

## THE "MAMIE."

Where a petition of the owner of a vessel claiming the benefit of the limited liability provided by sect. 4283 of the Revised Statutes was rejected and an appeal taken,—*Held*, that this court has jurisdiction where the aggregate amount claimed is more than \$5,000 in excess of the value of the vessel.

APPEAL from the Circuit Court of the United States for the Eastern District of Michigan.

The "Mamie," a small pleasure-yacht propelled by steam, was run down and sunk by the steamer "Garland" in the Detroit River, July 22, 1880. More than fourteen passengers on the "Mamie" were drowned.

Thirteen different suits, each claiming damages in the sum of \$5,000, were, under the statute of Michigan entitled "An Act requiring compensation for causing death by wrongful act, neglect, or default," brought in the Superior Court of Detroit, within the Eastern District of Michigan, against the owners of the "Mamie," by the several administrators of the passengers who had perished by reason of the collision.

A petition in admiralty was filed in the District Court of the United States for the Eastern District of Michigan by the owners to obtain the benefit of a limitation of their liability to a sum not exceeding the amount or value of their interest in the yacht, and also to contest with each separate plaintiff in the State court (being summoned into the admiralty court) the question of any liability at all to him, and of the damages due to the estate of his intestate, if any, and to enjoin him from proceeding in the State court.

The court dismissed the petition. The decree was, on appeal, affirmed by the Circuit Court, and the petitioners thereupon appealed here.

A motion is now made to dismiss the appeal, on the ground that the matter in dispute, exclusive of costs, does not exceed the sum of \$5,000. The conceded value of the "Mamie" was less than \$5,000.

*Mr. Alfred Russell* in support of the motion.

*Mr. A. B. Maynard* and *Mr. H. H. Swan*, *contra*.

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

The record has not been printed, but the value of the matter in dispute, as shown by the briefs submitted, is at least the full amount of all the claims against the owners of the "Mamie" in the several suits which it was the object of this proceeding to defeat, as against anything else than the boat or her value. This, according to the showing now made, is largely in excess of \$5,000.

*Motion denied.*

MR. JUSTICE GRAY and MR. JUSTICE BLATCHFORD did not sit in this case, nor take any part in deciding it.