

MR. JUSTICE SWAYNE and MR. JUSTICE STRONG participated in the decision of this case in conference before their retirement, and we are authorized to say that they concur in this opinion and judgment.

Judgment affirmed.

NOTE. — *County of Tipton v. Norton* and *County of Tipton v. Edmunds*, error from the same court, were argued at the same time by the same counsel as the preceding case, and, upon its authority, the judgments therein rendered were affirmed.

THE "RICHMOND."

1. Where in a case in admiralty the decree below, determining the liability of the respective vessels in a collision, was rendered before the act of Feb. 16, 1875, c. 77 (18 Stat., pt. 3, p. 315), took effect, this court, the case being properly here on appeal, will re-examine the evidence, and, if the appellant does not show that in the concurring action of the courts below error was committed to his prejudice, the decree will be affirmed.
2. Where, after such a decree, and the taking effect of that act, the ascertainment of the amount of damages sustained by the vessel not in fault was referred to a master, the action of the Circuit Court upon exceptions to his report, all of which relate to questions of fact, will not be reviewed here.

APPEAL from the Circuit Court of the United States for the District of Louisiana.

This was a libel filed by Shirley and others, owners of the steamboat "Sabine." They allege, in substance, that between two and three o'clock of the morning of Feb. 11, 1872, while she was descending the Mississippi River about twelve miles above New Orleans, the steamer "Richmond" ran into and sunk her; that the collision was owing entirely to the gross and culpable negligence of the officers and pilot of the "Richmond;" and that the libellants suffered damages to the sum of \$37,500.

The owners of the "Richmond" filed an answer and cross-libel, claiming \$12,000 damages.

The Merchants' Mutual Insurance Company filed its libel against the "Richmond" and the "Sabine," alleging that it