

Privy Council Appeal No. 149 of 1917.

In the matter of the Steamship "Prinz Adalbert."

Hamburg-Amerika Line - - - - *Appellants,*

v

His Majesty's Procurator-General - - - *Respondent.*

Privy Council Appeal No. 1 of 1918.

In the matter of the Steamship "Kronprinzessin Cecilie."

Hamburg-Amerika Line - - - - *Appellants,*

v

His Majesty's Procurator-General - - - *Respondent.*

FROM

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

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 4TH FEBRUARY, 1918.

Present at the Hearing :

LORD PARKER OF WADDINGTON.

LORD SUMNER.

LORD PARMOOR.

LORD WRENBURY.

SIR ARTHUR CHANNELL.

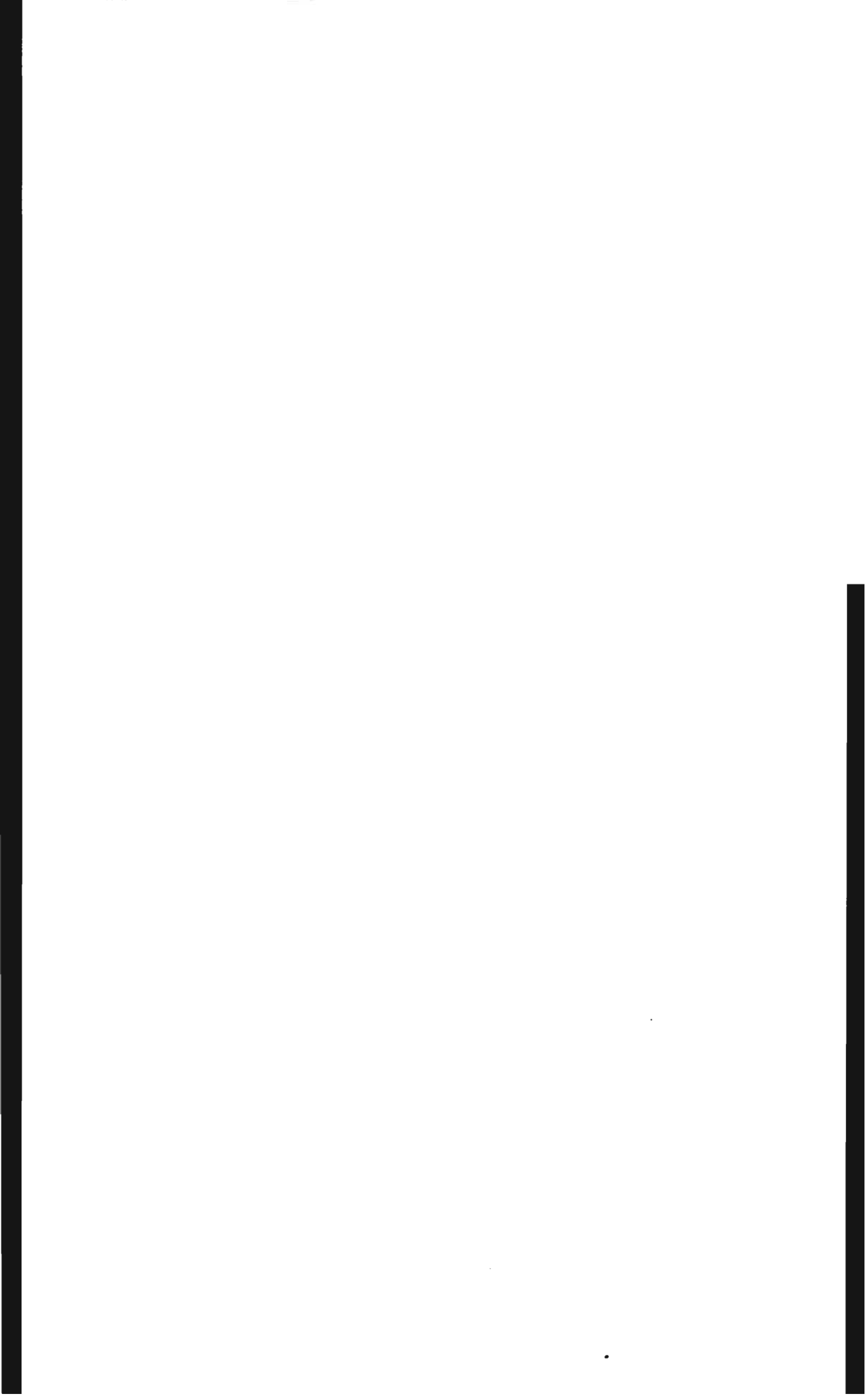
[*Delivered by* LORD PARKER OF WADDINGTON.]

In their Lordships' opinion, the effect of the preamble of the Sixth Hague Convention, on Articles 1 and 2 thereof, is a point which admits of considerable doubt. Following therefore the precedent of the "*Gutenfels*" [1916, 2 A.C. 112] (a decision pronounced after the decisions appealed from), their Lordships do not propose to decide it at the present time. The proper order should, in their opinion, be what is known as the "*Chile*"

order [1914, P. 217]. The effect of making this order will be to reserve all rights intact for decision when the war is over, and the views of the German Government as to the true construction of the Convention can be ascertained.

As the order their Lordships propose to make is that which the appellants ask for in these appeals, and as they have had to come here to get it, the Crown should, in their Lordships' opinion, pay the costs.

Their Lordships will humbly advise His Majesty accordingly.



Privy Council.

In the matter of the
STEAMSHIP "PRINZ ADALBERT"

In the matter of the
STEAMSHIP "KRONPRINZESSIN
CECILE."

DELIVERED BY
LORD PARKER OF WADDINGTON.