

and were informed by him that they were at liberty to take into consideration the fact that the plaintiff had lost the season in consequence of the non-arrival of the cloth in due time. Acting upon that information, the jury found a verdict for the plaintiff, with £80 damages. Now, if by the expression "loss of the season," the jury were induced, in assessing the damages, to take into their consideration the profits which the plaintiff might have made by the manufacture and sale of caps if the material had reached his hands in due time, we are all of opinion that they would have misconceived the proper principle on which the damages were to be estimated, and that there would be a failure of justice if the verdict were allowed to stand. But if we are to assume the meaning of loss of the season to be that the goods, by reason of their not having been delivered in due time, had become lessened in value; that is, if in consequence of the delay they had become of less value to the plaintiff, because the articles to be made up would be less marketable, as the time for finding customers for them had gone by, and so the goods were left in the plaintiff's hands deteriorated or diminished in value, then we do not think there was any mistake in point of law in the direction of the learned Judge. Two questions of law were raised during the argument on the part of the defendants. The first was, whether in a case like this, of an action against a common carrier for negligence in not delivering goods intrusted to him within a reasonable time, the consignee has a right to claim, in the shape of damages, the profit he would have made upon the sale of them if they had been delivered in proper time. We are all of opinion that he is not. Then comes the other question, whether he is entitled to recover the difference between the value of the goods to him if they had been delivered in proper time, and their value at the time when they were actually delivered. I am of opinion that the consignee is entitled to recover such difference in value. If it were otherwise, great injustice would be done. For instance, to put a familiar case, sup-