

IN THE HIGH COURT OF AUSTRALIA

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JAMES PATERSON & COY. PTY. LTD.  
AND ORS

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V.

THE SHIP "STANFIRTH" AND HER  
CARGO

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**REASONS FOR JUDGMENT**  
ON RESERVED QUESTIONS

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*Judgment delivered at* Melbourne,  
*on* 11th March, 1953.

JAMES PATERSON & COY. PTY. LTD.  
& ORS.

v.

THE SHIP "STANFIRTH" AND HER CARGO.

JUDGMENT ON RESERVED QUESTIONS

WEBB J.

11/3/53

JAMES PATERSON & COY. PTY. LTD. & ORS.

v.

THE SHIP "STANFIRTH" AND HER CARGO.

JUDGMENT ON RESERVED QUESTIONS

WEBB J.

On the 12th December 1952 I announced the award of £10,500 to the plaintiffs for salvage services to the "Stanfirth" and her Cargo; but I reserved the questions as to the apportionment of the reward among the plaintiffs and the proportion thereof to be paid by the cargo owners, as I understood the parties desired to endeavour to agree on those matters. I also reserved the question of costs.

I am now informed by the solicitors for the parties that the proportion to be borne by the cargo owners will be settled by the defendants; but that it is desired that I should apportion the award among the plaintiffs without hearing further evidence or argument. In making this apportionment I have had no difficulty as between the tug owners and the crew; but as to the share of each member of the crew I have had little to guide me. It is clear enough that a heavy burden rested on the Master/<sup>Mate</sup> and Chief Engineer, and more particularly on the Master; as to the others I have nothing better than <sup>their ranking and</sup> the rates of their remuneration.

DECREE.

Award the plaintiffs £10,500 for the salvage services rendered by them to the ship "Stanfirth" and her Cargo together with costs, including reserved costs and costs of the transcript of the shorthand notes, and condemn the defendants in the said sum and costs.

Decree that of the said sum of £10,500 the sum of £7,000 be awarded to the plaintiffs the owners of the tug "James Paterson", and the sum of £3,500 be awarded to the plaintiffs the master and crew of the said tug "James Paterson".

Decree that the said sum of £3,500 be apportioned among the master and crew of the tug "James Paterson", as follows:-

To

The Master (Captain Uttley)	£400
Mate (N. C. McBain)	300
Chief Engineer (J. Y. McDonald)	300
Second Engineer	250
Wireless operator and Leading hand each	225
Other members of crew, each	200

Reserve liberty to apply for further relief or otherwise consistently with this decree.

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