

1893 年美國哈特法

1893 年 2 月 13 日，現收錄於美國法典第 46 卷 附錄第 190-196 條

Harter Act 1893

Act of February 13, 1893, Chap.105, 27 Stat. 445-46, 46 U.S. Code Appendix 190-196

1893 Harter Act

Sec.190. Stipulations relieving from liability for negligence for 第 190 條 免除過失責任之規定

It shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge. Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

從或於美國及外國港口間從事商品或財物運輸之任何船舶之經理人、代理人、船長或船舶所有人，於任何載貨證券或船運文件上，以任何條款、條件或協議據以免除其過失、疏失或疏於應對所有委託或交付予其監管之任何或所有合法商品或財物為適當之裝載、堆存、保管或交付者，均屬違法。載貨證券或船運收據上所記載之任何文字或條款應為無效且不生效力。

Sec.191. Stipulations relieving from exercise of due diligence in equipping vessels 第 191 條 免除船舶整備適當注意之規定

It shall not be lawful for any vessel transporting merchandise or property from or between ports of the United States of America and foreign ports, her owner, master, agent, or manager, to insert in any bill of lading or shipping document any covenant or agreement whereby the obligations of the owner or owners of said vessel to exercise due diligence, properly equip, man, provision, and outfit said vessel, and to make said vessel seaworthy and capable of performing her intended voyage, or whereby the obligations of the master, officers, agents, or servants to carefully handle and stow her cargo and to care for and properly deliver same, shall in any wise be lessened, weakened, or avoided.

從或於美國及外國港口間從事商品或財物運輸之任何船舶，其船舶所有人、船長、代理人或經理人，於任何載貨證券或船運文件上，以任何條款、條件或協議據以減輕、降低或避免該船舶之船舶所有人有關應謹慎小心地適當為船舶之整備、人員配置、物料及配備之供應，使該船舶具適航性並能夠履行其預定航程之責任，或免除船長、船副、代理人或受雇人應謹慎搬運及堆存貨物並為謹慎適當地為貨物交付之責任者，均屬違法。

Sec.192. Limitation of liability for errors of navigation, dangers of sea and acts of God 第 192 條 航行過失、海上風險及天災之責任限制

If the owner of any vessel transporting merchandise or property to or from any port in the United States of America shall exercise due diligence to make the said vessel in all respects seaworthy and properly manned, equipped, and supplied, neither the vessel, her owner or owners, agent, or charterers, shall become or be held responsible for damage or loss resulting from faults or errors in navigation or in the management of said vessel nor shall the vessel,

從或於美國及外國港口間從事商品或財物運輸之任何船舶之船舶所有人應善盡使船舶於任何方面具適航性並為適當的人員、裝備配置及物料供應之義務，船舶、其所有人或數所有人、代理人或僱傭船人均無須負責或被判令負責因船舶航行或管理船舶之疏失或錯誤所致之毀

her owner or owners, charterers, agent, or master be held liable for losses arising from dangers of the sea or other navigable waters, acts of God, or public enemies, or the inherent defect, quality, or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service.

Sec.193. Bills of lading to be issued; contents

It shall be the duty of the owner or owners, masters, or agents of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to issue to shippers of any lawful merchandise a bill of lading, or shipping document, stating, among other things, the marks necessary for identification, number of packages, or quantity, stating whether it be carrier's or shipper's weight, and apparent order or condition of such merchandise or property delivered to and received by the owner, master, or agent of the vessel for transportation, and such document shall be prima facie evidence of the receipt of the merchandise therein described.

Sec.194. Penalties; liens; recovery

For a violation of any of the provisions of sections 190 to 196 of this Appendix the agent, owner, or master of the vessel guilty of such violation, and who refuses to issue on demand the bill of lading herein provided for, shall be liable to a fine not exceeding \$2,000. The amount of the fine and costs for such violation shall be a lien upon the vessel, whose agent, owner, or master is guilty of such violation, and such vessel may be libeled therefor in any district court of the United States, within whose jurisdiction the vessel may be found. One-half of such penalty shall go to the party injured by such violation and the remainder to the Government of the United States.

Sec.195. Certain provisions inapplicable to transportation of live animals

Sections 190 and 193 of this Appendix shall not apply to the transportation of live animals.

Sec.196. Certain laws unaffected

Sections 190 to 196 of this Appendix shall not be held to modify or repeal sections 181 to 183 of this Appendix, or any other statute defining the liability of vessels, their owners, or representatives.

損滅失；該船舶、所有人或數所有人、租備船人、代理人或船長應無須負責因海上或其他航行水域之危險、天災或公共敵人、或所運送物品之隱有瑕疵、品質或缺陷、或包裝不固、或法律程序之扣押所致之損失；或無須負責託運人或貨品所有人、其代理人或代表人之任何作為或不作為，或為救助或意圖救助海上人命或財產，或為提供該服務而為任何偏航所致之任何損失。

第 193 條 應簽發載貨證券；內容

從或於美國及外國港口間從事商品或財物運輸之任何船舶之所有人或數所有人、船長或代理人有義務簽發給任何合法貨品之託運人一載貨證券或船運文件，其上記載為鑑別貨品所需之標示、包裝號碼、或數量、載明是否為運送人或託運人所秤重，以該商品或財物交付給承運船舶之所有人、船長或代理人或這些人受領時之外表情狀，且該文件上之記載應為該貨品收受時之表面證據。

第 194 條 處罰；留置；追償

違反本附錄第190至196條規定者，違反之船舶代理人、船舶所有人或船長拒絕簽發所規定並經要求之載貨證券者、應負責不超過2,000美元之罰款。就該違反之罰款及訴訟成本，對違反之代理人、船舶所有人或船長之船舶得予以留置，且該船舶得於美國境內可發現該船舶之管轄區域內，於美國任何地方法院被起訴。該罰款之半額應支付給受該違反而受損害之人，餘額給美國政府。

第 195 條 不適用於活動物運送之某些規定

本附錄第190至193條不適用於活動物之運送。

第 196 條 不受影響之某些法律

本附錄第190至196條不應被認定變更或廢止本附錄第181至183條或任何其他有關規定船舶、其所有人或代表人之責任之法令。