

REVIEW OF CURRENT ENGLISH CASES.

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SHIP—CHARTER-PARTY—BILL OF LADING CONCLUSIVE—EVIDENCE OF QUANTITY DELIVERED AS STATED THEREIN—ESTOPPEL.

Crossfield v. Kyle Shipping Co. (1916) 2 K.B. 885. In this case the plaintiffs were the holders of a bill of lading of timber, and sued the shipowners for shortage in delivery. The charter-party of the vessel by which the timber was shipped provided that the captain should sign bills of lading as per surveyors' return for the cargo, and that the bills of lading should be conclusive evidence of the quantity delivered to the ship as stated therein. The cargo was brought to the ship in lighters and owing to rough weather some of it was washed overboard from the lighters and lost. The captain's agent signed bills of lading nevertheless for the full quantity, as per surveyors' return. All the timber actually placed on board was delivered to the plaintiffs as indorsees of the bill of lading; and the question therefore was whether or not the defendants, in the circumstances, were liable for the shortage; and Bailhache, J., who tried the action, held that they were estopped by the bill of lading from denying that the full amount mentioned in the bill of lading had been received.

ADMIRALTY — SHIP — FORFEITURE — BRITISH COMPANY CONTROLLED IN GERMANY—PRINCIPAL PLACE OF BUSINESS OF COMPANY—BRITISH SHAREHOLDERS IN GERMAN CONTROLLED COMPANY—MERCHANT SHIPPING ACT 1906 (6 EDW. 7 C. 48) s. 51.

The Polzeath (1916) P. 241. This was a proceeding under the Merchant Shipping Act 1906 to determine whether a ship owned by a British Company, which had its principal place of business in Hamburg, and whose proceedings and business were controlled in Germany by a naturalized British subject of German origin who held the majority of the shares, was entitled to be registered as a British ship. Deane, J., held (1916) P. 117 that it was not, and that it was forfeited to the Crown, and the Court of Appeal (Eady, Phillimore, and Bankes, L.JJ.) affirmed his decision. The Court of Appeal rejected the claim of the British shareholders to relief, and held that their only resource was to appeal to the merciful consideration of the Crown.