

BRITISH SHIPPING LAWS

13

Shipowners

By

NAGENDRA SINGH

M.A., LL.D.(Cantab), D.Sc.(Law, Moscow), D.C.L.(Delhi), M.A., B.LITT.,
LL.D.(Dublin), D.LITT.(Bihar), D.PHIL.(Calcutta)

Barrister-at-Law, J.P., I.C.S., I.d.c.; Member, Permanent Court of Arbitration, The Hague; Member, International Law Commission; Associate, Institute de Droit International; Member, Bureau Permanent of the Comité Maritime International and Vice-President, Conférence Diplomatique de droit Maritime, Brussels; President, IMCO Assembly (1963-65); Member, UNIDROIT, Rome; Member, Constituent Assembly of India (1947-48); Visiting Professor of Maritime Law of the Universities of Madras and Bombay and the Law Institute of India; Visiting Professor of International Law of the Universities of Delhi, Benaras and Udaipur and the Indian School of International Studies, New Delhi; Secretary to the President of India

AND

RAOUL COLINVAUX

LONDON

STEVENS & SONS

1967

First Published 1967
Second Impression 1974
Third Impression 1977
Fourth Impression 1981

*Published by
Stevens & Sons Limited of
11 New Fetter Lane London E.C.4
and printed in Great Britain by
Redwood Burn Limited
Trowbridge & Esher*

©
*Stevens & Sons Limited, London
1967*

PREFACE

“Far-called, our navies melt away,
On dune and headland sinks the fire:
Lo, all our pomp of yesterday
Is one with Ninevah and Tyre!”

THE object of this volume is to inform; to inform shipowners of the world and their professional and business advisers. It is to inform them on matters of vital importance to them that are not readily available elsewhere.

This book is centred on London because the shipping trade of the world remains centred in London. This is not Gentile boasting, but hard fact. While Britain no longer rules the seas, maritime trade rests based on the bastion of English shipping law built over the last two centuries. However, this is a world book and its principal author is a world figure in shipping who has for years represented his fast developing country in the councils of the world, having been President of the IMCO Assembly (1963–65).

Margaret Patey, Barrister-at-Law, dispels for ever in her contribution on P. & I. Clubs the myth that Lloyd's insure everything. This was the kind of thing this book was after. Lloyd's have their fair say too, and I am most indebted to the Corporation of Lloyd's for all the assistance they have given me. I am indebted too to similar assistance from the Institute of London Underwriters and from the Government on Export Credit Guarantees.

But this is primarily a law book. The principal author is one of the world's leading jurists, and he deals with such controversial matters as the conference system and flag discrimination. Knowing the heated feelings in St. Mary Axe, a small lane in the City of London, I consider it best that the views of a neutral nation are expressed on these matters. St. Mary Axe has been magnificent in supplying the authors with information hitherto undisclosed. The work of collecting this has been largely done by Michael Summerskill, Barrister-at-Law, and a leading personality in P. & I. Club business.

Other P. & I. Clubs have given the authors invaluable assistance. The Baltic loom large in the shipping world, and Mr. D. J. Walker, Assistant Secretary, the Baltic Mercantile and Shipping Exchange,

supplied their contribution. Mr. R. B. C. Farthing of the Chamber of Shipping writes both of the Chamber of Shipping of the United Kingdom and its international counterparts. Cyril Miller, formerly a practising barrister of the Commercial Bar and for many years Vice-President of the Comité Maritime International, has written a particularly important contribution on this organ for lubricating the wheels of international maritime commerce. Geoffrey Cook, also of St. Mary Axe, Chairman of one of the largest firms in the world dealing with the sale of ships, has generously given his contribution on how ships are in fact bought and sold. I have added a modest contribution on the English law relating to the sale of ships, which is not apparently dealt with elsewhere. Among the objects of this book is to fill in any gaps that are not filled in other volumes of *British Shipping Laws*.

Anthony Colman, a youthful but already eminent member of the Commercial Bar, reveals the secrets of practice in the Commercial Court of London. These have hitherto been the prerogative of barristers in two sets of Chambers in the Temple. The Hague Rules of 1924 attempted to provide a model bill of lading for international use. They failed. For generations since, members of the Commercial Bar, several now still surviving as judges of the Supreme Court, have attempted to improve upon it. The fruition of their efforts in the form of a model all-purpose bill of lading for international use is set out and explained in this work. I am told that this form has already been adopted in a number of countries around the world. The law relating to the issue of bills of lading is fully dealt with by a learned contribution from Mr. Anthony Hallgarten, another member of the Commercial Bar, on "Agents of cargo and ship," and a most valuable contribution on the practice in this matter comes from Mr. Denys Godin, a Director of Killick Martin & Co. Ltd., the world-known forwarding agents.

Mr. R. A. H. Clyde is the spokesman for the London Maritime Arbitrators. He has always spoken well.

There is no British corporation concerned with maritime matters I have approached for assistance who have not readily granted it, but some of the authors would prefer to remain anonymous. I can only express my heartfelt thanks to them.

I must give special thanks to my co-editor of the *British Shipping Laws* series, Mr. Kenneth McGuffie, Registrar of the Admiralty

Court, for the enormous labour of reading every word of the proofs of this work sent to him, and for the number and freedom of his comments.

I must also acknowledge, last but not least, my debt to a personal friend, Mr. Brian Turner of The Baltic, for his constant encouragement and help in preparing this volume.

RAOUL COLINVAUX.

4 ESSEX COURT,
TEMPLE, LONDON,
E.C.4.

August 17, 1967.

TABLE OF CASES

[All references are to paragraph numbers]

ALLAN v. Leo Lines [1957] 1 Lloyd's Rep. 127	192, 195
Andrews v. Hopkinson [1957] 1 Q.B. 229; [1956] 3 W.L.R. 732; 100 S.J. 768; [1956] 3 All E.R. 422	173
Andrews Bros. (Bournemouth) Ltd. v. Singer & Co. Ltd. [1934] 1 K.B. 17; [1933] All E.R.Rep. 479; 103 L.J.K.B. 90; 150 L.T. 172; 50 T.L.R. 33	157
Anglo-African Shipping Co. v. Mortner [1962] 1 Lloyd's Rep. 81, 610 ...	637
Anglo-Overseas Transport Co. v. Titan Industrial Corporation (U.K.) [1959] 2 Lloyd's Rep. 152	642, 648, 649
— v. Zanellotti [1952] 1 Lloyd's Rep. 232, 233	637
Armstrong v. Allan Bros. (1892) 67 L.T. 738; 9 T.L.R. 38; 7 Asp.M.L.C. 293; 4 R. 107	659
Ashdown v. Godman (1928) 31 Ll.L.Rep. 227	193
— v. Samuel Williams & Sons [1957] 1 Q.B. 409; [1956] 3 W.L.R. 1104; 100 S.J. 945; [1957] 1 All E.R. 35	645
BAERLEIN v. Chartered Mercantile Bank [1895] 2 Ch. 488; 65 L.J.Ch. 54; 72 L.J. 850; 43 W.R. 692; 11 T.L.R. 475; 39 S.J. 622; 1 Com. Cas. 96; 12 R. 581	771, 776
Baldry v. Marshall [1925] 1 K.B. 260	156
Barras v. Aberdeen Steam Trawling & Fishing Co. Ltd. [1933] A.C. 402; [1933] All E.R.Rep. 52; 102 L.J.P.C. 33; 149 L.T. 169; 49 T.L.R. 391; 77 S.J. 215; 18 Asp.M.L.C. 384; 38 Com.Cas. 279	500
Barrie v. Peruvian Corporation (1896) 13 T.L.R. 101; 2 Com.Cas. 50	768
Basma v. Weeks [1950] A.C. 441; 66 T.L.R. (Pt. 1) 1047; [1950] 2 All E.R. 146	651
Beaumont (W. T.) & Son v. J. & R. Grant (1925) 23 Ll.L.Rep. 305; (1926) 24 Ll.L.Rep. 214	667
Behnke v. Bede Shipping Co. Ltd. [1927] 1 K.B. 649; [1927] All E.R.Rep. 689; 96 L.J.K.B. 325; 136 L.T. 667; 43 T.L.R. 170; 71 S.J. 105; 17 Asp.M.L.C. 222; 32 Com.Cas. 134	107, 109, 144, 191
Bennett Steamship Co. v. Hull Mutual Steamship Protecting Society [1914] 3 K.B. 57; 83 L.J.K.B. 1179; 111 L.T. 489; 30 T.L.R. 515; 12 Asp.M.L.C. 522; 19 Com.Cas. 353	490
Bentley (Dick) Productions Ltd. v. Harold Smith (Motors) Ltd. [1965] 1 W.L.R. 623; [1965] 2 All E.R. 65	164, 165
Benton v. Campbell, Parker & Co. [1925] 2 K.B. 410; 94 L.J.K.B. 881; 134 L.T. 60; 89 J.P. 187; 41 T.L.R. 662; 69 S.J. 842	651
Bethell v. Clark (1888) 20 Q.B.D. 615; 57 L.J.Q.B. 302; 59 L.T. 808; 36 W.R. 611; 6 Asp.M.L.C. 346; 4 T.L.R. 401	656
Black & Broom v. Coppo & Co. (1922) 13 Ll.L.Rep. 279, 347	637
Blandy Bros. & Co. v. Nello Simoni [1963] 2 Lloyd's Rep. 393 ...	664, 665, 666
Blyth Shipping & Dry Docks Co., <i>Re</i> [1926] Ch. 494	141
Bonython v. Commonwealth of Australia [1951] A.C. 201; 66 T.L.R. (Pt. 2) 969; 94 S.J. 821	202
Boson v. Sandford (1689) 2 Salk. 440; 91 E.R. 382; subsequent proceedings (1690) 1 Show. 101	479
Bowers v. Grove (1938) 60 Ll.L.Rep. 172	175
Brabo, The. <i>See</i> Tyne Improvement Commissioners v. Armement Anversois S/A	
British Imex Industries v. Midland Bank [1958] 1 Q.B. 542; [1958] 2 W.L.R. 103; 102 S.J. 69; [1958] 1 All E.R. 264; [1957] 2 Lloyd's Rep. 591	763
Brown Jenkinson & Co. v. Percy Dalton (London) [1957] 2 Q.B. 621; [1957] 3 W.L.R. 403; 101 S.J. 610; [1957] 2 All E.R. 844; [1957] 2 Lloyd's Rep. 1	512

Burger v. Indemnity Mutual Marine Assurance Co. [1900] 2 Q.B. 348; 69 L.J.Q.B. 838; 82 L.T. 831; 48 W.R. 643; 16 T.L.R. 456; 44 S.J. 571; 9 Asp.M.L.C. 85; 5 Com.Cas. 315	491
Burton v. English (1883) 12 Q.B.D. 218; 53 L.J.Q.B. 133; 49 L.T. 768; 32 W.R. 655; 5 Asp.M.L.C. 187	650
CAIRNS, NOBLE & CO. LTD. v. Ashwin & Co. (1920) 5 L.L.Rep. 120 ...	667
Calico Printers' Association v. Barclays Bank (1931) 145 L.T. 51; 36 Com.Cas. 197	639
Carlile S.S. v. Simpson, Spence & Torry (1925) 21 L.L.Rep. 356	662
Carlill v. Carbolic Smoke Ball Co. [1893] 1 Q.B. 256	205
Chambers v. Ardrossan Dry Dock & Shipbuilding Co. (1927) 28 L.L.Rep. 255	192
Chandris v. Government of Ceylon [1965] 2 Lloyd's Rep. 204	766
Chartered Mercantile Bank of India v. Netherlands India S.N. Co. (1883) 10 Q.B.D. 521; 52 L.J.Q.B. 220; 48 L.T. 546; 47 J.P. 260; 31 W.R. 445; 5 Asp.M.L.C. 65	24
Chess v. Williams. See Oscar Chess v. Williams.	
Clements v. Bawns Shipping Co. Ltd. (1948) 81 L.L.Rep. 232	159
Cliffe v. Hull and Netherlands S.S. Co. (1920) 4 L.L.Rep. 288; (1921) 6 L.L.Rep. 136	637, 653
Colt Industries v. Sarlie [1966] 1 W.L.R. 440; [1966] 1 All E.R. 673 ...	210
Corfield (W. R.) & Co. v. Buchanan (1913) 29 T.L.R. 258	513
County of Lancaster (S.S.) v. Sharpe & Co. (1888) 24 Q.B.D. 158; 59 L.J.Q.B. 22; 61 L.T. 692; 6 Asp.M.L.C. 448	650
Court Line v. Finelict A.G. [1966] 1 Lloyd's Rep. 683	773
Crosse v. Gardner (1688) Carth. 90; Comb. 142; Holt K.B. 5; 3 Mod.Rep. 261; 1 Show. 68; 90 E.R. 656	163
Cunard S.S. Co. Ltd. v. Buerger [1927] A.C. 1; [1926] 96 L.J.K.B. 18; 135 L.T. 494; 42 T.L.R. 653; All E.R.Rep. 103; 17 Asp.M.L.C. 92; 32 Com.Cas. 183	637
DAWSON v. Yeoward [1961] 1 Lloyd's Rep. 431	166
Dawson (Ship Stores) v. Atlantica Co. (1931) 40 L.L.Rep. 63	667
Derry v. Peek (1887) 14 App.Cas. 337; 58 L.J.Ch. 864; 61 L.T. 265; 54 J.P. 148; 38 W.R. 33; 5 T.L.R. 625; 1 Meg. 292	158
De Vaux v. Salvador (1836) 4 Ad. & El. 420; 1 Har. & W. 751; 6 Nev. & M.K.B. 713; 5 L.J.K.B. 134; 111 E.R. 845	484
Det Danske Franke, etc. v. Coker & Co. (1921) 8 L.L.Rep. 382	667
Dunlop Pneumatic Tyre Co. v. Selfridge & Co. Ltd. [1915] A.C. 847; 84 L.J.K.B. 1680; 113 L.T. 386; 31 T.L.R. 399; 59 S.J. 439	645
ECAY v. Godfrey (1947) 80 L.L.Rep. 286	167
Edwards v. Southgate (1862) 10 W.R. 528	654, 655
Elbinger Act. für Fabrikation von Eisenbahn Material v. Claye (1873) L.R. 8 Q.B. 313; 42 L.J.Q.B. 151; 28 L.T. 405	651
Elder Dempster & Co. Ltd. v. Paterson, Zochonis & Co. [1924] A.C. 522; [1924] All E.R.Rep. 135; 93 L.J.K.B. 625; 131 L.T. 449; 40 T.L.R. 464; 68 S.J. 497; 16 Asp.M.L.C. 351; 29 Com.Cas. 340	645
Elof Hansson Agency Ltd. v. Victoria Motor Haulage Co. Ltd. (1938) 54 T.L.R. 666; 82 S.J. 396; 43 Com.Cas. 260	641
Empress Assurance Corp'n. Ltd. v. C. T. Bowring & Co. Ltd. (1905) 11 Com.Cas. 107	514
Entores v. Miles Far East Corporation [1955] 2 Q.B. 327; [1955] 3 W.L.R. 48; 99 S.J. 384; [1955] 2 All E.R. 493; [1955] 1 Lloyd's Rep. 511	205
Evans and Reid Coal Co. v. McNabb, Rougier & Co. (1924) 18 L.L. Rep. 471	667
FEDERAL MARITIME BOARD v. Isbrandtsen Co., 354 U.S. 481	349
Fibrosa Spolka v. Fairbairn [1943] A.C. 32; [1942] 2 All E.R. 122; 111 L.J.K.B. 433; 167 L.T. 101; 58 T.L.R. 308; 86 S.J. 232, 233	148
Firestone Tyre & Rubber Co. v. Vokins & Co. [1951] 1 Lloyd's Rep. 32 Fosbroke-Hobbes v. Airwork Ltd. [1937] 1 All E.R. 108; 53 T.L.R. 254; 81 S.J. 80	772 645

French Government v. Tsurushima Maru (1921) 37 T.L.R. 961	792
Furness Withy & Co. Ltd. v. Duder [1936] 2 All E.R. 119; [1936] 2 K.B. 461; 105 L.J.K.B. 473; 154 L.T. 663; 80 S.J. 488; 18 Asp.M.L.C. 623; 55 Ll.L.Rep. 52	495
GABEOLA v. Vergottis (1926) 24 Ll.L.Rep. 238	186
Gagniere & Co. v. Eastern Co. of Warehouses (1921) 7 Ll.L.Rep. 141 ...	653
Garnac Grain Co. Inc. v. H. M. F. Faure and Fairclough Ltd. [1966] 1 Q.B. 650; [1965] 3 W.L.R. 934; 109 S.J. 571; [1965] 3 All E.R. 273; [1965] 2 Lloyd's Rep. 229, C.A.; reversing [1965] 2 W.L.R. 696; [1965] 1 All E.R. 47; [1964] 2 Lloyd's Rep. 296	639, 769
Grant v. Norway (1851) 10 C.B. 665; 20 L.J.C.P. 93; 16 L.T.(o.s.) 504; 15 Jur. 296; 138 E.R. 263	660, 661
Gray v. Pearson (1870) L.R. 5 C.P. 568; 23 L.T. 416	515
Great Northern Ry. v. L.E.P. Transport [1922] 2 K.B. 742; 91 L.J.K.B. 807; 127 L.T. 664; 38 T.L.R. 711	650
Great Western Ry. v. Owners of the S.S. Mostyn [1928] A.C. 57; 97 L.J.P. 8; 138 L.T. 403; 92 J.P. 18; 44 T.L.R. 179; 26 L.G.R. 91; 17 Asp.M.L.C. 367	493
HAMLYN & Co. v. Talisker Distillery [1894] A.C. 202; 71 L.T. 1; 58 J.P. 540; 10 T.L.R. 479; 6 R. 188	200
Harling v. Eddy [1951] 2 K.B. 739; [1951] 2 T.L.R. 245; 95 S.J. 501; [1951] 2 All E.R. 212	168, 172, 174
Harris (L.) (Harella) v. Continental Express and Burn Transit [1961] 1 Lloyd's Rep. 251	641
Harrison (T. & J.) v. Knowles & Foster [1917] 2 K.B. 606; [1918] 1 K.B. 608; [1918-19] All E.R.Rep. 306; 87 L.J.K.B. 680; 118 L.T. 566; 23 Com.Cas. 282; 14 Asp.M.L.C. 249	171
Harvie v. Taylor (1928) 30 Ll.L.Rep. 219	192
Hebridean Coast, The [1961] A.C. 545; [1961] 2 W.L.R. 48; 105 S.J. 37; [1961] 1 All E.R. 82; [1960] 2 Lloyd's Rep. 423	29
Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd. [1964] A.C. 465; [1963] 3 W.L.R. 101; [1963] 2 All E.R. 575	645, 661
Heilbut, Symons & Co. v. Buckleton [1913] A.C. 30; 82 L.J.K.B. 245; 107 L.T. 769; 20 Mans. 54	163, 169
Heskell v. Continental Express [1950] W.N. 210; 94 S.J. 339; [1950] 1 All E.R. 1033; 83 Ll.L.Rep. 438	635, 637, 642, 657, 658, 660, 664
Hill v. Scott [1895] 2 Q.B. 713; 65 L.J.Q.B. 87; 73 L.T. 458; 12 T.L.R. 58; 8 Asp.M.L.C. 109; 1 Com.Cas. 200	637, 772
Homecraft Weavers v. George Ewer & Co. (1945) 78 Ll.L.Rep. 496 ...	641
Houlder v. Manx Isles S.S. Co. (1922) 38 T.L.R. 757	194
Hudson's Bay Co. v. Bryne (1920) 2 Ll.L.Rep. 192	768, 770
Humphrey (H. M. F.) Ltd. v. Baxter, Hoare & Co. Ltd. (1933) 149 L.T. 603; 77 S.J. 540	646
IMMEDIATE TRANSPORTATION v. Speller Willis (1920) 2 Ll.L.Rep. 644	640
JOHANN PLISCHKE, etc. v. Allison Bros. (1936) 55 Ll.L.Rep. 262	637, 656
Jones v. European & Gen. Express Co. (1920) 25 Com.Cas. 296	639
KELMAN v. Livanos [1955] 1 W.L.R. 590; 99 S.J. 355; [1955] 2 All E.R. 236; [1955] 1 Lloyd's Rep. 120	51, 113, 177, 180, 393
Kendall v. Marshall, Stevens & Co. (1883) 11 Q.B.D. 356; 52 L.J.Q.B. 313; 48 L.T. 951; 31 W.R. 597	656
Kitchen v. Fordham [1955] 2 Lloyd's Rep. 705	159
LAGE v. Siemens Bros. & Co. (1932) 42 Ll.L.Rep. 252	667
Laign v. Barclay, Curle [1908] A.C. 35	141
Lamb (W. J.) & Sons v. Goring Brick Co. Ltd. [1932] 1 K.B. 710; 101 L.J.K.B. 214; 146 L.T. 318; 48 T.L.R. 160; 37 Com.Cas. 73	639
Landauer & Co. v. Smits & Co. (1921) 6 Ll.L.Rep. 577, 580 ...	636, 641, 664
Langley, Beldon & Gaunt v. Morley [1965] 1 Lloyd's Rep. 297	636, 642, 649, 654, 655

Lauritzen v. Larsen (1953) 345 U.S. 571	39
Lee Cooper Ltd. v. C. H. Jeakins & Sons Ltd. [1965] 3 W.L.R. 753; [1965] 1 All E.R. 280; [1964] 1 Lloyd's Rep. 300	644, 646
Lion Insurance Association v. Tucker (1883) 12 Q.B.D. 176; 53 L.J.Q.B. 185; 49 L.T. 674; 32 W.R. 546	515
Lipton v. Jescott Steamers (1895) 11 T.L.R. 539; 1 Com.Cas. 32	659
Lovegrove v. Campbell (1949) 82 Ll.L.Rep. 615	108
Lynch Bros. v. Edwards & Fase (1921) 90 L.J.K.B. 506	641
McDOUGALL v. Aeromarine [1958] 1 W.L.R. 1126; 102 S.J. 860; [1958] 3 All E.R. 431; [1958] 2 Lloyd's Rep. 343	105, 107, 142, 153, 156, 172, 184, 187, 226, 230
Maharani Woollen Mills v. Anchor Line (1927) 29 Ll.L.Rep. 169	213
Margetts & Ocean Accident & Guarantee Corp., <i>Re</i> [1901] 2 K.B. 792; 70 L.J.K.B. 762; 85 L.T. 94; 49 W.R. 669; 17 T.L.R. 538; 45 S.J. 557; 9 Asp.M.L.C. 217	490
Mason v. Wallasea Bay Yacht Station (1939) 65 Ll.L.Rep. 204	159
May v. Jacobs (1885) 1 T.L.R. 349	515
Medd v. Cox (1940) 671 Ll.L.Rep. 5	159
Merchants' Marine Insurance Co. Ltd. v. North of England Protecting & Indemnity Assocn. (1926) 42 T.L.R. 724; 43 T.L.R. 107; 71 S.J. 82; 32 Com.Cas. 165; 26 Ll.L.Rep. 201	490
Midland Ry. v. Myers Rose & Co. [1909] A.C. 13; 78 L.J.K.B. 95; 99 L.T. 411; 24 T.L.R. 810	598
Moorcock, <i>The</i> (1889) 14 P.D. 64; 58 L.J.P. 73; 60 L.T. 654; 37 W.R. 439; 5 T.L.R. 316; 6 Asp.M.L.C. 373	188
Morris v. C. W. Martin & Sons Ltd. [1966] 1 Q.B. 716; [1965] 3 W.L.R. 276; [1965] 2 All E.R. 725	644, 646
Mount Albert Borough Council v. Australasian Temperance & General Mutual Life Assurance Society Ltd. [1938] A.C. 224; [1937] 4 All E.R. 266; 107 L.J.P.C. 5; 157 L.T. 522; 54 T.L.R. 5	201
Murray v. Larsen [1953] 2 Lloyd's Rep. 453	159
N. V. KWIK HOO TONG v. Finlay [1927] A.C. 604	200
Naamlooze, etc., Vredobert v. European Shipping Co. (1926) 25 L.L.L. Rep. 210; affirming (1925) 20 Ll.L.Rep. 296	117, 123, 130
Naim Molvan v. Attorney-General for Palestine [1948] A.C. 351; [1949] L.J.R. 601; 83 Ll.L.Rep. 277	4
National Mortgage and Agency Co. of New Zealand v. Gosselin (1922) 38 T.L.R. 832	212
Newborne v. Sensolid [1954] 1 Q.B. 45; [1953] 2 W.L.R. 596; 97 S.J. 209; [1953] 1 All E.R. 708	651
Newsholme Bros. v. Road Transport & General Insurance Co. Ltd. [1929] 2 K.B. 356; [1929] All E.R.Rep. 442; 98 L.J.K.B. 751; 141 L.T. 570; 45 T.L.R. 573; 73 S.J. 465; 34 Com.Cas. 330; 24 Ll.L.Rep. 247	639
Nitrate Producers S.S. Co. v. George Wills & Co. (1905) 21 T.L.R. 699	637, 662
Notara v. Henderson (1872) L.R. 7 Q.B. 225; 41 L.J.Q.B. 158; 26 L.T. 442; 20 W.R. 443; 1 Asp.M.L.C. 278	365
OLYMPIC, <i>The</i> [1913] P. 92; [1911-13] All E.R.Rep. 469; 82 L.J.P. 41; 108 L.T. 592; 29 T.L.R. 335; 12 Asp.M.L.C. 318	500
Ormrod v. Crossville Motor Services [1953] 1 W.L.R. 1120; 97 S.J. 570; [1953] 2 All E.R. 753	639
Oscar Chess v. Williams [1957] 1 W.L.R. 370; 101 S.J. 186; [1957] 1 All E.R. 325	161, 165, 171
PADSTOW TOTAL LOSS & COLLISION ASSOC., <i>Re</i> (1882) 20 Ch.D. 137; 45 L.T. 774; 30 W.R. 326	515
Palmer v. Caledonian Ry. [1892] 1 Q.B. 823; 61 L.J.Q.B. 552; 66 L.T. 771; 40 W.R. 562; 8 T.L.R. 502; 36 S.J. 425	592
Pelton Steamship Co. v. North of England Protecting and Indemnity Association (1925) 22 Ll.L.Rep. 510	491

Perishables Transport Co. v. N. Spyropoulos (London) [1946] 2 Lloyd's Rep. 379	649
Petrel, The [1893] P. 320	496
Philipson-Stow v. I.R.C. [1961] A.C. 727; [1960] 3 W.L.R. 1008	202
Phillips v. Edwards (1858) 3 H. & N. 813; 28 L.J.Ex. 52; 32 L.T.(os.) 147; 157 E.R. 696	659
Phillips, Anderson v. Euxine Shipping Co. [1955] 2 Lloyd's Rep. 512 ...	196
Pisani (C. A.) & Co. v. Brown Jenkinson (1939) 54 Ll.L.Rep. 340, 342 ...	637
Polpen Shipping Co. v. Commercial Union Assurance Co. [1943] K.B. 161; [1943] 1 All E.R. 162; 111 L.J.K.B. 198; 168 L.T. 143; 59 T.L.R. 166; 87 S.J. 129; 74 Ll.L.Rep. 157	490
Polzeath, The [1916] P. 241; 85 L.J.P. 241; 116 L.T. 370; 32 T.L.R. 647; 13 Asp.M.L.C. 595	18
Pyrene Co. v. Scindia Navigation Co. [1954] 2 Q.B. 402; [1954] 2 W.L.R. 1005; 98 S.J. 154; [1954] 2 All E.R. 158; [1954] 1 Lloyd's Rep. 321	645
 R. v. International Trustee for Protection of Bondholders Aktiengesellschaft [1937] A.C. 500; [1937] 2 All E.R. 164; 106 L.J.K.B. 236; 156 L.T. 352; 53 T.L.R. 507; 81 S.J. 316; 42 Com.Cas. 246	200, 201
— v. Port of London Authority, <i>Ex p.</i> Kynoch Ltd. [1919] 1 K.B. 176; 88 L.J.K.B. 553; 120 L.T. 177; 835 J.P. 41; 35 T.L.R. 103; 16 L.G.R. 937	630
Rasnoinport (V/O) v. Guthrie & Co. [1966] 1 Lloyd's Rep. 1	660, 661
Reid v. Macbeth & Gray [1904] A.C. 223; 73 L.J.P.C. 57; 90 L.T. 422, 20 T.L.R. 316	107, 139
Renton (G. H.) & Co. v. Palmyra Trading Corporation of Panama [1957] A.C. 149; [1957] 2 W.L.R. 45; 101 S.J. 43; [1956] 3 All E.R. 957; [1956] 2 Lloyd's Rep. 379	508
Repetto v. Millar's Karri & Jarrah Forests Ltd. [1901] 2 K.B. 306; 70 L.J.K.B. 561; 84 L.T. 836; 49 W.R. 526; 17 T.L.R. 421; 9 Asp.M.L.C. 215; 6 Com.Cas. 129	651
Riverstone Meat Co. v. Lancashire Shipping Co. [1961] A.C. 807; [1961] 2 W.L.R. 269; 105 S.J. 148; [1961] 1 All E.R. 495	506
River Wear Comrs. v. Adamson (1877) 2 App.Cas. 743; 47 L.J.Q.B. 193; 37 L.T. 543; 42 J.P. 244; 26 W.R. 217; 3 Asp.M.L.C. 521	493
Routledge v. McKay [1954] 1 W.L.R. 615; 98 S.J. 247; [1954] 1 All E.R. 855; 47 R. & I.T. 224	170
Runquist v. Ditchell (1799) 3 Esp. 64; 170 E.R. 539	659, 661
Russell (John) & Co. Ltd. v. Cayzer, Irvine & Co. Ltd. [1916] 2 A.C. 298; 85 L.J.K.B. 1152; 115 L.T. 86	210
 S.A. COMMERCIAL v. National S.S. Co. [1935] K.B. 313	763
Scholesfield v. Earl of Londesborough [1896] A.C. 514; 65 L.J.Q.B. 593; 75 L.T. 254; 45 W.R. 124; 12 T.L.R. 604; 40 S.J. 700	661
Scruttons v. Midland Silicones [1962] A.C. 446; [1962] 2 W.L.R. 186; 106 S.J. 34; [1962] 1 All E.R. 1	645, 646
Sea Insce. Co. v. Carr [1901] 1 Q.B. 7; 69 L.J.Q.B. 954; 83 L.T. 517; 49 W.R. 55; 17 T.L.R. 6; 45 S.J. 29; 9 Asp.M.L.C. 138; 6 Com.Cas. 11	768
Seath v. Moore (1886) 11 App.Cas. 350; 55 L.J.P.C. 54; 54 L.T. 690; 5 Asp.M.L.C. 586	139
Shanklin Pier v. Detel Products [1951] 2 K.B. 854; 95 S.J. 563; [1951] 2 All E.R. 471; [1951] Lloyd's Rep. 187	173
Smackman v. General Steam Navigation Co. (1908) 98 L.T. 396; 11 Asp.M.L.C. 14; 13 Com.Cas. 196	637
Soc. Anon. Angelo Castelletti v. Transmaritime [1953] 2 Lloyd's Rep. 440	637, 654, 664
Sorrentino Fratelli v. Buerger [1915] 3 K.B. 367; 84 L.J.K.B. 1937; 113 L.T. 840; 13 Asp.M.L.C. 164; 21 Com.Cas. 33	641
Spurrier v. La Cloche [1902] A.C. 446; 71 L.J.P.C. 101; 86 L.T. 631; 51 W.R. 1; 18 T.L.R. 606	200
Stocks v. Wingfield (1947) 80 Ll.L.Rep. 125	172

Stumore Weston & Co. v. Breen (1886) 12 App.Cas. 698	660
Sutton Shipping Co. v. Grahams Trading Co. (1927) 29 Ll.L.Rep. 12 ...	665
TAYLOR v. Dewar (1864) 5 B. & S. 58; 3 New Rep. 640; 33 L.J.Q.B. 141; 10 L.T. 267; 10 Jur.(N.S.) 361; 12 W.R. 579; 2 Mar.L.C. 5; 122 E.R. 754	496
Termagant, The (1914) 30 T.L.R. 377; 19 Com.Cas. 239	644, 646
Terneuzen, The; Marsh v. Lensen Shipping Ltd. [1938] 2 All E.R. 348; [1938] P. 109; 107 L.J.P. 60; 54 T.L.R. 661; 60 Ll.L.Rep. 368	500
Thornalley v. Gostelow (1947) 80 Ll.L.Rep. 507	166
Thrige v. United Shipping Co. (1924) 18 Ll.L.Rep. 6	637
Troy v. Eastern Co. of Warehouse, Insurance & Transport of Goods & Advances Ltd. (of Petrograd) (1921) 91 L.J.K.B. 632; 125 L.T. 751; 37 T.L.R. 833; 26 Com.Cas. 340; 15 Asp.M.L.C. 387	641, 652
Truculent, The [1952] P. 1; [1951] 2 T.L.R. 895; 95 S.J. 731; [1951] 2 All E.R. 968; [1951] 2 Lloyd's Rep. 308	20
Tyne Improvement Comrs. v. Armement Anversoils S/A (The Brabo) [1948] P. 33; 63 T.L.R. 494; [1947] 2 All E.R. 363; 80 Ll.L.Rep. 570	491
Tyger v. Shipowners' Syndicate (Reassured) [1896] 1 Q.B. 135; 65 L.J.Q.B. 238; 73 L.T. 605; 44 W.R. 207; 12 T.L.R. 88; 40 S.J. 171; 9 Asp.M.L.C. 81; 1 Com.Cas. 224	772
UCHIDA KISEN KABUSHIKI, etc. v. Smith (1922) 10 Ll.L.Rep.	456
Union Bank of London v. Lenanton (1878) 3 C.P.D. 243; 47 L.J.Q.B. 409; 38 L.T. 698; 3 Asp.M.L.C. 600	24
Union of India v. N.V. Reederij Amsterdam [1963] 2 Lloyd's Rep. 223 Unit Construction Co. v. Bullock [1960] A.C. 351, 365; [1959] 3 W.L.R. 1022; 103 S.J. 1027; [1959] 3 All E.R. 831; [1959] T.R. 345; 52 R. & I.T. 828; 38 A.T.C. 351	507
United Railways of Havana and Regla Warehouses Ltd., Re [1961] A.C. 1007	18
Universal Cargo Carriers Corporation v. Citati [1957] 1 W.L.R. 979; 101 S.J. 762; [1957] 3 All E.R. 234; [1957] 2 Lloyd's Rep. 191	202, 766
VITA FOOD PRODUCTS INC. v. Unus Shipping Co. Ltd. [1939] A.C. 277; [1939] 1 All E.R. 513; 108 L.J.P.C. 40; 160 L.T. 579; 55 T.L.R. 402; 83 S.J. 295; 44 Com.Cas. 123	200
Vitkovice Horni & Hutni Tezirstvo v. Korner [1951] A.C. 869; [1951] 2 T.L.R. 188; 95 S.J. 527; [1951] 2 All E.R. 334	212
WALKER (HIRAM) & SONS v. Dover Navigation Co. and Bristol City Line of Steamships (1949) 83 Ll.L.Rep. 84	644
Wallis, Son & Wells v. Pratt & Haynes [1911] A.C. 394	156
Watkins v. N. American Land Co. (1904) 20 T.L.R. 534	210
Wavertree Sailing Ship Co. v. Love [1897] A.C. 373; 66 L.J.P.C. 77; 76 L.T. 576; 13 T.L.R. 419; 8 Asp.M.L.C. 276	800
Wells (Merstham) Ltd. v. Buckland Sand and Silica Ltd. [1965] 2 Q.B. 170; [1964] 2 W.L.R. 453; [1964] 1 All E.R. 41	173
Willis v. Claxton [1951] 1 Lloyd's Rep. 70	166
Wills v. Ambler [1954] 1 Lloyd's Rep. 253	166
Windsor Refrigerator Co. v. Branch Nominees Ltd. [1961] Ch. 88; [1961] Ch. 375; [1961] 2 W.L.R. 196; [1961] 1 All E.R. 277	773
Winkfield, The [1902] P. 42; 71 L.J.P. 21; 85 L.T. 668; 50 W.R. 246; 18 T.L.R. 178; 46 S.J. 163; 9 Asp.M.L.C. 259	644
XENOS v. Fox (1869) L.R. 4 C.P. 665; 38 L.J.C.P. 351; 17 W.R. 893	487
YEOMAN CREDIT LTD. v. Latter [1961] 1 W.L.R. 828; [1961] 2 All E.R. 294	773
Yorkshire Equipment Co. v. Tweed Fishing Co.	182
Young v. Bristol Aeroplane Co. [1946] A.C. 163	497

CONTENTS

	PAGE
<i>Preface</i>	v
<i>Table of Statutes</i>	xvii
<i>Table of Cases</i>	xxi
 1. OWNERSHIP OF TONNAGE	 PARA.
1. <i>National Tonnage: Overall Concept</i>	
State responsibility	1
International case law	2
Kinds of ownership	3
2. <i>Individual Ownership</i>	
Kinds of registration law	4
Rigid laws	6
Relaxed laws: flags of "convenience"	7
Balanced laws	13
3. <i>Position in English Law</i>	
"British ship"	14
Obligation to register	19
Government ships	20
General scheme	21
Republic of Ireland	22
Effect of failure to register	25
British owners and flags of convenience	26
4. <i>Government-Owned Tonnage</i>	
Commercially operated vessels	27
English law	29
5. <i>International Organisations</i>	
General principles	30
International case law	31
Intergovernmental organisations	39
 2. ACQUISITION OF TONNAGE	
1. <i>Methods of Acquisition</i>	
Economics of acquisition	40
Kinds of tonnage for acquisition	42
How to acquire tonnage	44
2. <i>Second-hand Ships</i>	
Role of shipbrokers	45
3. <i>New Building</i>	
Choice of shipyard	57
4. <i>Chartering</i>	
Modern conditions	82
Kinds of time charters	87
5. <i>Baltic Exchange</i>	
History	92
Operations	95
World tramp chartering	98

2. ACQUISITION OF TONNAGE—*continued*5. *Baltic Exchange—continued*

PARA.

Organisation	100
Discipline	101
Sale and purchase	102

3. ENGLISH LAW OF SALE

1. *Contracts for Sale*

Special features	105
Formation of contract	108
Construction of contracts in writing	110
Passing of property	
(i) sale or contract	115
(ii) second-hand ships	121
(iii) shipbuilding	138
(iv) specific performance	143
Passing of the risk: frustration	145
Conditions and warranties: Act of 1893	150
Fraud and misrepresentation	158
Warranties during negotiations	161
Express conditions	176
Implied terms: performance of contract	185

2. *Shipbrokers: Duties and Rights*

Acting for whom?	189
Commission	192

3. *Conflict of Laws*

Proper law of contract	197
Jurisdiction of English courts	210

4. *Forms of Contract for Sale*

Saleform agreement	216
Standard yacht-building agreement	224

4. OPERATION OF MERCHANT SHIPPING

1. *Kinds of Seaborne Trade*

Classification	234
Specialised trades	235
Dry cargo trade	237

2. *Conference System*

Characteristics	238
Advantages	241
Difficulties	242
Organisation	243
Practices	244
Conference Ratemaking	246
Conference and shipper	250
Governments and the conference	258
Conclusion: future of conference system	264

3. *Tramp Shipping*

Distinguishing characteristics	270
Mechanics of voyage chartering	272

4. *Bilateralism in Shipping*

Multilateralism	279
(1) Bilateral trade	280
(2) Bilateral aid	284

5. Independent Liner Operators	
4. OPERATION OF MERCHANT SHIPPING—continued	PARA.
Competing with conferences	285
6. Proprietary Owners	
Individuals and States	287
7. Coastal Shipping	
Cabotage	288
5. ORGANISATIONS AIDING SHIPOWNERS	
1. Intergovernmental Organisations	
Introduction	292
Need for international organisations	294
General intergovernmental organisations	301
IMCO	307
2. Non-governmental Organisations	
Classification	311
(A) International Cargo Handling Coordination Association	314
(B) International Association of Ports and Harbours	317
(C) National organisations in England	
(i) Liverpool Steam Shipowners' Association	320
(ii) Shipping Advisory Panel	321
(iii) National Maritime Board	323
(iv) Shipping Federation	326
3. Chambers of Shipping	
ICS and ISF	327
<i>Chamber of Shipping of the United Kingdom</i>	
Historical survey	329
The Chamber's Royal Charter	336
Membership of the Chamber	338
Organisation	339
International Chamber of Shipping	345
Committee of European Shipowners	349
Committee of European National Shipowners' Association	354
Committee of Liner Operators: South America	357
Other international organisations	358
Relations with other bodies	361
4. Comité Maritime International	
Origin and development	364
Object	369
Organisation	370
Work	373
British Maritime Law Association	376
The post-war Comité	380
5. Classification Societies	
Introduction	383
(i) Lloyd's Classification Society	
History	385
Essence of classification	391
Statutory surveys	396
Safety Conventions	400
(ii) Other Classification Societies	
Full list	403
American Bureau of Shipping	404

5. ORGANISATIONS AIDING SHIPOWNERS—*continued*5. *Classification Societies—continued*

PARA.

Bureau Veritas	409
Norske Veritas	413
Nippon Kaiji Kyokai	414
Korean Register of Shipping	418
Turk Loydu	423
Soviet Classification Society	424
Future of classification societies	425

6. INSURANCE IN LONDON

1. *Lloyd's*

History	428
Organisation	432
Placing a risk	439
Lloyd's Policy Signing Office	440
Settlement of claims	441
Average and Recoveries Department	442
(i) General Average, Salvage and Collision Section	445
(ii) Shipowners' Liability Section	448
(iii) Non-Marine Recoveries and Refunds Section	450
(iv) Marine Payments Section	451
Lloyd's agency system	452
Intelligence Department	456
Lloyd's shipping publications	457
Lloyd's Underwriters' Association	462

2. *P. and I. Clubs*(i) *Introduction*

Place in insurance market	463
-------------------------------------	-----

(ii) *History*

18th century: limited insurance facilities	465
The hull Clubs	469
Increase of third party liabilities	477
Formation of P. and I. Clubs	485

(iii) *Scope of Modern Cover*

Collisions, etc.	490
Death, injury or illness	496
Other responsibility for crew, etc.	500
Responsibility for cargo	503
Fines for offences, etc.	509
"Omnibus" cover	510
Limitations on cover	512

(iv) *The Club and its Members*

Entry	513
Legal status	515
Calls and deductibles	517
Administration and management	521

(v) *Related Associations*

Defence associations	528
War Risks Associations	529

3. *Insurance Companies*

Role in London market	536
History	537
Institute of London Underwriters	538
Relations with Lloyd's: committees	540
Relations with Lloyd's: the market	543
Business independent of Lloyd's	547

6. INSURANCE IN LONDON—*continued*

4. <i>Export Credit Guarantees</i>	PARA.
Credit insurance by E.C.G.D.	550
Facilities provided	551
History of E.C.G.D.	552
Act of 1949	555
Period of credit	558
Credit insurance for shipbuilding	562
Bank guarantees	566
Financial guarantees	567
Direct loans by State	568

7. PORTS OF THE UNITED KINGDOM

1. <i>Types of Ports</i>	
(i) Public trust authorities	570
(ii) Municipally-owned ports	573
(iii) Nationalised ports	574
(iv) Company-owned ports	575
Associated authorities	576
2. <i>Legislation affecting Ports</i>	
Special enactments	577
General enactments	578
3. <i>Powers of Port Authorities</i>	
General powers	580
Power to make by-laws	581
Entry and movement of ships	585
4. <i>Port charges</i>	
Ship, passenger and goods dues	590
Services and facilities	598
Collection of port charges	599
Light dues	603
5. <i>Rights and Duties of Authorities</i>	
Wreck removal	606
Oil in navigable waters	609
Limitation of liability	610
Damage to dock works	611
Pilotage	612
6. <i>Organisations Concerned with Ports</i>	
National Ports Council	613
Dock and Harbour Authorities' Association	615
National Association of Port Employers	616
Trinity House	617
7. <i>Port of London Authority</i>	
Creation of the P.L.A.	618
Constitution	622
Jurisdiction	623
Functions	624
Finance of the P.L.A.	633
Dues	634

8. AGENTS OF CARGO AND SHIP

1. <i>Forwarding Agents</i>	
Functions	635
Institute of Shipping and Forwarding Agents	638
Forwarding agent as principal	639