

THE SIDONIAN.
GENTILLI *v.* THE SIDONIAN.

Circuit Court, E. D. New York.

July 9, 1888.

SHIPPING—LIBERTY TO CALL AT ANY PORT—QUARANTINE
PORT—DETENTION—DAMAGE TO FRUIT CARGO—BILL OF
LADING—EVIDENCE.

The shipper of a cargo of fruit took from the ship a bill of lading containing permission to the vessel to call at any port or ports. One port, at which the ship was accustomed to call, was known to all parties to be quarantined. Evidence was given tending to show that the agent of the ship gave the shipper to understand that the vessel would not call at the quarantined port. Nevertheless the shipper thereafter accepted the bill of lading containing the permission, without objection. Thereafter the ship did SO call, and was detained in quarantine, and by such delay the shipper's fruit was damaged. *Held*, that the bill of lading governed, and that he could not recover in an action brought upon it.

In Admiralty. On appeal from district court. 34 Fed. Rep. 805.

Ullo, Ruebsamen & Hubbe, for appellant.

Hill, Wing & Shoudy, for appellee.

BLATCHFORD, Justice. I concur in the views and conclusions of the district judge in his decision in this case. Let there be a decree dismissing the libel, with costs to the claimants in the district court, taxed at \$67.60, and with their costs in this court, to be taxed.