

Inherent Vice: Express Paid

SOME evening, when you haven't anything to read, why not light a cozy fire, draw up your chair, and browse around among your old express receipts and bills of lading? You will learn a lot. Here you have been going on for years, sending parcels and crates like mad, and I'll bet that not one of you really knows the contractual obligations you have been entering into with the companies who serve you. For all you know, you have been agreeing to marry the company manager at the end of sixty days.

As I write this, I am sitting in the gloaming of a late autumn afternoon with an express company's receipt on the table before me. As I read over the fine print on the back of it, my eyes cross gradually with the strain and I put on the light. (What a wonderful invention—electricity! I am sure that we should all be very proud and happy to be living in this age.)

As my eyes adjust themselves, I find that when I sent that old bureau to Ruth's folks, I agreed to let the express company get away with the following exceptions to their liability. (If you are going to read this article, I would advise studying the following. It will probably amuse you more than what I have to say afterward.)

The company shall in no event be liable for any loss, damage, or delay to said property or to any part thereof occasioned by act of God, by perils or accidents of the sea or other waters, [That

“other waters” makes a pretty broad exemption, when you come to think of it. It means that they can upset tumblers on your stuff, or let roguish employees play squirt guns all over it, and yet not be responsible.] or of navigation or transportation of whatsoever nature or kind; by fire or explosion . . . by theft or pilferage [What about garroting?] by any person whatsoever; by arrest or restraint of governments, princes, rulers, or peoples or those purporting to exercise governmental or other authority; by legal process or stoppage in transit; by fumigation or other acts or requirements of quarantine or sanitary authorities; [Tell me when you are getting tired.] by epidemics, pestilence, riots; or rebellions, by war or any of the dangers incident to a state of war, or by acts of any person or group of persons purporting to wage war or to act as a belligerent; [Come, come, Mr. Express Company—aren't you being just a little bit picayune?] by strikes or stoppage of labor or labor troubles, whether of carrier's employees or others; by unseaworthiness of any vessel, lighter, or other craft whatsoever, [Not even just a teeny-weeny bit of a rowboat?] although existing at the time of shipment on board thereof; . . . by water, [You said that once before.] heating, or the effects of climate, frost, decay, smell, taint, rust, sweat, dampness, mildew, spotting, rain or spray, [Ninety-five-a-hundred-all around my goal are it.] INHERENT VICE, [Remember that one; we're coming back to that later.] drainage, leakage, vermin, improper or insufficient packing, inaccuracies or obliterations, errors, [Why don't they just say “errors” and let it go at that?] nor for the breakage of any fragile articles or damage to any materials consisting of or contained in glass; nor shall this company [Beginning all over again, in case you should have forgotten who it is that isn't responsible.] be held liable or responsible for any damage to or resulting from dangerous corrosives, explosives, or inflammable goods, even if the true nature has been declared to the company; nor for neglect, damage, accident to or escape or mortality of any animals or birds [Ah-ha! They forgot fish!] received by the company hereunder, from any cause whatsoever.

That's all! Aside from that, the express company is responsible for your package.

Aside from that, your little crate or barrel is as safe as it would be in your own home. It would almost be better to get a sled and drag your package yourself to wherever you want it taken.

At least you could personally fight off vermin and princes (or those purporting to be vermin and princes).

But the thing that worries me most about this contract between me and the express company is that clause about “inherent vice.”



It would almost be better to get a sled and drag your package to wherever you want it.

The company is not responsible for any damage to that bureau of mine if it is caused by inherent vice. This makes you stop and think.

Wholly aside from the Calvinistic dourness of the phrase "inherent vice" (I thought that the theory of Original Sin and Inherent Vice went out with the hanging of witches), the question now arises—*whose* inherent vice? The company's officials? The bureau's? Aunt Alice's? We are up against quite a nice problem in ethics here.

I can't imagine what you could send by express that would be full enough of inherent vice to damage it en route. Certainly nothing that you could pack in a bureau.

You might send some very naughty rabbits or squirrels by express, but it seems a little narrow-minded to put all the responsibility for their actions on the little creatures themselves. No one has ever told them that they are vicious, or that they were conceived in sin. They don't *know* that they are being bad.

I have known one or two very smart dogs who were pretty self-conscious about being wicked and couldn't look you in the eye afterward, but aside from cases like that it seems a bit arbitrary for a big public-service corporation like an express company to frown on the peccadillos of five or six squirrels.

Would the private lives of the company officials themselves bear looking into so well that they must prate of inherent vice? Live and let live, say I.

Which brings us to the other theory—that inherent vice in the company's officials or employees cannot be held responsible for any damage to my bureau.

Do you mean to tell me that if one of the company's employees is a man who, ever since he was a boy, has been willfully and maliciously destructive, and that if he takes my bureau out of its crate and chops the whole thing up into kindling—do you mean to tell me that I am without recourse to the law?

If the president of the express company or any one of his employees goes monkeying around with my bureau and then pleads "not guilty" because of his inherent vice, I will start a *putsch* that will bring our government crashing down around our ears.

I refuse to discuss the remaining possibility—that the inherent vice referred to means inherent vice in Aunt Alice, or consignee.

This brings us to the conclusion that what is meant is that the package or bale or crate (or articles purporting to be packages, or bales, or crates) might have inherent vice enough to spoil it, and that, in this event, the company washes its hands of the whole affair.

The only alternative to this almost incredibly silly reservation is that there has been a misprint and that what the company is so afraid of is "inherent *mice*." In this case, I have taken up all your time for nothing. But I do think that you ought to know what you are agreeing to when you send an express package. Or perhaps you don't care.