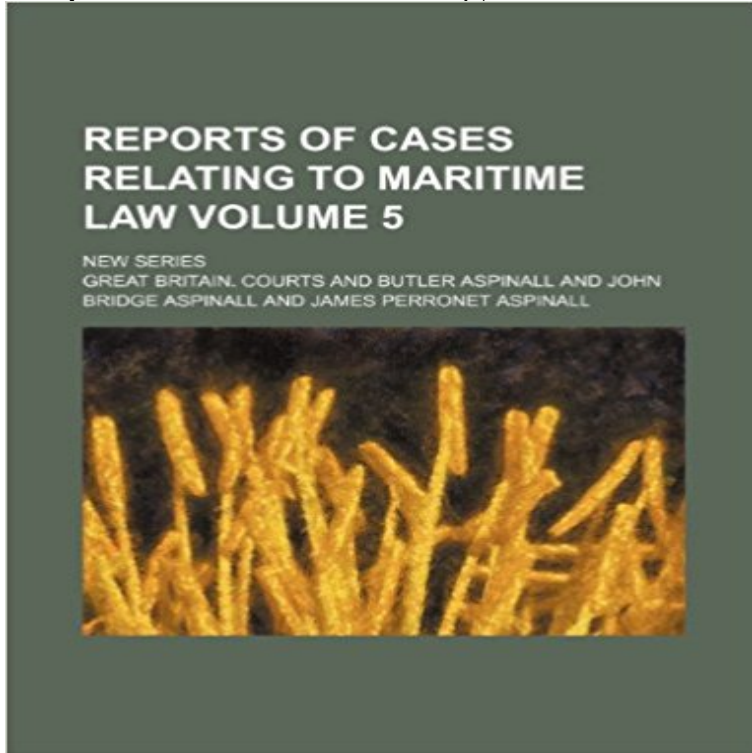


Reports of cases relating to maritime law; New series Volume 5



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1887 edition. Excerpt: ...ships agent. In the former the bottomry premium having been reduced from 20 to 12 j per cent, was restored by the court, but the reduction in the commissions was affirmed. In the latter the commissions claimed upon the goods landed, and on the advances, were disallowed. In neither case, however, was there a foreign consul acting on behalf of the ship of his nation. In the former case the learned judge held that the court has not authority to reduce the premium on a bottomry bond, unless specifically affected with fraud or collusion, which must be shown in a clear and distinct manner (p. 386). But both of these cases, so far as they effect commission, are inconsistent with *The Prince of Saze Ooburg* (3 Moo. P. C. 1; 3 Hagg. 387), which lays down that, if the foreign merchant after due inquiry shall have reasonable ground for concluding *Adm. Tue Pontida*. that the repairs are necessary and that the money cannot be raised on personal credit, then his security on ship and cargo shall not be impeached, because it might happen notwithstanding such inquiry that such repairs were not necessary or the money might have been obtained on personal credit. It must follow that, if commissions are payable at all, it cannot be the duty of the lender to inquire into the amount of those commissions or the mode of their application; it is not for him to judge whether the full amount was necessary; and this applies with double force in a case where it appears that the commissions charged are usual at the place where the bond is given. Passing to the cases in favour of the plaintiffs claims, it has been distinctly laid down that there is no obligation on the part of the lender (not being the ships agent) to see to the

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