

Jellicoe and ors. Vs. the British India Steam Navigation Co.

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Court : Kolkata

Decided On : Feb-22-1884

Reported in : (1884)ILR10Cal489

Judge : Richard Garth, C.J. and ;Cunningham, J.

Appellant : Jellicoe and ors.

Respondent : The British India Steam Navigation Co.

Judgement :

Richard Garth, C.J. and Cunningham, J.

1. The Small Cause Court Judge having found as a fact that the plaintiffs in this case accepted the terms of the bill of lading, we think that we cannot do otherwise than confirm his judgment.

2. The defendants, of course, are not subject to the provisions of the Carriers Act; and they have a right to impose upon shippers any terms, however unreasonable, which the latter think proper to accept. They may thus free themselves from the consequences of their own negligence or default, however gross or wilful.

3. So long as the law allows one class of carriers to insist upon contracts of this kind, and the public submit to have their goods carried upon such terms, Courts of Justice are quite powerless to protect them.

