

Negligence analysis essay samples

[Life](#), [Death](#)



Background of the Titanic

The Titanic carried 2, 227 people before the ship sank. The sinking of the ship can be attributed to the negligence of the captain of the ship. Before the occurrence of the instance, the titanic ship was warned six times of sea ice on 14 April but unfortunately, it travelled at a maximum speed towards the sighted iceberg. After it approached the region, the captain's efforts did not work since titanic failed to turn quickly as it was required.

It was not until the captains of the ship realized that the ship was to starting to sink than they started using rocket flares and radio messages to request for help as the passengers were moving into lifeboats. However, it happened that the ship had very few lifeboats for every passenger. As a result, the ship sank killing over 1, 500 people. However, RSM Carpathia rescued few people. The story for the most part is true since the incident occurred and much damage was suffered on the side passengers.

Following the issue, one of the third party clients Hans Peder Jesen sued the White Star Line's R. M. S. Titanic on grounds of negligence. For negligence to be evident, there should be one part should have a duty of care towards the other, there should exist a breach of that duty, causation and finally, the one to who duty of care was directed suffered a loss or damage.

Duty

White Star Line had a duty to owner to the passengers to which plaintiff is one member. The duty was to safely transport them to the destination New York without suffering any problem. In addition, they had a duty to take care of the needs and demand of the passengers as they travelled. Indeed, the

passengers had paid to sail abroad with the high-class luxurious passengers' liner.

Breach

White Star breached the duty of care by letting the ship sink to cause numerous deaths to the passengers. Finally, due to failure to provide due care to the passengers loss of life occurred which is the damage. The White Star Line, its agents and the crew of the Titanic did not behave as it was expected since they failed to honour the warnings about the iceberg that they ended up hitting thus causing a serious damage.

Causation

There was an element of breach of duty in two forms name cause in fact and legal cause of the plaintiffs injuries caused by the defendant. The plaintiffs can clearly show the cause of fact that if it was not for the misconduct of the defendant all would be well. The defendant caused the problem when he reasonably saw the act would occur. Besides, the crew could have known the dangers of operating a ship at night at a high seen in iceberg prone region.

Damage

Defendants defences towards the allegations

The defendant claims that Mr Jensen caused the death under the provision of superseded act. White Star Line argues that although negligence occurred on its side, Mr. Jensen was also negligent since after the instance occurred he did not act diligently enough to run and secure a boat as the other passengers did and survived the tragedy. If other passengers survived the tragedy it means that, they acted diligently unlike what Mr Jensen did.

The defendant goes a mile further and defends himself that Mr Jensen negligence is also evident as he assumed the risk. First, he had a clear knowledge of risk or danger when he failed to stay in the lifeboat as the other passengers who survived did. In addition, the defendant argues that his age of early twenties gives him an average intelligence to understand any danger. Finally, he willingly allowed himself to take the risk for failing to remain in his seat. As a result, the White Star Line has a feeling that although it was negligent, Mr Jensen was also negligent and thus the law bars the Mr. Jensen from recovering from the defendant. Therefore, Mr Jensen is responsible for his own death.

Party to support as a junior between the plaintiff and the defendant

If I were junior in this case I would find favour for the plaintiff. Ideally, this is because the emergence of this case can be attributed to negligence of the defendant. There were warnings about the presence of iceberg in the sea yet the captains of the ship did not follow those instructions bearing in mind that it was winter. The ship got alerts of the iceberg in the due course of its line. However, the captains did not consider the warnings something that led to loss of life to the better half of the plaintiff. The ship and its captains did not show much concern towards responding to the instance.

In addition, I strongly support the plaintiff even if the defendant claims that the plaintiff was also negligent. The stand should be the defendant was the first to fail to exercise the duty of care for being diligent. As a result, the plaintiff acted negligently due to the pressure that arose due to the defendant's negligence. This is to mean that the plaintiff can claim that this

was this best option to take in order to rescue the mission. However, his best option lands him to death.