

**In the matter of Part Cargo *ex* Steamship "Kim."**

**William Torrey Baird** - - - - *Appellant,*

*v.*

**His Majesty's Procurator-General** - - - *Respondent,*

FROM

**THE HIGH COURT OF JUSTICE (ENGLAND), PROBATE, DIVORCE, AND  
ADMIRALTY DIVISION (IN PRIZE).**

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**JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE  
OF THE PRIVY COUNCIL, DELIVERED THE 22ND MAY, 1917.**

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*Present at the Hearing:*

LORD PARKER OF WADDINGTON.

LORD SUMNER.

LORD PARMOOR.

LORD WRENBURY.

SIR ARTHUR CHANNELL.

[*Delivered by* LORD PARKER OF WADDINGTON.]

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In the present case the President came to the conclusion that the claimant had not made out his title. The Board do not see their way to differ from the President in this respect. It appears that the case originally stated in the Court below on behalf of the claimant, Mr. Baird, was that he had sold the thirty-nine cases of rubber in question to a Mr. Frankfurter, who was also a rubber broker in New York, and that he, in his turn, sold them to a Mr. Fritsch. That case is quite inconsistent with Mr. Baird having any title to support the claim, and is not only fully borne out by a letter of the 24th March, 1915, from Mr. Baird to the Rubber Club of America, but is also consistent with what Mr. Baird himself says in his affidavit and with what is said by Mr. Frankfurter in his affidavit. Under these circumstances the Board are of opinion that the appellant's title is not made out, and that the probabilities of the case point to the version given by counsel at the original hearing being the true one.

Accordingly the appeal must necessarily fail on this ground, and the other points which were decided by the President do not arise. Their Lordships will humbly advise His Majesty that the appeal should be dismissed with costs.

In the Privy Council.

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*In re* Part Cargo *ex* SS. "Kim."

WILLIAM TORREY BAIRD

*v.*

HIS MAJESTY'S

PROCURATOR-GENERAL.

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DELIVERED BY

LORD PARKER OF WADDINGTON.