

February, 1893.' The question is whether the exemptions in that Act apply to the present case so as to give rise to an exemption from what the learned judge has found, and rightly found, to be negligence. . . . It is not at first sight, I think, very easy to understand the meaning of the Harter Act and to reconcile clause 1 and clause 3. . . . No doubt the object of clause 1 is in terms to prevent conditions being inserted in the bill of lading which would exempt from liability in respect of want of proper care of the cargo. It is obvious, of course, that those words cannot be taken in their largest sense, because in a certain sense any mismanagement of the ship, in navigation or otherwise, is want of care as regards the cargo, secondarily, though not primarily. But it is clear what was intended by the words of section 3—words which exempt from liability for damage or loss resulting from faults and errors of navigation or in the management of the vessel; and the way in which those two provisions may be reconciled is, I think—first, that it prevents exemptions in the case of direct want of care in respect of the cargo; and, secondly, the exemption meant is, though in a certain sense there may be want of care in respect of the cargo, primarily a fault arising in the navigation or in the management of the vessel, and not of the cargo. Now, then, is this a fault in the management of the vessel within the meaning of the bill of lading? It is not necessary to deal with it as a question of navigation. It is sufficient to deal with it as a question of management. It is said, however, that the two things are one and the same, and that management and navigation mean the same thing because the management is only in the navigation, and no doubt upon that a most formidable argument arises. . . . It seems to me almost clear that management goes somewhat beyond—perhaps not much beyond—navigation, and takes in this very class of things, which do not affect the sailing or movement of the vessel, but do affect the vessel herself . . . and I adhere to what I said then, that stowage is an altogether different matter from the management of the vessel, because it is connected with the cargo alone, and the management of the vessel is something else. It may be that the illustration I gave in that case was not a very happy one; but the distinction I intended to draw then, and intend to draw now, is one between want of care of cargo, and want of care of vessel indirectly affecting cargo. Then the other argument which was pressed upon us was that the terms 'management' and 'navigation'