
REPORTS AND NOTES OF CASES.

England.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

SASSOOM v. WESTERN ASSURANCE COMPANY.

Lords Macnaghten, Atkinson, Shaw, and Mersey.] [May 17.

Marine insurance—Perils of seas—Goods stored—Damage by leaking.

This was an appeal from the Supreme Court of China.

Goods belonging to the appellants were stored in a hulk moored in a tidal river, in smooth water, and were insured (inter alia) against perils of the seas. In consequence of natural decay, which could not be detected by ordinary examination, the hulk became leaky, and the goods were injured by water which found its way through the decayed woodwork of the bottom of the hulk.

Held, not to be a loss by the perils insured against.

Judgment of the court below affirmed.

Atkin, K.C., *Bailhache*, K.C., and *Raeburn*, for appellants.
Sir R. Finlay, K.C., and *Mackinnon*, for respondents.

DOMINION COTTON MILLS COMPANY v. AMYOT.Lords Loreburn, Macnaghten, Atkinson, [May 17.
Shaw, and Robson.]

Company—Action by dissentient shareholders.

This was an appeal from the Superior Court of the Province of Quebec.

Held, that a dissentient minority of shareholders in a company can only succeed in an action seeking redress against the majority if they can shew either (1) that the action of the majority is ultra vires; or (2) that the majority have abused their powers, and are seeking to deprive the minority of their rights; or (3) that the transaction impeached is fraudulent. *Burland v. Earle*, 85 L.T. Rep. 553 (1902), A.C. 83, approved.