

SHIP—FIRE—FIRE CAUSED BY UNSEAWORTHINESS—"ACTUAL FAULT OR PRIVITY" OF OWNERS—MERCHANT SHIPPING ACT, 1894 (57-58 VICT. C. 60), s. 502.

Asiatic Petroleum Co. v. Lennard's Carrying Co. (1914), 1 K.B. 419. This was an action by the owners of a cargo against the shipowners to recover damages for loss of the cargo by fire. The defendants claimed immunity under s. 502 of the "Merchants Shipping Act, 1894," which provides that "the owner of a British sea-going ship, or any share therein, shall not be liable to make good to any extent whatever any loss or damage happening without his actual fault or privity in the following cases, namely:— (1) Where any goods, merchandise, or other things whatsoever taken in or put on board his ship are lost or damaged by reason of fire on board the ship . . ." The vessel put to sea with her boilers in a defective condition by reason whereof the fire occurred. The managing owner of the vessel knew of the defective condition of the boilers, as Bray, J., found, who tried the action, and who, therefore, held that as the fire was occasioned by the unseaworthiness of the vessel to the defendants' knowledge, it could not be said that the fire occurred without their actual fault or privity, and, therefore, they were not entitled to the protection of the statute, and with this judgment the majority of the Court of Appeal (Buckley, and Hamilton, L.JJ.) agreed, but Williams, L.J., dissented, thinking that the ship owners were not responsible for the fault of the captain and manager in regard to putting to sea with the boilers in a defective condition. But see *Ingram v. Services Maritimes, etc.* (1914), 1 K.B. 541.

MAINTENANCE OF ACTION—COMMON INTEREST—TRADE UNION—
SLANDER OF OFFICER OF UNION—ACTION BY OFFICER—UNION
APPLYING FUNDS TO PAYING COSTS OF ACTION BY ITS OFFICER—
ULTRA VIRES.

In *Oram v. Hutt* (1914) 1 Ch. 98, the Court of Appeal (Lords Parker, and Summer, and Warrington, J.) have affirmed the Judgment of Eady, J., 1913, 1 Ch. 259 (note, ante vol. 49, p. 224), holding that a trade union cannot legally apply the funds of the union in defraying the costs of an action brought by one of its officers for a slander of him in his capacity as an officer of the union, because they have no common interest in the action to justify such an application of their funds. Although