

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Consolidated Ap-
peals of The Ship "Albano" and her freight v.
The Allan Line Steamship Company, Limited;
and of The Union Dampfschiffsrhederei Actien-
gesellschaft v. The Steamship "Parisian"
and her freight, from the Supreme Court of
Canada; delivered the 27th February 1907.*

Present at the Hearing :

LORD MACNAGHTEN.

LORD DAVEY.

SIR ARTHUR WILSON.

SIR GORELL BARNES.

Nautical Assessors :

ADMIRAL RODNEY M. LLOYD, C.B.

CAPTAIN W. F. CABORNE, C.B., R.N.R.

[*Delivered by Sir Gorell Barnes.*]

These Appeals arise out of an action brought by the Allan Line Steamship Company, Limited (Respondents), the owners of the steamship "Parisian," against the steamship "Albano" and her freight (Appellants), and a cross-action brought by the Union Dampfschiffsrhederei Actiengesellschaft, a body corporate (Appellants), the owners of the steamship "Albano," against the steamship "Parisian" and her freight (Respondents). The action and cross-action were brought in respect of a collision which took place between the "Parisian" and the "Albano" off the entrance to Halifax Harbour, Nova Scotia, about five

o'clock in the afternoon of the 25th March 1905, in which both vessels were seriously damaged. The action and cross-action were tried together on the 13th, 14th, 17th and 24th April 1905, before the Hon. James MacDonald, Ex-Chief Justice of Nova Scotia sitting as Local Judge in Admiralty, Exchequer Court of Canada, Nova Scotia Admiralty District, assisted by Commander Tinling as Assessor, and Judgment was reserved and delivered on the 3rd October 1905. The learned Judge held that the "Albano" was alone to blame for the collision, and by decrees dated the said 3rd October he pronounced in favour of the claim of the Allan Line Steamship Company, Limited, and condemned the ship "Albano" and her freight and the bail for the said ship "Albano" and her freight in the amount to be found due and in costs, and ordered that an account should be taken, and referred the same to the Registrar (assisted by merchants) to report the amount due, and he dismissed the action of the Union Dampfschiffsrhederei Actiengesellschaft with costs, and condemned the Plaintiff in that action in costs.

The Appellant appealed to the Supreme Court of Canada, and the Appeals were heard on the 20th, 21st, 22nd and 23rd February 1906, by the Supreme Court of Canada, composed of Sedgewick, Girouard, Davies, Idington, and MacLennan J.J., sitting without Nautical Assessors, and Judgment was delivered on the 5th March 1906, Mr. Justice Idington dissenting, affirming the Judgments of the Court below. Both Appeals were dismissed with costs.

The facts which gave rise to the action are not substantially in dispute so far as regards the main features of the case, and may be stated briefly as follows. The "Albano" is a German screw steamer belonging to the Appellant

Company, and is of 3,747 tons gross and 2,423 tons net register. She was on a voyage from Hamburg to Halifax with cargo and passengers, and on the 25th March 1905, having made an incorrect landfall near the entrance to the port of Halifax, was proceeding on a course of W.S.W. $\frac{3}{4}$ W. magnetic, at a speed of about 9 knots an hour, approaching the Rock Head Shoal Buoy, off the entrance to the port, with the object of taking up a pilot from a pilot cutter which is stationed near to a buoy called the "Whistling Buoy." In these circumstances those on board of her observed the "Parisian" some six or seven miles distant, and about six or seven points on the port bow, making in the direction of the Whistling Buoy. The course of the "Albano" was continued until the Rock Head Shoal Buoy was about a point forward of her starboard beam, about a mile distant, and was then altered to W. $\frac{1}{4}$ S. magnetic, which would take her almost directly to the Whistling Buoy, but she was steering so as to keep the buoy a little on the starboard bow with the object aforesaid.

The "Parisian," as the "Albano" proceeded, was observed to be coming on a cross course at about right angles with that of the "Albano." The "Parisian" is a steamship of 3,385 tons net register belonging to the Allan Line Steamship Company, Limited, and was bound from Liverpool and Merville to Halifax, also with cargo and passengers. In approaching the entrance to Halifax Harbour she was steering a course of about N.N.W. at a speed of about 14 or 15 knots an hour, making for the pilot cutter, also with the object of taking up a pilot. Those on board of her observed the "Albano" broad on the starboard bow distant about six miles at a time when the "Albano" was considerably to the eastward of the direction which it was

necessary for her to take in order to enter Halifax Harbour, from which position she afterwards came on the courses above referred to towards the westward, but from that time until very shortly before the collision those on board the "Parisian" who were attending to her navigation appear to have become strangely oblivious of the presence of the "Albano," and their attention was not directed to her again until she blew three short blasts almost immediately before the collision.

The engines of the "Parisian" at 4.57 by her time were set at half-speed, at 4.58 at "slow," and at 4.59 they were stopped, as the vessel was gradually approaching the spot at which she was to take her pilot, her course by this time having been altered to N. by W. While she was thus running off her speed the row boat from the pilot cutter, which was then on the starboard bow of the "Parisian," put off from the pilot cutter and rowed out towards the line of the course of the "Parisian," and then proceeded towards the "Parisian." At this time the "Parisian" and the "Albano" were nearing each other, and while the "Parisian" was still moving ahead through the water at a speed of about a knot an hour, and while the row boat with the pilot on board was close to her, but before the pilot had sufficient time actually to reach her and get on board of her, the "Albano," which up to that time had continued her course of W. $\frac{1}{4}$ S. magnetic and her speed, at 4.57 by her time put her engines down to "slow" and at 4.58 to "stop" and "full speed astern," and at the same time sounded three short blasts on the whistle. This attracted the attention of the master who was navigating the "Parisian," and a little while afterwards, just before the "Albano" struck the "Parisian," he ordered his engines "full speed ahead." At that time

the "Parisian" was about crossing the bows of the "Albano," but before the collision actually took place, owing to the engines of the "Parisian" being set "full speed ahead," she moved still further ahead, and was then struck by the "Albano" nearly at right angles between 60 and 80 feet from her stern. Both vessels were very seriously damaged, the "Parisian" being cut into and the "Albano" having her bows injured. By the time of the "Parisian" the collision took place at a few seconds after six minutes past five; by that of the "Albano" it occurred a few seconds after five o'clock. The difference is accounted for by a difference between their respective clocks. After the collision the "Parisian" proceeded into Halifax and reached a place of safety before the water which entered was sufficient to sink her. The "Albano" also proceeded into Halifax.

At the trial there was a contest as to whether the "Parisian" had any way upon her or had become stationary in the water, at the time when the "Albano" was approaching close to her; but the conclusion to be drawn from the evidence appears to their Lordships to be that the "Parisian," which had been running her way off from the time when the operations with her engines first began, was still at the time when her engines were set at "full speed ahead" in motion through the water at a speed of probably about a knot an hour.

In the Supreme Court of Canada Mr. Justice Davies, in giving the judgment of the majority of the Court, states that he concluded from a careful analysis of all the evidence on the point that there was a slight motion of the "Parisian" through the water reaching from three quarters of a knot to a knot, and this conclusion of the learned Judge appears to relate to the time when her engines were set full speed ahead, and

to be a conclusion in accordance with much of the evidence given. That she must have had way to this extent at least appears to be shown from the evidence of Julius Kudenhold, the Master of the "Albano," who said that at the time when he reversed his engines two minutes before the collision the "Parisian" was $2\frac{1}{2}$ points on his port bow, though at the time the collision happened the "Parisian" had nearly succeeded in crossing the bows of the "Albano."

In two respects of some importance the evidence from the "Parisian" cannot be considered by their Lordships to be accurate. The Master of the "Parisian" stated that the last time he noticed the "Albano" prior to the vessels being close to each other was at 4.45, and that he did not pay attention to her and did not see her again until she was coming right down on the "Parisian" and that the "Albano" got away behind the beam of the "Parisian." Other witnesses from the "Parisian" speak of the "Albano" as coming up from behind the beam of the "Parisian," but having regard to the courses upon which the two vessels were at the material time and to the fact that they were progressing on their respective courses to the point at which they struck, and that the "Albano" struck the "Parisian" about at right angles, it seems impossible to conclude that the "Albano" approached the "Parisian" from abaft the beam of the latter. The "Albano" must have been on the starboard hand of the "Parisian" forward of her beam, and ought to have been observed approaching by those on board the "Parisian." The other inaccuracy is that some of the witnesses for the "Parisian," including her Master, spoke of the "Albano" as coming faster ahead after the "Albano" sounded three short blasts instead of slackening her speed, as she ought to have done by

reversing her engines. The evidence of the witnesses from the "Albano" was to the effect that at 4.57 by her time her engines were slowed, and at 4.58 reversed full speed astern, and continued working full speed astern for nearly two minutes until the collision took place. Very precise evidence on this point was given by the chief engineer of the "Albano," and there seems to their Lordships no reason to doubt that the engines of the "Albano" were in fact reversed full speed astern at the time when her whistle sounded the three short blasts, and that her way had been considerably reduced at the time the collision took place so that she came in contact with the "Parisian" at a speed probably not exceeding about 3 knots.

From this statement of the facts it appears that the two vessels were approaching each other on courses which converged at the point where the collision took place, that they were always in motion in the manner above described up to that point, that the collision took place at about right angles, and that the point at which the collision took place was about the spot at which each of these vessels expected to pick up her pilot. Had the "Parisian" picked up her pilot without accident she would have proceeded on the course on which she was up the harbour, whereas if the "Albano" had picked up her pilot, it would have been necessary for her, after passing the spot where the collision took place, to have rounded up under her port helm and gone up the harbour, but she would not in the course of her navigation have altered her course until she had picked up her pilot at or about the spot where the collision took place.

The main question, then, to be considered in the case is whether the regulations in force in the waters where the collision took place ought to have been followed by these two vessels

respectively in order to avoid danger of colliding. Now the collision took place in Canadian waters, and the "Act respecting the Navigation of Canadian Waters," passed in 1886 (Revised Statutes, Chapter 79), contained regulations for preventing collisions in Canadian waters. Section 5 provided that—

"If, in any case of collision, it appears to the Court before which the case is tried, that such collision was occasioned by the non-observance of any of the rules prescribed by this Act, the vessel or raft by which such rules have been violated shall be deemed to be in fault; unless it can be shown to the satisfaction of the Court that the circumstances of the case rendered a departure from the said rules necessary."

Section 9 provided that—

"Whenever foreign ships are within Canadian waters, the rules for preventing collisions prescribed by this Act, and all provisions of this Act relating to such rules, or otherwise relating to collisions, shall apply to such foreign ships; and in any case arising in any Court of Justice in Canada concerning matters happening within Canadian waters, foreign ships shall, so far as regards such rules and provisions, be treated as if they were British or Canadian ships."

By Section 14 of the Act provision was made that in case of the alteration of the Imperial regulations the Governor in Council might from time to time make corresponding changes as respects Canadian waters in the regulations contained in the Act or any that might be substituted for them, and by an Order in Council of the 9th February 1897, under the provisions of the said 14th Section, rules and regulations which are in conformity with the regulations approved by Order of Her late Majesty in Council on the 27th November 1896 were substituted for the regulations contained in the said Act of 1886. The regulations which it is material to consider in the present case are Articles 19, 21, 22, 23, and 27 of the Canadian Regulations. These Articles are as follows:—

"Article 19. When two steam-vessels are crossing so as to involve risk of collision the vessel which has the other on her own starboard side shall keep out of the way of the other."

“ Article 21. Where by any of these rules, one of two vessels is to keep out of the way the other shall keep her course and speed.”

“ *Note.*—When in consequence of thick weather or other causes such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision.”

“ Article 22. Every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.”

“ Article 23. Every steam-vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed, or stop, or reverse.”

“ Article 27. In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.”

The Appellants contended that the “ Parisian ” and “ Albano ” were vessels which were crossing so as to involve risk of collision and that it was the duty of the “ Parisian,” having the “ Albano ” on her own starboard side, to keep out of her way. The contention on the part of the Respondents was that the vessels were not vessels crossing so as to involve risk of collision, that the Articles were not applicable to the case, that the “ Parisian ” had become practically a stationary vessel at the time when the “ Albano ” was approaching close to her and that the “ Albano ” ought to have acted for the “ Parisian ” and to have avoided her by taking the proper action for that purpose.

The report of the assessor, Commander Tinling, who assisted at the trial, was to the effect that in his view the “ Parisian ” had the duty, under Article 19, of keeping out of the way of the “ Albano,” and that she had failed to perform that duty through a bad look-out and want of action taken on her part, and thereby caused the collision. He further reported that the action of the captain of the “ Albano,”

through an error of judgment in allowing his vessel to approach so close to the "Parisian" as to involve a collision, was much to be censured. The learned Judge who tried the case held that the decision of the case did not turn upon any question of seamanship alone but that it turned upon the construction of rules as familiar to lawyers as sailors, and he expressed himself as follows:—

"Entertaining a strong opinion as to the construction of these rules in the light of the evidence on which my judgment must be founded, it is my duty, with the greatest deference to Commander Tindling to assert that opinion, which I do the more readily as my opinion, if erroneous, can readily be corrected. I am of opinion that on this evidence the 'Albano' should alone be held to be in fault and that there should be judgment accordingly."

Their Lordships are not able to gather from this judgment the precise views entertained by the learned Judge as to the applicability of the rules in question.

In the Supreme Court of Canada the judgment of Mr. Justice Davies concludes as follows:—

"In the case before us however, the 'Parisian' had clearly first reached the pilotage grounds, had slowed down till she was practically motionless without steerage way, was, it may be said, in the very act of taking aboard the pilot who had come alongside of her from the pilot cutter in a row boat, when the risk of collision first arose, and although so lying that the 'Albano' was on her starboard side was not, in my humble judgment, from these circumstances,—all of which must be held to have been present to the eye and mind of the 'Albano's' captain—a crossing ship within the rule."

Mr. Justice Idington, the dissenting Judge, held that the vessels were crossing vessels involving risk of collision, and that Article 19 applied, that the "Parisian" ought to have taken steps to keep out of the way which should have been taken some time before she was stopped and considered in relation to the purpose of stopping, and a proper place therefore selected. But he expressed a doubt as to whether or not

the captain of the "Albano" ought not to have had more regard to Article 27, and, if blameable for not doing so, his vessel might have to share the loss, but he stated that in his judgment the "Parisian's" officers had not regarded either rule until too late and were guilty of negligence that caused the accident.

The broad question, therefore, to consider on these Appeals is whether or not the vessels were, as they approached towards the spot where the collision took place, vessels crossing so as to involve risk of collision. If they were, the "Parisian" must be held to blame under Articles 19, 22, and 23, and the only question would then be whether the "Albano" ought also to be held to blame for not having acted sooner than she did very shortly before the collision.

The case of the "*Ada*" and the "*Sappho*," which was heard before Sir Robert Phillimore in 1872, and on appeal by the Privy Council in 1873 (reported in 1 Asp.M.L.C, N.S., page 475, and 2 Asp. M.L.C., page 4), raised a question somewhat similar to that involved in the present case. In that case the two vessels were bound for Hull, the "*Ada*" coming from the south-east and the "*Sappho*" from the north-east, and both vessels were approaching the pilot cutter lying at anchor to take up their pilots, the place of the collision being at the mouth of the Humber. Sir Robert Phillimore held that the vessels were to be treated as crossing vessels under Article 14 of the Regulations for preventing Collisions at Sea which then existed, and corresponded with Article 19 of the present Regulations, and that the fact of approaching a well known pilot station was not such a special circumstance as to take the case out of the operation of the Rules, and that the "*Ada*" having the "*Sappho*" on

her starboard side was bound to keep out of the way.

This judgment was affirmed on appeal, and Sir J. W. Colvile in delivering the judgment of the Board said :—

“ Their Lordships think it desirable to consider whether the vessels were crossing vessels within the meaning of the 14th Article, and consequent thereon, if the assumption which seems to have been the *ratio decidendi* in the Court below was correct. Their Lordships are of opinion that it was correct. It appears that both vessels, the one coming from the northward, the other from the southward, and both bound to Kingston-upon-Hull, were under the necessity of proceeding to the same point where the pilot vessel was moored. It appears to their Lordships on the evidence that when first sighted the ‘Ada’ had the other vessel on her starboard bow, and therefore, if they were crossing vessels, it was her duty to keep out of the way of the ‘Sappho.’ Now their Lordships think that they were crossing vessels within the meaning of the Rule, because both were of necessity directing their courses to one point. That point would be the point of intersection of the two courses if prolonged.”

His Lordship proceeded to say that the learned Judge was right and held that the “Ada” had failed in the duty imposed upon her by the rule, and that there were no special circumstances taking her out of the operation of the rule.

There were other questions in the case as to whether the “Sappho” was to blame for not complying with the then existing Article 16, which are not material upon the simple question as to whether the crossing rule applied in the present case. It is true that in that case the “Sappho” seems to have been the vessel nearer to the pilot boat than the “Ada,” and that the senior pilot had ordered that the “Sappho” should be the first vessel to which the pilot should be sent, whereas in the present case the pilot boat was proceeding first from the pilot cutter to the “Parisian,” and the “Parisian” was first upon the spot where the collision took place, though it can only be said that

the "Parisian" had reached that spot almost at the same time as, though slightly before, the "Albano." But this difference between the two cases does not seem to their Lordships to be material upon the mere question of construction of the article as applicable to this class of case. The late Lord St. Helier, in delivering the judgment of this Board in the case of the "*Pekin*" (L.R., A.C., 1897, page 532), though dealing with a collision in a river, used language which may be regarded as not inappropriate to this case. In a passage at page 536 he is reported thus:—

"If at any time two vessels, not end on, are seen, keeping the courses to be expected with regard to them respectively, to be likely to arrive at the same point at or nearly at the same moment, they are vessels crossing so as to involve risk of collision, but they are not so crossing if the course which is reasonably to be attributed to either vessel would keep her clear of the other. The question, therefore, always turns on the reasonable inference to be drawn as to a vessel's future course from her position at a particular moment, and this greatly depends on the nature of the locality where she is at the moment."

It does not appear to their Lordships possible to regard the situation in the present case from the point of view for which the Respondents contend, viz., that, being on the spot first and with little motion left, they are entitled to treat their vessel as a vessel to which the rules are inapplicable, and for which the other vessel should give way. The consideration of the situation must be carried further back to the time when these vessels were approaching towards the spot where the collision took place, and would if they continued doing what each of them was respectively doing, arrive at that spot so as to involve risk of collision. It is the omission by the majority of the Judges of the Court below so to consider the matter that gives rise to the principal divergence between their opinion and that entertained by their Lordships

in this case, for in the passage above quoted from the Judgment of Mr. Justice Davies it is to be observed that he speaks of the risk of collision as first arising when the pilot boat was close to the "Parisian," whereas, when what each vessel was doing for some time before this is taken into consideration, it seems reasonably certain that they were approaching each other on crossing courses so as to involve the very risk which resulted in an actual collision. They were in fact converging on a spot on courses and at speeds which would probably bring them to that spot so as to present a danger of collision when they reached it, which each of them would do in the course of her navigation, and their Lordships are of opinion that in these circumstances the vessels were vessels crossing so as to involve risk of collision and that Articles 19, 22, and 23 were applicable.

It follows, therefore, that it was the duty of the "Parisian" to have kept out of the way of the "Albano." The reason for her not doing so is clearly, as already pointed out, that those engaged in her navigation who ought to have attended to the lock-out appear to have been paying no attention to the "Albano," probably because their attention was riveted on the pilot cutter and pilot boat.

It was urged however by the Respondents' Counsel that, even if the "Albano" had been properly observed, the "Parisian" would not have been navigated differently, and they prayed in aid the provisions of Article 27: but if the duty were *primâ facie* on the "Parisian" to keep out of the way, this article could only be of assistance to the "Parisian" if it could be shown by the Respondents that there were special circumstances which rendered a departure from Article 19 necessary in order to avoid immediate danger. No such circumstances

could be shown in this case, for if the "Albano" had been properly noticed there would have been no reason for the "Parisian" to continue on her course and place herself across the course of the "Albano" at the critical time, and no difficulty in completely taking off the way of the "Parisian" by the reversing of her engines some time before she was allowed to approach the line of the course of the "Albano."

Again, it might be said that, if on their courses and speeds the two vessels would not have arrived at or near the place of collision at or about the same time, and if the "Parisian" had arrived at and was lying motionless at the place of collision some considerable time before the approach of the "Albano," the circumstances might be such as to make the rule inapplicable, for then it might perhaps be said that the vessels could not be regarded as moving to a spot at the same time, and never could reasonably be regarded as crossing so as to involve risk of collision. But such a case which the Respondents attempted, but failed, to make out, and upon which it is not necessary to express an opinion, is far removed from the actual facts of the present case where the two vessels, doing what each of them did, were approaching so as to cross each other, or at any rate would probably be in motion and cross each other at or about the same time and place.

The question however remains for consideration whether, the "Parisian" being to blame, the "Albano" was not to blame also. She was bound to comply with Article 21, and to keep her course and speed until she found herself so close to the "Parisian" that the collision could not be avoided by the action of the latter vessel alone, and upon this view the master of the "Albano" acted, for he said in his evidence, "I

“ had to keep my course and he had to keep out
 “ out of the way. I did not think he would do
 “ it to oblige me, but I expected he would go
 “ according to the rules of the road. That is
 “ what I expected,” and further on he said he
 thought the “ Parisian ” had taken off steam to
 slow down for a pilot and also to let him pass.

It must always be a matter of some difficulty
 for the master of a vessel which has to keep her
 course and speed with regard to another vessel
 which has to keep out of her way, to determine
 when the time has arrived for him to take
 action, for if he act too soon he may disconcert
 any action which the other vessel may be about
 to take to avoid his vessel, and might be blamed
 for so doing, and yet the time may come at
 which he must take action. Therefore he must
 keep his course and speed up to some point, and
 then act, but the precise point must necessarily
 be difficult to determine, and some little latitude
 has to be allowed to the master in determining
 this.

In the present case it is obvious that if the
 “ Parisian,” proceeding at gradually diminishing
 speed as she neared the crossing line of course
 of the “ Albano,” had reversed her engines
 shortly before coming to the point of intersection
 of the courses on which the vessels were moving,
 she could easily have reduced herself to a com-
 plete standstill before reaching that point, and
 then the “ Albano ” would have passed ahead of
 her without difficulty.

In their Lordships' opinion, the master of the
 “ Albano ” might well assume, until he reached
 the place where he slowed and reversed her
 engines, that the “ Parisian ” would adopt this
 course, and there does not appear to be sufficient
 ground for blaming him for not taking those
 steps earlier. It was much pressed upon their
 Lordships that the master of the “ Parisian ”

would suppose that a vessel approaching as the "Albano" was would slow down and stop her way entirely before reaching the place of the collision for the purpose of receiving a pilot. But, as already pointed out, she would not require to do so until at or about the time when she reached that place; although when she did so, she would probably reduce her speed, as the land to the westward was not much more than a mile ahead of her, and she would have to pick up her pilot and afterwards round up the harbour. The master of the "Parisian" could not rely upon any such supposition, and as a matter of fact from want of attention never considered the matter at all.

An argument was also addressed to their Lordships on behalf of the Respondents based upon the difference between the sanction imposed by Section 5 of the Canadian Act, and that imposed by the 419th Section of the Merchant Shipping Act, 1894, but it is unnecessary to say more upon this point than that the argument falls to the ground as soon as it is determined that in this case the collision was occasioned by the non-observance by the "Parisian" of the crossing rules.

In conclusion, it is to be observed that the regulations are the outcome of long experience and of conferences held by representatives of the maritime nations, and, if firmly acted on and applied, are more likely to obviate the doubts and difficulties by which those navigating vessels may be assailed—for instance, in cases similar to the present case, which may not infrequently arise where vessels are making for the entrance of a port at the same time—than if the actions of those in charge are to be guided by rough estimates of courses and speeds to determine which vessel is slightly ahead of the other, and considered afterwards by the light of

conflicting evidence as to whether these estimates were right or wrong.

Their Lordships will therefore humbly advise His Majesty to set aside both the Judgments or Decrees of the Supreme Court and of the Local Judge in Admiralty, there being cross-suits in the case, to declare in both suits that the "Parisian" was alone to blame for the collision, to dismiss the action against the "Albano" and her freight, with costs, in the Courts below, to pronounce in favour of the Plaintiffs' claim in the cross-action against the "Parisian" and her freight, and to condemn the "Parisian" and her freight, and the bail therefor, in the amount to be found due in the usual way by reference and in the Plaintiffs' (Appellants') costs in the Courts below.

The Respondents must pay the costs of the Appeals.
