

Case No. 3,382. CREIGHTON V. THE GEORGE'S CREEK.
[5 Pittsb. Leg. J. 13.]

Circuit Court, D. Maryland.

1857.

SHIPPING—CARRIAGE OF CORN—LIABILITY FOR SHORTAGE.

A vessel giving a clean bill of lading for a specified number of bushels of corn is liable for any deficiency, although she proves that she delivered all she received.

A decision of interest to merchants has just been made by Chief Justice TANEY, of the U. S. circuit court, Maryland, in the case of William Creighton, president of the Corn and Flour Exchange, vs. the Steamer George's Creek. Some time in April, 1855, says the Baltimore Patriot, of Friday, a lot of 9,137/12; bushels of corn were shipped from that port to N. Y., for which a clean bill of lading was received. The steamer arrived safely, and the corn was lightered to the point of delivery, but when it was measured fell short 240/12; bushels. Suit for damages was brought in the U. S. district court¹ and Judge GRIER [GILES] decided against the plaintiff. An appeal was taken, and the case came up before Judge TANEY. The defendants proved that they had delivered all the corn they had received, and that in New York grain was sold by weight. The complainant contended that formed no answer, as the difference might have been taken without knowledge of the officers or crew of the boat.

THE COURT [TANEY, Circuit Justice] decided that it was necessary to deliver the same number of bushels in New York that were received in Baltimore. Judgment for plaintiff for \$265 and costs.

¹ [Case unreported.]