, and suffered as immediate consequences of such measures, and incurred under circumstances after deliberation, for the common good and safety of ship and cargo, from loading and departure until arrival and discharge (p. 487)	Damage caused in pursuance of a resolution taken before or after the ship has commenced its voyage, to the ship and cargo, conjointly or separately, in order to save them from imminent sea risk; also such damage as is a direct and inevitable consequence of the sacrifice and the unforeseen expenses incurred for the general benefit at the time indicated (p. 493)	In general, damage voluntarily sustained and expenses incurred after express deliberation, for the common good and safety of the ship and cargo, from their loading and departure to their arrival and discharge (p. 510)	All damage intentionally done to ship and cargo, or both, by the master, or by his orders, for the purpose of rescuing both from a common danger, together with any further damage caused by such measures, and also expenses incurred for the same purpose. (p. 531)	All extraordinary expenses and voluntary damage, having for their object the common benefit and preservation of the ship and cargo which in the like circumstances are, after due deliberation, incurred for the preservation and common good of ship and cargo (p. 585)	In general, all losses which are purposely incurred in case of danger or disaster, and their immediate consequences, as also expenses which in the like circumstances are, after due deliberation, incurred for the preservation and common good of ship and cargo (p. 585)		

ITALY.	JAPAN.	MEXICO.	PERU.	PORTUGAL.	RUSSIA.	SCANDINAVIA.	SPAIN.	UNITED STATES OF AMERICA.	URUGUAY.	VENEZUELA.
1 Not, if due to <i>vice propre</i> of cargo (p. 616), or unless worthiness of ship arose, (p. 617; see also p. 628) (p. 614, 616); unless bill of lading exempts shipowner from liability for latter (p. 622)	Yes, but there is recourse against the person from whose fault the damage arose, (p. 627; see also p. 628)	Apparently not (pp. 634, 637)	Same as Mexico (p. 650)	.....	Not, if captain or crew were in fault (pp. 670, 671)	Same as England (p. 712)	Apparently not (pp. 677, 679, 683)	Yes, except so far as the claimant is in fault, or responsible for loss in fault (p. 744). For the effect of the Harter Act, see pp. 746 et seq.)	Same as Argentine Republic (p. 734)	Not, if resulting from ship's defect or unseaworthiness, or if captain, or crew were in fault (p. 800).
2 Not, if sacrifice does not save ship (p. 616)	.....	Not if ship lost in same casualty (p. 645)	Do	Not, if ship lost in same peril (p. 655)	.....	Yes (p. 712)	Not, if ship lost in same peril (p. 694)	Not, except so far as is necessary to restore eventual equality (see pp. 740—743)	Same as Argentine Republic (p. 737)	Not, if ship lost in same peril (p. 802)
3 The extraordinary expenses incurred, and the damages voluntarily sustained, for the good and for the common safety of ship and cargo (p. 609)	All damage and expenses arising from any disposition made by the master in regard to the ship or cargo to save both from a common danger (p. 627)	All losses and expenses incurred to save ship or cargo, or both together, from a known and real risk (p. 634)	Do.	All extraordinary expenses incurred and sacrifices made voluntarily by the captain to avoid a danger, for the common safety of ship and cargo, from loading and departure to return and discharge (p. 652)	Whatever is incurred for the safety of ship, crew and cargo (p. 695)	All damage purposely caused to ship or cargo to save ship and cargo from any danger threatening both, and every other sacrifice made for such purpose, and also all damage and loss directly occasioned thereby (p. 705)	In general, all losses and expenses purposefully incurred to save the ship, her cargo, or both together, from a known and real danger (p. 674)	Sacrifices voluntarily made of part of the ship or cargo to save the residue from an impending peril, and extraordinary expenses incurred by one or more of the parties for the general benefit of all the interests embarked in the enterprise (p. 736)	Same as Argentine Republic (p. 734)	All damage caused intentionally after deliberation, before or after the commencement of the voyage to the ship or cargo for the common benefit to save them from a peril of the sea; damage consequent on the sacrifice; and expenses due to unforeseen causes, incurred for the common benefit at the times stated (p. 798)

§ 2. What Sacrifices of Property constitute General Average?	UNITED KINGDOM.	ARGENTINE REPUBLIC.	AUSTRIA.	BELGIUM.	BRAZIL.	CHILL.	FRANCE.	GERMANY.	GREECE.	HOLLAND.
	General average (p. 56)	General average (p. 432)	General average (p. 461)	General average (p. 473)	General average (p. 486)	General average (p. 493)	General average (p. 508)	General average (p. 534)	General average (p. 571)	General average (p. 579)
4.—Jettison of cargo from below deck.	General average (p. 56)	General average (p. 432)	General average (p. 461)	General average (p. 473)	General average (p. 486)	General average (p. 493)	General average (p. 508)	General average (p. 534)	General average (p. 571)	General average (p. 579)
5.—Jettison of deck cargo.	In practice, not allowed unless deckload carried according to usage, and not in violation of contract (p. 78) Where deckload agreed to by all parties, should, on principle, be allowed (See pp. 74-78)	Not gen. aver., except in small coasting trade, or river navigation, or when deckload agreed to by all parties is customary (p. 444)	Not gen. aver., except on short coasting voyages, or where deckload agreed to by all parties (p. 461)	Not gen. average (p. 474)	Not gen. average (p. 491)	Not gen. aver., unless deckload agreed to by all parties (p. 495)	Not gen. aver., except on short coasting voyages (p. 518, Art. 421)	Not gen. aver., except in coasting voyages, where deckloading has been sanctioned by the laws of the states (p. 540)	Not gen. average (p. 575)	Not properly gen. average, but there may be an interim apportionment leaving ship-owner eventually liable, if goods loaded on deck without their owner's consent; if loaded with his consent, probably not gen. average (p. 599)
6.—Damage to cargo by water shipped during jettison, or otherwise necessarily occasioned to the cargo through the jettison.	General average (p. 84)	General average (p. 432)	General average (p. 461)	General average (p. 469)	General average (p. 485)	General average (p. 493)	General average (p. 509)	General average (p. 534)	General average (p. 571)	General average (p. 579)
7.—Jettison, owing to <i>vice propre</i> of cargo, <i>e.g.</i> , spontaneous combustion.	General average, but not so as to enable any party to take advantage of his own wrong (p. 82)	.....	General average to extent of loss caused by sacrifice (p. 461)	.....	.....	.....	.....	The party himself in fault can make no claim; and must make good the contributions or losses of others (p. 532)	.....	Not gen. average (p. 585)
8.—Damage done in quenching fire: to packages not yet on fire.	General average (p. 84)	.....	General average (p. 461)	In practice, gen. average (p. 469)	.....	.....	General average (p. 525)	General average (p. 565)	General average (p. 572)	In practice, gen. average (p. 585)

ITALY.	JAPAN.	MEXICO.	PERU.	PORTUGAL.	RUSSIA.	SCANDINAVIA.	SPAIN.	UNITED STATES OF AMERICA.	URUGUAY.	VENEZUELA.
General average (p. 610)	Presumably gen. aver. (p. 628)	General average (p. 635)	Same as Mexico (p. 650)	General average (p. 652, see p. 654)	General average (pp. 668, 671)	General average (p. 705)	General average (p. 675)	General average (p. 758)	Same as Argentine Republic (p. 794)	General average (p. 798)
Not gen. aver., except in cases of coasting voy-ages and navigation of rivers and lakes, but there may be a special contribution as amongst those who have consented in writing to the deck-loading (p. 618)	Not gen. aver., except on short coasting voy-ages (p. 628)	Not gen. aver., except in coasting trade when allowed (p. 642)	Do.	Not gen. aver., but there may be a special contribution (p. 654)	Not gen. average (p. 671)	Not gen. aver., unless lighted the ship when aground (p. 711)	Not gen. aver., except in coasting trade when allowed (pp. 677, 692)	Not general average except where deck-loading sanctioned by a reasonable custom or particular trade (p. 758)	Do.	Not gen. aver., except in coasting trade (p. 802)
General average (p. 611)	.....	General average (p. 635)	Do.	.....	General average (p. 676)	General average (p. 705)	General average (p. 675)	General average (p. 7:9)	Do.	Presumably gen. aver. (p. 798)
.....	.....	.....	.....	.....	.....	Do.	.....	Probably the same as England (see p. 745)	.....	.....
General average (p. 611)		(See p. 637)	Same as Mexico (p. 650)			Do.	(See p. 682)	General average (pp. 759, 783)		General average (p. 799)

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COMPARATIVE TABLE OF THE LAWS OF GENERAL AVERAGE—continued.

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	UNITED KINGDOM.	ARGENTINE REPUBLIC.	AUSTRIA.	BELGIUM.	BRAZIL.	CHILI.	FRANCE.	GERMANY.	GREECE.	HOLLAND.
9. —Damage done in quenching fire: to packages actually on fire.	In practice not general average (pp. 95, 96)	.....	General average (p. 461)	In practice, gen. average (p. 469)	.....	.....	General average (p. 525)	General average (p. 565)	Apparently gen. average (p. 572)	Apparently gen. average (p. 585)
10. —Cargo burnt as fuel for steamer.	General average, if original supply adequate (pp. 99, 100)	.....	As in England (p. 461)	General average (p. 468)	.....	.....	As in England (p. 525)	.....	.....	.....
11. —Damage to cargo, done in discharging it to get stranded ship off.	General average (p. 101)	General average (p. 434)	General average (p. 461)	Do.	General average (p. 487)	.....	General average (p. 529)	General average (p. 534)	General average where discharged for common benefit (p. 572)	General average (p. 581)
12. —Ditto, to lighten ship in a port of refuge.	General average (p. 102)	Apparently gen. average if vessel in peril (p. 433)	Do.	Do.	.....	Apparently gen. average (p. 494)	General average (p. 527)	In practice, gen. average (p. 563)	Do.	In practice, gen. average if discharged in an unusual manner (p. 584)
13. —Ditto, in warehouse at port of discharge.	Not gen. average (p. 103)	.....	General average (p. 462)	.....	.....	.....	See p. 527	Apparently not (p. 563)	.....	Not gen. average (p. 580)
14. —Damage to cargo by voluntary stranding of ship.	In practice not general average unless done to extinguish fire. See discussion (pp. 146 <i>et seq.</i>)	.....	.....	Not gen. average if ship sinking or driving ashore (p. 468)	.....	.....	General average (p. 510)	See answer to No. 29 (p. 535)	General average (p. 572)	General average (p. 582)
15. —(b) <i>Sacrifices of effects of passengers and crew.</i>	Probably general average (pp. 106-108)	General average (p. 444)	Crew's effects general average (p. 464)	General average (p. 473)	.....	.....	Crew's effects general average (p. 517), and probably those of passengers (p. 528)	General average (p. 547)	General average (p. 574)	General average (p. 588)

	ITALY.	JAPAN.	MEXICO.	PERU.	PORTUGAL.	RUSSIA.	SCANDINAVIA.	SPAIN.	UNITED STATES OF AMERICA.	URUGUAY.	VENEZUELA.
9	.....	.....	.....	.....	.....	.....	Not gen. average (p. 711)	.....	Not general average (p. 758)	.....	Apparently gen. average (p. 759)
10	.....	.....	.....	.....	.....	.....	General average (p. 708)	.....	General average, if supply adequate (p. 759)	.....	.....
11	General average (p. 613)	.....	.....	.....	.....	General average if stranding voluntary (p. 658)	General average (p. 706)	General average if stranding voluntary (p. 675)	General average (p. 760)	Same as Argentine Republic (p. 794)	Presumably gen. average (p. 798, 799 (4))
12	Do.	.....	.....	.....	.....	General average (p. 659)	Not gen. aver., unless done in some unusual way (p. 707)	.....	General average (pp. 760, 768)	Do.	.....
13	.....	.....	.....	.....	.....	Not gen. average (p. 669)	Not gen. average (p. 707)	.....	Not general average (p. 760)	.....	.....
14	General average, except when ship lost (p. 613)	.....	.....	.....	.....	General average with limitations (p. 668)	General average (p. 706)	General average (p. 675)	See answer to No. 29, and see p. 761	.....	Apparently gen. average, if to avoid capture or total loss (p. 798)
15	General average (p. 613)	Sacrifice of clothing of passengers and crew, general average (p. 627)	.....	.....	General average (p. 653)	.....	General average (p. 715)	Sacrifice of property of crew, general average (p. 675)	Sacrifice of passengers' baggage stowed in holds, general average (p. 761)	Same as Argentine Republic (p. 794)	Sacrifice of property of crew general average (p. 798)

	UNITED KINGDOM.	ARGENTINE REPUBLIC.	AUSTRIA.	BELGIUM.	BRAZIL.	CHILI.	FRANCE.	GERMANY.	GREECE.	HOLLAND.
(c) <i>Sacrifices of Ship's Materials</i> .—										
16.—Masts cut away for the common safety.	General average (p. 112)	General average (p. 432)	General average (p. 461)	.....	General average (p. 486)	General average (p. 494)	General average (p. 508)	General average (p. 534)	General average (p. 571)	General average (p. 579)
17.—Chains and anchors slipped from.	General average, unless irretrievably foul (p. 185)	Do.	Do.	.....	Do.	Do.	General average (pp. 508, 509)	Do.	Do.	Do.
18.—Damage by carrying a press of canvas or steam.	Not gen. average (p. 117)	Apparently gen. average (p. 432)	Same as France (p. 461)	Not gen. average (p. 469)	Do.	Do.	General average if to prevent running a-ground (p. 525)	Particular average (p. 540)	.....	Not gen. average (p. 585)
19.—Damage by cutting a ship open to extract the cargo.	General average	General average (p. 432)	When to save cargo from a wreck, charge on cargo (p. 462)	.....	.....	Do.	General average (p. 519)	.....	.....	In practice, gen. average (p. 585)
20.—Loss by cutting away wreck of spars previously carried away.	Not gen. average, when hopelessly lost or valueless (p. 120)	.....	General average to extent of value sacrificed (p. 461)	Not gen. average (p. 469)	.....	.....	General average on estimated value as wreck (p. 508)	General average on estimated value as wreck (p. 560)	.....	In practice, one-half of two-thirds of cost of new materials, as representing the diminished value, is allowed in gen. average (p. 585)
21.—Damage to sails used to force a stranded ship off the ground.	General average (p. 117)	.....	General average (p. 461)	.....	.....	.....	Not gen. average, if vessel not in peril (p. 525)	General average (p. 560)	.....	In practice, gen. average (p. 585)
22.—Damage to steamer's machinery from being worked as to expose them to extra or ordinary danger (p. 144)	General average, if engines so worked as to expose them to extra or ordinary danger (p. 144)	.....	Do.	General average (p. 465)	.....	.....	General average (p. 526)	Do.	.....	Do.
23.—Coals consumed by steamer during such working.	General average (p. 145)	.....	Do.	.....	.....	.....	Do.	.....	.....	Do.

	ITALY.	JAPAN.	MEXICO.	PERU.	PORTUGAL.	RUSSIA.	SCANDINAVIA.	SPAIN.	UNITED STATES OF AMERICA.	URUGUAY.	VENEZUELA.
16	General average (p. 610)	.....	General average (p. 636)	Same as Mexico (p. 650)	Presumably gen. average (p. 652). See p. 655	General average (p. 668)	General average (p. 705)	General average (p. 675)	General average (p. 754)	Same as the Argentine Republic (p. 794)	General average (p. 798)
17	Do.	.....	Do.	Do.	Do.	Do.	Do.	Do.	General average (p. 753)	Do.	Do.
18	General average (p. 614)	.....	.....	.....	.....	Not gen. average (p. 669)	Not gen. average (p. 711)	If to escape from wreck or capture, allowed in general average (p. 675)	Not general average (p. 754)	.....	.....
19	.....	.....	General average (p. 636)	Same as Mexico (p. 650)	.....	.....	.....	General average (p. 675)	.....	Same as the Argentine Republic (p. 794)	Apparently gen. average (p. 800)
20	Value in damaged condition allowed in gen. average (p. 610)	.....	.....	.....	.....	General average, if lower part of mast remains in good condition (p. 689)	Not gen. average (p. 711)	.....	Value in damaged condition allowed as general average, as a rule (p. 755)	.....	.....
21	General average (p. 614)	.....	.....	.....	.....	General average, if stranding is voluntary (p. 689)	General average (p. 711)	.....	General average, if damage contemplated (p. 755)	.....	Presumably gen. average (p. 798, § 756 (4))
22	Do.	.....	.....	.....	.....	Do.	General average (pp. 706, 711)	.....	Do.	.....	Do.
23	General average (p. 613)	.....	.....	.....	.....	Do.	General average (p. 708)	.....	Do.	.....	.....

	UNITED KINGDOM.	ARGENTINE REPUBLIC.	AUSTRIA.	BELGIUM.	BRAZIL.	CHILI.	FRANCE.	GERMANY.	GREECE.	HOLLAND.
(c) <i>Sacrifices of Ship's Materials:—</i>										
24.—Things given as ransom to enemy or pirates.	General average (p. 104)	General average (p. 432)	General average (p. 461)	.....	General average (p. 486)	General average (p. 493)	General average (p. 508)	General average (p. 538)	General average (p. 571)	General average (p. 578)
25.—Damage done to ship, and ammunition expended in resisting a hostile attack.	Not gen. average (p. 118)	.....	General average (p. 462)	.....	.....	Do.	.....	General average (p. 537)	... ..	Damage considered general average; ammunition not (p. 585)
26.—Compensation to seamen wounded in doing so.	Do.	General average (p. 433)	As in France (p. 462)	.....	General average (p. 487)	Do.	Cost of curing and maintenance, general average (p. 509)	Do.	As in France (p. 572)	General average (p. 579)
27.—Damage done to ship in order to extinguish a fire.	General average (p. 87)	.....	.....	General average (p. 468)	.....	General average (p. 491)	General average (p. 525)	General average (p. 565)	General average (p. 572)	In practice, gen. average (p. 585)
28.—Hawser or other ship's materials carried on deck contrary to maritime usage, and jettisoned.	Not gen. average (p. 114)	.....	Not gen. average (p. 461)	.....	.....	.....	Not gen. average except on short coasting voyages (p. 522)	Not gen. average (p. 559)	.....	Not gen. average (p. 585)
29.—Voluntary stranding, damage by.	See answer to No. 14, <i>supra</i> .	General average (p. 434)	General average, unless stranding inevitable, or ship be not saved (p. 462)	Not gen. average, if vessel sinking or driving ashore (p. 469)	General average, if to prevent loss or capture by an enemy (p. 487)	General average (p. 494)	General average (p. 516)	General average when done to avoid sinking, or to avoid capture, and the vessel is not totally lost thereby (p. 535)	General average (p. 572)	General average (p. 582)
(d) <i>Expenditures:—</i>										
30.—Expenses of floating a stranded ship, or otherwise saving the property as a whole.	General average (p. 156)	Do.	.....	General average (p. 468)	General average (p. 487)	General average, if the stranding was voluntary (p. 494)	General average, where vessel in peril (pp. 509, 526)	General average (p. 535)	Do.	General average (p. 588)

	ITALY.	JAPAN.	MEXICO.	PERU.	PORTUGAL.	RUSSIA.	SCANDINAVIA.	SPAIN.	UNITED STATES OF AMERICA.	URUGUAY.	VENEZUELA.
24	General average (p. 610)	.....	General average (p. 634)	Same as Mexico (p. 650)	.....	General average (pp. 668, 670)	General average (p. 708)	General average (p. 674)	General average.....	Same as Argentine Republic (p. 794)	General average (p. 798)
25	.....	.....	.....	.....	.....	Damage general average; ammunition not mentioned (pp. 668, 670)	Do.	Damage allowed as general average (p. 676)	.....	.....	.....
26	General average (p. 611)	.....	Same as France (p. 635)	Same as Mexico (p. 650)	.....	General average (pp. 670, 672)	Cost of curing, maintenance and extra hands general average (p. 708)	Same as France (p. 676)	Not general average	Same as Argentine Republic (p. 794)	General average (p. 789)
27	Do.	.....	(See p. 637).	Do.	.....	.....	General average (p. 705)	(See p. 682).....	General average (p. 755)	.....	General average (p. 789)
28	.....	.....	.....	.....	.....	.....	Not gen. average (p. 711)	.....	Not general average (p. 753)	.....	.....
29	General average, except when ship totally lost (p. 613)	.....	.....	.....	.....	General average, with limitations (p. 668)	General average (p. 706)	General average (p. 675)	General average, unless ship would otherwise have stranded in substantially the same place (pp. 743, 754)	Same as Argentine Republic (p. 794)	Apparently gen. average, if to avoid capture or total loss (p. 798)
30	General average (p. 613)	.....	General average, if stranding was voluntary (p. 635)	Same as Mexico (p. 650)	.....	General average, if successful, and if the stranding was voluntary (p. 668)	General average, but if the voyage is not continued, only up to the time that it was evident it must be given up (p. 706)	General average, if stranding was voluntary (p. 675)	General average (p. 763)	Do.	General average if stranding voluntary (p. 798)

	UNITED KINGDOM.	ARGENTINE REPUBLIC.	AUSTRIA.	BELGIUM.	BRAZIL.	CHILI.	FRANCE.	GERMANY.	GREECE.	HOLLAND.
(d) <i>Expenditures</i> :—										
31. —Expenses of a complex salvage operation, when property saved by a series of different operations.	Law not clear. In practice, usually treated as general average, until safety attained (p. 209)	.....	.....	.....	.....	General average, if the ship is stranded, if the stranding was voluntary (p. 494)	If the ship is eventually saved, all expenses from first to last are general average (p. 596)	.....	.....	According to circumstances (p. 583)
32. —Cost of reclamation of ship and cargo after capture or arrest.	.....	General average (p. 433), unless reclaimed separately (p. 436)	.....	.....	General average (p. 487)	General average (p. 493)	.....	Particular average (p. 540)	General average (p. 572)	General average (p. 581)
33. —Wages and keep of crew while detained for the purpose.	.....	Do.	.....	.....	Do.	Do.	.....	.....	Do.	Do.
34. —Expenses of entering a port of refuge, to repair damage to ship caused by accident, or to avoid common peril.	General average (p. 255)	General average (p. 433)	General average when port entered for repairs (p. 462)	General average (p. 472)	Do.	General average (p. 494)	General average (p. 527)	General average (p. 536)	Do.	General average (p. 580)
35. —Ditto to repair damage caused by sacrifice for common safety.	General average (p. 254)	Do.	Do.	Do.	Do.	Do.	Do.	General average (p. 536)	Do.	Do.
36. —Expense of discharging cargo at a port of refuge.	General average, unless sole motive to remove to recondition cargo (p. 264)	.....	Same as England (p. 462)	General average (pp. 467, 472)	.....	Do.	Do.	Do.	General average, when necessary to effect general average repairs, or for common safety (p. 572)	In practice, general average if charged in an unusual manner (p. 581)
37. —Warehouse rent during stay in port of refuge.	General average, if damage to ship was general average; otherwise special charge on cargo (pp. 254, 255)	General average (p. 433)	General average, unless sole motive of discharge is to recondition cargo (p. 462)	Do.	General average (p. 487)	Do.	Do.	Do.	General average, when cargo discharged to effect general average repairs (p. 572)	General average (p. 581)

	ITALY.	JAPAN.	MEXICO.	PERU.	PORTUGAL.	RUSSIA.	SCANDINAVIA.	SPAIN.	UNITED STATES OF AMERICA.	URUGUAY.	VENEZUELA.
31	.....	.....	.. ..	.....	.....	.....	.....	.....	General average so long as there is one continuous series of operations (see pp. 763-767)	.....	.. ..
32	General average (p. 612)	.....	.....	.....	.....	.....	.....	.....	Same as Argentine Republic (p. 794)	.....	.....
33	General average (p. 613)	.....	.....	.....	.....	.....	.....	.....	Do.	.....	.....
34	General average (p. 611)	.....	Not gen. average (p. 637)	Same as Mexico (p. 650)	Not gen. average (p. 650)	General average (p. 669)	General average (p. 706)	Not gen. average by Code, but in practice often adjusted so (p. 678)	General average (p. 767)	Do.	Apparently not general average (p. 799)
35	Do.	.....	Do.	.....	Do.	Do.	Do.	Not gen. average by Code, but in practice often adjusted so (pp. 678, 684)	Do.	.....	General average (p. 799)
36	General average, if for general average repairs (p. 612)	.....	Same as Spain (p. 638)	Same as Mexico (p. 650)	(See p. 661)	Do.	General average (p. 707)	Shipowner pays, if to repair ship, cargo-owner, if on account of damage to cargo; divided, if discharge for both reasons (p. 684)	General average (p. 768)	.....	.....
37	General average, if repairs are general average (p. 612)	.....	(See p. 638)	Do.	.....	Do.	Do.	(See p. 685)	Do.	Same as Argentine Republic (p. 794)	General average, if during gen. average repairs (p. 799)

	UNITED KINGDOM.	ARGENTINE REPUBLIC.	AUSTRIA.	BELGIUM.	BRAZIL.	CHILI.	FRANCE.	GERMANY.	GREECE.	HOLLAND.	
(d) <i>Expenses</i> :—											
38.—Cost of reloading cargo.	General average in first case; in other cases usually special charge on freight (pp. 254, 255)	.....	General average, unless sole motive of discharge is to recondition cargo (p. 462)	General average (pp. 467, 472)	.....	General average (p. 497)	General average (p. 527)	General average (p. 536)	General average, when cargo discharged to effect general average repairs (p. 572)	.....	38
39.—Cost of quitting port to continue voyage outward pilotage and port charges).	Do.	General average (p. 433)	General average (p. 462)	Do.	General average (p. 457)	Do.	Do.	Do.	General average (p. 572)	General average (p. 580)	39
40.—Wages and keep of crew during detention in port.	In practice not general average (p. 254)	Do.	Do.	General average (p. 472)	Do.	Do.	Not gen. average if freighted by the voyage (pp. 512, 527)	Do.	General average, when repairs are general average (p. 572)	Do.	40
41.—Ditto, whilst detained in bearing up for port.	Do.	.....	.....	Not gen. average (p. 472)	.....	.....	.....	Not gen. average (p. 551)	.....	In practice, is general average (p. 580)	41
42.—Ditto, after leaving port to get back to the same point in the voyage as when she bore up.	Do.	.....	.....	Do.	.....	.....	.....	Do.	.....	.....	42
43.—Coals and engine stores of steamer expended during above three periods : No. 1 No. 2 No. 3	In practice not general average Do. Do.	..... ..... .....	..... ..... .....	..... ..... .....	..... ..... .....	..... ..... .....	..... General average (p. 527) Do.	..... ..... .....	..... ..... .....	..... In practice, gen. average (p. 580)	43
44.—Loss on sale of cargo at a port of refuge, to raise funds for general average expenditure.	General average (p. 334)	General average (p. 431)	General average (p. 463)	.....	General average (p. 457)	General average (p. 494)	General average (p. 527)	General average (pp. 539, 551)	General average (p. 573)	General average (p. 584)	44
45.—Temporary repairs of particular average damage to ship at port of refuge.	Not gen. average (pp. 269, 278)	.....	General average (p. 462)	.....	.....	.....	.....	Sometimes allowed in practice up to saving of general average expenses (p. 564)	.....	Same as Germany (p. 580)	45