

the value to be £650. The plaintiff's claim for damages was £1,534 13s., but the Court allowed as damages, which included repairs, salvage, dock dues, agency, and charges in regard to cargo, the sum of £723 8s. 7d.

In this case, while all the damages have been assessed at \$3,751.35 (less \$64.50), the sum of \$2,344.88 has been allowed for repairs; and the balance (\$1,776.59, less \$64.50), \$1,712.09, is allowed for salvage, towage, survey, and other charges. So, whether the estimated value of the "*Monaguon*" is placed at any of the averages warranted by the evidence, the rule of law as to "repairs" recognized in *The "Empress Eugenie"* (*supra*) has not been infringed.

The charges properly allowable as damages in collision cases are tersely stated in *Desty on Shipping and Admiralty*, par. 397, and more fully in *Marsden on Collisions*, 3rd ed., pp. 110-124. And as to the allowance for repairs, the *Cyclopædia of Law and Procedure* thus states the rule—subject of course to the limitation as to the value of the ship: "The owner of a ship wrongfully injured in a collision, is entitled to have her fully and completely repaired; and if the necessary consequence of this is that the value of the ship is increased, so that the owner receives more than an indemnity for his loss, he is entitled to that benefit. No deduction is made from the damages recoverable on account of the increased value of the ship, or the substitution of new for old materials." (7 Cyc. 392). See also *The "Pactolus,"* Swab. 173, and *The "Providence,"* 98 Fed. R. 133.

The district registrar will re-apportion the reduced amount of salvage and towage charges, \$1,712.09, among the contributory interests entitled to general average, and also compute the interest from 28th November, 1901, at 5 per cent. on the damages allowed, \$3,686.85.

As to costs of the appeal, I think the rule adopted by Dr. Lushington in *The "Black Prince,"* Lush. 568, that the costs of an appeal from the registrar should follow the result, and not depend upon the proportion of the plaintiff's original claim which has been partly disallowed, should govern here. The plaintiffs will therefore be entitled to their costs of this appeal.