

REVIEW OF CURRENT ENGLISH CASES.

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SHIP—CHARTER-PARTY—CHARTERERS LIABILITY TO CEASE ON SHIPMENT OF CARGO—VARIANCE BETWEEN CHARTER-PARTY AND BILL OF LADING—SHIPOWNERS' LIEN—CAPTAIN TO SIGN BILLS OF LADING IN PRESCRIBED FORM—NO LIEN AS AGAINST BILL OF LADING—LIABILITY OF CHARTERER FOR DELAY AT PORT OF DISCHARGE.

Jenneson v. Secretary of State for India (1916) 2 K.B. 702. This was an action by shipowners against the charterer of the vessel for delay in unloading the cargo. The charter party provided that the Captain should sign bills of lading in a prescribed form, without prejudice to the charter-party; that the discharge should be at a specified rate by day, that the Captain should have a lien on the cargo for freight, demurrage, and other lawful claims, against the charterer; and that the charterer's liability should cease on the shipment of the cargo, provided the cargo was worth the freight and demurrage. The captain signed bills of lading in the prescribed form which did not provide for any rate of discharge, not give any lien to the shipowners for freight, demurrage, or other claims. Delay arose in discharging of the cargo, and the action was brought for four days' demurrage. The defendant, the charterer, claimed to be relieved from liability by reason of the cesser of liability clause: but Rowlatt, J., who tried the action, held, adopting the language of Lord Esher, M.R. in *Chick v. Radford* (1891) 1 Q.B. 627 and *Hansen v. Harrold* (1894) 1 Q.B. 612, that "It cannot be assumed that the shipowner, without any mercantile reason, would give up by the cesser clause rights which he stipulated for in another part of the contract," the defence therefore failed.

LANDLORD AND TENANT—OUTBREAK OF WAR—ALIEN ENEMY LESSEE—RENT ACCRUED AFTER WAR DECLARED—SUB-LEASE—COVENANT FOR INDEMNITY—THIRD PARTY NOTICE—JUD. ACT 1873 (36-37 VICT. C. 66) s. 24, s.s. 3—(ONT. RULE 165) —TRADING WITH THE ENEMY ACT (4-5 GEO. V. C. 87) s.1, s.s. 2.

Halsey v. Lowenfeld (1916) 2 K.B. 707. This was an appeal from the decision of Ridley, J. (1916) 1 K.B. 143 (noted ante, vol. 52, p. 187). The action was against an alien enemy to recover