

whether, since the common-law courts in England, and to a large extent in the United States, are permitted to estimate the damages which a particular person has sustained by the wrongful killing of another, the courts of admiralty may not do the same thing. If the District Court entertains such a suit, an appeal lies from its decree to the Circuit Court, and from there here, if the value of the matter in dispute is sufficient. Under these circumstances, it seems to us clear that the admiralty courts are competent to determine all the questions involved, and that we ought not to issue the prohibition asked for.

*Petition denied.*

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#### EX PARTE FERRY COMPANY.

*Ex parte Gordon* (*supra*, p. 515) reaffirmed, the doctrines there announced being applicable, although the amount involved in the suit below is not sufficient to give this court appellate jurisdiction.

##### PETITION for a writ of prohibition.

James H. Cuddy exhibited his libel against the steamer "Garland," her engines, &c., in the District Court of the United States for the Eastern District of Michigan, alleging that he was the father of David Cuddy and William H. Cuddy, aged respectively ten and thirteen years, passengers on board a steam yacht bound up the Detroit River, when she was sunk by the "Garland," whereby they were drowned, and he was deprived of their earnings, services, and society. The sinking of the yacht and their death are charged to be the direct result of the negligence and unskilfulness of the "Garland."

In a supplemental libel he alleges that he was duly appointed administrator of the estate of each of his sons, and he charges that he is entitled to damages in the sum of \$4,000 for their death, not only by virtue of his relationship, but as their personal representative, his right in that behalf being created by the law of Michigan.

The "Garland" was seized. On the application of the Detroit River Ferry Company, the claimant, she was appraised and surrendered. The company now prays for a writ from this court to prohibit the proceedings, as beyond the jurisdiction of the District Court.

*Mr. Henry C. Wisner* for the petitioner.

*Mr. Alfred Russell, contra.*

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

This case is, in all its material facts, like that of *Ex parte Gordon, supra*, p. 515. It matters not that the amount demanded in the libel is less than \$5,000, and that consequently no appeal will lie to this court. An appeal will lie to the Circuit Court in favor of the libellant if he is defeated, and in favor of the respondent if the recovery exceeds \$50. It is no ground for relief by prohibition that provision has not been made for a review of the decision of the court of original jurisdiction, by appeal or otherwise. A prohibition cannot be made to perform the office of a proceeding for the correction of mere errors and irregularities. If there is jurisdiction, and no provision for appeal or writ of error, the judgment of the trial court is the judgment of the court of last resort, and concludes the parties. It rests with Congress to decide whether a case shall be reviewed or not.

*Writ denied.*

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#### EX PARTE HAGAR.

The District Court sitting in admiralty will not be restrained from proceeding in a suit to recover pilotage.

PETITION for a writ of prohibition.

The facts are stated in the opinion of the court.

The case was argued by *Mr. Henry G. Ward* and *Mr. Richard E. McMurtrie* for the petitioner, and by *Mr. Edward G. Bradford* and *Mr. Thomas F. Bayard, contra.*