



共同海損に関する国際法規(2)

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共同海損に關する國際法規（其二）

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五、法則主義に對する倫敦海損精算人協會の攻撃

一九一三年の倫敦精算人協會の年次總會の席上に於て「ドウドル」氏（但氏は本協會の「サブスクライビングメンバー」なり）は上述の國際法典草案の出来るまでの沿革を一通り説明を爲せり。次で一九一四年の同協會年次總會に於て議長の發意に依りて本草案の詮議の爲めに特別委員の設置を見るに至れり。

特別委員は本草案を詮衡し報告書を提出せり（報告書の日附は一九一四年七月六日附なり）。今特別委員の評論を紹介するに先立ち茲に國際法典草案全文を原文の儘掲ぐべし。

DRAFT INTERNATIONAL CODE RELATING TO GENERAL AVERAGE.

GENERAL AVERAGE ACT

Section 1. A General Average Act is an act or series of acts performed for the purpose of

ment if no General Average Act had been done.

LOSS DUE TO NEGLIGENCE

Section 3. Rights to contribution in General Average shall not be affected though the danger which gave rise to the General Average Act may have been due to the fault of one of the parties to the adventure: but this provision shall not prejudice any remedy which may be open against that party for such fault.

INTERESTS LIABLE TO CONTRIBUTE.

Section 4. The interest liable to contribute shall be as follows: The ship, stores and equipment, and the cargo on board or not permanently discharged from the ship at the time of the General Average Act, and also the freight being earned on the voyage or, when the ship is in ballast and under charter, the freight to be earned under such charter.

Provided always that mails, and the luggage of any passenger who does not claim contribution, shall be exempt from contributing.

PLACE OF ADJUSTMENT.

Section 5. (1) General Average shall be adjusted as regards both loss and contribution upon

the basis of values at the first port of discharge after the General Average Act occurs, or at any earlier place at which the voyage may be broken up. Such port or place is hereinafter called the place of adjustment.

(2) When the voyage does not terminate at the place of adjustment the value of ship, goods and freight at the termination of the voyage or at the agreed place of discharge shall, when practicable, be used as a basis for ascertaining values at the place of adjustment, deductions being made for the proportion of insurance and expenses incurred or which would have been incurred from the place of adjustment until discharge or termination of the voyage.

(3) The provisions of this section shall not affect the determination of the place at which the average statement is to be made up.

VALUATION OF LOSS.

Section 6. The following sums calculated on the basis of values at the place of adjustment shall be the sums chargeable to General Average in respect of loss, damage or expense due to a General Average Act:—

(1) For damage to the ship:— The estimated or actual reasonable cost of repairing such

damage including, if incurred, the reasonable cost of raising money to pay for the same, deductions being made according to the Schedule in the case of permanent repairs when old material is replaced by new.

(2) For actual or constructive loss of the ship : — The estimated undamaged value of the ship, deducting the estimated cost of repairing damage which is not General Average, and deducting also the proceeds of sale, if any.

(3) For loss or damage to ship's stores : — The actual cost of replacing them, deducting the value of the damaged stores, if any.

(4) For damage to cargo : — The difference between the sound market value of such cargo and its actual value, deducting ad valorem charges, an allowance also being made for any damage which is not General Average.

(5) For loss of cargo : — The sound market value of such cargo, if it had arrived, less discount, freight and charges which would have been payable on delivery, deducting also an allowance for any damage which would have been suffered apart from the General Average Act.

(6) For loss of freight: — The freight in course of being earned and which, but for the General Average Act, would have been earned and liable to contribute, deducting the expenses which would have been incurred after the General Average Act in earning it; and, when the voyage is resumed, credit also being given for freight earned on goods carried in lieu of goods sacrificed, less expenses actually incurred in earning such freight, including an allowance for detention during the engagement and loading of the new cargo.

(7) For expenses and services: — The actual expense or value of such services so far as reasonable, including, if incurred, the reasonable cost of raising money to pay for the same. Interest at the current rate shall be paid on all loss, damage or expense from the time of accrual or date of payment to the date of adjustment.

VALUATION OF CONTRIBUTORY INTERESTS.

Section 7. General Average shall be made good by contributions made rateably in respect of each interest which was at risk at the time of the General Average Act according to its contributory value at the place of adjustment, that is to say: —

(1) The ship including stores on her unrepaid value after deducting salvage, if any;

(2) The cargo, on its actual value after deducting freight payable at destination, salvage, duty and landing and sale charges;

(3) The freight payable or contingent on arrival at destination, on the amount thereof less the expense of earning it which would have been saved if the ship had been lost when the General Average Act was done.

To the above contributory values shall be added in each case any sums recoverable as General Average.

ENFORCING CONTRIBUTION

Section 8. Contribution to General Average may be enforced as follows:—

(a) Each person entitled to contribution shall have a right of action against each person liable to contribute;

(b) The shipowner shall have a lien upon all cargo liable to contribute, but shall release the cargo upon security being given to a reasonable amount, in cash if so required;

(c) Each person entitled to contribution shall have a right of action against a shipowner who fails to exercise his lien or to take reasonable security;

- (d) Each person entitled to contribution from the ship shall have a maritime lien on the ship in respect of such contribution.

GENERAL AVERAGE IN SPECIAL CASES

Section 9. Subject to the foregoing provisions of this code, save in so far as they are inconsistent herewith, the following are General Average Acts:—

- (a) Casting away, cutting down, destroying or injuring the whole or any part of the cargo or of the ship, its gear or equipment. The loss includes consequent loss, as for instance, damage done by water which goes down any opening made for the purpose of making a jettison for the common safety.

- (b) Using any part of the ship's equipment for a purpose for which it was not intended or in an abnormal manner, as for instance, using engines or sails for the purpose of floating a vessel aground when the grounding is not an ordinary incident of the voyage. The loss includes damage to sails and spars or machinery, and the value of coal and engine stores consumed in the process.

- (c) Extinguishing fire on board ship whether by beaching or scuttling the ship or by the

use of water or in any other way. The loss does not include damage to such portions of the ship and bulk cargo or to such separate packages of cargo as have been on fire.

(d) Voluntary stranding, unless the ship would inevitably sink or drive on shore or on rocks, if that course were not adopted.

(e) Burning cargo, spars or other equipment as fuel; but the shipowner is liable to make good the loss unless the ship was sufficiently found in coal, and must give credit for the estimated quantity of coal saved, calculated at the price current at the ship's last port of departure at the date of her sailing.

(f) Discharging, lightering or exposing cargo at a place or in a manner not ordinarily incident to the voyage. The loss includes all incidental damage to ship or cargo and all expense reasonably caused by such discharge or lightering and by reshipment.

(g) Services in the nature of salvage, including piloting and towage, which the shipowner makes himself personally liable to pay for as for work and labour done, though not within the contract of carriage.

PORT OF REFUGE EXPENSES AND SUBSTITUTED EXPENSES

Section 10. The following provisions shall apply in regard to Port of Refuge expenses and substituted expenses : —

- (a) When a ship shall have entered a port or place of refuge, or shall have returned to her port or place of loading, in consequence of accident, sacrifice, or other extraordinary circumstances, which render that necessary for the common safety, the expenses of entering such port or place shall be admitted as General Average : and when she shall have sailed thence with her original cargo, or a part of it, the corresponding expenses of leaving such port or place, consequent upon such entry or return, shall likewise be admitted as General Average.
- (b) The cost of discharging cargo from a ship, whether at a Port or place of loading, call or refuge, shall be admitted as General Average, when the discharge was necessary for the common safety or to minimise General Average loss or to enable damage to the ship, caused by sacrifice or accident during the voyage, to be repaired, if the repairs were necessary for the safe prosecution of the voyage.

(c) Whenever the cost of discharging cargo from a ship is admissible as General Average, the cost of reloading and stowing such cargo on board the said ship, together with all storage charges on such cargo, shall likewise be so admitted. But when the ship is condemned or does not proceed on her original voyage, no storage expenses incurred after the date of the ship's condemnation or of the abandonment of the voyage shall be admitted as General Average.

(d) When a ship shall have entered or been detained in any port or place under the circumstances, or for the purposes of the repairs, above mentioned, the wages payable to the Master, Officers, and Crew, together with the cost of maintenance of the same, during the extra period of detention in such port or place until the ship shall or should have been made ready to proceed upon her voyage, shall be admitted as General Average. But when the ship is condemned or does not proceed on her original voyage, the wages and maintenance of the Master, Officers, and Crew, incurred after the date of ship's condemnation or of the abandonment of the voyage, shall not be admitted as General Average.

- (e) The cost of any towage, transhipment or forwarding charges shall, after deducting any expenses ordinarily incidental to the voyage which are saved thereby, be allowed for as General Average to an amount proportional to, but not exceeding, the General Average thereby saved.

EFFECT OF SPECIAL CONTRACT.

Section 11. The provision of law relating to General Average may be modified or superseded by agreement between the parties concerned.

SCHEDULE.

DEDUCTIONS FROM COST OF REPAIRS.

Deductions, new for old, from cost of repairs and or renewals of vessel's damages and/or losses allowable in General Average shall be made according to the following scale : —

On Iron or Steel Vessels.

	Between				Over
	1&3	2&6	6&10	10&15	15
					Years old
Woodwork of hull and equipment.....	1/3	1/3	1/3	1/3	1/3
Woodwork of masts and spars	1/3	1/3	1/3	1/3	1/3

Furniture.....	1/3	1/3	1/3	1/3	1/3
Upholstery	1/3	1/3	1/3	1/3	1/3
Crockery.....	1/3	1/3	1/3	1/3	1/3
Metal and glassware	1/3	1/3	1/3	1/3	1/3
Sails, awnings, tarpaulins and covers	1/3	1/3	1/3	1/3	1/3
Rigging (other than wire)	1/3	1/3	1/3	1/3	1/3
Ropes, sheets and hawsers (other than wire and chain)	1/3	1/3	1/3	1/3	1/3
Painting (including painting bottom when allowable as General					

Average).....	1/3	1/3	1/3	1/3	1/3
Dunnage, shifting boards, &c.	1/3	1/3	1/3	1/3	1/3
Wire rigging.....	1/6	1/6	1/3	1/3	1/3
Wire ropes and wire hawsers	1/6	1/6	1/3	1/3	1/3
Chain cables	1/6	1/6	1/6	1/6	1/6
Donkey engines.....	1/6	1/6	1/3	1/3	1/3
Steam winches, windlasses, cranes and connections	1/6	1/6	1/3	1/3	1/3

Iron work of hull	none	none	none	1/6	1/3
Cementing	none	none	none	1/6	1/3
Ironwork of masts and spars	none	1/6	1/3	1/3	1/3
Machinery (inclusive of bilers and their mountings)	none	1/6	1/3	1/3	1/3
Saintary pumps and plumbing	none	1/6	1/3	1/3	1/3
Dynamo, electric plant and wiring	none	1/6	1/3	1/3	1/3
Refrigerating machinery	none	1/6	1/3	1/3	1/3
Refrigerating insulation	1/3	1/3	1/3	1/3	1/3
Dock dues, expenses of removals in port, cartages, use of shears, stages and graving dock materials	none	none	none	none	none
Anchors	none	none	none	none	none

All repairs of vessels not over one year old from date of original register at time of sacrifice to be allowed in ful. except cost of painting bottom, which shall be allowed as hereinafter provided, but subject to deduction of one-third.

The cost of scraping and painting the bottom of a vessel consequent upon repairs which

are recoverable in average shall be allowed, unless the vessel, at the time of drydocking, is due in the ordinary course for bottom painting, according to the custom of the owners, or, in the case of a vessel employed in salt water navigation, unless the bottom has not been painted within a year.

When the cost of scraping and painting is allowed, the Adjuster shall insert a note in the average statement giving the date of the last painting and the date on which, in the ordinary course, the vessel would have been due for repainting bottom.

The deduction as above applicable to repairs of machinery, boilers, dynamo, refrigerating machinery, windlass, winches, donkey engines, sanitary pumps and plumbing, to be regulated according to the age of these parts, and as to the vessels and equipment according to the age of the vessel. Machinery is to be considered as including feed, bilge, circulating and ballast pumps, and steering engine. No deductions to be made from cost of repairs of damaged parts not replaced by new or from cost of replacing stores and provisions which had not been in use prior to the sacrifice.

On Wooden or Composite Ships.

When a ship is under one year old from date of original register, at the time of accident, no deduction, new for old, shall be made. After that period, a deduction of one-third shall be made with the following exceptions: Anchors shall be allowed in full. Chain cables shall be subject to a deduction of one-sixth only. No deduction shall be made in respect of provisions and stores which have not been in use. Metal sheathing shall be dealt with by allowing in full the cost of a weight equal to the gross weight of metal sheathing stripped off, minus the proceeds of the old metal. The cost of replacing lost metal, also nails, felt, and labour-metalling are subject to a deduction of one-third.

The expense of straightening bent ironwork, including labour of taking out and replacing it, shall be allowed in full. Dry dock dues, wharfage, expenses of moving in port, cartages, use of shears, stages and graving dock materials shall be allowed in full.

却説右に掲ぐる所の草案に對する倫敦精算人協會特別委員の意見書大要左の如し。

共同海損の國際的統一を求むる方法として從來企てられたる所のもの二途あり。

一ツの方法は一般原則 (General principles) の上に立つ所の一の法典編纂の事業なり。然るにこの事業は、二の困難に遭遇せり。夫は (一) 共同海損を實際に統一することの出来るほどに満足なる一般的原则の定義を下すことは事實不可能なること發見せられたり、(二) 猶一般原則を格別の事件に適用することの出来る様にするためには其の格別の場合に關する取扱規則をも設けざる可からざることが發見せられたり。斯る困難あるが爲めに法則主義は放抛せられたり。

他の方法は實際上の取扱規則 (Certain practical working rules) を合意するなり、此の合意を爲すに付ては法則 (principles) の問題に付き妥協を爲し其規則に定められたる特殊の事項に付き實際上の統一を保證するなり。此の計畫は效を奏し遂に一八九〇年の「ヨーク、アントワープ、ルールス」を得るに至れり。

茲に本委員等の詮衡に付せられたる草案なるものは共同海損行爲 (General Average Act) 並に其結果 (consequences) に對して定義を下し夫れに或特殊の場合に關する規則ルールスを加へんとするものなり。

本會員は遺憾ながら之れに付て満足の意思を表示すること能はず其理由左の如し。

一、委員の觀る所に依れば、本草案は何人にも理解され易く、又何れの邦國に向ても賛成を勸請し得るが如き文句にて、一般の法則を書き表はすことの困難に打勝てるものとは考へられず。若し又文言の上の困難は之を排除し得らるると假定するも、一般的の法則のみを以て實際上の統一を期すること能はず。格別の場合に付ては夫々の規則ルールを作るの必要あるを免かれず。然るに本草案は斯る要求を充たせるものと謂ふ能はず。

二、部分的に「ヨーク・アントワープ」規定を取入れ或は解説することは却て現在成立せる國際的合意を妨害するものなり。

三、本法典は當然他國語に翻譯せらるべし、翻譯の局に當る人は本案に採用されたる言語(英語)の意味を正確に理解しをる場合に於ても異なれる法系に屬する他國の言語に翻譯するに當りて其の適確なる外國語を求むること往々にして甚だ困難なり。

上陳の理由の根據は次に條文の或ものを審議することに依りて更らに明白となるべし。

第一條、共同海損行爲 (General Average Act) — 共同海損の定義を作ることとは從來

屢々試みられたるも總て失敗に終りたり。殊に當今の如き複雑なる商業に關して生ずる場合に適應すべき共同海損行爲の定義を與ふことは更らに困難なるべし。本草案の定義に就て之を觀るに此の草案の定義は如何なる程度まで諸種の共同海損費用 (General Average expenditure) に適用せらるべきや (但共同海損たるべき物的犠牲と相對的に考へたる場合に) 不明なり。此の定義中に使用せる急迫 (imminent) とか船舶の責任者の命令 (ordered by the person responsible for the ship) とか或は任意且正當 (voluntary and reasonable) 等の文字は必ずや其解釋を異にし爭議を生ずるを免かれざるべし、又航海の普通の出來事にあらざることとを要す (not ordinarily incident to the adventure) の文句も同様なるべし。

第二條 共同海損行爲に因る損害——本條も亦一般的の規定の下に共同海損行爲に因り生ずる損害を包容せんとするの恐なることを證明するものなり。蓋し本第二條の如き規定の下に於ては碇泊料 (demurrage) 或は積荷の遲着の場合の相場の下落の損害 (loss of market) 等幾多類似の損害を共同海損として許容することとなるべし、然れども如斯は固より草案者の意思にあらざるべし。

第二條 (a) 項は不法行爲の場合なるが斯る事項を法典の規定として設けること

は相應せざるならんか而して委員の知識の範圍に於ては本問題に付ては未だ權威ある定説の存在を認めず。

第二條(b)項は認められたる商習慣の下に甲板上に積載されたる積荷の投荷は假令其投荷せられたる積荷(其全部又は一部投荷せられたる積荷を言ふ)の運送契約面に於ては甲板に積むことは許されをらざりし場合に於ても、之れを共同海損として許容することとなるべし。

第二條(c)項は郵便物の損害を規定せり。茲には郵便物の犠牲のみを規定せるものにして共同海損の分擔に關しては第四條中に規定あり、本規定の文句は今少しく之れを擴張するの必要あり。

第二條(d)項は二箇の偶發事項(contingencies)を豫想せる一般的規定なり、然れども其一者又は兩者の適用は實際上頗ぶる困難なるべし。

第三條、過失に歸因する損害——本條は現に實際的に用ひられをらざる所の一九〇三年の「アントワープ」規定の通りを採用せるものなるが本件の如き規定を設くれば重大なる反對を惹起すべし。

第四條、分擔義務を負ふべき利害關係物(interests)——本條文の文言は甚だ不可な

り、蓋し分擔價格を規定せる「ヨーク、アントワープ、ルールス」の規定に對して次の如き變更を加へたるものは寧ろ優れるが如し、即ち

運賃の分擔價格に對して別に一箇條の規定を設け而して底荷のみを積込める船舶の運賃及び積荷の一部のみを搭載せる船舶の運賃に關する規定を爲すこと且又傭船契約が解除せられたるが爲めに失はれたる運賃に關する規定を設くべきこと。

第五條、精○算○地○——本問題に對しては規定を設くること必要なり、特に異りたる法律の行はるる所の諸港に仕向けられたる船舶の場合に於て然りとす。

本條文は最初の陸揚港 (first port of discharge) を精算の基礎とし而して其港を精算地とせり、然れども歐洲大陸に於て更らに廣く採用せらるゝ慣習に従へば最後の陸揚港 (last port of discharge) を精算地とせり。

實際問題として眞に精算上に重要なるは諸々の仕向港の間の協力の實現せらるゝことなり、本問題に關して或種の規定の必要なるは明かなるも本條文に表はるゝ所のものは其必要を充たせりと云ふべからず。

第六條、損○害○額○の○評○價○——本條文は種々の點に於て缺點あり、即ち

(一) 船舶の毀損——本項に於ては「見積り額又は」(estimated or)の文字を削除し、而して「修繕せられざるときは修繕費の額を超過せざる程度に於ける相當の値引額」なる文字を加ふべし。

(二) 船舶の絶對的若しくは認定的全損——本項は一の判例に基くも其理論上の根據には疑義あり。

(四) 積荷の毀損——ad valorem charges 從價費なる文字を削除して charges affecting the value 價格に影響する費用とすべきものなり。

(五) 積荷の滅失——本項は實際に生ずる所の種々の複雑なる場合に付きて規定する所なし。

(六) 運賃の損失——本項に於ては犠牲に供せられたる運送賃の代はりとして獲得せられたる新なる運賃より或控除を行ひたるものを犠牲運賃額即ち運賃の共同海損額より控除すべきものなることを定めをれり。本規定に従へば共同海損なるものは新なる積荷の運送に關する總ての權利義務を引受くべき地位に立たざるべからず。然れども斯る規定を設くることの得失に至りては困より疑問の存する所なり。

(七) 費用及勞務——本項は要領を得ざるが故に説明を要す、

本第六條中の最後の項(但番號を缺げり)は利息に關するものなるが利息を附することは相當なり但其附せらるべき利息の率を明定する方可なるべし。

第七條、分擔義務を負ふべき利害關係物の價格——(一)に於て船舶は精算地に於ける修繕せざる狀態の價格の上に分擔すべしとあり。本項の趣旨は蓋し避難港に於て單獨海損の修繕を行ひたる場合に船舶の實際の價格より控除さるべきものは其の實際支拂はれたる修繕費にあらずして精算地に於て要すべかりし修繕費を控除すべき趣旨なるが如し。斯る方法を採用することの説明は與へられず。斯る規定は吾人の現行慣習並に「ヨーク、アントワープ、ルールス」第十七條と相距ること甚だ大なり。

「ドゥドル」氏の提供せる小冊子(筆者曰く國際法典草案に脚註を附し意見を求むるため廣く當路者に配布したる小冊子にして一九一四年三月の日附あるものなり、倫敦精算人協會の特別委員會は此の小冊子に依りて評論を爲せるなり)に従へば本項の規定は大體に於て諸國の現行法と一致せりと云へり然れども其脚註は十分に之れを立證しをらず而して其脚註には報告書(Report)を見よとあるも其報

告書も亦本問題を十分に證明しをらず〔筆者曰く此の小冊子の脚註に報告書(Report)とあるは一九一二年の巴里會議に提出せられたる一覽表(Collated Summary)のことなり〕

(二) 積荷の分擔價格——積荷が共同海損を分擔すべき價格の決定に就て本項は積荷の手入費用の如き所謂共同海損行爲以後に釀されたる非常の費用の控除に關する規定を缺げり斯種の費用は「ヨーク、アントワープ、ルール」第十七條に於て規定あり同條に其財産に關して共同海損行爲以後に釀されたる而して共同海損に屬せざる總ての費用を控除すべしとあるは即ち此の意味なり然るに草案にはヨーク、アントワープ、ルールに視るが如き斯る一般的規定を缺げり。

本條に salvage なる語を使用せるも其定義を下しをらず、本邦(英國)に於て(サルヴェジ)なる語は種々の意味に使用せらる、而して之れに相當する佛語は英語の salvage とは異りたる意味を有するなり(筆者曰く本項の佛譯には英語の salvage に對して les frais de sauvetage の文字を用ひをれり)

第八條、分擔債務額の取立に關する規定——本條の(a)(b)及(c)の三項目に就ては別に評論を加ふるの必要なし、(d)項に就て視るに船舶及運賃(危險に臨みたる)に

關し生すべき船主の債務(但茲に債務とは船主の債權債務の差引を行ひ其債務として残る見積額なり)に對して船舶上に留置權を有せしむるは正當なるべし。

第九條、共同海損の格別の場合に關する規定——案するに本條(a)及(b)の二項の如き一般的定義を設くるときは重大なる不都合を惹起するの憂ひあり不必要の規定なく、例へば(2)項に依れば難破物の切斷を以て共同海損と認むることとなるべし、是れ蓋し本項の目的にあらざるべし。

(c)(d)(e)及び(f)の四項目は、「ヨーク、アントワープ、ルールズ」を移したるものなれども其規定の形式が悪化されをり而して其文言に關して大なる非難を受くるを免かれざるべし。

(g)項は甚だ混雜しをれり、元來本項は關係者の爲めに船長に依つて契約されたる救助行爲に適用せらるゝや否や不明なり。

本條の初頭に於ける規定に「本條と矛盾せざる範圍に於て」(save in so far as they are inconsistent herewith)とあるも其意味を了解すること容易にあらず、混亂を惹起する規定なりと云ふべし。

第十條、避難港の諸費用及び代用費——本條は大體に於て「ヨーク、アントワープ」

ルール」を移したるものなり尤も文言の多少の變更されざるものあれども其變更によりて毫も改善せられをらず。

本特別委員は此の國際法典草案に對して強く反對の意思を表示するものなり強ひて本草案の價值を求むれば共同海損の初步の問題と云はんよりは寧ろ討議の材料となるべき難問題を提供せるものとして其價值を認むることを得るに過ぎざるべし尤も夫れとても大したものにあらず。

本草案には更らに重大なる缺點あり夫れは本案は一八九〇年の「ヨーク、アントワープ、ルール」と衝突し而かも或程度まで同規定を無効ならしむるの働きを有するものなり、然るに「ヨーク、アントワープ、ルール」は廣く世界各國に採用せられ好く其働きを全ふせることは實驗によりて明かなる所なり。

本委員の國際法典草案に對する調査報告の結論は以上掲ぐる所の如し、國際的に實行の統一を期圖すべき何等かの方法に付ては倫敦精算人協會は協働の精神を懷けることを本委員は深く信するものなり。蓋し統一を缺ける實際的問題と日常親しく接觸する機會を有せる所の當協會の會員諸氏は一致の缺乏より生ずる不便をば他の何人よりも痛切に承認しをるものなればなり。

本委員の意思に依れば其目的を達する最善の方法は「ヨーク、アントワープ、^ルルス」を次第に擴張し行くにあり、此の規定は廣く各國に採用せられ而して過去二十四年間の經驗によれば當初豫期せられたる目的に良く適へることが證明せられたり當協會は一八九〇年の「ヨーク、アントワープ」規定の編成に参加せり、而して若し商界の要求が更らに本規定を擴張する方面に向へる場合には當協會は出来るだけの援助を惜しまざるべきことは本委員の深く信ずる所なり。

右様なる方法に依りて目的を達するものと假定して本委員等の説は原則として重要なりと云ふことよりは寧ろ其發生の度數の多き點に重きを置きて問題を採擇すべきものなり。實際上起る事項にして未解決の問題に屬するものは蓋し次の如し。

一、救助及び複雑救助 (Salvage and Complex salvage operation)

二、避難港へ向け轉針後の給料食料並に燃料炭等。

三、航海中に行はるゝ假修繕費。

四、共同海損たるべき損害及び費用の利息、共同海損費用の保険料並に債務取立

手數料

五、異なる法律習慣の行はるる二港以上に於て積荷が陸揚げせらるる場合に於ける精算地。

本案件は頗る重要なるものなれば本委員等の報告書を審議し且協會として採るべき方法を決定するために特に精算人協會の臨時大會を開催せられんことを希望するものなり。(倫敦一九一四年七月六日委員署名)

(未完)