

SHIP—SEAWORTHINESS—SHIP FIT TO CARRY CARGO—IMPROPER  
STOWAGE—BILL OF LADING—EXCEPTED PERILS.

*The Thorsa* (1916) P. 257. This was an action by the consignees of a quantity of chocolate, for damages arising from its having been stowed in proximity to a number of gorgonzola cheeses whereby it had become tainted. The defendants relied on an exception in the bill of lading from liability for negligent stowage. The plaintiffs replied that the defendants could not rely on the exception because the ship was unseaworthy for carrying the chocolate, in that it was carried where it was liable to become tainted. Deane, J., who tried the action, held on the evidence that the ship was not unseaworthy, and that the damage in question was caused by negligent stowage, which was within the exception, and with this conclusion the Court of Appeal (Eady, Phillimore, and Bankes, L.JJ.) concurred.

PRIZE COURT—NEUTRAL VESSEL—CONTRABAND CARGO—DESTINATION NEUTRAL PORT—ULTIMATE ENEMY DESTINATION—  
CONDEMNATION OF VESSEL—ORDER IN COUNCIL ADOPTING  
ART. 40 OF DECLARATION OF LONDON.

*The Hakan* (1916) P. 266. This was a proceeding before the Prize Court for the condemnation of two neutral vessels captured with contraband cargoes ultimately destined for the enemy. Evans, P.P.D., held that it is now part of the law of nations that a vessel carrying contraband may be condemned if the contraband reckoned either by value, weight, or volume of freight, forms more than half of the cargo. He also held that where such a proportion of cargo is being carried it is not necessary to prove knowledge on the part of the owner or master that the cargo is intended for the enemy. He also held that the Order in Council adopting Art. 40 of the Declaration of London, which is a limitation of the rights of the Crown, is valid, and, under that Article, he held that a neutral vessel carrying a full cargo of conditional contraband to an enemy base of supply was subject to condemnation, and that the like penalty was incurred by a neutral vessel carrying to a neutral port a full cargo of contraband ultimately destined for the enemy.

PRIZE COURT—SHIP REGISTERED AS BRITISH SHIP—SEIZURE AS  
PRIZE SHIP OWNED BY BRITISH COMPANY CONTROLLED BY  
ENEMY—MERCHANT SHIPPING ACT, 1894 (57-58 VICT. c. 60)  
S. 1.

*The St. Tudno* (1916) P. 291. The vessel in question in this case was used as a tender for the vessels of the Hamburg-America