

CONTRACT OF BAILMENT

Duties of Bailor

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Duties of Bailor

- *Duty to disclose faults* – Section 150 of the Act provides that the bailor is bound to disclose to the bailee faults in the goods bailed, of which the bailor is aware, and which materially interfere with the use of them, or expose the bailee to extraordinary risks;



- and if he does not make such disclosure, he is responsible for damage arising to the bailee directly from such faults.
- If the goods are bailed for hire, the bailor is responsible for such damage, whether he was or was not aware of the existence of such faults in the goods bailed.



- *For examples, 'A' lends a horse, which he knows to be vicious, to 'B'. He does not disclose the fact that the horse is vicious. The horse runs away. 'B' is thrown and injured. 'A' is responsible to 'B' for damage sustained.*



'A' hires a carriage of 'B'.
The carriage is unsafe,
though 'B' is not aware of
it, and 'A' is injured. 'B' is
responsible to 'A' for the
injury.



- *Duty to repay expenses* – Section 158 of the Act provides that where, by the conditions of the bailment, the goods are to be kept or to be carried, or to have work done upon them by the bailee for the bailor, and the bailee is to receive no remuneration, the bailor shall repay to the bailee the necessary expenses incurred by him for the purpose of the bailment.



- *Duty to pay Loss* – Section 164 of the Act provides that the bailor is responsible to the bailee for any loss which the bailee may sustain by reason that the bailor was not entitled to make the bailment, or to receive back the goods, or to give directions respecting them.

