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4925.

PLIC/1/4370

Arthur Guinness Son & Co.



Consequential Loss.

1st January, 7

re Claim No.4925 - Arthur Guinness Son
& Co.

Dear Sirs,

I am directed by the Property Losses Committee to state that your letter of the 15th instant regarding the above claim has been before them and each of the arguments put forward in it has received full consideration. The Committee regret, however, that they do not see their way to depart from the decision, previously arrived at, that the losses amounting to £1,465, for which Messrs. Guinness claim, cannot be deemed to be within the Committee's terms of reference.

Yours faithfully,

Messrs. Sutton & Co.,
52 Dame Street,
Dublin.

Secretary.

TELEPHONE N^o 625.

TELEGRAPHIC ADDRESS, "FIRM, DUBLIN."

FRED SUTTON & CO,
SOLICITORS.

H. FRANCIS STEPHENS.
ARTHUR W. STIRLING.

52, Dame Street.

ackd 16/12
4925
cust d
Dublin 15th Decr. 1916.

Claim No. 4925. £1465.

Arthur Guinness Son & Co. Ltd.

Dear Sir,

In reply to yours of the 16th ult., in which your Committee directed you to convey their opinion that the losses mentioned are "in the nature of consequential damages" and that they are therefore outside the terms of reference, our Clients, Messrs Guinness Ltd. desire to press upon your Committee the following considerations.

The Citizens whose property was damaged were not insured against loss caused by civil commotion, and the various Insurance Companies, acting upon their legal rights, repudiated liability upon the ground that the loss was due to a risk against which they had not insured.

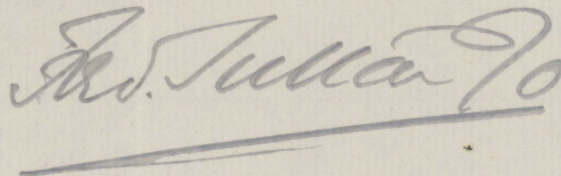
The Government, feeling that they were responsible for the civil commotion which had caused the loss, accepted liability to the extent to which the Insurance Companies would have been liable, if "loss caused by riot rebellion or civil commotion" (the usual terms in such a policy) had been included in the policies actually in force. This is strongly supported by the provision that the Committee are to investigate cases of "looting" which is to be "deemed to be burning" and that compensation has been given for loss by looting, wholly unconnected with and not even remotely consequential on fire, but due to or arising out of the state of disturbance in Dublin.

FRED SUTTON & CO,
SOLICITORS.H. FRANCIS STEPHENS.
ARTHUR W STIRLING.*52, Dame Street.*
Dublin 15th Decr. 1916.

We have taken Counsel's opinion upon the question whether - if these words had been in the policies - the particular loss for which our Clients claim can fairly be described as "consequential", and he has advised us that he has no doubt whatever that the injury to the malt was directly and not consequentially due to the rebellion, and that in a policy covering loss or damage by civil commotion the Company would have no defence to the claim, just as in the ordinary fire policy losses by water damage, theft during the fire, removal of goods &c. are held to be covered and not exempted as "consequential only". The injury of which our Clients complain is wholly different from such "consequential" damages properly so called as loss of profit.

Furthermore, our Clients submit that, even if your Committee are not convinced by the foregoing reasons, their claim is one which the Committee are authorised to entertain under Sub Clause (b) "on analogy" or as one to which "exceptional treatment should be allowed in view of the special circumstances".

Yours faithfully,

J. J. Healy Esq.,
Secretary,

Property Losses (Ireland) Committee 1916.

Assessors Report. 9th October 1916

Claim No. 4925 Name of Claimant Arthur Guinness Son & Co Ltd, Brewers

Situation of Property Various Maltings in the City.

Description	Claim	Insurance (if any)	Commissioners Valuation of Buildings	Assessors Valuation of full Damage	Loss Payable on basis of Insurance	Excess of Loss over and above amount payable under the Policies
<u>Mount Brown</u>						
M a l t	492	18,630		492	492	
<u>Marrowbone Lane</u>						
M a l t	45	10,000		45	45	
<u>Anne Street</u>						
M a l t	510	12,000		510	510	
<u>Barrow Street</u>						
M a l t	418	13,000		418	418	
TOTALS, £	1,465	53,630		1,465	1,465	

The Loss and Damage in this case arose through the inability of the Malsters to carry on the process of Malting, the Grain in consequence deteriorated; in some instances as to be absolutely worthless. Claimants sold what was unfit for Roasting to best advantage, and a reasonable charge is made on remainder for depreciation. The entire claim might, however, be looked upon as a Consequential Loss.

I send unvalued. (15 3. 1000000) Done. 16/11/16.

II loss in value. } Done 16/11/16

III value 1500000. } Done 15/11/16

Arthur Guinness & Co

Award of Committee: Contents Consequential

do. Buildings

Wm W. W.

4925

Claim for Damages caused during the Disturbances on the 24th April, 1916, and following days.

P. H.

* State
situation of
property
damaged.

1. ** Here state
cause of
damage.

† Insert
"Owner,"
"Lessee,"
OR
"Mortgagee,"
as the case
may be.

† Insert
"myself," or
"ourselves,"
and the names
of Mortgagors,
Mortgagees,
Lessors,
Lessees, or
joint owners
(if any).

2. Strike out the words following if the property is not insured.

Made and subscribed the eighth day of

August 1916, at St. James's
Gate Brewery in the said City,
of Dublin County, Phu
before me, a Justice of the Peace for the said
Commissioner for Oaths for the Supreme
City of Dublin Court of Judicature in
County. Ireland & I know Declarant.
J. MacIntosh.
Comms for oaths

Common for balls

(192) Wt. 1922. 6000. 7. 1916

PARTICULARS OF THE CLAIM.

(TO BE GIVEN IN DETAIL.)

DESCRIPTION OF PROPERTY DESTROYED OR DAMAGED.	Cost Price.			Value of Property at time of Destruction or Damage.			Value of Salvage.			Amount Claimed.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
At Messrs W & J F Boydells premises Mount Brown Dublin 240 Barrels of Malt completely spoiled for Brewing purposes												
				35/- per Bre			sold for 5/- per Bre					
				420	0	0	60	0	0	360	0	0
480 Barrels considerably damaged but fit to use for making roasted malt Loss at 5/6 per Barrel												
				35/- Bre								
				840	0	0	708	0	0	132	0	0
At Messrs W & J F Boydells premises Marrowbone Lane Dublin 240 Barrels damaged as follows												
120 Barls partly damaged				35/- per Barl			value at 33/- per Barl					
Loss 2/- per Barrel.				240	0	0	198	0	0	12	0	0
120 Barrels fit for roasting				35/- per Barl								
Loss 5/6 per Barrel				240	0	0	177	0	0	33	0	0
At Messrs John Jameson & Sons premises Anne Street Dublin 243 Barls of malt completely spoiled for Brewing purposes 486 Barrels of Malt considerably damaged but fit for roasting Loss 5/6 per Barrel												
				35/- per Barl			sold for 4/- per Barl					
				425	0	0	48	0	0	377	0	0
				35/- per Barl								
				850	0	0	717	0	0	133	0	0
Carried forward,				2955	0	0	1908	0	0	1047	0	0

PARTICULARS OF THE CLAIM. (continued).

(TO BE GIVEN IN DETAIL.)

[illegible]