

**Propositions
belonging to the thesis**

**Delivery of Goods by the Carrier under the Contract of Carriage by Sea,
A Focus on China**

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I

Though it may bring proprietary effectiveness, delivery of goods is, first of all, a contractual obligation on the carrier. As a result, the rights, obligations and liabilities of the parties involved in the delivery shall be mainly determined by the terms and conditions of contract of carriage.

II

Delivery of the goods carried under the contract of carriage of goods by sea is not only a matter of fact but also a legal one. However, when trying to identify this delivery, looking into the legal meanings of this term is of primary importance.

III

The presentation rule of the bill of lading, i.e., delivery of goods against the presentation of bill of lading, includes an obligatory undertaking of the carrier under the bill of lading, though the title function of the bill may be related to it.

IV

Under a non-negotiable transport document, maritime law shall permit the transfer of the right to control the goods to a person other than the shipper, regardless such transfer is effected at the beginning of the voyage or later.

V

In order to qualify the term ‘delay in delivery’, the standard of delivery ‘within the time as agreed’ is preferred to the standard ‘within reasonable time’.

VI

The right of *stoppage in transitu* under a contract of sale must be clearly

distinguished from the right to control the goods under a contract of carriage.

VII

The transfer of an order bill of lading must not start with the endorsement of the shipper, but with the endorsement of the person to whose order the bill of lading is made out.

VIII

The uniformity of the systems of contract of carriage of goods by sea among the countries shall be the goal of the international maritime legislation.

IX

Fairness and efficiency are the common values of modern laws. Based on them, for commercial law, certainty and clarity must be of primary importance.

X

Morality and ethic had weighed much more on the social activities in ancient China. But at present, China is striding towards the legality, though the road is still far.

XI

PH.D, “permanent head damaged.” So, when my head still runs well, I am always worried. And, when my head runs well today, my opponents will be worried, too.