

41001 3 2 1 Scott writes from Charleston, "Dear Mr. Cooper, what are a steamship line's responsibilities to take care of cargo?"

Good question, Scott. Generally, under the Hague Rules an ocean common carrier has two types of duties. First, the carrier must exercise due diligence before and at the beginning of the voyage to make the ship seaworthy, to properly man, equip, and supply the ship, and to make the holds fit and safe for cargo. If the carrier can show that it exercised due diligence, it can escape liability for cargo damage or loss due to unseaworthiness of the vessel. Second, the carrier must properly and carefully load, handle, stow, carry, keep, care for, and discharge the cargo. However, the law provides for certain exceptions, or defenses, to the duty to properly care for the cargo. These exceptions provide that the carrier will not be responsible for act, neglect, or default of the master, mariner, pilot or the servants of the carrier in the navigation or in the management of the ship, fire, unless caused by the actual fault or privity of the carrier, perils, dangers and accidents of the sea, act of God, act of War, act of public enemies, arrest or restraint of princes, rulers or people, or seizure under legal process, quarantine restrictions, act or omission of the shipper, strikes or lockouts, or stoppage or restraint of labor, riots and civil commotions, saving or attempting to save life or property at sea, wastage in bulk or weight or loss arising from inherent defect of the goods, insufficiency of packing, insufficiency of marks, latent defects not discoverable by due diligence, any other cause arising without

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the actual fault or privity of the carrier.

Scott asks further, "Must a ship come into port to take on feed for a herd of cattle and goats carried as deck cargo?"

Good examination question, Scott. Live animals and deck cargo are excluded from the Hague Rules. Under the Hamburg Rules the carrier avoids liability by complying with the shipper's instructions. If the carrier carefully followed the shipper's instructions on the amount of feed, my advice to the captain is to check the cargo manifest for barbeque sauce in drums.

More, next week on The Admiralty Docket. Until then, remember, your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing.

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