

(2) This right will be equally denied to him if the damage has been caused in similar conditions by one of his agents in the scope of his employment.

ARTICLE 26.

(1) Acceptance of the luggage or goods without complaint by the consignee shall, in the absence of proof to the contrary, constitute evidence that the consignment has been delivered in good condition and in accordance with the document of carriage.

(2) In case of damage, the consignee must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within three days from the date of receipt in the case of luggage and seven days from the date of receipt in the case of goods. In case of delay the complaint must be made at the latest within fourteen days from the date on which the luggage or goods have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of carriage or by separate notice in writing despatched within the period prescribed for such complaint.

(4) Failing complaint within the prescribed periods, no action shall lie against the carrier, save in the case of fraud on his part.

ARTICLE 27.

In the case of the death of the person liable, an action for damages lies in accordance with the terms of the present Convention against his personal representatives.

ARTICLE 28.

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the Court having jurisdiction where the carrier is domiciled, or has his principal place of business, or has an establishment by which the contract has been made or before the Court having jurisdiction at the place of destination.

(2) Questions of procedure shall be governed by the law of the Court seised of the case.