

course, in the case of the Harter or the Canadian Act, the negligence of the servants consist of faults or errors in navigation or relate to the management of the ship.⁵²

Presumably the exceptions of fire, dangers of the sea, acts of God, or public enemies, inherent defect, etc., in the thing carried, will be read as similar exceptions in bills of lading have been read, and it is therefore unnecessary to deal with them.

The words "or other reasonable deviation or from strikes, or from loss arising without their actual fault or privity, or without the fault or neglect of their agents, servants or employees" are not found in the Harter Act.

The phrase "or other reasonable deviation" was probably suggested by some United States jurisprudence under the Harter Act, somewhat strictly interpreting the exemption from loss from deviation in rendering the service mentioned.⁵³

The term "strikes" would probably not include lockouts, but it is not of moment whether it would or not, inasmuch as if the lockout was not due to the actual fault or privity of the shipowners, their agents, servants or employees, the shipowner would not be responsible under sec. 7, and if the lockout was due to such fault or privity, liability could not be stipulated against.

The clause "and for loss arising without their actual fault or privity, or without the fault or neglect of their agents, servants or employees" is an absolutely general clause, which, coupled with the prohibition to contract out of negligence, should bring about the adoption of what is known as a clean bill of lading.

6. *Declaration of value.*—Sec. 8.—This section reads:—

8. The ship, the owner, charterer, master or agent shall not be liable for loss or damage to or in connection with goods for a greater amount than one hundred dollars per package, unless a higher value is stated in the bill of lading or other

52. Carver, secs. 8, 17; *The Caledonia* (1895) U.S. 124.

53. *Re Mayer; The Emily* (1896) 74 Fed. Rep. 381; *The Chinese Prince* (1894) 61 Fed. 697; *The Florence* (1895) 65 Fed. 248.