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CORRIGENDA.

COX (TRADING AS PORT OF RICH-BOROUGH) v. SORRELL, [1960] 1 Lloyd's Rep., at p. 478 (Part 9).

Col. 2 (line 14 from the bottom of the page) should read:

a foreign principal, before the agent can escape

HONG GUAN & CO., LTD. v. R. JUMABHOY & SONS, LTD., [1960] 1 Lloyd's Rep., at p. 405 (Part 8).

Col. 1 (lines 2 and 3 from the bottom of the page) should read:

sellers were under no obligation to supply cloves to buyers—Appeal by buyers dis-

LLOYD'S LIST LAW REPORTS

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Of the Middle Temple, Barrister-at-Law

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[PART 1

HOUSE OF LORDS.

Dec. 1 and 2, 1959.

NORTHERN FISHING COMPANY
(HULL), LTD. v. EDDOM AND
OTHERS.

(THE "NORMAN.")

Before Viscount SIMONDS, Lord
RADCLIFFE, Lord COHEN, Lord KEITH
of AVONHOLM and Lord JENKINS.

Limitation of liability—Actual fault or privity of owners—Foundering of trawler on uncharted rock—Navigational fault—Information as to rock not passed by owners to trawler while at sea—Whether a fault contributing to loss—Onus of proof.

Sinking of appellants' trawler *Norman*, with loss of life, when she struck uncharted rock in Danish territorial waters at night, in fog, off Cape Farewell (Greenland)—Claim by appellants to limit their liability opposed by respondent dependants of deceased members of crew—Allegations by respondents that casualty did not occur without appellants' fault or privity in that (*inter alia*) appellants failed to provide adequate information—Evidence that skippers of appellants' trawlers were provided with information by appellants' insurers when they intended to fish off Greenland—While *Norman* at sea, appellants given new information as to dangers in area in which *Norman* was likely to be navigated—Allegation by respondents that appellants were at fault in not passing on new information—Contention by appellants that to wireless new information to *Norman* while at sea would have been an unnecessary departure from their normal practice; that they were entitled to rely upon judgment of insurers, who would,

if necessary, have sent out a general warning to all trawlers fishing in that vicinity; and that sending out the new information was unnecessary because it related to an area which was already known by the skipper to be unsafe and, being in territorial waters, was an area in which *Norman*, unless lost, would only be if defying appellants' instructions.

—*Held*, by WILLMER, J., that the failure to transmit the new information did not contribute to the casualty and that the appellants were not privy to it, in that it was not a reasonably foreseeable possibility that the *Norman* would navigate in that area deliberately and in that, if the *Norman* was uncertain of her position, it was reasonably foreseeable that the new information would not have helped her; and that therefore the casualty occurred without the appellants' actual fault or privity, and, accordingly, appellants were entitled to limit their liability.

—Appeal by respondents, alleging that appellants were at fault in not communicating new information regarding dangers in the vicinity of the area where *Norman* was likely to be navigated.

—*Held*, by C.A. (HODSON and ORMEROD, L.J.J., MORRIS, L.J., dissenting), allowing respondents' appeal, that appellants should have foreseen the possibility of the *Norman* being in the area in which she was at the time she foundered; that, in the circumstances, notwithstanding the previous practice, it was appellants' duty to send on the new information when they received it; and that appellants had failed to prove that the loss occurred wholly without their fault or privity.

—Appeal by shipowners contending that sending on of new information would have contributed nothing to skipper's knowledge of danger of the coast, and that no reasonable man could be expected to foresee that *Norman* would go near any of the navigational hazards referred to