

### NATIONAL ARCHIVES OF IRELAND

#### NAI/PLIC/1

Archives are subject to copyright and should not be copied or reproduced without the written permission of the Director of the National Archives

4925. Pro/1/4390

Arthur Guinness Son Ebo.

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 Nº 625.

TELECRAPHIC ADDRESS, FIRM, DUBLIN."

FRED SUTTON & CO, SOLICITORS.

H. FRANCIS STEPHENS.
ARTHUR W. STIRLING.

acled gral 16/12

52, Dame Street.

Dublin 15th Decr. 1916.

aud d

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 pressuupon 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.

TELEPHONE Nº 625.

TELEGRAPHIC ADDRESS, FIRM, 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

Name of Claimant Arthur Guinness Son & Co Ltd, Brewers Claim No. 4 9 2 5

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
Mount Brown						
	100	30 670		1 400	400	
Malt	492	18,630		492	492	
Marrowbone Lane						
Malt	45	10,000	-	45	45	
Anne Street	-0.4					
Malt	510	12,000		510	510	
Barrow Street						
Malt	418	13,000		418	418	
		No.		Water Street		
						2
			*			
Totals, $oldsymbol{\mathcal{L}}$	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 reason-able charge is made on remainder for depreciation. The entire claim might, however, be looked upon as a Consequential Loss.

I Send morele. ( 15 3. Swarn 800) Done 286. 16/11/16.

Award of Committee: Contents

Buildings do.

4925

# Property Losses (Ireland) Committee, 1916.

51 ST. STEPHEN'S GREEN, EAST, DUBLIN.

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

Tholonel, Henry Leaugh Renny. Jailyourell unaging Director of the File.  De Messrochshurgunness Son Hompany Einsted Brewers of now residing  St Sames's gate Brewery in 18th County of Dublin	1
in the County of Dublin	
do hereby solemnly and sincerely declare that on or about the H day of ofcree	
1916, damage was done to the undermentioned Property, namely: -* cliques un processo	* State situatio
at the premisement over leaf	damage
and such damage was occasioned to the best of my belief by ** Compulsory Cessution	** Here cause of damage
of work due to premises being occupied by Relels	
And We further declare that the Property and Articles specified on the other side were so destroyed or damaged; that the Cost Price of same was as shown in each case; that at the time of the destruction or damage they were respectively of the Values	
specified under the head "Value of Property at time of Destruction or Damage";	
and that, in consequence of such destruction or damage, claim is hereby made for the	
sums specified under the head "Amount Claimed"; that the Claim is made by the classes arithur querness son and company Completed as owners	
; and that no person is interested in	† Insert "Owner, "Lessee,
	"Mortga
the said property except tellesors are law Gumess Son and Company Cempled	may be.
J	"myself." ourselv
ellesors arthurquemess son and Company Cumbed Phu.	of Mortgage Mortgage Lessors,
and that it is not insured by us or any other person, § except as follows, namely except as	Lessees,
tollows namely/in Common with other trests of dalt and Burley on other premises to their	(if any).
full value against order ary fre risks of dealt and sirrley or order premises, which	(if any).  Strike of the word
follows ham eyem commonwith other stocks of dealt and Durley in the premises, the	Strike of the word following the proper not insur
full value against order ary fre risks only.	Strike of the word following the proper not insur
full value against ordinary frens ksonly.  Company, Policy No. Amount S.	(if any).  Strike ( the word following the proper not insur
full value against orwin ary fre nis knowly.  Company, Policy No, Amount &  """, "", ", £  """, ", £	Strike the word following the proper not insur
The value against ordinary frems knowly.  Company, Policy No.  """, "", L.  And I make this solemn Declaration conscientiously believing the same to be true, and by	Strike the word following the propenot insur
Gompany, Policy No, Amount £  """  """  """  """  """  ""  """  "	(if any).  Strike the word following the proper not insur
The value against ordinary free risks only.  Company, Policy No.  """, "", L.  And Wmake this solemn Declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.  Made and subscribed the Lighth day of	not însûr
And We make this solemn Declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.  Made and subscribed the lighth day of august 1916, at Statute.	not însûr
And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.  Made and subscribed the lighth day of august 1916, at Statute.	not însûr
And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.  Made and subscribed the lighth day of Gounty,  Sak Brewery in the said City, or outsile.	not însûr
And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.  Made and subscribed the lighth day of a formula for me, a Justice of the Peace for the said City, of outling the said City of the Peace for the said City of outling the said City of the Sufficient the said City of the Su	not insur
And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.  Made and subscribed the lighth day of Gamey, before me, a Justice of the Peace for the said City, or mules for mules for the Reace for the said formulas for the said fo	is's fire ire

Note—This Claim is to be furnished in duplicate, and should be accompanied by the Policies of Fire Insurance and the last receipt, in each case, or certified copies of same. When completed it is to be forwarded to the Secretary of the Committee, 51 St. Stephen's Green, East, Dublin.

## PARTICULARS OF THE CLAIM.

(TO BE GIVEN IN DETAIL.)

				The state of the s								
DESCRIPTION OF PROPERTY DESTROYED  OR DAMAGED,		Cost Price.		Value of Property at time of Pestruction or Damage.			Value o	vage.	Amount Claimed.			
OK DAMAGED.	£	8.	d.	£	(8	d.	£	8.	d.	£	6.	d.
Hellesors W + J F. Boydells premises												
Mont-Brown Dublin												
240 Barriels of Malt Completely sported				35/	per	Bre	solat	or	5/			
for Brewing purposes				420			boldf her 13	ce	0	360	0	0
480 Barrels Considerably a amaged but						e						
fethouse for making wasted chall Loss at 5/6 per Barrel	Ty Tell			840	0	0	708	0	0	132	0	O
At chesses Wy J Boydells premises	7-											
cuarroubone lane Dublin												
240 Barrels damaged as forelows					,							
120 Barl parky damaged				35/	per.	Barl	Value	at 3	3 per Bon	2		
Loss 2/ per Barrel.				210	0	0	198	0	0	12	0	0
120 Burels fit for reasting				35h	er,	Barl						
Loss 5/6 per Burrel				210	0	0	177	0	0	33	0	0
It clessors John Jameson Hous premises												
				3 0 4	n B	2	Jald Avri	d nor	Barl			
243 Barls of all Considerably				425	0	0	sold Avri	0	0	377	0	0
dannaged but fit for poasting				35/	por	Barl						
Loss 5/6 per Barrel				850			717	0	0	133	0	0
				2955	G	0	1908 -	0		109.7	15	1
Carried forward,				2/30	U	0	,,,,,		0	7-4/		

## PARTICULARS OF THE CLAIM. (continued).

(TO BE GIVEN IN DETAIL.)

										1		
DESCRIPTION OF PROPERTY DESTROYED	Cost Price.		Value of Property at time of Destruction or Damage.			Value of Salvage.			Amount Claimed,			
OR DAMAGED.	£	8.	d.	£	8	d.	£	8.	d.	£	8.	d.
Brought forward.				2955	0	0	1908	0	0	1047	0	0
A we told												
Barrow Street Dublin												
200 Barrels of mult completly				35/	er/s	3rl						
				35/4	0	0				350	0	6
Spoiled												
				1					1,			
240 Baroals applialt grantially				35/1	er l.	Bul	Value	2 3:	3/-			
damages Loss 2/ per Barrel	4			420	0	0	396	0	0	24	0	0
160 Burrels Considerably Damaged				35/1	la 1	Bre						
but fel-for roastmg				280	0	0	236	U	0	44	0	0
Los 5/6 per Barrel						1						
Total				4005	0	0	2540	0	0	1465	0	0
						,						
Carried forward,												
Curried Jorwara,												
				THE RESERVE OF THE PARTY OF THE								The second liverage with the second liverage w