

SHIP—CHARTERPARTY—GUARANTEE THAT "DEAD WEIGHT CAPACITY" IS SPECIFIED NUMBER OF TONS—MEANING OF EXPRESSION.

*Millar v. Owners of S.S. Freden* (1917) 2 K.B. 657. This was an action to determine the meaning of a guarantee given by the defendants that the dead weight capacity of a ship was 3,200 tons. The ship had a lifting capacity of 3,200 tons, but she had not cubic capacity to take on board a cargo of maize of that weight, which was the kind of cargo which she was hired to carry. Rowlatt, J., who tried the action, held that the primary meaning of "ship's dead weight capacity" was not her capacity to carry tons of maize, but her abstract lifting capacity, and that the mere fact that maize was mentioned as the cargo to be carried did not change the meaning of the phrase.

SHIP—BILL OF LADING—EVIDENCE OF QUANTITY SHIPPED—SHORT DELIVERY.

*New Chinese Antimony Co. v. Ocean S.S. Co.* (1917) 2 K.B. 664. This was an action against shipowners for damages for short delivery of goods. The plaintiffs relied on the bill of lading as evidence of the amount shipped. The bill of lading stated that 937 tons had been shipped on board; in the margin, however, was a typewritten clause: "A quantity said to be 937 tons" and in the body of the bill was printed in ordinary type the clause "weight, measure, contents and value (except for the purpose of estimating freight) unknown." Sankey, J., who tried the action, held the bill of lading to be evidence of the ore shipped and gave judgment for the plaintiffs; but the Court of Appeal (Lord Reading, C.J., and Pickford, and Scrutton, L.J.J.) held that having regard to the clause that "weight unknown," the bill of lading was not even *prima facie* evidence of the quantity of ore shipped, and the evidence of the defendants, shewing clearly that they had delivered all the ore shipped, except such wastage as resulted from handling, of which there had been eight between Hankon and Newcastle, the decision of Sankey, J., was reversed.

PRIZE COURT—CONTRABAND—WOOL TO BE COMBED IN ENEMY COUNTRY—COMBED WOOL TO BE RETURNED TO NEUTRAL COUNTRY.

*The Axel Johnson* (1917) P. 234. This was a proceeding for the condemnation of a quantity of wool taken as prize. The evidence established that the whole of the wool was destined for Germany.