
A Treatise On Maritime Contracts of Letting to Hire

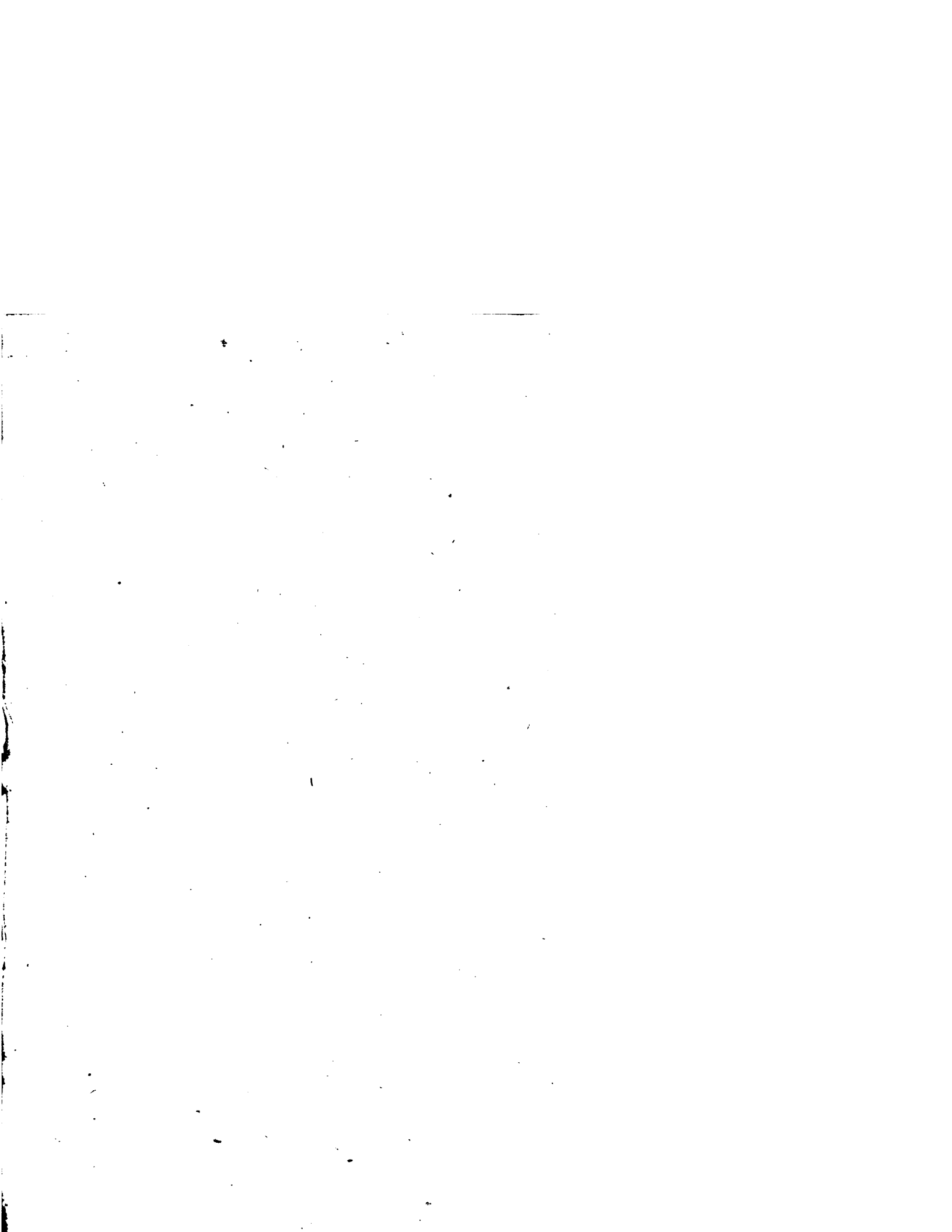
Cushing Caleb

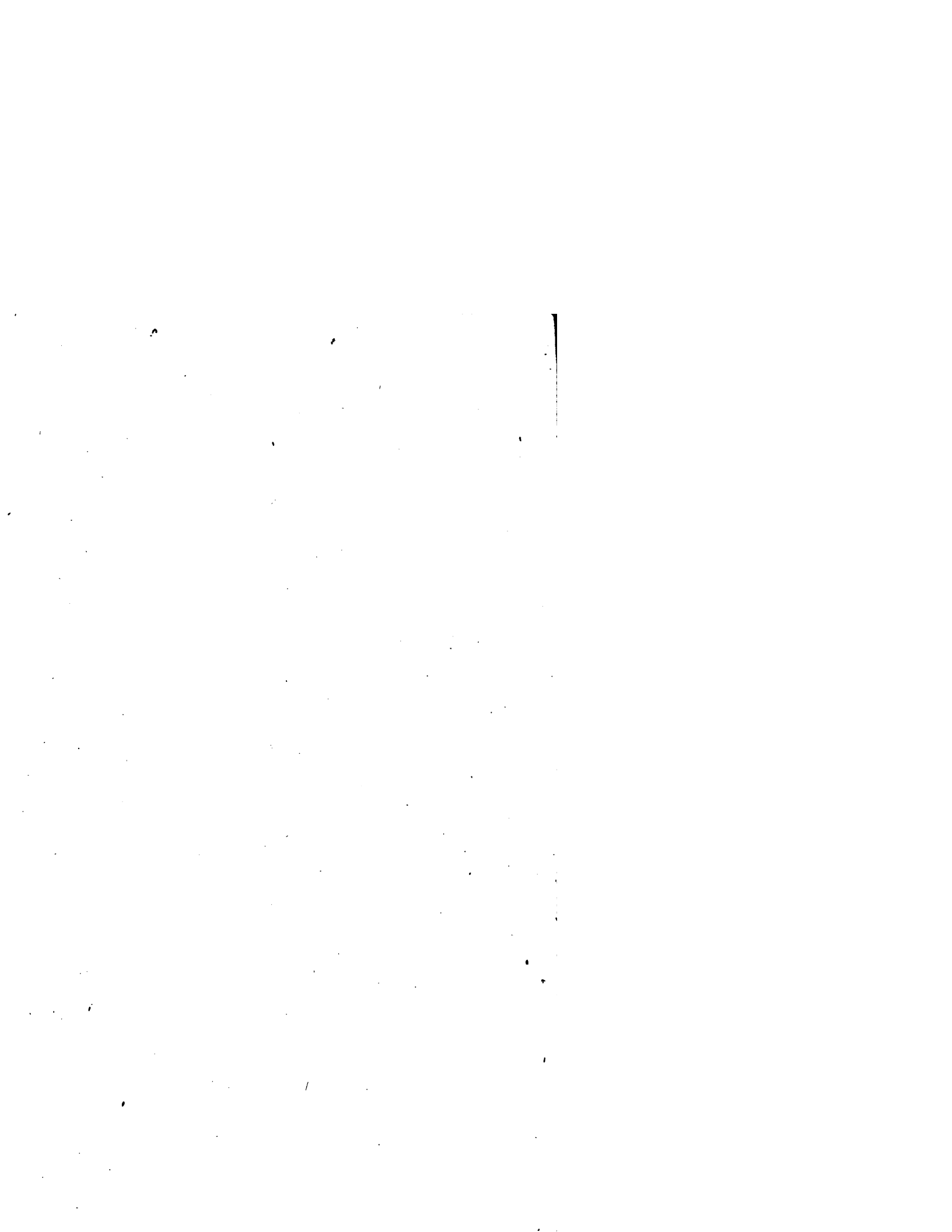
Title: A Treatise On Maritime Contracts of Letting to Hire

Author: Cushing Caleb

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A
TREATISE

ON

MARITIME CONTRACTS

OF

LETTING TO HIRE,

BY

ROBERT JOSEPH POTHIER:

TRANSLATED FROM THE FRENCH

WITH NOTES AND A LIFE OF THE AUTHOR,

BY CALEB CUSHING.

BOSTON:

PUBLISHED BY CUMMINGS AND HILLIARD, NO. 1 CORNHILL.

UNIV. PRESS....HILLIARD AND METCALF.

1821.

Int 3936.1

DISTRICT OF MASSACHUSETTS, TO WIT:

District Clerk's Office.

BE IT REMEMBERED, That on the thirteenth day of February, A. D. 1831, and in the forty fifth year of the Independence of the United States of America, Cummings & Hilliard of the said district have deposited in this office the title of a book, the right whereof they claim as Proprietors, in the words following, viz.

"A treatise on maritime contracts of letting to hire, by Robert Joseph Pothier: translated from the French with notes and a life of the author, by Caleb Cushing."

In conformity to the Act of the Congress of the United States, entitled, "An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned;" and also to an act, entitled, "An act, supplementary to an act, entitled, An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies during the times therein mentioned; and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

JNO. W. DAVIS,

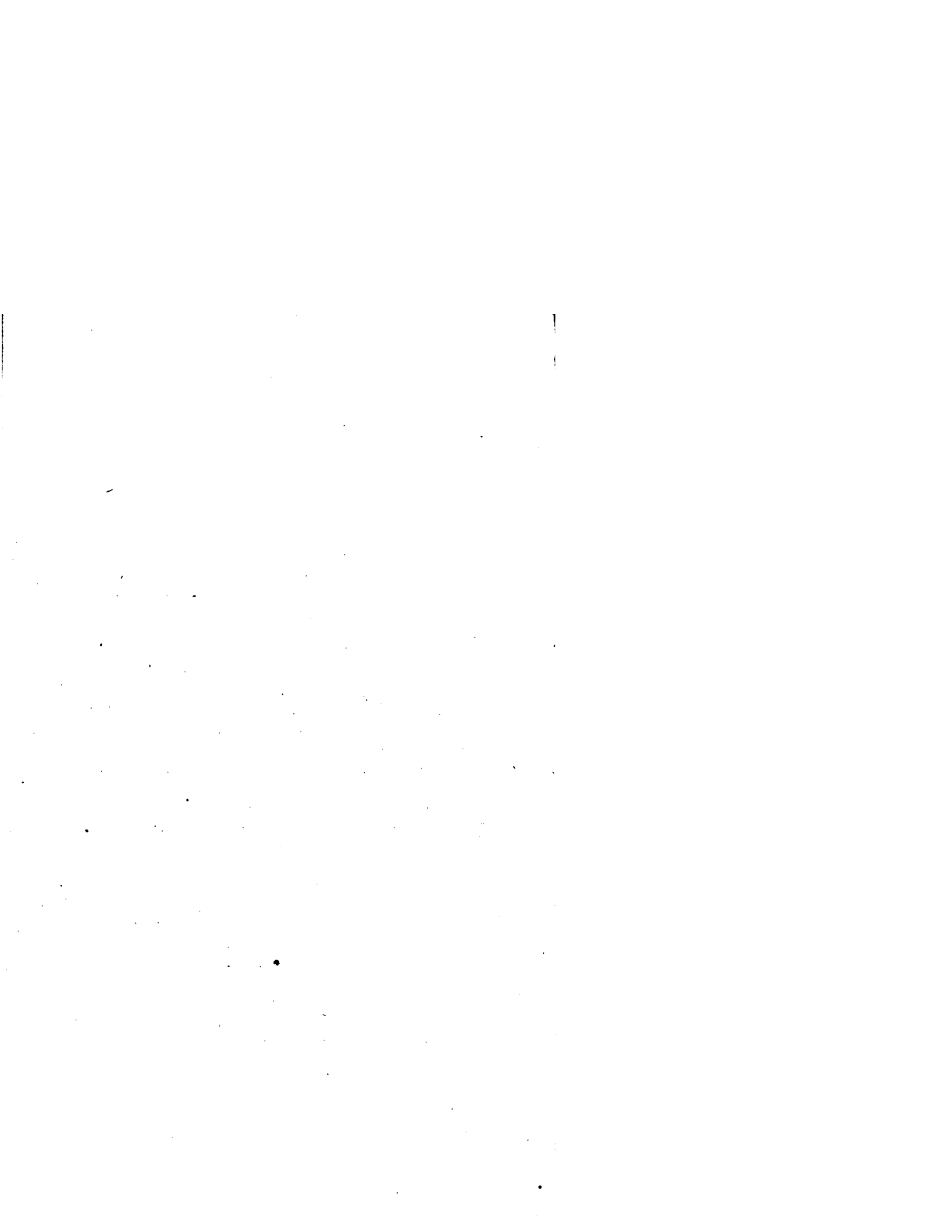
Clerk of the District of Massachusetts.

TO THE
HON. JOSEPH STORY, LL. D.

ONE OF THE JUSTICES OF THE SUPREME COURT OF
THE UNITED STATES,

whose decisions, writings and example have been
so highly instrumental in fixing the principles, il-
lustrating the doctrines and promoting the study
of maritime law, this work is inscribed, with sen-
timents of the greatest respect and gratitude,
by his obedient servant,

C. CUSHING.



ADVERTISEMENT.

THE treatises of Pothier on the different species of contracts are universally spoken of in the strongest and most unqualified terms of commendation. Pothier *has written admirable dissertations, says Park, upon every species of express and implied contracts. He has considered his various subjects with so much clearness and perspicuity, and has produced so many apposite examples in support of the positions he advances, that they greatly contribute to the advancement of the knowledge of this branch of jurisprudence. His style is at the same time manly, neat and classical; and well adapted to didactic discourses.*—Abbott is equally explicit. *The treatises of Pothier, says he, are remarkable for the accuracy of the principles contained in them, the perspicuity of their arrangement and the elegance of their style.*—Pothier, says Marshall, *unites the most profound learning with the purest morals and the most comprehensive judgment.*—The North American Review, in an article on maritime law ascribed to one of the most distinguished lawyers in America, considers the treatises of Pothier *equally remarkable for their brevity, luminous method and apposite illustrations.*—Chancellor Kent, in the great case of *Griswold vs. Waddington*, remarks that Pothier *has treated of the law of partnership, as he has of the other civil contracts, with a clearness of perception, a precision of style and a fulness of illustration, above all praise and beyond all example.*—Other quotations of the same import might be made; but it will be sufficient to adduce the following passage from the *Essay on the Law of Bailments. I seize with pleasure, says Sir William*

Jones, an opportunity of recommending those treatises to the English lawyer, exhorting him to read them again and again : for if his great master Littleton has given him, as it must be presumed, a taste for luminous method, apposite examples, and a clear manly style, in which nothing is redundant, nothing deficient, he will surely be delighted with works, in which all those advantages are combined, and the greatest portion of which is law at Westminster as well as at Orleans. For my own part, I am so charmed with them, that, if my undissembled fondness for the study of jurisprudence were never to produce any greater benefit to the public, than barely the introduction of Pothier to my countrymen, I should think that I had in some measure discharged the debt, which every man, according to lord Coke, owes to his profession.—These authorities, it is presumed, will satisfy every person of the sterling value of the works of Pothier.

Considering the high praise, which has been constantly bestowed upon this jurist, it seems a little singular that he has not yet been naturalized among us ; and that all his writings, except the Treatise on Obligations, continue buried in the obscurity of a foreign language. The translation, which is now offered to the profession, was undertaken with a hope that it might not prove wholly unacceptable, as a compend of the most useful parts of the maritime law of France. It is intended, if the design should meet with public approbation, to publish several other translations from the same author, corresponding in size and appearance with the present work.

This treatise, in the original, professes to be a supplement to the author's *Traité du Contrat de Louage* ; but it is complete and systematic in itself, requiring no extraneous reference to make it perfectly intelligible ; and it may therefore with propriety be considered as a distinct publication.

No merit is claimed by the translator, but the very humble one of having performed an irksome task with fidelity. The

few alterations, which he has ventured to make, are of a trivial nature, such as removing authorities from the text to the margin, and in one or two instances slightly modifying the original subdivisions of the treatise. The notes, which, excepting the last, are chiefly extracts from the continental jurists in confirmation or illustration of the text, it was thought proper to subjoin at the end, so that the body of the work might simply contain the words of Pothier unmixed with foreign matter of inferior importance.

