

COURT OF APPEAL.

LONDON, June 24, Aug. 9.

LORD ESHER, M.R., BOWEN, L.J., FRY, L.J.

PANDORF & Co. v. HAMILTON FRASER & Co.

Charter-party—Bill of Lading—Excepted Perils—Dangers and Accidents of the Seas—Cargo Damaged by Sea Water—Pipe gnawed through by Rats.

Appeal from a decision of LOPES, J., on further consideration.

Action by charterers of a ship and holders of a bill of lading for damage done to a cargo of rice shipped by them on board the defendants' ship, which had been chartered by the plaintiffs to proceed to Akyab and there load a cargo of rice for Liverpool. The excepted perils in the charter-party were the act of God and all and every other dangers and accidents of the seas, rivers, and steam navigation of whatsoever nature and kind and errors of navigation during the voyage. The bill of lading was to the same effect. The damage was caused during the voyage to Liverpool after the ship had left Akyab by sea water passing through a hole in a metal pipe connected with a bath-room in the vessel, the pipe having been gnawed through by rats. It was not disputed that all reasonable precautions had been taken to keep down the rats during the voyage, and the jury found that the rats which caused the damage were not brought on board by the shippers in the course of shipping the rice at Akyab, and that those on board had taken reasonable precautions to prevent the rats coming on board during the shipping of the cargo.

Lopes, L.J., on further consideration, directed the verdict and judgment to be entered for the defendants, on the ground that the case was one of danger or accident of the seas within the exception in the shipping documents, and that the shipowners were exonerated.

Their LORDSHIPS allowed the appeal, being of opinion that as the immediate cause of the damage done to the cargo, was the entering in of sea water, whilst the effective cause was the gnawing through of the pipe by the rats, the damage was not done by any danger or peril of the seas.

REWARDS FOR AIDING JUSTICE.

On Aug. 3, before Mr. Justice Denman and a common jury, the case of *Baxter v. Kemble and others* was heard. It was an action brought by a pawnbroker's assistant against justices of the peace for a division of the County of Essex, to recover from them the sum of 250*l.*, being the amount of the reward offered by them for information leading to the apprehension and conviction of the murderers of Inspector Simmons near Romford, in January of last year. The defence was that plaintiff was not the person who gave the information.

The Romford murder took place on January 20, 1885, when Inspector Simmons, while in pursuit of three burglars, was shot by one of them with a revolver and killed. The man who fired the shot was afterwards convicted and hanged. On January 27 the defendants published a placard offering a reward of 250*l.* to any person who should give such information 'as might lead to the apprehension and conviction of one or all of the offenders.' The description of two of them given by a policeman who was with Simmons was inserted, as also the name of the third man, Dredge, who was recognized. This reward was now claimed by plaintiff, who asserted he was the person who gave the information by which the man who actually fired the shot was taken and convicted. According to the evidence of the plaintiff it appeared that he was manager to Mr. Lawley, a pawnbroker, at 128 Seymour Street, Euston Square. On February 16, 1885, Superintendent Dobson and Sergeant Rolfe called at the shop and asked him if he knew a man called Menson. Witness replied that he did, and that the man and his wife used to pledge things there, and gave their address as 24 Medburn Street. He was then asked if the man had ever pledged a revolver there, and he told them he had, but could not then give the dates. They came another time, when witness told them the dates of the pledging and redemption of the revolver. Superintendent Dobson then informed witness that the man was wanted for the murder of Inspector Simmons, and that if he could put them in the way of taking him he should have 100*l.* Witness further stated that he suggested that warning should