

**In the matter of part cargo ex steamship "Belgia"  
(Appeals of The American Metal Company and The  
American Smelting and Refining Company)**

FROM

**THE HIGH COURT OF JUSTICE (ENGLAND), PROBATE, DIVORCE AND  
ADMIRALTY DIVISION (IN PRIZE).**

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**JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE  
OF THE PRIVY COUNCIL, DELIVERED THE 23RD FEBRUARY, 1917.**

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*Present at the Hearing :*

LORD PARKER OF WADDINGTON.

LORD SUMNER.

LORD PARMOOR.

LORD WRENBURY.

SIR ARTHUR CHANNELL.

[*Delivered by* LORD PARKER OF WADDINGTON.]

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Their Lordships need not trouble the respondent.

It appears that in both these cases the question is really whether the learned President was wrong when he came to the conclusion that the appellants in neither case had proved that the mail from America had not arrived at Frankfort in ordinary course of post. As a general rule the Court will assume, unless the contrary is proved, that letters which are proved to have been mailed do arrive in ordinary course of post, and it is on those who dispute that inference to show the contrary. In both cases the appellants could, had they so desired, have obtained the information direct from Germany. The existence of the war creates no material difficulty in the communication between America and Germany. In both cases they failed to get the information. They tried to induce the learned President to draw the inference that the mail had not arrived from certain very unsatisfactory affidavits as to facts that were put in evidence. Now, when the learned President has decided against them, they ask for leave to put in evidence, which they might have procured in the first instance. Their Lordships have already refused to allow that evidence to be put in, and under those circumstances the only possible thing for the Board to do is to affirm what the learned President has done, and they will humbly advise His Majesty that the appeal ought to be dismissed with costs.

In the Privy Council.

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IN THE MATTER OF PART CARGO  
of STEAMSHIP "BELGIA."

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DELIVERED BY LORD PARKER OF  
WADDINGTON.

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