

Privy Council Appeal No. 16 of 1917.

In the Matter of the Ship "Germania."

**Carl Jepsen (Master) and Jaluit Gesellschaft, of
Hamburg (Owners) - - - - - Appellants,**

AND

The Proper Officer of the Crown - - - - - Respondent.

Privy Council Appeal No. 163 of 1917.

In the Matter of the Ship "Tiberius."

**David Sanders (Master), Claus Anderson, Her-
mann Anderson, Otto Anderson, trading as
C. Anderson (Owners) - - - - - Appellants,**

AND

The Proper Officer of the Crown - - - - - Respondent.

And Privy Council Appeals Nos. 161, 162, 164, and 165 (Consolidated).

In the Matter of the Ship "Osnabruck."

**Berend Voss (Master) and Deutsch Australische
Dampfschiffs Gesellschaft (Owners)- - - Appellants,**

AND

The Proper Officer of the Crown - - - - - Respondent.

In the Matter of the Ship "Melbourne."

**Alfred Heuth (Master) and Deutsch Australische
Dampfschiffs Gesellschaft (Owners)- - - Appellants,**

AND

The Proper Officer of the Crown - - - - - Respondent.

In the Matter of the Ship "Sumatra."

**Carl Wellhofer (Master) and Deutsch Austra-
lische Dampfschiffs Gesellschaft (Owners) - Appellants,**

AND

The Proper Officer of the Crown - - - - - Respondent.

In the Matter of the Ship "Berlin."

**Krine Heyenga (Master) and Deutsch Austra-
lische Dampfschiffs Gesellschaft (Owners) - Appellants,**

AND

The Proper Officer of the Crown - - - - - Respondent,

FROM

**THE SUPREME COURT OF NEW SOUTH WALES ADMIRALTY
JURISDICTION (IN PRIZE).**

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 31ST JANUARY, 1918.

Present at the Hearing :

LORD PARKER OF WADDINGTON.

LORD SUMNER.

LORD PARMOOR.

LORD WRENBURY.

SIR SAMUEL EVANS.

[*Delivered by* LORD PARKER OF WADDINGTON.]

Their Lordships express no opinion as to whether the appellants may ultimately be able to establish a case for indemnity under the Sixth Hague Convention. This will depend : (1) upon whether such Convention is binding in the events which have happened, and (2) upon its true construction ; but their Lordships do not propose to deal with either of these points on the present occasion.

With regard to the proceedings in the Court below, under Order 29 of the Rules of the Prize Court, they appear to have been perfectly regular. In particular, their Lordships consider that no mistake was made in not selecting the date for valuation contended for by the appellants. The only possible question is whether the appellants' application for an adjournment until the end of the war, on the ground that during the war they were not in a position to obtain evidence of value, ought to have been granted. Their Lordships cannot accept the suggestion that if the appellants' representatives in Australia had asked for a licence to communicate with the appellants in Germany as to the evidence to be adduced on their behalf, such licence would have been refused ; and no temporary adjournment for that purpose was ever even suggested to the Court, much less made the subject of a formal application. Under these circumstances their Lordships think that neither the Registrar nor the Chief Justice could have come to any other conclusion than the one arrived at.

Their Lordships will humbly advise His Majesty that these appeals should be dismissed with costs.

In the Privy Council.

IN THE MATTER OF THE SHIP "GERMANIA."

Carl Jepsen (Master) and Jaluit Gesellschaft,
of Hamburg (Owners),

AND

The Proper Officer of the Crown.

IN THE MATTER OF THE SHIP "TIBERIUS."

David Sanders (Master), Claus Anderson, Hermann
Anderson, Otto Anderson, trading as C. Anderson
(Owners),

AND

The Proper Officer of the Crown.

IN THE MATTER OF THE SHIP "OSNABRUCK."

Berend Voss (Master) and Deutsch Australische
Dampfschiffs Gesellschaft (Owners)

AND

The Proper Officer of the Crown.

IN THE MATTER OF THE SHIP "MELBOURNE."

Alfred Heuth (Master) and Deutsch Australische
Dampfschiffs Gesellschaft (Owners)

AND

The Proper Officer of the Crown.

IN THE MATTER OF THE SHIP "SUMATRA."

Carl Wellhofer (Master) and Deutsch Australische
Dampfschiffs Gesellschaft (Owners)

AND

The Proper Officer of the Crown.

IN THE MATTER OF THE SHIP "BERLIN."

Krine Heyenga (Master) and Deutsch Australische
Dampfschiffs Gesellschaft (Owners)

AND

The Proper Officer of the Crown.

DELIVERED BY
LORD PARKER OF WADDINGTON.