



SUPPLEMENT

TO THE

NEW ZEALAND GAZETTE

OF

THURSDAY, FEBRUARY 28, 1884.

Published by Authority.

WELLINGTON, WEDNESDAY, MARCH 5, 1884.

Rules, &c., for Vice-Admiralty Courts.

Department of Justice,
Wellington, 1st March, 1884.

THE following Order in Council, statutes, and rules regulating Vice-Admiralty Courts, with forms and tables of fees, are published for general information.

EDWD. T. CONOLLY.

RULES

MADE IN PURSUANCE OF AN ACT OF PARLIAMENT PASSED IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY TOUCHING THE

PRACTICE TO BE OBSERVED IN THE VICE-ADMIRALTY COURTS, WITH FORMS AND TABLES OF FEES,

AND ESTABLISHED BY THE QUEEN'S ORDER IN COUNCIL OF THE 23RD DAY OF AUGUST, 1883.

At the Court at Osborne House, Isle of Wight, the 23rd day of August, 1883.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 22nd day of August, 1883, in the words following, viz. :—

Whereas by an Act passed in the twenty-second year of your Majesty's reign, entitled "Vice-Admiralty Courts Act, 1863," it was, amongst other things, provided that Her Majesty may, by Order in Council, from time to time establish rules touching the practice to be observed in the Vice-Admiralty Courts, as also tables of fees to be taken by the officers and practitioners thereof for all acts to be done therein, and may repeal and alter all existing and all future rules and tables of fees, and establish new rules and tables of fees in addition thereto or in lieu thereof:

And whereas it appears to us to be expedient that, in lieu of the rules and tables of fees now existing in the Vice-Admiralty Courts, the rules and tables of fees annexed hereto should, on and from the first day of January, 1884, be established and be in force in all the Vice-Admiralty Courts:

Now, therefore, it is most humbly submitted that your Majesty will be graciously pleased by your Order in Council to direct that all the existing rules and tables of fees in the Vice-Admiralty Courts be repealed, and that, in lieu thereof,

the rules and tables of fees annexed hereto shall, from the first day of January, 1884, be the rules and tables of fees for all the Vice-Admiralty Courts.

Her Majesty having taken the said memorial into consideration was pleased, by and with the advice of her Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

C. L. PEEL.

Copy of Admiralty Board Minute.

The necessary steps are to be taken for carrying into effect the provisions of Her Majesty's foregoing Order in Council.

A. C. KEY.

T. BRANDRETH.

By command of their Lordships.

G. TRYON.

Admiralty, 24th September, 1883.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.—CAP. XXIV.

AN ACT to facilitate the Appointment of Vice-Admirals and of Officers in Vice-Admiralty Courts in Her Majesty's Possessions abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts.

[8th June, 1863.]

WHEREAS it is expedient to facilitate the appointment of Vice-Admirals and of officers in Vice-Admiralty Courts in Her Majesty's possessions abroad, and to confirm the past proceedings, to extend the jurisdiction, and to amend the practice of those Courts: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited for all purposes as "The Vice-Admiralty Courts Act, 1863."

Interpretation of Terms.

2. In the interpretation and for the purposes of this Act if not inconsistent with the context or subject-matter, the following terms shall have the respective meanings herein-after assigned to them, that is to say,—

"Her Majesty" shall mean Her Majesty, her heirs and successors:

"The Admiralty" shall mean the Lord High Admiral or the Commissioners for executing his office:

"British possession" shall mean any colony, plantation, settlement, island, or territory, being a part of Her Majesty's dominions, but not being within the limits of the United Kingdom of Great Britain and Ireland, or of Her Majesty's possessions in India:

"Governor" shall mean the officer for the time being lawfully administering the Government of any British possession:

"Vice-Admiralty Court" shall mean any of the existing Vice-Admiralty Courts enumerated in the Schedule marked A hereto annexed, or any Vice-Admiralty Court which shall hereafter be established in any British possession:

"Ship" shall include every description of vessel used in navigation not propelled by oars only, whether British or foreign:

"Cause" shall include any cause, suit, action, or other proceeding instituted in any Vice-Admiralty Court.

Appointment of Vice-Admiral.

3. In any British possession, where the office of Vice-Admiral is now or shall at any time hereafter become vacant, the Governor of such possession shall be *ex officio* Vice-Admiral thereof, until a notification is received in the possession that a formal appointment to that office has been made by the Admiralty in the manner hereinafter mentioned.

Appointment of Judge.

4. In any British possession, where the office of Judge of a Vice-Admiralty Court is now or shall at any time hereafter become vacant, the Chief Justice, or the principal judicial officer of such possession, or the person for the time being lawfully authorized to act as such, shall be *ex officio* Judge of the Vice-Admiralty Court, until a notification is received in the possession that a formal appointment to that office has been made by the Admiralty in the manner hereinafter mentioned.

Appointment of Registrar and Marshal.

5. In any British possession, where the office of Registrar or Marshal of any Vice-Admiralty Court is now or shall at any time hereafter become vacant, the Judge of the Court may, with the approval of the Governor, appoint some person to the vacant office, until a notification is received in the possession that a formal appointment thereto has been made by the Admiralty in the manner hereinafter mentioned, and may, for good and reasonable cause, to be approved by the Governor, remove the person so appointed. The Judge may also appoint some person to act as Registrar or Marshal during the temporary absence of either of those officers.

Names of Appointees, &c., to be notified to the Home Government.

6. On any vacancy in the office of Judge, Registrar, or Marshal of any Vice-Admiralty Court, the Governor of the British possession in which the Court is established shall, as soon as is practicable, communicate to one of Her Majesty's Principal Secretaries of State the fact of the vacancy, and the name of the person succeeding or appointed to the vacant office.

Saving the Powers of the Admiralty.

7. Nothing in this Act contained shall be taken to affect the power of the Admiralty to appoint any Vice-Admiral, or any Judge, Registrar, Marshal, or other officer of any Vice-Admiralty Court, as heretofore, by warrant from the Admiralty, and by letters patent issued under seal of the High Court of Admiralty of England.

Past Proceedings confirmed.

8. No act done by any person in the capacity of Judge, Registrar, or Marshal of any Vice-Admiralty Court, which shall not have been set aside by any competent authority before the passing of this Act, shall be held invalid by reason that such person had not been duly appointed, but all such Acts shall be as valid and effectual as if done by a person duly appointed.

Protection of Officers.

9. No action, prosecution, or other proceeding shall be brought against any such person by reason of the illegality or informality of any Act hereby declared to be valid and effectual.

Jurisdiction of Vice-Admiralty Courts.

10. The matters in respect of which the Vice-Admiralty Courts shall have jurisdiction are as follow:—

- (1.) Claims for seamen's wages;
- (2.) Claims for master's wages, and for his disbursements on account of the ship;
- (3.) Claims in respect of pilotage;
- (4.) Claims in respect of salvage of any ship, or of life or goods therefrom;
- (5.) Claims in respect of towage;
- (6.) Claims for damage done by any ship;
- (7.) Claims in respect of bottomry or respondentia bonds;
- (8.) Claims in respect of any mortgage where the ship has been sold by a decree of the Vice-Admiralty Court and the proceeds are under its control;

(9.) Claims between the owners of any ship registered in the possession in which the Court is established touching the ownership, possession, employment, or earnings of such ship;

(10.) Claims for necessaries supplied in the possession in which the Court is established to any ship of which no owner or part owner is domiciled within the possession at the time of the necessaries being supplied;

(11.) Claims in respect of the building, equipping, or repairing within any British possession of any ship of which no owner or part owner is domiciled within the possession at the time of the work being done.

Jurisdiction of Vice-Admiralty Courts.

11. The Vice-Admiralty Courts shall also have jurisdiction—

- (1.) In all cases of breach of the regulations and instructions relating to Her Majesty's navy at sea;
- (2.) In all matters arising out of droits of Admiralty.

Nothing to restrict existing Jurisdictions.

12. Nothing contained in this Act shall be construed to take away or restrict the jurisdiction conferred upon any Vice-Admiralty Court by any Act of Parliament in respect of seizures for breach of the revenue, customs, trade, or navigation laws, or of the laws relating to the abolition of the slave trade, or to the capture and destruction of pirates and piratical vessels, or any other jurisdiction now lawfully exercised by any such Court, or any jurisdiction now lawfully exercised by any other Court within Her Majesty's dominions.

13. The jurisdiction of the Vice-Admiralty Courts, except where it is expressly confined by this Act to matters arising within the possession in which the Court is established, may be exercised whether the cause or right of action has arisen within or beyond the limits of such possession.

Her Majesty empowered to establish and alter Rules and Tables of Fees.

14. Her Majesty may, by Order in Council, from time to time establish rules touching the practice to be observed in the Vice-Admiralty Courts, as also tables of fees to be taken by the officers and practitioners thereof for all Acts to be done therein, and may repeal and alter the existing and all future rules and tables of fees, and establish new rules and tables of fees in addition thereto or in lieu thereof.

Rules and Tables of Fees to be laid before the House of Commons.

15. A copy of any rules or tables of fees which may at any time be established shall be laid before the House of Commons within three months from the establishing thereof, or if Parliament shall not be then sitting, or if the session shall terminate within one month from that date, then within one month after the commencement of the next session.

To be entered in the Records of the Courts.

16. The rules and tables of fees in force in any Vice-Admiralty Court shall, as soon as possible after they have been received in the British possession in which the Court is established, be entered by the Registrar in the public books or records of the Court, and the books or records in which they are so entered shall at all reasonable times be open to the inspection of the practitioners and suitors in the Court.

To be hung up in Court, &c.

17. A copy of the rules and tables of fees in force in any Vice-Admiralty Court shall be kept constantly hung up in some conspicuous place as well in the Court as in the office of the Registrar.

Established Fees to be the only Fees taken.

18. The fees established for any Vice-Admiralty Court shall, after the date fixed for them to come into operation, be the only fees which shall be taken by the officers and practitioners of the Court.

Taxation may be revised by the High Court of Admiralty.

19. Any person who shall feel himself aggrieved by the charges of any of the practitioners in any Vice-Admiralty Court, or by the taxation thereof by the officers of the Court, may apply to the High Court of Admiralty of England to have the charges taxed or the taxation thereof revised.

Registrar may administer Oaths.

20. The Registrar of any Vice-Admiralty Court shall have power to administer oaths in relation to any matter depending in the Court; and any person who shall wilfully swear falsely in any proceeding before the Registrar, or before any other person authorized to administer oaths in the Court, shall be deemed guilty of perjury, and shall be liable to all the penalties attaching to wilful and corrupt perjury.

As to the Hearing of Cross Causes.

21. If a cause of damage by collision be instituted in any Vice-Admiralty Court, and the defendant institute a cross cause in respect of the same collision, the Judge may, on application of either party, direct both causes to be heard at the same time and on the same evidence; and if the ship of the defendant in one of the causes has been arrested, or

security given by him to answer judgment, but the ship of the defendant in the other cause cannot be arrested, and security has not been given to answer judgment therein, the Court may, if it think fit, suspend the proceedings in the former cause until security has been given to answer judgment in the latter cause.

No Appeal save from final Sentence or Order.

22. The appeal from a decree or order of a Vice-Admiralty Court lies to Her Majesty in Council; but no appeal shall be allowed, save by permission of the Judge, from any decree or order not having the force or effect of a definite sentence or final order.

Appeal to be made within Six Months.

23. The time for appealing from any decree or order of a Vice-Admiralty Court shall, notwithstanding any existing enactment to the contrary, be limited to six months from the date of the decree or order appealed from; and no appeal shall be allowed where the petition of appeal to Her Majesty shall not have been lodged in the registry of the High Court of Admiralty and of Appeals within that time, unless Her Majesty in Council shall, on the report and recommendation of the Judicial Committee of the Privy Council, be pleased to allow the appeal to be prosecuted, notwithstanding that the petition of appeal has not been lodged within the time prescribed.

Acts repealed. Saving Rules established under 2 and 3 W. 4. c. 51.

24. The Acts enumerated in the Schedule hereto annexed marked B are hereby repealed to the extent therein mentioned, but the repeal thereof shall not affect the validity of any rules, orders, regulations, or tables of fees heretofore established and now in force, in pursuance of the Act of the Second and Third William the Fourth, chapter fifty-one; but such rules, orders, regulations, and tables of fees shall continue in force until repealed or altered under the provisions of this Act.

SCHEDULE A.

LIST OF THE EXISTING VICE-ADMIRALTY COURTS TO WHICH THIS ACT APPLIES.

ANTIGUA, Bahamas, Barbadoes, Bermuda, British Columbia, British Guiana, British Honduras, Cape of Good Hope, Ceylon, Dominica, Falkland Islands, Gambia River, Gibraltar, Gold Coast, Grenada, Hong Kong, Jamaica, Labuan, Lagos, Lower Canada (otherwise Quebec), Malta, Mauritius, Montserrat, Natal, Nevis, New Brunswick, Newfoundland, New South Wales, New Zealand, Nova Scotia (otherwise Halifax), Prince Edward Island, Queensland, St. Christopher, St. Helena, St. Lucia, St. Vincent, Sierra Leone, South Australia, Tasmania (formerly called Van Diemen's Land), Tobago, Trinidad, Vancouver's Island, Victoria, Virgin Islands (otherwise Tortola), Western Australia.

SCHEDULE B.

ACTS AND PARTS OF ACTS REPEALED.

Reference to Act.	Title of Act.	Extent of Repeal.
56 Geo. III., c. 82	An Act to render valid the Judicial Acts of Surrogates of Vice-Admiralty Courts abroad during Vacancies in Office of Judges of such Courts	The whole Act, save as regards Her Majesty's possessions in India.
5 Geo. IV., c. 113	An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade	Section 29, save as above.
2 and 3 Will. IV., c. 51	An Act to regulate the Practice and the Fees in the Vice-Admiralty Courts abroad, and to obviate Doubts as to their Jurisdiction	The whole Act, save as above.
6 and 7 Vict., c. 38	An Act to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council	Section 11, so far as it relates to appeals from Vice-Admiralty Courts, save as above.
17 and 18 Vict., c. 37	An Act for establishing the Validity of certain Proceedings in Her Majesty's Court of Vice-Admiralty in Mauritius	The whole Act.

ANNO TRICESIMO ET TRICESIMO PRIMO VICTORIÆ REGINÆ.—
CAP. XLV.

AN ACT to extend and amend "The Vice-Admiralty Courts Act, 1863."
[15th July, 1867.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited for all purposes as "The Vice-Admiralty Courts Act Amendment Act, 1867."

26 and 27 Vict., c. 24, applied.

2. This Act shall be read as one Act with "The Vice-Admiralty Courts Act, 1863."

Interpretation of Terms.

3. In the interpretation and for the purposes of this Act, if not inconsistent with the context or subject-matter, the following terms shall have the respective meanings hereinafter assigned to them, that is to say,—

"Judge" shall mean the person lawfully appointed by the Admiralty to be Judge of any Vice-Admiralty Court, or, in default of such appointment, the Chief Justice or Principal Judicial Officer, or the person for the time being lawfully authorized to act as the Chief Justice or Principal Judicial Officer in the British possession in which such Court is established:

"Judicial powers" shall mean all powers and authorities which may be lawfully exercised by, and all duties by law imposed upon, any such Judge in the trial, hearing, or progress of any cause:

"Ministerial powers" shall mean all powers and authorities which may be lawfully exercised by, and all duties by law imposed upon, any such Judge, not included under the term "judicial powers:"

"Sit" or "sitting" shall mean sit or sitting for the exercise of judicial powers, whether in Court or in Chambers.

Tenure of Office of Vice-Admiral.

4. On the Governor of any British possession, who is also Vice-Admiral thereof, vacating the office of Governor of such possession, the office of Vice-Admiral of the same possession shall thereupon be deemed to be also vacant within the meaning of the third section of "The Vice-Admiralty Courts Act, 1863."

Judge may appoint Deputy Judges.

5. The Judge of any Vice-Admiralty Court may from time to time, with the approval in writing of the Governor of the British possession in which the Court is established, appoint one or more Deputy Judge or Judges to assist or represent him in the execution of his judicial powers.

Judicial Powers of Deputy Judges.

6. It shall be lawful for any such Deputy Judge to exercise all the judicial powers of the Judge; and all acts done by such Deputy Judge shall be as valid and effectual, to all intents and purposes, as if they had been done by the Judge; and all orders or decrees made by such Deputy Judge shall be subject to the same right of appeal in all respects as if they had been made by the Judge.

Deputy Judges may sit separately.

7. Any Deputy Judge may sit at the principal seat of Government or elsewhere in the possession at the same time that the Judge or any other Deputy Judge is sitting, and either at the same or at any other place in such possession, and whether the Judge is or is not at that time within the possession.

Judge may sit with Deputy Judges.

8. The Judge may, if he thinks fit, require any such Deputy Judge or Judges to sit with him in the same Court, and in such case the decision of the majority, or, if they are equally divided in opinion, the decision of the Judge shall be the decision of the Court; and such decision shall be subject to the same right of appeal in all respects as if it had been made by the Judge alone.

Judge to regulate Proceedings.

9. The Judge may direct at what place and time any such Deputy Judge shall sit, and what causes shall be heard before him, and generally make such arrangements as to him shall seem proper as to the division and despatch of the business of the Court.

Tenure of Office of Deputy Judges.

10. The Judge may, if he thinks fit, with the approval in writing of the Governor, at any time revoke the appointment of any such Deputy Judge or Judges, but the appointment shall not be determined by the occurrence of a vacancy in the office of the Judge.

Judge may delegate Ministerial Powers.

11. The Judge may, if he thinks fit, from time to time delegate all or any of his ministerial powers to any such Deputy Judge or Judges.

Judge may appoint Deputy Registrars and Marshals.

12. The Judge may from time to time, if he thinks fit, appoint any competent persons to act respectively as Deputy Registrars and Deputy Marshals of the Court, and may, if he thinks fit, at any time revoke any such appointment, but the appointment shall not be determined by the occurrence of a vacancy in the office of the Judge.

Admiralty may revoke Appointments.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Admiralty, if they think fit, at any time to revoke the appointment of any Deputy Judge, Deputy Registrar, or Deputy Marshal appointed under this Act.

Deputies to receive Fees.

14. Any Deputy Judge, Deputy Registrar, or Deputy Marshal appointed under this Act, shall be entitled to the same fees in respect of any duty performed by him as would be lawfully payable to the Judge, Registrar, or Marshal respectively for the performance of the same duty.

Barristers and Solicitors entitled to practise in Vice-Admiralty Courts.

15. All persons entitled to practise as advocates, barristers-at-law, proctors, attorneys-at-law, or solicitors in the superior Courts of a British possession, shall be entitled to practise in the same respective capacities in the Vice-Admiralty Court or Courts of such possession, and shall have therein all the rights and privileges respectively belonging to advocates, barristers-at-law, proctors, attorneys-at-law, and solicitors, and shall in like manner be subject to the authority of the person for the time being lawfully exercising the office of Judge of such Court.

Her Majesty may establish a Vice-Admiralty Court in a Possession having Legislative Powers.

16. It shall be lawful for Her Majesty to empower the Admiralty, by commission under the Great Seal, to establish one or more Vice-Admiralty Courts in any British possession, notwithstanding that such possession may have previously acquired independent legislative powers; and the jurisdiction and authority of all the existing Vice-Admiralty Courts are hereby declared to be confirmed to all intents and purposes, notwithstanding that the possession in which any such Court has been established may at the time of its establishment have been in possession of legislative powers.

Extended to the Straits Settlements.

17. "The Vice-Admiralty Courts, 1863," shall, together with this Act, apply to any Vice-Admiralty Court now established, or hereafter to be established, in the Straits Settlements.

26 and 27 Vict., c. 24, s. 23, extended to Appeals from Vice-Admiralty Courts in Indian Possessions.

18. The limitation of the time allowed for appeals contained in the twenty-third section of "The Vice-Admiralty Courts Act, 1863," shall be held to apply to all decrees or orders pronounced in any Vice-Admiralty Court now established, or hereafter to be established, in any of Her Majesty's possessions in India.

RULES FOR THE VICE-ADMIRALTY COURTS IN HER MAJESTY'S POSSESSIONS ABROAD.

1. In the construction of these rules, and of the forms and tables of fees annexed thereto, the following terms shall, if not inconsistent with the context or subject-matter, have the respective meanings hereinafter assigned to them, that is to say,—

"Possession" shall mean any colony, plantation, settlement, island, or territory, being a part of Her Majesty's dominions, but not being within the limits of the United Kingdom of Great Britain and Ireland:

"Court" shall mean any Vice-Admiralty Court now existing or which shall hereafter be established in any possession:

"Registry" shall mean the registry of the Court, or any district registry thereof:

"Judge" shall mean the Judge of the Court, or any person lawfully authorized to act as Judge thereof:

"Registrar" shall mean the Registrar of the Court, or any Deputy or Assistant Registrar thereof:

"Marshal" shall mean the Marshal of the Court, or any Deputy or Assistant Marshal thereof:

"Action" shall mean any action, cause, suit, or other proceeding instituted in the Court:

"Counsel" shall mean any advocate, barrister-at-law, or other person entitled to practise in the Court:

"Solicitor" shall mean any proctor, solicitor, or attorney entitled to practise in the Court:

"Plaintiff" shall include the plaintiff's solicitor, if he sues by a solicitor:

"Defendant" shall include the defendant's solicitor, if he appears by a solicitor:

"Party" shall include the party's solicitor, if he sues or appears by a solicitor:

"Ship" shall include every description of vessel used in navigation not propelled by oars only:

"Month" shall mean calendar month.

ACTIONS.

2. Actions shall be of two kinds, actions *in rem* and actions *in personam*.

3. Actions for condemnation of any ship, boat, cargo, proceeds, slaves, or effects, or for recovery of any pecuniary forfeiture or penalty, shall be instituted in the name of the Crown.

4. All actions shall be numbered in the order in which they are instituted, and the number given to any action shall be the distinguishing number of the action, and shall be written or printed on all documents in the action as part of the title thereof. Forms of the title of an action will be found in the Appendix hereto, Nos. 1, 2, and 3.

WRIT OF SUMMONS.

5. Every action shall be commenced by a writ of summons, which, before being issued, shall be indorsed with a statement of the nature of the claim, and of the relief or remedy required, and of the amount claimed, if any. Forms of writ of summons and of the indorsements thereon will be found in the Appendix hereto, Nos. 4, 5, 6, and 7.

6. In an action for seaman's or master's wages, or for master's wages and disbursements, or for necessities, or for bottomry, or in any action in which the plaintiff desires an account, the indorsement on the writ of summons may include a claim to have an account taken.

7. The writ of summons shall be indorsed with the name and address of the plaintiff, and with an address, to be called an address for service, not more than three miles from the registry, at which it shall be sufficient to leave all documents required to be served upon him.

8. The writ of summons shall be prepared and indorsed by the plaintiff, and shall be issued under the seal of the Court; and a copy of the writ and of all the indorsements thereon, signed by the plaintiff, shall be left in the registry at the time of sealing the writ.

9. The Judge may allow the plaintiff to amend the writ of summons and the indorsements thereon in such manner and on such terms as to the Judge shall seem fit.

Service of Writ of Summons.

10. In an action *in rem* the writ of summons shall be served—

(a.) Upon ship, or upon cargo, freight, or other property, if the cargo or other property is on board a ship, by attaching the writ for a short time to the mainmast or the single mast, or to some other conspicuous part of the ship, and by leaving a copy of the writ attached thereto;

(b.) Upon cargo, freight, or other property, if the cargo or other property is not on board a ship, by attaching the writ for a short time to such cargo or property, and by leaving a copy of the writ attached thereto;

(c.) Upon freight in the hands of any person, by showing the writ to him, and by leaving with him a copy thereof;

(d.) Upon proceeds in Court, by showing the writ to the Registrar, and by leaving with him a copy thereof.

11. If access cannot be obtained to the property on which it is to be served, the writ may be served by showing it to any person appearing to be in charge of such property, and by leaving with him a copy of the writ.

12. In an action *in personam* the writ of summons shall be served by showing it to the defendant, and by leaving with him a copy of the writ.

13. A writ of summons against a firm may be served upon any member of the firm, or upon any person appearing at the time of service to have the management of the business of the firm.

14. A writ of summons against a Corporation or a public company may be served in the mode, if any, provided by law for service of any other writ or legal process upon such Corporation or company.

15. Where no such provision exists, a writ of summons against a Corporation may be served upon the Mayor or other head officer, or upon the Town Clerk, Clerk, Treasurer, or Secretary of the Corporation; and a writ of summons against a public company may be served upon the secretary of the company, or may be left at the office of the company.

16. If the person to be served is under disability, or if for any cause personal service cannot or cannot promptly be effected, or if in any action, whether *in rem* or *in personam*, there is any doubt or difficulty as to the person to be served or as to the mode of service, the Judge may order upon whom or in what manner service is to be made, or may order notice to be given in lieu of service.

17. The writ of summons, whether *in rem* or *in personam*, may be served by the plaintiff or his agent within [six months] from the date thereof, and shall, after service, be filed with a certificate of service indorsed thereon.

18. The certificate shall state the date and mode of service, and shall be signed by the person who served the writ. A form of certificate of service will be found in the Appendix hereto, No. 8.

APPEARANCE.

19. A party appearing to a writ of summons shall file an appearance at the place directed in the writ.

20. A party not appearing within the time limited by the writ may, by consent of the other parties or by permission of the Judge, appear at any time on such terms as the Judge shall order.

21. If the party appearing has a set-off or counter-claim against the plaintiff, he may indorse on his appearance a statement of the nature thereof, and of the relief or remedy required, and of the amount, if any, of the set-off or counter-claim; but, if in the opinion of the Judge such set-off or counter-claim cannot be conveniently disposed of in the action, the Judge may order it to be struck out.

22. The appearance shall be signed by the party appearing, and shall state his name and address, and an address to be called an address for service, not more than three miles from the registry, at which it shall be sufficient to leave all documents required to be served upon him. Forms of appearance and of indorsement of set-off or counter-claim will be found in the Appendix hereto, Nos. 9 and 10.

PARTIES.

23. Any number of persons having interests of the same nature arising out of the same matter may be joined in the same action whether as plaintiffs or as defendants.

24. The Judge may order any person who is interested in the action, though not named in the writ of summons, to come in either as plaintiff or as defendant.

25. For the purposes of the last preceding rule an underwriter or insurer shall be deemed to be a person interested in the action.

26. The Judge may order upon what terms any person shall come in, and what notices and documents, if any, shall be given to and served upon him, and may give such further directions in the matter as to him shall seem fit.

CONSOLIDATION OF ACTIONS.

27. Two or more actions in which the questions at issue are substantially the same, or for matters which might properly be combined in one action, may be consolidated by order of the Judge upon such terms as to him shall seem fit.

28. The Judge, if he thinks fit, may order several actions to be tried at the same time and on the same evidence, or the evidence in one action to be used as evidence in another, or may order one of several actions to be tried as a test action, and the other actions to be stayed to abide the result.

WARRANTS.

29. In an action *in rem* a warrant for the arrest of property may be issued by the Registrar at the time of or at any time after the issue of the writ of summons, on an affidavit being filed, as prescribed by the following rules. A form of affidavit to lead warrant will be found in the Appendix hereto, No. 11.

30. The affidavit shall state the nature of the claim, and that the aid of the Court is required.

31. The affidavit shall also state—

(a.) In an action for wages, the national character of the ship, and, if the ship is foreign, that notice of the action has been served upon a consular officer of the State to which the ship belongs, if there is one resident in the possession;

(b.) In an action for necessities, or for building, equipping, or repairing any ship, the national character of the ship, and that, to the best of the deponent's belief, no owner or part owner of the ship was domiciled in the possession at the time when the necessities were supplied or the work was done;

(c.) In an action between co-owners relating to the ownership, possession, employment, or earnings of any ship registered in the possession, the port at which the ship is registered and the number of shares in the ship owned by the party proceeding.

32. In an action for bottomry the bottomry bond in original, and, if it is in a foreign language, a translation thereof, shall be produced for the inspection and perusal of the Registrar, and a copy of the bond, or of the translation thereof, certified to be correct, shall be annexed to the affidavit.

33. The Registrar, if he thinks fit, may issue a warrant although the affidavit does not contain all the prescribed particulars, and, in an action for bottomry, although the bond has not been produced; or he may refuse to issue a warrant without the order of the Judge.

34. The warrant shall be prepared in the registry, and shall be signed by the Registrar, and issued under the seal of the Court. A form of warrant will be found in the Appendix hereto, No. 12.

35. The warrant shall be served by the Marshal or his

officer in the manner prescribed by these rules for the service of a writ of summons in an action *in rem*, and thereupon the property shall be deemed to be arrested.

36. The warrant may be served on Sunday, Good Friday, or Christmas Day, as well as on any other day.

37. The warrant shall be filed by the Marshal within one week after service thereof has been completed, with a certificate of service indorsed thereon.

38. The certificate shall state by whom the warrant has been served and the date and mode of service, and shall be signed by the Marshal. A form of certificate of service will be found in the Appendix hereto, No. 13.

BAIL.

39. Whenever bail is required by these rules it shall be given by filing one or more bail-bonds, each of which shall be signed by two sureties, unless the Judge shall, on special cause shown, order that one surety shall suffice.

40. Every bail-bond shall be prepared in the registry and shall be signed before the Registrar or, by his direction, before a Clerk in the registry, or before a Commissioner appointed by the Court to take bail. Forms of bail-bond and commission to take bail will be found in the Appendix hereto, Nos. 14 and 15.

41. Sureties may attend to sign a bond either separately or together.

42. If bail is taken before a Commissioner the sureties shall justify by affidavit.

43. The commission to take bail and the affidavits of justification shall be prepared in the registry and issued with the bail-bond, and shall, with the bail-bond, when executed, be returned to the registry by the Commissioner.

44. No Commissioner shall be entitled to take bail in any action in which he, or any person in partnership with him, is acting as solicitor or agent.

45. Before filing a bail-bond notice of bail shall be served upon the adverse party, and a certificate of such service shall be indorsed on the bond by the party filing it. A form of notice of bail will be found in the Appendix hereto, No. 16.

46. If the adverse party is not satisfied with the sufficiency of any surety he may file a notice objecting to such surety, or requiring him to justify, if he has not already done so. Forms of notice to justify, of affidavit of justification, and of notice of objection to bail will be found in the Appendix hereto, Nos. 17, 18, and 19.

RELEASES.

47. A release for property arrested by warrant may be issued by order of the Judge.

48. A release may also be issued by the Registrar, unless there is a caveat outstanding against the release of the property,—

(a.) On payment into Court of the amount claimed, or of the appraised value of the property arrested, or, where cargo is arrested for freight only, of the amount of the freight verified by affidavit;

(b.) On one or more bail-bonds being filed for the amount claimed, or for the appraised value of the property arrested; and on proof that [twenty-four hours'] notice of the names and addresses of the sureties has been previously served on the party at whose instance the property has been arrested;

(c.) On the application of the party at whose instance the property has been arrested;

(d.) On a consent in writing being filed, signed by the party at whose instance the property has been arrested;

(e.) On discontinuance or dismissal of the action in which the property has been arrested.

49. Where property has been arrested for salvage the release shall not be issued under the foregoing rule, except on discontinuance or dismissal of the action, until the value of the property arrested has been agreed upon between the parties, or determined by the Judge.

50. The Registrar may refuse to issue a release without the order of the Judge.

51. The release shall be prepared in the registry, and shall be signed by the Registrar, and issued under the seal of the Court. A form of release will be found in the Appendix hereto, No. 20.

52. The release shall be served on the Marshal, either personally, or by leaving it at his office, by the party by whom it is taken out.

53. On service of the release, and on payment to the Marshal of all fees due to and charges incurred by him in respect of the arrest and custody of the property, the property shall be at once released from arrest.

PRELIMINARY ACTS.

54. In an action for damage by collision each party shall, within one week from an appearance being entered, file a preliminary act, sealed up, signed by the party, and containing a statement of the following particulars:—

(1.) The names of the ships which came into collision, and the names of their masters;

- (2.) The time of the collision;
- (3.) The place of the collision;
- (4.) The direction and force of the wind;
- (5.) The state of the weather;
- (6.) The state and force of the tide;
- (7.) The course and speed of the ship when the other was first seen;
- (8.) The lights, if any, carried by her;
- (9.) The distance and bearing of the other ship when first seen;
- (10.) The lights, if any, of the other ship which were first seen;
- (11.) The lights, if any, of the other ship, other than those first seen, which came into view before the collision;
- (12.) The measures which were taken, and when, to avoid the collision;
- (13.) The parts of each ship which first came into collision;
- (14.) What fault or default, if any, is attributed to the other ship.

PLEADINGS.

55. Every action shall be heard without pleadings, unless the Judge shall otherwise order.

56. If an order is made for pleadings, the plaintiff shall within one week from the date of the order file his petition, and within one week from the filing of the petition the defendant shall file his answer, and within one week from the filing of the answer the plaintiff shall file his reply, if any; and there shall be no pleading beyond the reply, except by permission of the Judge.

57. The defendant may, in his answer, plead any set-off or counter-claim; but if, in the opinion of the Judge, such set-off or counter-claim cannot be conveniently disposed of in the action, the Judge may order it to be struck out.

58. Every pleading shall be divided into short paragraphs, numbered consecutively, which shall state concisely the facts on which the party relies; and shall be signed by the party filing it. Form of pleadings will be found in the Appendix hereto, No. 21.

59. It shall not be necessary to set out in any pleading the words of any document referred to therein, except so far as the precise words of the document are material.

60. Either party may apply to the Judge to decide forthwith any question of fact or of law raised by any pleading, and the Judge shall thereupon make such order as to him shall seem fit.

61. Any pleading may at any time be amended, either by consent of the parties, or by order of the Judge.

INTERROGATORIES.

62. At any time before the action is set down for hearing, any party desirous of obtaining the answers of the adverse party on any matters material to the issue may apply to the Judge for leave to administer interrogatories to the adverse party to be answered on oath, and the Judge may direct within what time and in what way they shall be answered, whether by affidavit or by oral examination.

63. The Judge may order any interrogatory that he considers objectionable to be amended or struck out; and, if the party interrogated omits to answer or answers insufficiently, the Judge may order him to answer or to answer further, and either by affidavit or by oral examination. Forms of interrogatories and of answers will be found in the Appendix hereto, Nos. 22 and 23.

DISCOVERY AND INSPECTION.

64. The Judge may order any party to an action to make discovery, on oath, of all documents which are in his possession or power relating to any matter in question therein.

65. The affidavit of discovery shall specify which, if any, of the documents therein mentioned the party objects to produce. A form of affidavit of discovery will be found in the Appendix hereto, No. 24.

66. Any party to an action may file a notice to any other party to produce, for inspection or transcription, any document in his possession or power relating to any matter in question in the action. A form of notice to produce will be found in the Appendix hereto, No. 25.

67. If the party served with notice to produce omits or refuses to do so within the time specified in the notice, the adverse party may apply to the Judge for an order to produce.

ADMISSION OF DOCUMENTS AND FACTS.

68. Any party may file a notice to any other party to admit any document or fact (saving all just exceptions), and a party not admitting it after such notice shall be liable for the costs of proving the document or fact, whatever the result of the action may be, unless the taxing officer is of opinion that there was sufficient reason for not admitting it. Forms of notice to admit will be found in the Appendix hereto, Nos. 26 and 27.

69. No costs of proving any document shall be allowed unless notice to admit shall have been previously given, or the taxing officer shall be of opinion that the omission to give such notice was reasonable and proper.

SPECIAL CASE.

70. Parties may agree to state the questions at issue for the opinion of the Judge in the form of a special case.

71. If it appears to the Judge that there is in any action a question of law which it would be convenient to have decided in the first instance, he may direct that it shall be raised in a special case, or in such other manner as he may deem expedient.

72. Every special case shall be divided into paragraphs, numbered consecutively, and shall state concisely such facts and documents as may be necessary to enable the Judge to decide the question at issue.

73. Every special case shall be signed by the parties, and may be filed by any party.

MOTIONS.

74. A party desiring to obtain an order from the Judge shall file a notice of motion, with the affidavits, if any, on which he intends to rely.

75. The notice of motion shall state the nature of the order desired, the day on which the motion is to be made, and whether in Court or in Chambers. A form of notice of motion will be found in the Appendix hereto, No. 28.

76. Except by consent of the adverse party, or by order of the Judge, the notice of motion shall be filed [twenty-four hours] at least before the time at which the motion is made.

77. When the motion comes on for hearing, the Judge, after hearing the parties, or, in the absence of any of them, on proof that the notice of motion has been duly served, may make such order as to him shall seem fit.

78. The Judge may, on due cause shown, vary or rescind any order previously made.

TENDERS.

79. A party desiring to make a tender in satisfaction of the whole or any part of the adverse party's claim shall pay into Court the amount tendered by him, and shall file a notice of the terms on which the tender is made.

80. Within a week from the filing of the notice the adverse party shall file a notice stating whether he accepts or rejects the tender, and, if he shall not do so, he shall be held to have rejected it. Forms of notice of tender and of notice accepting or rejecting it will be found in the Appendix hereto, Nos. 29 and 30.

81. Pending the acceptance or rejection of a tender the proceedings shall be suspended.

EVIDENCE.

82. Evidence shall be given either by affidavit or by oral examination, or partly in one mode, partly in another.

83. Evidence on a motion shall in general be given by affidavit, and at the hearing by the oral examination of witnesses; but the mode or modes in which evidence shall be given, either on any motion or at the hearing, may be determined either by consent of the parties or by order of the Judge.

84. The Judge may order any person who has made an affidavit in an action to attend for cross-examination thereon before the Judge, or the Registrar, or a Commissioner specially appointed.

85. Witnesses examined orally before the Judge, the Registrar, or a Commissioner, shall be examined, cross-examined, and re-examined in such order as the Judge, Registrar, or Commissioner may direct; and questions may be put to any witness by the Judge, Registrar, or Commissioner, as the case may be.

86. If any witness is examined by interpretation, such interpretation shall be made by a sworn Interpreter of the Court, or by a person previously sworn, according to the form in the Appendix hereto, No. 31.

OATHS.

87. The Judge may appoint any person to administer oaths in Vice-Admiralty proceedings generally, or in any particular proceedings. Forms of appointments to administer oaths will be found in the Appendix hereto, No. 32.

88. If any person tendered for the purpose of giving evidence objects to take an oath, or is objected to as incompetent to take an oath, or is, by reason of any defect of religious knowledge or belief, incapable of comprehending the nature of an oath, the Judge or person authorized to administer the oath shall, if satisfied that the taking of an oath would have no binding effect on his conscience, permit him, in lieu of an oath, to make a declaration. Forms of oath and of declaration in lieu of oath will be found in the Appendix hereto, Nos. 33 and 34.

AFFIDAVITS.

89. Every affidavit shall be divided into short paragraphs numbered consecutively, and shall be in the first person.

90. The name, address, and description of every person making an affidavit shall be inserted therein.

91. The names of all the persons making an affidavit, and

the dates when and the places where it is sworn, shall be inserted in the jurat.

92. When an affidavit is made by any person who is blind, or who from his signature or otherwise appears to be illiterate, the person before whom the affidavit is sworn shall certify that the affidavit was read over to the deponent, and that the deponent appeared to understand the same, and made his mark or wrote his signature thereto in the presence of the person before whom the affidavit was sworn.

93. When an affidavit is made by a person who does not speak the English language, the affidavit shall be taken down and read over to the deponent by interpretation either of a sworn Interpreter of the Court, or of a person previously sworn faithfully to interpret the affidavit. A form of jurat will be found in the Appendix hereto, No. 35.

94. Affidavits may, by permission of the Judge, be used as evidence in an action, saving all just exceptions,—

- (1.) If sworn to in the United Kingdom of Great Britain and Ireland, or in any possession, before any person authorized to administer oaths in the said United Kingdom or in such possession respectively;
- (2.) If sworn to in any place not being a part of Her Majesty's dominions, before a British Minister, Consul, Vice-Consul, or notary public, or before a Judge or Magistrate, the signature of such Judge or Magistrate being authenticated by the official seal of the Court to which he is attached.

95. The reception of any affidavit as evidence may be objected to if the affidavit has been sworn before the solicitor for the party on whose behalf it is offered, or before a partner or clerk of such solicitor.

EXAMINATION OF WITNESSES BEFORE TRIAL.

96. The Judge may order that any witness who cannot conveniently attend at the trial of the action shall be examined previously thereto before either the Judge or the Registrar, who shall have power to adjourn the examination from time to time and from place to place if he shall think necessary. A form of order for examination of witnesses will be found in the Appendix hereto, No. 36.

97. If the witness cannot be conveniently examined before the Judge or the Registrar, or is beyond the limits of the possession, the Judge may order that he shall be examined before a Commissioner specially appointed for the purpose.

98. The Commissioner shall have power to swear any witnesses produced before him for examination, and to adjourn, if necessary, the examination from time to time and from place to place. A form of commission to examine witnesses will be found in the Appendix hereto, No. 37.

99. The parties, their counsel and solicitors, may attend the examination, but, if counsel attend, the fees of only one counsel on each side shall be allowed on taxation, except by order of the Judge.

100. The evidence of every witness shall be taken down in writing, and shall be certified as correct by the Judge, or Registrar, or by the Commissioner, as the case may be.

101. The certified evidence shall be lodged in the registry, or, if taken by commission, shall forthwith be transmitted by the Commissioner to the registry, together with his commission. A form of return to commission to examine witnesses will be found in the Appendix hereto, No. 38.

102. As soon as the certified evidence has been received in the registry it may be taken up and filed by either party, and may be used as evidence in the action, saving all just exceptions.

SHORTHAND WRITER.

103. The Judge may order the evidence of the witnesses, whether examined before the Judge, or the Registrar, or a Commissioner, to be taken down by a shorthand writer, who shall have been previously sworn faithfully to report the evidence; and a transcript of the shorthand writer's notes, certified by him to be correct, and approved by the Judge, Registrar, or Commissioner, as the case may be, shall be lodged in or transmitted to the registry as the certified evidence of such witnesses. A form of oath to be administered to the shorthand writer will be found in the Appendix hereto, No. 39.

PRINTING.

104. The Judge may order that the whole of the pleadings and written proofs, or any part thereof, shall be printed before the trial; and the printing shall be in such manner and form as the Judge shall order.

105. Preliminary acts, if printed, shall be printed in parallel columns.

ASSESSORS.

106. The Judge, on the application of any party, or without any such application if he considers that the nature of the case requires it, may appoint one or more Assessors to advise the Court upon any matters requiring nautical or other professional knowledge.

107. The fees of the Assessors shall be paid in the first instance by the plaintiff, unless the Judge shall otherwise order.

SETTING DOWN FOR TRIAL.

108. An action shall be set down for trial by filing a notice of trial. A form of notice of trial will be found in the Appendix hereto, No. 40.

109. If there has not been any appearance, the plaintiff may set down the action for trial, on obtaining from the Judge leave to proceed *ex parte*—

- (a.) In an action *in personam*, or an action against proceeds in Court, after the expiration of [two weeks] from the service of the writ of summons;
- (b.) In an action *in rem* (not being an action against proceeds in Court), after the expiration of [two weeks] from the filing of the warrant.

110. If there has been an appearance, either party may set down the action for trial—

- (a.) After the expiration of [one week] from the entry of the appearance, unless an order has been made for pleadings, or an application for such an order is pending;
- (b.) If pleadings have been ordered, when the last pleading has been filed, or when the time allowed to the adverse party for filing any pleading has expired without such pleading having been filed.

In collision cases the preliminary acts may be opened as soon as the action has been set down for trial.

111. Where the writ of summons has been indorsed with a claim to have an account taken, or the liability has been admitted or determined, and the question is simply as to the amount due, the Judge may, on the application of either party, fix a time within which the accounts and vouchers and the proofs in support thereof shall be filed, and at the expiration of that time either party may have the matter set down for trial.

TRIAL.

112. After the action has been set down for trial the Registrar shall send notice to the parties of the day on which it will be tried.

113. At the trial of a contested action the plaintiff shall in general begin; but, if the burden of proof lies on the defendant, the Judge may direct the defendant to begin.

114. If there are several plaintiffs or several defendants the Judge may direct which plaintiff or which defendant shall begin.

115. The party beginning shall first address the Court, and then produce his witnesses, if any. The other party or parties shall then address the Court, and produce their witnesses, if any, in such order as the Judge may direct, and shall have a right to sum up their evidence. In all cases the party beginning shall have the right to reply, but shall not produce further evidence, except by permission of the Judge.

116. Only one counsel shall in general be heard on each side; but the Judge, if he considers that the nature of the case requires it, may allow two counsel to be heard on each side.

117. If the action is uncontested, the Judge may, if he thinks fit, give judgment on the evidence adduced by the plaintiff.

REFERENCES.

118. The Judge may, if he thinks fit, refer the assessment of damages and the taking of any account to the Registrar, either alone or assisted by one or more merchants as Assessors.

119. The rules as to evidence, and as to the trial, shall apply, *mutatis mutandis*, to a reference to the Registrar, and the Registrar may adjourn the proceedings from time to time and from place to place if he shall think necessary.

120. Counsel may attend the hearing of any reference, but the costs so incurred shall not be allowed on taxation unless the Registrar shall certify that the attendance of counsel was necessary.

121. When a reference has been heard, the Registrar shall draw up a report in writing of the result, showing the amount, if any, found due, and to whom, together with any further particulars that may be necessary. A form of the report will be found in the Appendix hereto, No. 41.

122. When the report is ready, notice shall be sent to the parties, and either party may thereupon take up and file the report.

123. Within [two weeks] from the filing of the Registrar's report either party may file a notice of motion to vary the report, specifying the items objected to.

124. At the hearing of the motion the Judge may make such order thereon as to him shall seem fit, or may remit the matter to the Registrar for further inquiry or report.

125. If no notice of motion to vary the report is filed within [two weeks] from filing the Registrar's report, the report shall stand confirmed.

COSTS.

126. In general, costs shall follow the result, but the Judge may in any case make such order as to the costs as to him shall seem fit.

127. The Judge may direct payment of a lump sum in lieu of taxed costs.

128. If any plaintiff (other than a seaman suing for his wages, or for the loss of his clothes and effects in a collision) or any defendant making a counter-claim is not resident in the possession, the Judge may, on the application of the adverse party, order him to give bail for costs.

129. A party claiming an excessive amount, either by way of claim or of set-off or counter-claim, may be condemned in all costs and damages thereby occasioned.

130. If a tender is rejected, but is afterwards accepted, or is held by the Judge to be sufficient, the party rejecting the tender shall, unless the Judge shall otherwise order, be condemned in the costs incurred after tender made.

131. A party who has not admitted any fact which in the opinion of the Judge he ought to have admitted may be condemned in all costs occasioned by the non-admission.

132. Any party pleading at unnecessary length or taking any unnecessary proceeding in an action may be condemned in all costs thereby occasioned.

TAXATION OF COSTS.

133. A party desiring to have a bill of costs taxed shall file the bill, and, as soon as conveniently may be, the Registrar shall send to the parties notice of the time at which the taxation will take place.

134. At the time appointed, if either party is present, the taxation shall be proceeded with.

135. Within one week from the completion of the taxation application may be made to the Judge to review the taxation.

136. Costs may be taxed either by the Judge or by the Registrar, and as well between solicitor and client as between party and party.

137. If in a taxation between solicitor and client more than [one-sixth] of the bill is struck off, the solicitor shall pay all the costs attending the taxation.

APPRAISEMENT AND SALE, ETC.

138. The Judge may, either before or after final judgment, order any property under the arrest of the Court to be appraised, or to be sold with or without appraisal, and either by public auction or by private contract.

139. If the property is deteriorating in value the Judge may order it to be sold forthwith.

140. If the property to be sold is of small value the Judge may, if he thinks fit, order it to be sold without a commission of sale being issued.

141. The Judge may, either before or after final judgment, order any property under arrest of the Court to be removed, or any cargo under arrest on board ship to be discharged.

142. The appraisal, sale, and removal of property, the discharge of cargo, and the demolition and sale of a vessel condemned under any Slave Trade Act shall be effected under the authority of a commission addressed to the Marshal. Forms of commissions of appraisal, sale, appraisal and sale, removal, discharge of cargo, and demolition and sale will be found in the Appendix hereto, Nos. 42 to 47.

143. The commission shall, as soon as possible after its execution, be filed by the Marshal, with a return setting forth the manner in which it has been executed.

144. As soon as possible after the execution of a commission of sale the Marshal shall pay into Court the gross proceeds of the sale, and shall, with the commission, file his accounts and vouchers in support thereof.

145. The Registrar shall tax the Marshal's account and shall report the amount at which he considers it should be allowed; and any party who is interested in the proceeds may be heard before the Registrar on the taxation.

146. Application may be made to the Judge on motion to review the Registrar's taxation.

147. The Judge may, if he thinks fit, order any property under the arrest of the Court to be inspected. A form of order for inspection will be found in the Appendix hereto, No. 48.

DISCONTINUANCE.

148. The plaintiff may, at any time, discontinue his action by filing a notice to that effect, and the defendant shall thereupon be entitled to have judgment entered for his costs of action on filing a notice to enter the same. The discontinuance of an action by the plaintiff shall not prejudice any action consolidated therewith, or any counter-claim previously set up by the defendant. Forms of notice of discontinuance and of notice to enter judgment for costs will be found in the Appendix hereto, Nos. 49 and 50.

CONSENTS.

149. Any consent in writing signed by the parties may, by permission of the Registrar, be filed, and shall thereupon become an order of Court.

APPEALS.*

150. A party desiring to appeal shall, within [one month] from the date of the decree or order appealed from, file a notice of appeal, and give bail, in such sum not exceeding £300 as the Judge may order, to answer the costs of the appeal. A form of notice of appeal will be found in the Appendix hereto, No. 51.

151. Notwithstanding the filing of the notice of appeal, the Judge may, at any time before service of the inhibition, proceed to carry the decree or order appealed from into effect, provided that the party in whose favour it has been made gives bail to abide the event of the appeal, and to answer the costs thereof, in such sum as the Judge may order.

152. An appellant desiring to prosecute his appeal is to cause the Registrar to be served with an inhibition and citation, and a monition for process, or is to take such other steps as may be required by the practice of the Appellate Court.

153. On service of the inhibition and citation all proceedings in the action will be stayed.

154. On service of the monition for process the Registrar shall forthwith prepare the process at the expense of the party ordering the same.

155. The process, which shall consist of a copy of all the proceedings in the action, shall be signed by the Registrar and sealed with the seal of the Court, and shall be transmitted by the Registrar to the Registrar of the Appellate Court.

PAYMENTS INTO COURT.

156. All moneys to be paid into Court shall be paid, upon receivable orders to be obtained in the registry, to the account of the Registrar at some bank in the possession to be approved by the Judge, or, with the sanction of the local Government, into the Treasury of the possession. A form of receivable order will be found in the Appendix hereto, No. 52.

157. A bank receipt for the amount shall be filed, and thereupon the payment into Court shall be deemed to be complete.

PAYMENTS OUT OF COURT.

158. No money shall be paid out of Court except upon an order signed by the Judge. On signing a receipt, to be prepared in the registry, the party to whom the money is payable under the order will receive a cheque for the amount, signed by the Registrar, upon the bank in which the money has been lodged, or an order upon the Treasury in such form as the local Government shall direct. A form of order for payment out of Court will be found in the Appendix hereto, No. 53.

CAVEATS.

159. Any person desiring to prevent the arrest of any property may file a notice undertaking, within [three days] after being required to do so, to give bail to any action or counter-claim that may have been or may be brought against the property, and thereupon the Registrar shall enter a caveat in the caveat warrant book hereinafter mentioned. Forms of notice and of caveat warrant will be found in the Appendix hereto, Nos. 54 and 55.

160. Any person desiring to prevent the release of any property under arrest shall file a notice, and thereupon the Registrar shall enter a caveat in the caveat release book hereinafter mentioned. Forms of notice and of caveat release will be found in the Appendix hereto, Nos. 56 and 57.

161. Any person desiring to prevent the payment of money out of Court shall file a notice, and thereupon the Registrar shall enter a caveat in the caveat payment book hereinafter mentioned. Forms of notice and of caveat payment will be found in the Appendix hereto, Nos. 58 and 59.

162. If the person entering a caveat is not a party to the action the notice shall state his name and address, and an address within three miles of the registry at which it shall be sufficient to leave all documents required to be served upon him.

* Under the Act 26 and 27 Vict., c. 24, by s. 22, "The appeal from a decree or order of a Vice-Admiralty Court lies to Her Majesty in Council; but no appeal shall be allowed, save by permission of the Judge, from any decree or order not having the force or effect of a definitive sentence or final order."

By s. 23, "The time for appealing from any decree or order of a Vice-Admiralty Court shall, notwithstanding any existing enactment to the contrary, be limited to six months from the date of the decree or order appealed from; and no appeal shall be allowed where the petition of appeal to Her Majesty shall not have been lodged in the registry of the High Court of Admiralty and of Appeals within that time, unless Her Majesty in Council shall, on the report and recommendation of the Judicial Committee of the Privy Council, be pleased to allow the appeal to be prosecuted, notwithstanding that the petition of appeal has not been lodged within the time prescribed."

Rules Nos. 148-153 relate only to the proceedings to be taken in the Vice-Admiralty Courts. The procedure in the Appellate Court is regulated by the rules for appeals in ecclesiastical and maritime causes established by Order in Council of the 11th December, 1865. See p. 435.

163. The entry of a caveat warrant shall not prevent the issue of a warrant, but a party at whose instance a warrant shall be issued for the arrest of any property in respect of which there is a caveat warrant outstanding shall be condemned in all costs and damages occasioned thereby, unless he shall show to the satisfaction of the Judge good and sufficient reason to the contrary.

164. The party at whose instance a caveat release or caveat payment is entered shall be condemned in all costs and damages occasioned thereby, unless he shall show to the satisfaction of the Judge good and sufficient reason to the contrary.

165. A caveat shall not remain in force for more than [six months] from the date of entering the same.

166. A caveat may at any time be withdrawn by the person at whose instance it has been entered, on his filing a notice withdrawing it. A form of notice of withdrawal will be found in the Appendix hereto, No. 60.

167. The Judge may overrule any caveat.

SUBPŒNAS.

168. Any party desiring to compel the attendance of a witness shall serve him with a subpoena, which shall be prepared by the party, and issued under the seal of the Court. Forms of subpoenas will be found in the Appendix hereto, Nos. 61 and 62.

169. A subpoena may contain the names of any number of witnesses, or may be issued with the names of the witnesses in blank.

170. Service of the subpoena must be personal, and may be made by the party or his agent, and shall be proved by affidavit.

ORDERS FOR PAYMENT.

171. On application by a party to whom any sum has been found due, the Judge may order payment to be made out of any money in Court applicable for the purpose.

If there is no such money in Court, or if it is insufficient, the Judge may order that the party liable shall pay the sum found due, or the balance thereof, as the case may be, within such time as to the Judge shall seem fit. The party to whom the sum is due may then obtain from the registry and serve upon the party liable an order for payment under seal of the Court. A form of order for payment will be found in the Appendix hereto, No. 63.

ATTACHMENTS.

172. If any person disobeys an order of the Court, or commits a contempt of Court, the Judge may order him to be attached. A form of attachment will be found in the Appendix hereto, No. 64.

173. The person attached shall without delay be brought before the Judge, and, if he persists in his disobedience or contempt, the Judge may order him to be committed. Forms of order for committal and of committal will be found in the Appendix hereto, Nos. 65 and 66.

The order for committal shall be executed by the Marshal.

EXECUTION.

174. Any decree or order of the Court may be enforced in the same manner as a decree or order of the Supreme Court of the possession may be enforced.

INSTRUMENTS, ETC.

175. Every warrant, release, commission, attachment, and other instrument to be executed by any officer of, or Commissioner acting under the authority of, the Court, shall be prepared in the registry and signed by the Registrar, and shall be issued under the seal of the Court.

176. Every document issued under the seal of the Court shall bear date on the day of sealing, and shall be deemed to be issued at the time of the sealing thereof.

177. Every document requiring to be served shall be served within [six months] from the date thereof, otherwise the service shall not be valid.

178. Every instrument to be executed by the Marshal shall be left with the Marshal by the party at whose instance it is issued, with written instructions for the execution thereof.

NOTICES FROM THE REGISTRY.

179. Any notice from the registry may be either left at, or sent by post to, the address for service of the party to whom notice is to be given.

FILING.

180. Documents shall be filed by leaving the same in the registry, with a minute stating the nature of the document, and the date of filing it. A form of minute on filing any document will be found in the Appendix hereto, No. 67.

181. Any number of documents in the same action may be filed with one and the same minute.

182. No document, except preliminary acts, bail-bonds, documents issued from the registry, and minutes, shall be filed without a certificate indorsed thereon, signed by the party filing the same, that a copy thereof has been served upon the adverse party, if any.

TIME.

183. If the time for doing any act or taking any proceeding in an action expires on a Sunday, or on any other day on which the registry is closed, and by reason thereof such act or proceeding cannot be done or taken on that day, it may be done or taken on the next day on which the registry is open.

184. Where, by these rules or by any order made under them, any act or proceeding is ordered or allowed to be done within or after the expiration of a time limited from or after any date or event, such time, if not limited by hours, shall not include the day of such date or of the happening of such event, but shall commence on the next following day.

185. The Judge may, on the application of either party, enlarge or abridge the time prescribed by these rules or forms, or by any order made under them, for doing any act or taking any proceeding, upon such terms as to him shall seem fit; and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time prescribed.

SITTINGS OF THE COURT.

186. The Judge shall appoint proper and convenient times for sittings in Court and in Chambers, and may adjourn the proceedings from time to time and from place to place as to him shall seem fit.

REGISTRY.

187. The registry shall be open to suitors during fixed hours to be appointed by the Judge.

188. The Registrar shall obey all the lawful directions of the Judge. He shall attend all sittings whether in Court or in Chambers, and shall take minutes of all the proceedings. He shall have the custody of all records of the Court. He shall collect for the Judge's use the fees payable to him. He shall not act as counsel or solicitor in the Court.

MARSHAL.

189. The Marshal shall execute by himself or his officer all instruments issued from the Court which are addressed to him, and shall make returns thereof.

190. Whenever, by reason of distance or other sufficient cause, the Marshal cannot conveniently execute any instrument in person, he shall employ some competent person as his officer to execute the same.

HOLIDAYS.

191. The registry and the Marshal's office shall be closed on Sundays, Good Friday, Easter Monday, Easter Tuesday, and Christmas Day, and on such days as are appointed by law or by the Governor of the possession to be kept as holidays or fast-days.

RECORDS OF THE COURT.

192. There shall be kept in the registry a book, to be called the minute-book, in which the Registrar shall enter, in order of date, under the head of each action, and on a page numbered with the number of the action, a record of the commencement of the action, of all appearances entered, all documents issued or filed, all acts done, and all orders and decrees of the Court, whether made by the Judge, or by the Registrar, or by consent of the parties in the action. Forms of minute of order of Court, of minute on examination of witnesses, of minute of decree, and of minutes in an action for damage by collision, will be found in the Appendix hereto, Nos. 68 to 71.

193. There shall be kept in the registry a caveat warrant book, a caveat release book, and a caveat payment book, in which all such caveats respectively and the withdrawal thereof shall be entered by the Registrar.

194. Any solicitor may, free of charge, inspect the minute- and caveat-books.

195. The parties to an action may, while the action is pending, and for [one year] after its termination, inspect free of charge all the records in the action.

196. Except as provided by the two last preceding rules, no person shall be entitled to inspect the records in a pending action without the permission of the Registrar.

197. In an action which is terminated, any person may, on payment of a search-fee, inspect the records in the action.

COPIES.

198. Any person entitled to inspect any document in an action shall, on payment of the proper charges for the same, be entitled to an office copy thereof under seal of the Court.

FORMS.

199. The forms in the Appendix to these rules shall be followed with such variations as the circumstances may require, and any party using any other forms shall be liable for any costs occasioned thereby.

FEES.

200. Subject to the following rules, the fees set forth in the tables of fees in the Appendix hereto shall be allowed on taxation.

201. Where the fee is per folio, the folio shall be counted at the rate of 72 words, and every numeral, whether contained in columns or otherwise written, shall be counted and charged for as a word.

202. Where the sum in dispute does not exceed £50, or the value of the *res* does not exceed £100, one-half only of the fees set forth in the table hereto annexed shall be charged and allowed.

203. Where costs are awarded to a plaintiff, the expression "sum in dispute" shall mean the sum recovered by him in addition to the sum, if any, counter-claimed from him by the defendant; and, where costs are awarded to a defendant, it shall mean the sum claimed from him in addition to the sum, if any, recovered by him.

204. The Judge may in any action order that half fees only shall be allowed.

205. If the same practitioner acts as both counsel and solicitor in an action, he shall not for any proceeding be allowed to receive fees in both capacities, nor to receive a fee as counsel where the act of a solicitor only is necessary.

REPEALING CLAUSE.

206. From and after the 1st day of January, 1884, except in regard to actions commenced before that day, the under-mentioned rules and regulations, together with all forms thereto annexed, and all tables of fees now in force in any Court, shall be repealed, *viz.*—

- (a.) The rules and regulations touching the practice to be observed in suits and proceedings in the several Courts of Vice-Admiralty abroad, established by an Order in Council of the 27th June, 1832;
- (b.) The twenty-fifth section of rules and regulations touching the practice to be observed in suits and proceedings in the several Courts of Vice-Admiralty abroad, substituted in lieu of section 25 in the former rules and regulations, and established by an Order in Council of the 25th June, 1851;
- (c.) The additional rules and regulations for the several Courts of Vice-Admiralty abroad, established by an Order in Council of the 6th July, 1859;
- (d.) Any of the above-mentioned rules and regulations, as extended by subsequent Orders in Council to other Vice-Admiralty Courts.

CASES NOT PROVIDED FOR.

207. In all cases not provided for by these rules the practice of the Admiralty Division of the High Court of Justice of England shall be followed.

COMMENCEMENT OF RULES.

208. These rules shall come into operation on the 1st day of January, 1884, and shall apply to all actions commenced on or after that day. Actions commenced before that day may, by consent of parties, and with permission of the Judge, be continued under these rules on such terms as to the Judge shall seem fit.

APPENDIX.

I. FORMS.

No. 1.

TITLE OF ACTION IN REM.

No. [Here insert the number of the action].

A.B., Plaintiff,
against

- (a.) The ship
Or (b.) The ship and freight.
Or (c.) The ship, her cargo and freight.

Or (if the action is against cargo only),

- (d.) The cargo *ex* the ship [State name of ship on board of which the cargo now is or lately was laden].

Or (if the action is against the proceeds realized by the sale of the ship or cargo),

- (e.) The proceeds of the ship.

- Or (f.) The proceeds of the cargo *ex* the ship
Or as the case may be.

Action for [State nature of action, whether for damage by collision, wages, bottomry, &c., as the case may be].

No. 2.

TITLE OF ACTION IN PERSONAM.

No. [Here insert the number of action].

A.B., Plaintiff,
against

The owners of the ship [or as the case may be].
Action for [State nature of action, as in preceding form].

No. 3.

TITLE OF ACTION IN THE NAME OF THE CROWN.

No. [Insert number of action].

Our Sovereign Lady the Queen

[Add, where necessary, in her Office of Admiralty]
against

- (a.) The ship [or as the case may be].
Or (b.) A.B., &c. [the person or persons proceeded against].
Action for [State nature of action].

No. 4.

WRIT OF SUMMONS IN REM.

In the Vice-Admiralty Court of

(L.S.) [Here insert title of action.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India:

To the owners and all others interested in the ship [her cargo and freight, &c., or as the case may be].

We command you that, within one week after the service of this writ, exclusive of the day of such service, you do cause an appearance to be entered for you in our Vice-Admiralty Court of in the above-named action; and take notice that in default of your so doing the said action may proceed, and judgment may be given in your absence.

Given at in our said Court, under the seal thereof, this day of, 18.

Memorandum to be subscribed on the Writ.

This writ may be served within [six months] from the date thereof, exclusive of the day of such date, but not afterwards.

The defendant [or defendants] may appear hereto by entering an appearance [or appearances] either personally or by solicitor at the registry of the said Court situate at

No. 5.

WRIT OF SUMMONS IN PERSONAM.

In the Vice-Admiralty Court of

(L.S.) [Here insert title of action.]

VICTORIA, by the grace of God, &c.

To C.D., of, and E.F., of

We command you that, within [one week] after the service of this writ, exclusive of the day of such service, you do cause an appearance to be entered for you in our Vice-Admiralty Court of in the above-named action; and take notice that in default of your so doing the said action may proceed, and judgment may be given in your absence.

Given at in our said Court, under the seal thereof, this day of, 18.

Memorandum to be subscribed on the Writ.

This writ may be served within [six months] from the date thereof, exclusive of the day of such date, but not afterwards.

The defendant [or defendants] may appear hereto by entering an appearance [or appearances] either personally or by solicitor at the registry of the said Court situate at

No. 6.

INDORSEMENTS TO BE MADE ON THE WRIT BEFORE ISSUE THEREOF.

(1.) The plaintiff claims [Insert description of claim as given in Form No. 7].

(2.) This writ was issued by the plaintiff in person, who resides at [State plaintiff's place of residence, with name of street and number of house, if any].

Or,

This writ was issued by C.D., of [State place of business], solicitor for the plaintiff.

(3.) All documents required to be served upon the said plaintiff in the action may be left for him at [Insert address for service within three miles of the registry].

Or, where the action is in the name of the Crown:

(1.) A.B., &c., claims [Insert description of claim as given in Form No. 7].

(2.) This writ was issued by A.B. [State name and address of person prosecuting in the name of the Crown, or his solicitor, as the case may be].

(3.) All documents required to be served upon the Crown in this action may be left at [Insert address for service within three miles of the registry].

No. 7.

INDORSEMENTS OF CLAIM.

(1.) *Damage by Collision:*

The plaintiffs, as owners of the ship "Mary" [her cargo and freight, &c., or as the case may be], claim the sum of £ against the ship "Jane" for damage occasioned by a collision which took place [State where] on the day of, and for costs.

(2.) *Salvage:*

The plaintiffs, as the owners, master, and crew of the ship "Mary," claim the sum of £ for salvage services rendered by them to the ship "Jane" [her cargo and freight, &c., or as the case may be] on the day of 18, in or near [State where the services were rendered]; and for costs.

(3.) *Pilotage:*

The plaintiff claims the sum of £ for pilotage of the ship "Jane" on the day of 18, from [State where pilotage commenced] to [State where pilotage ended]; and for costs.

(4.) *Towage:*

The plaintiffs, as owners of the ship "Mary," claim the sum of £ for towage services rendered by the said ship to the ship "Jane" [her cargo and freight, &c., or as the case may be] on the day of 18, at or near [State where the services were rendered]; and for costs.

(5.) *Master's Wages and Disbursements:*

The plaintiff claims the sum of £ for his wages and disbursements as master of the ship "Mary," and to have an account taken thereof; and for costs.

(6.) *Seamen's Wages:*

The plaintiffs, as seamen on board the ship "Mary," claim the sum of £ for wages due to them, as follows; and for costs:—

To A.B., the mate, £30 for two months' wages from the day of ;

To C.D., able seaman, £ &c., &c.:

[and the plaintiffs claim to have an account taken thereof.]

(7.) *Necessaries, Repairs, &c.:*

The plaintiffs claim the sum of £ for necessaries supplied [or repairs done, &c., as the case may be] to the ship "Mary," at the Port of , on the day of ; and for costs [and the plaintiffs claim to have an account taken thereof].

(8.) *Possession:*

(a.) The plaintiff, as sole owner of the ship "Mary," of the Port of , claims possession of the said ship.

(b.) The plaintiff, as owner of 48-64 shares of the ship "Mary," of the Port of , claims possession of the said ship as against C.D., owner of 16-64th shares of the same ship.

(9.) *Mortgage:*

The plaintiff, under a mortgage dated the day of , claims against the proceeds of the ship "Mary" the sum of £ as the amount due to him for principal and interest, and for costs.

(10.) *Claims between Co-owners:*

(a.) The plaintiff, as part owner of the ship "Mary," claims against C.D., part owner of the same ship, the sum of £ as part of the earnings of the said ship due to the plaintiff, and for costs; and to have an account taken thereof.

(b.) The plaintiff, as owner of 24-64th shares of the ship "Mary," being dissatisfied with the management of the said ship by his co-owners, claims that his co-owners shall give bail in the sum of £ , the value of his said shares, for the safe return of the ship to this colony [or possession].

(11.) *Bottomry:*

The plaintiff, as assignee of a bottomry bond, dated the day of , and granted by C.D., as master of the ship "Mary," of , to A.B., at the Port of , claims the sum of £ against the ship "Mary" [her cargo and freight, &c., or as the case may be] as the amount due to him under the said bond, and for costs.

(12.) *Derelict:*

A.B. claims to have the derelict ship "Mary" [or cargo, &c., or as the case may be] condemned as forfeited to Her Majesty in her office of Admiralty.

(13.) *Piracy:*

A.B., commander of H.M.S. "Torch," claims to have the Chinese junk "Tecumseh" and her cargo condemned as forfeited to Her Majesty as having been captured from pirates.

(14.) *Slave Trade:*

A.B., commander of H.M.S. "London," claims to have the vessel, name unknown [together with her cargo and twelve slaves], seized by him on the day of 18, condemned as forfeited to Her Majesty, on the ground that the said vessel was at the time of her seizure engaged in or fitted out for the slave trade, in violation of existing treaties between Great Britain and Zanzibar [or of the Act 5 Geo. IV., c. 113, or as the case may be].

Or,

C.D., the owner of the vessel [and cargo, or as the case may be] captured by H.M.S. "London" on

the day of 18, claims to have the said vessel [and cargo, or as the case may be] restored to him [together with costs and damages for the seizure thereof].

(15.) *Under Pacific Islanders Protection Acts:*

A.B., as commander of H.M.S. "Lynx," claims to have the British ship "Mary" and her cargo condemned as forfeited to Her Majesty, for violation of the Pacific Islanders Protection Acts, 1872 and 1875.

(16.) *Under Foreign Enlistment Act:*

A.B. claims to have the British ship "Mary," together with the arms and munitions of war on board thereof, condemned as forfeited to Her Majesty for violation of "The Foreign Enlistment Act, 1870."

(17.) *Under Customs Acts:*

A.B. claims to have the ship "Mary" [or as the case may be] condemned as forfeited to Her Majesty for violation of [State Act under which forfeiture is claimed].

(18.) *Recovery of Pecuniary Forfeiture or Penalty:*

A.B. claims judgment against the defendant for penalties for violation of [State Act under which penalties are claimed].

No. 8.

CERTIFICATE OF SERVICE TO BE INDORSED ON THE WRIT AFTER SERVICE THEREOF.

THIS writ was served by X.Y. [Here state the mode in which the service was effected, whether on the owner, or on the ship, cargo, or freight, &c., as the case may be] on the day of 18,

(Signed) X.Y.

No. 9.

APPEARANCE.

(1.) *By Defendant in Person.*

In the Vice-Admiralty Court of

[Title of Action.]

TAKE notice that I appear in this action.

Dated this day of 18

(Signed) C.D., Defendant.

My address is . My address for service is .

APPEARANCE.

(2.) *By Solicitor for Defendant.*

In the Vice-Admiralty Court of

[Title of Action.]

TAKE notice that I appear for C.D., of [Insert address of C.D.] in this action.

Dated this day of 18

(Signed) X.Y., Solicitor for C.D.

My place of business is . My address for service is .

No. 10.

INDORSEMENT OF SET-OFF OR COUNTER-CLAIM.

The defendant [or, if he be one of several defendants, The defendant C.D.], owner of the ship "Mary" [or as the case may be], claims from the plaintiff [or claims to set off against the plaintiff's claim] the sum of £ for [State the nature of the set-off or counter-claim and the relief or remedy required as in Form No. 7, mutatis mutandis] and for costs.

No. 11.

AFFIDAVIT TO LEAD WARRANT.

In the Vice-Admiralty Court of

[Title of Action.]

I, A.B. [State name and address], make oath and say that I have a claim against the ship "Mary" for [State nature of claim].

And I further make oath and say that the said claim has not been satisfied, and that the aid of this Court is required to enforce it.

On the day of 18,

the said A.B. was duly sworn to the truth of this affidavit at before me, E.F., &c. (Signed) A.B.

Or, where the action is in the name of the Crown:

I, A.B., &c. [State name and address of person suing in the name of the Crown], make oath and say that I claim to have the ship "Mary" and her cargo [or the vessel, name unknown, or the cargo ex the ship "Mary," &c., or as the case may be] condemned to Her Majesty,—

(a.) As having been fitted out for or engaged in the slave trade in violation of [State Act or treaty alleged to have been violated]; or

(b.) As having been captured from pirates; or

(c.) As having been found derelict; or

(d.) For violation of [State Act alleged to have been violated],

Or as the case may be.

I further make oath and say that the aid of this Court is required to enforce the said claim.

On the day of 18, the said A.B. was duly sworn to the truth of this affidavit at before me, E.F., &c. (Signed) A.B.

No. 12. WARRANT.

In the Vice-Admiralty Court of (L.S.) [Title of Action.] VICTORIA, &c.

To the Marshal of our Vice-Admiralty Court of We hereby command you to arrest the ship, her cargo and freight, &c. [or as the case may be], and to keep the same under safe arrest until you shall receive further orders from us.

Given at in our said Court, under the seal thereof, this day of 18. Warrant taken out by (Signed) E.F., Registrar.

No. 13.

CERTIFICATE OF SERVICE TO BE INDORSED ON THE WARRANT AFTER SERVICE THEREOF.

THIS warrant was served by [State by whom and in what mode service was effected] on the day of 18. (Signed) G.H., Marshal.

No. 14.

BAIL-BOND.

In the Vice-Admiralty Court of [Title of Action.]

Know all men by these presents that we [Insert names, addresses, and descriptions of the sureties in full] hereby jointly and severally submit ourselves to the jurisdiction of the said Court, and consent that if the said [Insert name of party for whom bail is to be given, and state whether plaintiff or defendant] shall not pay what may be adjudged against him in the above-named action, with costs [or for costs, if bail is to be given only for costs], execution may issue against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding [State sum in letters] pounds.

This bail bond was signed by the said and the sureties, the day of 18, in the registry of the Vice-Admiralty Court of [or as the case may be], before me, (Signed) E.F., Registrar.

[Or Clerk in the Registry, or Commissioner to take bail, or as the case may be].

No. 15.

COMMISSION TO TAKE BAIL.

In the Vice-Admiralty Court of (L.S.) [Title of Action.] VICTORIA, &c.

To [State name and description of Commissioner], greeting. WHEREAS in the above-named action bail is required to be taken on behalf of [State name of party for whom bail is to be given, and whether plaintiff or defendant] in the sum of [State sum in letters] pounds, to answer judgment in the said action:

We therefore hereby authorize you to take such bail on behalf of the said from two sufficient sureties, upon the bail-bond hereto annexed, and to swear the said sureties to the truth of the annexed affidavits as to their sufficiency, in the form indorsed hereon.

And We command you that, upon the said bond and affidavits being duly executed and signed by the said sureties, you do transmit the same, attested by you, to the registry of our said Court.

Given at in our said Court, under the seal thereof, this day of 18. (Signed) E.F., Registrar.

Commission to take bail taken out by

Form of Oath to be administered to each Surety.

You swear that the contents of the affidavit, to which you have subscribed your name, are true. So help you God.

No. 16.

NOTICE OF BAIL.

In the Vice-Admiralty Court of [Title of Action.]

TAKE notice that I tender the under-mentioned persons as bail on behalf of [State name, address, and description of party for whom bail is to be given, and whether plaintiff or

defendant] in the sum of [State sum in letters and figures] to answer judgment in this action [or judgment and costs, or costs only, or as the case may be].

Names, addresses, and descriptions of SURETIES. REFEREES.

(1) Dated this day of 18, (Signed) X.Y. (2)

No. 17.

NOTICE TO JUSTIFY.

In the Vice-Admiralty Court of [Title of Action.]

TAKE notice that I require [State name, address, and description of surety or sureties required to justify] to justify by affidavit his [or their] sufficiency as a surety [or sureties] in the above-named action.

Dated the day of 18 (Signed) A.B.

No. 18.

AFFIDAVIT OF JUSTIFICATION.

In the Vice-Admiralty Court of [Title of Action.]

I [State name, address, and description of surety], one of the proposed sureties for [State name, address, and description of person for whom bail is to be given], make oath and say that I am worth more than the sum of [State in letters the sum in which bail is to be given] pounds after the payment of all my debts.

On the day of 18, the said was duly sworn to the truth of this affidavit at before me, E.F., Registrar [or Commissioner, as the case may be] Signature of surety.

No. 19.

NOTICE OF OBJECTION TO BAIL.

In the Vice-Admiralty Court of [Title of Action.]

TAKE notice that I object to the bail proposed to be given by [State name, address, and description of surety or sureties objected to] in the above-named action.

Dated the day of 18 (Signed) A.B.

No. 20.

RELEASE.

In the Vice-Admiralty Court of (L.S.) [Title of Action.]

VICTORIA, &c.

To the Marshal of our Vice-Admiralty Court of greeting.

WHEREAS by our warrant issued in the above-named action on the day of 18, We did command you to arrest [State name and nature of property arrested] and to keep the same under safe arrest until you should receive further orders from Us: We do hereby command you to release the said [State name and nature of property to be released] from the said arrest upon payment being made to you of all fees due to and charges incurred by you in respect of the arrest and custody thereof.

Given at in our said Court, under the seal thereof, day of 18.

Release taken out by (Signed) E.F., Registrar.

No. 21.

PLEADINGS.

(1.) In an Action for Damage by Collision: The "Atlantic."

PETITION.

In the Vice-Admiralty Court of [Title of Action.]

Writ issued 18. 1. SHORTLY before 7 p.m. on the 31st January, 1878, the brig "Anthes," of 234 tons register, of which the plaintiff, George De Garis, was then owner, whilst on a voyage from Cardiff to Granville, in France, laden with coals, and manned with a crew of nine hands, all told, was about fifteen miles S.E. 1/4 E. from the Lizard Light.

2. The wind at that time was about E.N.E., a moderate breeze, the weather was fine but slightly hazy, and the tide was about slack water, and of little force. The "Anthes" was sailing under all plain sail, close-hauled on the port tack, heading about S.E. and proceeding through the water at the rate of about five knots per hour. Her proper regulation side sailing lights were duly placed and exhibited and

burning brightly, and a good look-out was being kept on board of her.

3. At that time those on board the "Anthes" observed the red light of a sailing-vessel, which proved to be the "Atlantic," at the distance of about from one mile and a half to two miles from the "Anthes," and bearing about one point on her port bow. The "Anthes" was kept close-hauled by the wind on the port tack. The "Atlantic" exhibited her green light and shut in her red light, and drew a little on to the starboard bow of the "Anthes," and she was then seen to be approaching and causing immediate danger of collision. The helm of the "Anthes" was thereupon put hard down, but the "Atlantic," although loudly hailed from the "Anthes," ran against and with her stem and starboard bow struck the starboard quarter of the "Anthes" abaft the main rigging, and did her so much damage that the "Anthes" soon afterwards sank, and was with her cargo wholly lost, and four of her hands were drowned.

4. There was no proper look-out kept on board the "Atlantic."

5. Those on board the "Atlantic" improperly neglected to take in due time proper measures for avoiding a collision with the "Anthes."

6. The helm of the "Atlantic" was ported at an improper time.

7. The said collision and the damages and losses consequent thereon were occasioned by the negligent and improper navigation of those on board the "Atlantic."

The plaintiff claims—

- (1.) A declaration that he is entitled to the damage proceeded for;
- (2.) The condemnation of the defendants [and their bail] in such damage and in costs;
- (3.) To have an account taken of such damage, with the assistance of merchants;
- (4.) Such further or other relief as the nature of the case may require.

Dated the _____ day of _____, 18____.
(Signed) _____ A.B., Plaintiff.

ANSWER AND COUNTER-CLAIM.

In the Vice-Admiralty Court of

[Title of Action.]

1. The defendants are the owners of the Swedish barque "Atlantic," of 988 tons register, carrying a crew of nineteen hands all told, and, at the time of the circumstances herein-after stated, bound on a voyage to Cardiff.

2. A little before 6.30 p.m. of the 31st January, 1878, the "Atlantic" was about fifteen miles S.E. by S. of the Lizard. The wind was E.N.E.; the weather was hazy. The "Atlantic," under foresail, fore and main topsails, main top-gallant sail and jib, was heading about W.S.W., making from five to six knots an hour, with her regulation lights duly exhibited and burning, and a good look-out being kept on board her.

3. In these circumstances the red lights of two vessels were observed pretty close together, about half a mile off, and from two to three points on the starboard bow. The helm of the "Atlantic" was put to port in order to pass on the port sides of these vessels. One, however, of the vessels, which was the "Anthes," altered her course and exhibited her green light, and caused danger of collision. The helm of the "Atlantic" was then ordered to be steadied, but before this order could be completed was put hard-astern. The "Anthes," with her starboard side by the main rigging, struck the stem of the "Atlantic," and shortly afterwards sank, her master and four of her crew being saved by the "Atlantic."

4. Save as is hereinbefore admitted, the several statements in the petition are denied.

5. The "Anthes" was not kept on her course as required by law.

6. The helm of the "Anthes" was improperly starboarded.

7. The collision was caused by one or both of the things stated in the fifth and sixth paragraphs hereof, or otherwise by the negligence of the plaintiffs, or of those on board the "Anthes."

8. The collision was not caused or contributed to by the defendants, or by any of those on board the "Atlantic."

And by way of counter-claim the defendants say they have suffered great damage by reason of the collision.

And they claim as follows:—

- (1.) Judgment against the plaintiff [and his bail] for the damage occasioned to the defendants by the collision, and for the costs of this action;
- (2.) To have an account taken of such damage, with the assistance of merchants;
- (3.) Such further and other relief as the nature of the case may require.

Dated the _____ day of _____, 18____.
(Signed) _____ C.D. &c., Defendants.

REPLY.

In the Vice-Admiralty Court of

[Title of Action.]

The plaintiff denies the several statements contained in the answer and counter-claim [or admits the several statements contained in paragraphs _____ and _____ of the answer and counter-claim, but denies the other statements contained therein].

Dated the _____ day of _____, 18____.
(Signed) _____ A.B., Plaintiff.

The "Julia David."

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued _____, 18____.

1. At about 2 a.m. on the 4th day of September, 1876, the steamship "Sarpedon," of 1,556 tons register and 225-horse power, of which the plaintiffs were owners, whilst on a voyage from Shanghai and other ports to London, with a cargo of tea and other goods, was about eighty miles south-west of Ushant.

2. The wind at such time was about south-west, the weather was a little hazy and occasionally slightly thick and the "Sarpedon" was under steam and sail, steering north-east, and proceeding at the rate of about ten knots per hour. Her proper regulation masthead and side lights were duly exhibited and burning brightly, and a good look-out was being kept.

3. At such time the masthead and red lights of a steam vessel, which proved to be the above-named vessel "Julia David," were seen at the distance of about two miles from and ahead of the "Sarpedon," but a little on her port bow. The helm of the "Sarpedon" was ported and hard-asterned, but the "Julia David" opened her green light to the "Sarpedon," and although the engines of the "Sarpedon" were immediately stopped, and her steam-whistle was blown, the "Julia David" with her stem struck the "Sarpedon" on her port side, abreast of her red light, and did her so much damage that her master and crew were compelled to abandon her, and she was lost with her cargo. The "Julia David" went away without rendering assistance to those on board the "Sarpedon," and without answering signals which were made by them for assistance.

4. Those on board the "Julia David" neglected to keep a proper look-out.

5. Those on board the "Julia David" neglected to duly port the helm of the "Julia David."

6. The helm of the "Julia David" was improperly starboarded.

7. The "Julia David" did not duly observe and comply with the provisions of Article 16 of the "Regulations for preventing Collisions at Sea."

8. The said collision was occasioned by the improper and negligent navigation of the "Julia David."

The plaintiffs claim—

- (1.) A declaration that they are entitled to the damage proceeded for, and the condemnation of the said steamship "Julia David," and the defendants therein, and in costs;
- (2.) To have an account taken of such damage, with the assistance of merchants;
- (3.) Such further and other relief as the nature of the case may require.

Dated the _____ day of _____, 18____.
(Signed) _____ A.B., &c., Plaintiffs.

ANSWER AND COUNTER-CLAIM.

In the Vice-Admiralty Court of

[Title of Action.]

1. The defendants are the owners of the Belgian screw steamship "Julia David," of about 1,274 tons register, and worked by engines of 140-horse power nominal, with a crew of thirty hands, which left Havre on the 2nd of September, 1876, with a general cargo, bound to Alicante and other ports in the Mediterranean.

2. About 2.45 a.m. of the 4th of September, 1876, the "Julia David," in the course of her said voyage, was in the Bay of Biscay. The weather was thick with a drizzling rain, and banks of fog and a stiff breeze blowing from S.S.W., with a good deal of sea. The "Julia David," under steam alone, was steering S.S.W. $\frac{1}{2}$ W. by bridge steering compass, or S.W. $\frac{1}{2}$ W. magnetic, and was making about five knots an hour. Her regulation lights were duly exhibited and burning brightly, and a good look-out was being kept on board her.

3. In the circumstances aforesaid those on board the "Julia David" saw the green and masthead lights of a steamship, the "Sarpedon," about two miles off, and about two points on the starboard bow. The "Julia David" was kept on her course. But after a short time the "Sarpedon" opened her red light and caused danger of collision. The helm of the "Julia David" was thereupon put hard-astern, and her engines stopped and almost immediately reversed

accordingly, at the risk of straining his vessel, he gave a strong click in a northerly direction and got the "Newcastle" off.

6. The master of the "Emu" then asked if the "Newcastle" was making water, and was told a little only; but, as he saw that the hands were at the pumps, he kept the "Emu" by the "Newcastle" until she was abreast of Whitby. He then inquired again if any assistance was wanted, and, being told that the "Newcastle" was all right and should proceed on her voyage, he steamed the "Emu" back into Whitby Harbour about 7 a.m.

7. About 8 a.m. a gale from N.E., which continued all that day and the next, came on to blow, with a high sea. If the "Newcastle" had not been got off before the gale came on she would have gone to pieces on the rocks.

8. By the services aforesaid the "Newcastle" and her cargo, and the lives of those on board her, were saved from total loss.

9. The "Newcastle" is a screw steamship of 211 tons register, and was bound from Newcastle to Hull with a general cargo and 19 passengers. The value of the "Newcastle," her cargo, and freight, including passage-money, is as follows: The "Newcastle," £3,000; her cargo, £1,500; freight and passage-money, £65: in all, £4,565.

The plaintiffs claim—

- (1.) The condemnation of the defendants [and their bail] in such an amount of salvage remuneration as to the Court may seem just, and in the costs of this action;
- (2.) Such further and other relief as the nature of the case may require.

Dated the _____ day of _____, 18____.
(Signed) _____ A.B., &c., Plaintiffs.

ANSWER.

In the Vice-Admiralty Court of
[Title of Action.]

1. At about 6.45 p.m. on the 22nd of July, 1876, the iron screw steamship "Newcastle," of 211 tons register, propelled by engines of 45-horse power, and manned by twelve hands, her master included, whilst proceeding on a voyage from Newcastle to Hull with cargo and passengers, ran aground off Kettleless Point, on the coast of Yorkshire.

2. The tide at this time was the first quarter ebb, the weather was calm, and the sea was smooth, and the "Newcastle," after grounding as aforesaid, sat upright and lay quite still, heading about E.S.E. Efforts were then made to get the "Newcastle" again afloat by working her engines, but it was found that this could not be done in the then state of the tide.

3. At about 10 p.m. of the said day a kedge with a warp attached to it was carried out from the "Newcastle" by one of her own boats and dropped to seaward, and such warp was afterwards hove taut and secured on board the "Newcastle," with the view of its being hove upon when the flood-tide made. Several cobbles came to the "Newcastle" from Runswick, and the men in them offered their assistance; but their services, not being required, were declined.

4. At about 2 a.m. of the following morning the steam-tug "Emu," whose owners, master, and crew are the plaintiffs in this action, came to the "Newcastle" and offered assistance, which was also declined.

5. The flood-tide was then making, and by about 2.45 a.m. the "Newcastle" had floated forward, and attempts were made to get the stern of the "Newcastle" also afloat, and the warp attached to the aforesaid kedge was attempted to be hove in; but, the said warp having parted, the master of the "Newcastle" endeavoured ineffectually to make an agreement with the master of the "Emu" to assist in getting the "Newcastle" afloat, and at about 3 a.m. a rope was given to the "Emu" from the port bow of the "Newcastle," and directions were given to the "Emu" to keep the head of the "Newcastle" to the eastward, in the same way as it had been kept by the aforesaid kedge anchor and warp. The "Emu" then set ahead, and almost immediately the said rope was broken. A coir hawser was thereupon given to the "Emu," and those on board her were directed not to put any strain on it, but to keep the "Emu" paddling ahead sufficiently to steady the head of the "Newcastle," and to keep her head to the eastward. This the "Emu" did and continued to do until about 4.45 a.m., when the "Newcastle," by means of her own engines, was moved off from the ground, and the "Emu" was brought broad on the port bow of the "Newcastle," and the "Emu" had to stop towing and to shift the rope from her port bollard, where it was fast to her towing hook; but, the "Newcastle" continuing to go ahead, the said rope had to be let go on board the "Emu," and it was then hauled in on board the "Newcastle." The "Newcastle," under her own steam, then commenced proceeding south, the wind at the time being N.N.W. and light, and the weather fine. It was afterwards ascertained that the "Newcastle" was making a little water in her afterhold, and her hand-pumps were then worked and they kept the "Newcastle" free.

6. The "Emu" proceeded back with the "Newcastle" as far as Whitby, and the "Newcastle" then continued on her voyage, and arrived in the Humber at about 2.45 p.m. of the same day.

7. During the time aforesaid the master, crew, and passengers of the "Newcastle" remained on board the "Newcastle," and no danger was incurred in their so doing.

8. Save as herein appears, the defendants, deny the truth of the several statements contained in the petition.

9. The defendants have paid into Court and tendered to the plaintiffs for their services the sum of £100, and have offered to pay their costs, and the defendants submit that such tender is sufficient.

Dated the _____ day of _____, 18____.
(Signed) _____ C.D., &c., Defendants.

(3.) In an Action for Distribution of Salvage:
PETITION.

In the Vice-Admiralty Court of
[Title of Action.]

Writ issued _____, 18____.

1. [Describe briefly the salvage services, stating the part taken in them by the plaintiffs, and the capacity in which they were serving.]

2. The sum of £_____ has been paid by the owners of the ship, &c. [State name of ship or other property salvaged], to the defendants, as owners of the ship [State name of salvaging ship], and has been accepted by them in satisfaction of their claim for salvage, but the said defendants have not paid and refuse to pay any part of that sum to the plaintiffs for their share in the said salvage services.

The plaintiffs claim—

- (1.) An equitable share of the said sum of £_____, to be apportioned among them as the Court shall think fit, and the costs of this action;
- (2.) Such other relief as the nature of the case may require.

Dated the _____ day of _____, 18____.
(Signed) _____ A.B., &c., Plaintiffs.

(4.) In an Action for Master's Wages and Disbursements:
a. (The "Princess.")

PETITION.

In the Vice-Admiralty Court of
[Title of Action.]

Writ issued _____, 18____.

1. The plaintiff, on the 10th day of February, 1877, was appointed by the owner of the British barque "Princess," proceeded against in this action, master of the said barque, and it was agreed between the plaintiff and the said owner that the wages of the plaintiff as master should be £10 per month.

2. The plaintiff acted as master of the said barque from the said 10th day of February until the 25th day of October, 1877, and there is now due to him for his wages as master during that time the sum of £85.

3. The plaintiff as master of the said barque expended various sums of money for necessary disbursements on account of the said barque; and there is now due to him in respect of the same a balance of £35 7s.

The plaintiff claims—

- (1.) A decree pronouncing the said sums, amounting in the whole to £120 7s., to be due to him for wages and disbursements, and directing the said vessel to be sold and the amount due to him to be paid to him out of the proceeds;
- (2.) Such further and other relief as the nature of the case may require.

Dated the _____ day of _____, 18____.
(Signed) _____ A.B., Plaintiff.

b. (The "Northumbria.")
PETITION.

In the Vice-Admiralty Court of
[Title of Action.]

Writ issued _____, 18____.

1. In or about the month of July, 1873, the plaintiff was engaged by the owners of the British ship "Northumbria" to serve on board her as her master, at wages after the rate of £13 per month, and he entered into the service of the said ship as her master accordingly, and thenceforward served on board her in that capacity and at that rate of wages until he was discharged as hereinafter stated.

2. When the plaintiff so entered into the service of the said ship she was lying at the Port of North Shields, in the County of Northumberland, and she thence sailed to Point de Galle, and thence to divers other ports abroad, and returned home to Cardiff, where she arrived on the 1st day of October, 1875.

3. The "Northumbria," after having received divers repairs at Cardiff, left that port on the 5th day of November, 1875, under command of the plaintiff, on a voyage which is thus described in the ship's articles signed by the plaintiff and her crew before commencing the same, viz: "a voyage from

Cardiff to Bahia or Pernambuco and any ports or places in the Brazils, or North or South America, United States of America, Indian, Pacific, or Atlantic Oceans, China or Eastern Seas, Cape Colonies, West Indies, or Continent of Europe, including the Mediterranean Sea or seas adjacent, to and fro if required for any period not exceeding three years, but finally to a port of discharge in the United Kingdom or Continent of Europe."

4. The "Northumbria," after so leaving Cardiff, met with bad weather and suffered damage, and was compelled to put back to Falmouth for repairs before again proceeding on her voyage.

5. The plaintiff was ready and willing to continue in the service of the "Northumbria," and to perform his duty as her master on and during the said voyage; but the defendants, the owners of the "Northumbria," wrongfully and without reasonable cause discharged the plaintiff, on the 23rd day of November, from his employment as master, and appointed another person as master of the "Northumbria" on the said voyage in the place of the plaintiff, and thereby heavy damage and loss have been sustained by the plaintiff.

6. The plaintiff, whilst he acted as master of the "Northumbria," earned his wages at the rate aforesaid; and he also, as such master, made divers disbursements on account of the "Northumbria," and there was due and owing to the plaintiff in respect of such his wages and disbursements at the time of his discharge a balance of £108 12s. 9d., which sum the defendants, without sufficient cause, have neglected and refused to pay to the plaintiff.

The plaintiff claims—

- (1.) Payment of the sum of £108 12s. 9d., the balance due to the plaintiff for his wages and disbursements, with interest thereon;
- (2.) Ten days' double pay, according to the provisions of section 187 of "The Merchant Shipping Act, 1854;"
- (3.) Damages in respect of his wrongful discharge by the defendants;
- (4.) The condemnation of the defendants [and their bail] in the amounts claimed by or found due to the plaintiff;
- (5.) To have an account taken [with the assistance of merchants] of the amount due to the plaintiff in respect of his said wages and disbursements, and for damages in respect of such wrongful discharge;
- (6.) Such further and other relief as the nature of the case may require.

Dated the day of , 18 .
(Signed) A.B., Plaintiff.

ANSWER.

In the Vice-Admiralty Court of
[Title of Action.]

1. The defendants admit the statements made in the 1st, 2nd, 3rd, and 4th articles of the plaintiff's petition.

2. Whilst the "Northumbria" was upon her voyage in the said 3rd article mentioned, and before and until she put into Falmouth, as in the said 4th article mentioned, the plaintiff was frequently under the influence of drink.

3. During the night of the 10th November, 1875, and the morning of the 11th November, 1875, whilst a violent gale was blowing and the ship was in danger, the plaintiff was wholly drunk and was incapable of attending to his duty as master of the said ship; and in consequence of the condition of the plaintiff much damage was done to the said ship, and the said ship was almost put ashore.

4. The damage in the 4th article of the petition mentioned was wholly or in part occasioned by the drunken condition of the plaintiff during the said voyage from Cardiff to Falmouth.

5. The defendants, having received information of the above facts on the arrival of the said ship at Falmouth, and having made due inquiries concerning the same, had reasonable and probable cause to and did discharge the plaintiff from his employment as master of the said ship on the 23rd November, 1875.

6. The plaintiff, on the 12th day of November, 1875, whilst the said ship was at Falmouth, wrongfully and improperly tore out and destroyed certain entries which had been made by the mate of the said ship in her log-book relating to the said voyage from Cardiff to Falmouth; and the plaintiff substituted in the said log-book entries made by himself, with intent to conceal the true facts of the said voyage from the defendants.

7. The defendants bring into Court the sum of £104 in respect of the plaintiff's claim for wages and disbursements, and say that the said sum is enough to satisfy the plaintiff's said claim in that behalf. The defendants offered to pay the plaintiff's costs to this time in respect of those two causes of action.

Dated the day of , 18 .
(Signed) C.D., E.F., &c., Defendants.

REPLY.

In the Vice-Admiralty Court of

[Title of Action.]

The plaintiff denies the several statements contained in the answer [or as the case may be].

Dated the day of , 18 .
(Signed) A.B., Plaintiff.

(5.) In an Action for Seamen's Wages:

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued , 18 .

1. THE plaintiff, A.B., was engaged as mate of the British brig "Bristol," at the rate of £ per month, and in pursuance of that engagement served as mate on board the said brig from the day of , 18 , to the day of , 18 , and during that time as mate of the brig earned wages amounting to . After giving credit for the sum received by him on account, as shown in the Schedule hereto, there remains due to him for his wages a balance of

2. The plaintiffs C.D., E.F., and G.H. were engaged as able seamen on board the said brig, and, having in pursuance of that engagement served as able seamen on board the said brig during the periods specified in the Schedule hereto, earned thereby as wages the sums set forth in the same Schedule, and, after giving credit for the sums received by them respectively on account of the said wages, there remain due to them the following sums, namely,—

To C.D., the sum of £ .
" E.F., " £ .
" G.H., " £ .

3. The plaintiffs I.K. and L.M. were engaged as ordinary seamen on board the said brig, and, having served on board the same in pursuance of the said engagement during the periods specified in the Schedule hereto, earned thereby the sums set forth in the same Schedule, and, after giving credit for the sums received by them respectively on account of the said wages, there remain due to them the following sums, namely,—

To I.K., the sum of £ .
" L.M., " £ .

SCHEDULE REFERRED TO ABOVE.

Wages due to A.B., mate, from the	£	s.	d.
18 , to the , 18 , months and			
days, at £ per month
Less received on account

Balance due	£	:	:
			£	s.	d.

Wages due to C.D., able seaman, from the	£	s.	d.
18 , to the , 18 ,			
months and days, at £ per			
month
Less received on account

Balance due	£	:	:
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[So on with the wages due to other plaintiffs.]

The plaintiffs claim,—

- (1.) The several sums so due to them respectively, with the costs of this action;
- (2.) Such double pay as they may be entitled to under section 187 of "The Merchant Shipping Act, 1854;"
- (3.) Such other relief as the nature of the case may require.

Dated the day of , 18 .
(Signed) A.B., &c., Plaintiffs.

(6.) In an Action for Bottomry:

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued , 18 .

1. In the month of July, 1876, the Italian barque "Roma Capitale" was lying in the Port of Rangoon, in the Pegu Division of British Burmah, and Pietro Ozilia, her master, being in want of funds, was compelled to borrow on bottomry of the said barque and her freight from the Cassa Marittima di Genova the sum of £3,478 7s. 11d. for the necessary and indispensable repairs, charges, and supplies of the said vessel in the said Port of Rangoon, and to enable her to prosecute her voyage from Rangoon to Akyab, and thence to

2. Accordingly, by a bond of bottomry dated the 11th day of the said month of July and duly executed by him, the said Pietro Ozilia, in consideration of the sum of £3,478 7s. 11d. lent by the said Cassa Marittima di Genova upon the said adventure upon the said barque and freight at the maritime premium of 23 per cent., bound himself and the said barque

and the freight to become payable in respect of the said voyage to pay to the said Cassa Marittima di Genova, their successors or assigns, the sum of £4,278 8s. 7d. (which included the principal charges and the maritime interest due thereon), within thirty days after the said barque should arrive at her port of discharge; and the said bond provided that the said Cassa Marittima di Genova should take upon themselves the maritime risk of the said voyage.

3. The "Roma Capitale" has since successfully prosecuted her said intended voyage for which the aforesaid bond was granted, and arrived at _____ as her port of discharge on or about the 30th day of March, 1877.

4. Before the issue of the writ in this action the said bond became due and payable, and was duly indorsed by the said Cassa Marittima di Genova to the plaintiffs, who thereby became and are the legal holders thereof, and the said sum of £4,278 8s. 7d. is now due and owing thereon to the plaintiffs.

The plaintiff's claim—

- (1.) A declaration for the force and validity of the said bond;
- (2.) The condemnation of the said barque "Roma Capitale" and her freight in the sum of £4,278 8s. 7d., with interest thereon at 4 per cent. per annum from the time when the said bond became payable, and in costs;
- (3.) A sale of the said barque, and the application of the proceeds of her sale and of her freight in payment to the plaintiffs of the said amount and interest and costs;
- (4.) Such further and other relief as the case may require.

Dated the _____ day of _____, 18____.
(Signed) _____ A.B., &c., Plaintiffs.

(7.) *In an Action for Mortgage:*

PETITION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Writ issued _____, 18____.

1. THE above-named brigantine or vessel "Juniper" is a British ship belonging to the Port of _____, of the registered tonnage of 109 tons or thereabouts, and at the time of the mortgage hereinafter mentioned, Thomas Brock, of _____, was the registered owner of the said brigantine.

2. On the 4th day of July, 1876, 32/64th parts or shares of the said brigantine were mortgaged by the said Thomas Brock to the plaintiff to secure the payment by the said Thomas Brock to the plaintiff of the sum of £400, together with interest thereon at the rate of 5 per cent. per annum, on or before the 1st day of July, 1877.

3. The said mortgage of the "Juniper" was made by an instrument dated the 4th day of July, 1876, in the form prescribed by the 66th section of "The Merchant Shipping Act, 1854," and was duly registered in accordance with the provisions of the said Act.

4. No part of the said principal sum or interest has been paid, and there still remains due and owing to the plaintiff on the said mortgage security the principal sum of £400, together with a large sum of money for interest and expenses; and the plaintiff, although he has applied to the said Thomas Brock for payment thereof, cannot obtain payment without the assistance of this Court.

The plaintiff claims—

- (1.) Judgment for the said principal sum of £400, together with the interest and expenses;
- (2.) To have an account taken of the amount due to the plaintiff;
- (3.) Payment, out of the proceeds of the said brigantine now remaining in Court, of the amount found due to the plaintiff, together with costs;
- (4.) Such further and other relief as the nature of the case may require.

Dated the _____ day of _____, 18____.
(Signed) _____ A.B., Plaintiff.

(8.) *In an Action between Co-owners (for Account):*

PETITION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Writ issued _____, 18____.

1. THE "Horlock" is a sailing ship of about 40 tons register, trading between _____ and _____.

2. By a bill of sale duly registered on the 11th day of June, 1867, the defendant, John Horlock, who was then sole owner of the above-named ship "Horlock," transferred to Thomas Worraker, of _____, 32/64th parts or shares of the ship for the sum of £320.

3. By a subsequent bill of sale duly registered on the 16th December, 1876, the said Thomas Worraker transferred his said 32/64th shares of the ship to George Wright, the plaintiff, for the sum of £175.

4. The defendant, John Horlock, has had the entire management and the command of the said ship from the 11th day of June, 1867, down to the present time.

5. The defendant has from time to time up to and including the 24th September, 1874, rendered accounts of the earnings of the ship to the afore-mentioned Thomas Worraker, but since the said 24th of September, 1874, the defendant has rendered no accounts of the earnings of the ship.

6. Since the 16th December, 1876, the ship has continued to trade between _____ and _____, and the plaintiff has made several applications to the defendant, John Horlock, for an account of the earnings of the ship, but such applications have proved ineffectual.

7. The plaintiff is dissatisfied with the management of the ship, and consequently desires that she may be sold.

The plaintiff claims—

- (1.) That the Court may direct the sale of the said ship "Horlock;"
- (2.) To have an account taken of the earnings of the said ship, and that the defendant may be condemned in the amount which shall be found due to the plaintiff in respect thereof, and in the costs of this action;
- (3.) Such further or other relief as the nature of the case may require.

Dated the _____ day of _____, 18____.
(Signed) _____ A.B., Plaintiff.

ANSWER.

In the Vice-Admiralty Court of _____

[Title of Action.]

1. The defendant denies the statements contained in paragraph 2 of the petition.

2. The defendant further says that he never at any time signed any bill of sale transferring any shares whatever of the said ship "Horlock" to the said Thomas Worraker, and further says that if any such bill was registered as alleged on the 11th June in the said 2nd paragraph (which the defendant denies) the same was made and registered fraudulently and without the knowledge, consent, or authority of the defendant.

3. The defendant does not admit the statements contained in the 3rd paragraph of the petition, and says that if the said Thomas Worraker transferred any shares of the said ship to the plaintiff as alleged (which the defendant does not admit) he did so wrongfully and unlawfully, and that he had not possession of or any right to or in respect of the said shares.

4. The defendant denies the statements contained in paragraph 5 of the petition, and says that he never rendered any such accounts alleged therein.

5. The defendant does not admit the statements contained in paragraph 6 of the petition.

Dated the _____ day of _____, 18____.
(Signed) _____ C.D., Defendant.

REPLY.

In the Vice-Admiralty Court of _____

[Title of Action.]

The plaintiff denies the several statements in the answer.

Dated the _____ day of _____, 18____.
(Signed) _____ A.B., Plaintiff.

(9.) *In an Action for Possession:*

PETITION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Writ issued _____, 18____.

1. THE plaintiffs are registered owners of 44/64th shares in the British ship "Native Pearl," and such shares are held by them respectively as follow: Morgan Parsall Griffiths is owner of 16/64th shares, Edmund Nicholls of 8/64th shares, William Meager of 4/64th shares, Isaac Butler of 8/64th shares, and William Herbert of 8/64th shares.

2. The only owner of the said ship other than the plaintiffs is John Nicholas Richardson, who is the registered owner of the remaining 20/64th shares of the said ship, and has hitherto acted as managing owner and ship's husband of the said ship, and has possession of and control over the said ship and her certificate of registry.

3. The defendant, the said John Nicholas Richardson, has not managed the said ship to the satisfaction of the plaintiffs, and has, by his management of her, occasioned great loss to the plaintiffs; and the plaintiffs in consequence thereof before the commencement of this action gave notice to the defendant to cease acting as managing owner and ship's husband of the said ship, and revoked his authority in that behalf, and demanded from the defendant the possession and control of the said ship and of her certificate of registry; but the defendant has refused and still refuses to give possession of the said ship and certificate to the plaintiffs,

and the plaintiffs cannot obtain possession of them without the assistance of this Court.

4. The defendant has neglected and refused to render proper accounts relating to the management and earnings of the said ship, and such accounts are still outstanding and unsettled between the plaintiffs and the defendant.

The plaintiffs claim—

- (1.) Judgment giving possession to the plaintiffs of the said ship and of her certificate of registry;
- (2.) To have an account taken, with the assistance of merchants, of the earnings of the ship;
- (3.) A sale of the defendant's shares in the said ship;
- (4.) Payment out of the proceeds of such sale of the balance, if any, found due to the plaintiffs, and of the costs of this action;
- (5.) Such further and other relief as the nature of the case may require.

Dated the _____ day of _____, 18____,
(Signed) A.B., &c., Plaintiffs.

(10.) *In an Action for Necessaries:*

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued _____, 18____.

1. THE plaintiffs at the time of the occurrences herein-after mentioned carried on business at the Port of _____ as bonded store and provision merchants and shipchandlers.

2. The "Sfacteria" is a Greek ship, and in the months of June, July, August, and September, 1874, was lying in the said Port of _____, under the command of one George Lazzaro, a foreigner, her master and owner, and in the said month of September she proceeded on her voyage to _____.

3. The plaintiffs, at the request and by the direction of the said master, supplied during the said months of June, July, August, and September, 1874, stores and other necessaries for the necessary use of the said ship upon the said then intended voyage to the value of £412 16s. 9d., for which sum an acceptance was given by the said George Lazzaro to the plaintiffs; but on the 4th day of February, 1875, the said acceptance, which then became due, was dishonoured, and the said sum of £412 16s. 9d., with interest thereon from the said 4th day of February, 1875, still remains due and unpaid to the plaintiffs.

4. In the month of August aforesaid, the plaintiffs, at the request of the said master, advanced to him the sum of £100 for the necessary disbursements of the said ship at the said Port of _____, and otherwise on account of the said ship; and also at his request paid the sum of £11, which was due for goods supplied for the necessary use of the said ship on the said voyage; and of the sums so advanced and paid there still remains due and unpaid to the plaintiffs the sum of £61, with interest thereon from the 5th day of January, 1875, on which last-mentioned day a promissory note given by the said George Lazzaro to the said plaintiffs for the said sum of £61 was returned to them dishonoured.

5. The plaintiffs also at the said master's request, between the 1st of September, 1874, and the commencement of this action, paid various sums amounting to £84 17s. for the insurance of their said debt.

6. The said goods were supplied and the said sums advanced and paid by the plaintiffs upon the credit of the said ship, and not merely on the personal credit of the said master.

The plaintiffs claim—

- (1.) Judgment for the said sums of £412 16s. 9d., £61, and £84 17s., together with interest thereon;
- (2.) That the defendant and his bail be condemned therein, and in costs; [or
- (3.) A sale of the said ship and payment of the said sums and interest out of the proceeds of such sale, together with costs;]
- (4.) Such further and other relief as the case may require.

Dated the _____ day of _____, 18____,
(Signed) A.B., &c., Plaintiffs.

(11.) *In an Action for Condemnation of a Ship or Cargo, &c.:*

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued _____, 18____.

[State briefly the circumstances of the seizure, or, if an affidavit of the circumstances has been filed, refer to the affidavit.]

A.B. [State name of person suing in the name of the Crown] claims—

The condemnation of the said ship [and her cargo, and of the said seven slaves, or as the case may be] on the ground that the said ship, &c., was at the time of the seizure

thereof fitted out for or engaged in the slave trade [or as having been captured from pirates, or for violation of the Act, s. _____, or as the case may be].

Dated the _____ day of _____, 18____,
(Signed) A.B.

(12.) *In an Action for Restitution of a Ship or Cargo:*

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued _____, 18____.

[State briefly the circumstances of the seizure.]

C.D. [State name of person claiming restitution] claims—
The restitution of the said vessel [and her cargo, or as the case may be], together with costs and damages for the seizure thereof [or as the case may be].

Dated the _____ day of _____, 18____,
(Signed) C.D., &c., Plaintiffs.

(13.) *In a Piracy Case where the Captors intend to apply for Bounty, add—*

A.B. further prays the Court to declare—

- (1.) That the persons attacked or engaged were pirates;
- (2.) That the total number of pirates so engaged or attacked was _____, of whom _____ were captured;
- (3.) That the vessel [or vessels and boats] engaged [or were] [and _____].

Dated the _____ day of _____, 18____,
(Signed) A.B.

(14.) *In an Action for Recovery of any Pecuniary Forfeiture or Penalty:*

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued _____, 18____.

[State briefly the circumstances, and the Act and section of Act under which the penalty is claimed.]

I, A.B., claim to have the defendant condemned in a penalty of £ _____, and in the costs of this action.

Dated the _____ day of _____, 18____,
(Signed) A.B.

No. 22.

INTERROGATORIES.

In the Vice-Admiralty Court of

[Title of Action.]

INTERROGATORIES on behalf of the plaintiff, A.B. [or defendant, C.D.], for the examination of the defendants, C.D. and E.F. [or plaintiff, A.B., or as the case may be].

1. Did not, &c.
2. Have not, &c.

The defendant, C.D., is required to answer the interrogatories numbered _____.

The defendant, E.F., is required to answer the interrogatories numbered _____.

Dated the _____ day of _____, 18____,
(Signed) A.B. [or C.D., as the case may be].

No. 23.

ANSWERS TO INTERROGATORIES.

In the Vice-Admiralty Court of

[Title of Action.]

THE answers of the defendant, C.D. [or plaintiff, A.B., &c.], to the interrogatories filed for his examination by the plaintiff, A.B. [or defendant, C.D., &c.].

In answer to the said interrogatories, I, the above-named C.D. [or A.B., &c.] make oath and say as follows:—

- (1.) _____,
- (2.) _____, &c.

(Signed) C.D. [or A.B.]
On the _____ day of _____, 18____, the said C.D. [or A.B. &c.] was duly sworn to the truth of this affidavit at before me, E.F., &c.

No. 24.

AFFIDAVIT OF DISCOVERY.

In the Vice-Admiralty Court of

[Title of Action.]

I, the defendant, C.D. [or plaintiff, A.B., &c.], make oath and say as follows:—

1. I have in my possession or power the documents relating to the matters in question in this action, set forth in the First and Second Parts of the First Schedule hereto.

2. I object to produce the documents set forth in the Second Part of the said First Schedule on the ground that [State grounds of objection, and verify the facts as far as may be].

3. I have had, but have not now, in my possession or power the documents relating to the matters in question in this action as set forth in the Second Schedule hereto.

4. The last-mentioned documents were last in my possession or power on [State when].

5. [Here state what has become of the last-mentioned documents, and in whose possession they now are.]

6. According to the best of my knowledge, information, and belief I have not now and never had in my possession, custody, or power, or in the possession, custody, or power of my solicitor or agent, or of any other person or persons on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document, or any other document whatsoever, relating to the matters in question in this action or any of them, or wherein any entry has been made relative to such matters or any of them, other than and except the documents set forth in the said First and Second Schedules.

SCHEDULE No. 1.

Part I.

[Here set out documents.]

Part II.

[Set out documents.]

SCHEDULE No. 2.

[Set out documents.]

(Signed) C.D. [or A.B.].

On the day of 18, the said C.D. [or A.B., &c.] was duly sworn to the truth of this affidavit at, before me, E.F., &c.

No. 25.

NOTICE TO PRODUCE.

In the Vice-Admiralty Court of [Title of Action.]

TAKE notice that the plaintiff, A.B. [or defendant, C.D.], requires you to produce for his inspection, on or before the day of, the following documents [Here describe the documents required to be produced].

Dated this day of 18 (Signed) A.B., Plaintiff [or C.D., Defendant].
To C.D., defendant [or as the case may be].

No. 26.

NOTICE TO ADMIT DOCUMENTS.

In the Vice-Admiralty Court of [Title of Action.]

TAKE notice that the plaintiff, A.B. [or defendant, C.D.], in this action proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant [or plaintiff], his solicitor or agent, at, on, between the hours of and; and the defendant [or plaintiff] is hereby required, within [forty-eight hours] from the last-mentioned hour, to admit that such of the said documents as are specified as originals were respectively written, signed, or executed as they purport respectively to have been; that such as are specified as copies are true copies; and that such documents as are stated to have been served, sent, or delivered were so served, sent, or delivered respectively; saving all just exceptions to the admissibility of all such documents as are specified in this action.

Description of Documents.	Dates.	Time and Mode of Service or Delivery, &c.
[Here briefly describe documents.]	[Here state the date of each document.]	[Here state whether the original or a duplicate was sent by post, or served or delivered, and when and by whom.]
(1.) Originals.		
(2.) Copies.		

Dated the day of 18 (Signed) A.B., Plaintiff [or C.D., Defendant].
To C.D., defendant [or as the case may be].

No. 27.

NOTICE TO ADMIT FACTS.

In the Vice-Admiralty Court of [Title of Action.]

TAKE notice that the plaintiff, A.B. [or defendant, C.D.], demands admission of the under-mentioned facts, saving all just exceptions:—

1. [Here state briefly the facts of which admission is demanded.]
2. [Here state briefly the facts of which admission is demanded.]

Dated the day of 18 (Signed) A.B., Plaintiff [or C.D., Defendant].
To C.D., defendant [or as the case may be].

No. 28.

NOTICE OF MOTION.

In the Vice-Admiralty Court of [Title of Action.]

TAKE notice that on [State day of week] the day of, the plaintiff [or defendant] will [by counsel, or by his solicitor, if the motion is to be made by counsel or solicitor] move the Judge in Court [or in Chambers, as the case may be] to order that [State nature of order to be moved for. In a notice of motion to vary a report of the Registrar, the items objected to must be specified].

Dated the day of 18 (Signed) A.B., Plaintiff [or C.D., Defendant].

No. 29.

NOTICE OF TENDER.

In the Vice-Admiralty Court of [Title of Action.]

TAKE notice that I have paid into Court, and tender in satisfaction of the plaintiff's claim [or as the case may be] [If the tender is for costs also, add including costs], the sum of [State sum tendered both in letters and figures, and on what terms, if any, the tender is made].

Dated the day of 18 (Signed) C.D., Defendant.

No. 30.

NOTICE ACCEPTING OR REJECTING TENDER.

In the Vice-Admiralty Court of [Title of Action.]

TAKE notice that I accept [or reject] the tender made by the defendant in this action.

Dated the day of 18 (Signed) A.B., Plaintiff.

No. 31.

INTERPRETER'S OATH.

You swear that you are well acquainted with the English and languages, and that you will faithfully interpret between the Court and the witnesses. So help you God.

No. 32.

APPOINTMENT TO ADMINISTER OATHS.

(1.) In Vice-Admiralty Proceedings generally: In the Vice-Admiralty Court of (L.S.)

To [State name and address of Commissioner].
I HEREBY appoint you, to be a Commissioner to administer oaths in all Vice-Admiralty proceedings in this Court. (Signed) A.B., Judge.

(2.) In any particular Proceeding:

In the Vice-Admiralty Court (L.S.) [Title of Action.]
To [State name and address of appointee].
I hereby authorize you, to administer an oath [or oaths, as the case may be] to [State name of person or persons to whom, and proceeding in which, the oath is to be administered, or as the case may be]. (Signed) A.B., Judge.

No. 33.

FORM OF OATH TO BE ADMINISTERED TO A WITNESS.

You swear that the evidence given by you shall be the truth, the whole truth, and nothing but the truth. So help you God.

FORM OF DECLARATION IN LIEU OF OATH.

I solemnly promise and declare that the evidence given by me shall be the truth, the whole truth, and nothing but the truth.

No. 34.

FORM OF OATH TO BE ADMINISTERED TO A DEPONENT.
You swear that this is your name and handwriting, and that the contents of this affidavit are true. So help you God.

FORM OF DECLARATION IN LIEU OF OATH TO BE MADE BY A DEPONENT.
I solemnly declare that this is my name and handwriting, and that the contents of this deposition are true.

No. 35.
FORM OF JURAT.

(Where Deponent is sworn by Interpretation.)

On the _____ day of _____, 18____, the said A.B. was duly sworn to the truth of this affidavit by the interpretation of C.D., who was previously sworn, that he was well acquainted with the English and _____ languages, and that he would faithfully interpret the said affidavit at, _____ before me, E.F., &c.

(Signed) A.B.

No. 36.
ORDER FOR EXAMINATION OF WITNESSES.

In the Vice-Admiralty Court of _____ [Title of Action.]
(On the _____ day of _____, 18____, before Judge _____.)
It is ordered that [State the names of the witnesses so far as it can be done], witnesses for the plaintiff [or defendant], shall be examined before the Judge [or Registrar], at [State place of examination], on [State day of week], the _____ day of _____ instant [or as the case may be], at _____ o'clock in the _____ noon.

(Signed) E.F., Registrar.

No. 37.
COMMISSION TO EXAMINE WITNESSES.

In the Vice-Admiralty Court of _____ (L.S.) [Title of Action.]
VICTORIA, &c.
To [State name and address of Commissioner], greeting.
WHEREAS the Judge of our Vice-Admiralty Court of _____ has decreed that a commission shall be issued for the examination of witnesses in the above-named action: We therefore hereby authorize you, upon the _____ day of _____, 18____, at _____, in the presence of the parties, their counsel and solicitors, or in the absence of any of them, to swear the witnesses who shall be produced before you for examination in the said action, and cause them to be examined and their evidence to be reduced into writing. We further authorize you to adjourn, if necessary, the said examination from time to time and from place to place, as you may find expedient. And We command you, upon the examination being completed, to transmit the evidence, duly certified, together with this commission, to the registry of our said Court.
Given at _____, in our said Court, under the seal thereof, this _____ day of _____, 18____.

(Signed) E.F., Registrar.
Commission to examine witnesses taken out by _____

No. 38.
RETURN TO COMMISSION TO EXAMINE WITNESSES.

In the Vice-Admiralty Court of _____ [Title of Action.]
I, A.B., the Commissioner named in the commission hereto annexed, bearing date the _____ day of _____, 18____, hereby certify as follows:—
(1.) On the _____ day of _____, 18____, I opened the said commission at _____, and in the presence of [State who were present, whether both parties, their counsel or solicitors, or as the case may be], administered an oath to and caused to be examined the under-named witnesses who were produced before me on behalf of the [State whether plaintiff or defendant] to give evidence in the above-named action: viz. [Here state names of witnesses].
(2.) On the _____ day of _____, 18____, I proceeded with the examinations at the same place [or at some other place, as the case may be], and in the presence of [State who were present, as above] administered an oath to and caused to be examined the under-named witnesses who were produced before me on behalf of [State whether plaintiff or defendant] to give evidence in the said action, viz. [State names of witnesses].
(3.) Annexed hereto is the evidence of all the said witnesses, certified by me to be correct.
Dated the _____ day of _____, 18____.

(Signed) G.H., Commissioner.

No. 39.
SHORTHAND-WRITER'S OATH.

You swear that you will faithfully report the evidence of the witnesses to be produced in this action. So help you God.

No. 40.
NOTICE FOR HEARING.

In the Vice-Admiralty Court of _____ [Title of Action.]
TAKE notice that I set down this action for hearing.
Dated the _____ day of _____, 18____.

(Signed) A.B., Plaintiff [or C.D., Defendant].

No. 41.
REGISTRAR'S REPORT.

In the Vice-Admiralty Court of _____ [Title of Action.]
To the Honourable the Judge of the Vice-Admiralty Court of _____
WHEREAS by your decree of the _____, 18____, you were pleased to pronounce in favour of the plaintiff [or defendant], and to condemn the defendant [or plaintiff] and the ship [or as the case may be] in the amount to be found due to the plaintiff [or defendant] [and in costs], and you were further pleased to order that an account should be taken, and to refer the same to the Registrar [assisted by merchants] to report the amount due:
Now, I do report that I have, with the assistance of [Here state names and description of Assessors, if any], carefully examined the accounts and vouchers and the proofs brought in by the plaintiff [or defendant] in support of his claim [or counter-claim]; and having on the _____ day of _____ heard the evidence of [State names] who were examined as witnesses on behalf of the plaintiff, and of [State names] who were examined as witnesses on behalf of the defendant; and having heard the solicitors [or counsel] on both sides [or as the case may be], I find that there is due to the plaintiff [or defendant] the sum of £ _____ [State sum in letters and figures], together with interest thereon, as stated in the Schedule hereto annexed. I am also of opinion that the plaintiff [or defendant] is entitled to the costs of this reference [or as the case may be].
Dated the _____ day of _____, 18____.

(Signed) E.F., Registrar.

SCHEDULE annexed to the foregoing Report.

No.	Claimed.			Allowed.		
	£	s.	d.	£	s.	d.
1						
2						
3						
4						
5						
&c.						
Total ..						

With interest thereon from the _____ day of _____, 18____, at the rate of _____ per cent. per annum until paid.

(Signed) E.F., Registrar.

No. 42.
COMMISSION OF APPRAISEMENT.

In the Vice-Admiralty Court of _____ (L.S.) [Title of Action.]
VICTORIA, &c.
To the Marshal of our Vice-Admiralty Court of _____, greeting.
WHEREAS the Judge of our said Court has ordered that [State whether ship or cargo, and state name of ship, and, if part only of cargo, state what part] shall be appraised: We therefore hereby command you to reduce into writing an inventory of the said [ship or cargo, &c., as the case may be], and, having chosen one or more experienced person or persons, to swear him or them to appraise the same according to the true value thereof, and upon a certificate of such value having been reduced into writing, and signed by yourself and by the appraiser or appraisers, to file the same in the registry of our said Court, together with this commission.
Given at _____, in our said Court, under the seal thereof, this _____ day of _____, 18____.

(Signed) E.F., Registrar.
Commission of appraisement taken out by _____

No. 43.
COMMISSION OF SALE.

In the Vice-Admiralty Court of _____ (L.S.) [Title of Action.]
VICTORIA, &c.
To the Marshal of our Vice-Admiralty Court of _____, greeting.
WHEREAS the Judge of our said Court has ordered that [State whether ship or cargo, and state name of ship, and, if part only of cargo, what part] shall be sold: We therefore hereby command you to reduce into writing an inventory of the said [ship or cargo, &c., as the case may be], and to cause

the said [ship or cargo, &c.] to be sold by public auction for the highest price that can be obtained for the same.

And We further command you, as soon as the sale has been completed, to pay the proceeds arising therefrom into our said Court, and to file an account sale signed by you, together with this commission.

Given at _____, in our said Court, under the seal thereof, this _____ day of _____, 18 _____.

(Signed) E.F., Registrar.

Commission of sale taken out by _____

No. 44.

COMMISSION OF APPRAISEMENT AND SALE.

In the Vice-Admiralty Court of
(L.S.) [Title of Action.]

VICTORIA, &c.

To the Marshal of our Vice-Admiralty Court of _____, greeting.

WHEREAS the Judge of our said Court has ordered that [State whether ship or cargo, and state name of ship, and, if part only of cargo, what part] shall be appraised and sold: We therefore hereby command you to reduce into writing an inventory of the said [ship or cargo, &c., as the case may be], and, having chosen one or more experienced person or persons, to swear him or them to appraise the same according to the true value thereof, and when a certificate of such value has been reduced into writing, and signed by yourself and by the appraiser and appraisers, to cause the said [ship or cargo, &c., as the case may be] to be sold by public auction for the highest price, not under the appraised value thereof, that can be obtained for the same.

And We further command you, as soon as the sale has been completed, to pay the proceeds arising therefrom into our said Court, and to file the said certificate of appraisement and an account sale signed by you, together with this commission.

Given at _____, in our said Court, under the seal thereof, this _____ day of _____, 18 _____.

(Signed) E.F., Registrar.

Commission of appraisement and sale taken out by _____

No. 45.

COMMISSION OF REMOVAL.

In the Vice-Admiralty Court of
(L.S.) [Title of Action.]

VICTORIA, &c.

To the Marshal of our Vice-Admiralty Court of _____, greeting.

WHEREAS the Judge of our said Court has ordered that the [State name and description of ship] shall be removed from to _____, on a policy of insurance in the sum of £ _____ being deposited in the registry of our said Court: And whereas a policy of insurance for the said sum has been so deposited: We therefore hereby command you to cause the said ship to be removed accordingly. And We further command you, as soon as the removal has been completed, to file a certificate thereof, signed by you, in the said registry, together with this commission.

Given at _____, in our said Court, under the seal thereof, this _____ day of _____, 18 _____.

(Signed) E.F., Registrar.

Commission of removal taken out by _____

No. 46.

COMMISSION FOR DISCHARGE OF CARGO.

In the Vice-Admiralty Court of
(L.S.) [Title of Action.]

VICTORIA, &c.

To the Marshal of our Vice-Admiralty Court of _____, greeting.

WHEREAS the Judge of our said Court has ordered that the cargo of the ship _____ shall be discharged: We therefore hereby command you to discharge the said cargo from on board the said ship, and to put the same into some fit and proper place of deposit. And we further command you, as soon as the discharge of the said cargo has been completed, to file your certificate thereof in the registry of our said Court, together with this commission.

Given at _____, in our said Court, under the seal thereof, this _____ day of _____, 18 _____.

(Signed) E.F., Registrar.

Commission for discharge of cargo taken out by _____

No. 47.

COMMISSION FOR DEMOLITION AND SALE.

(In a Slave Trade Case.)

In the Vice-Admiralty Court of
(L.S.) [Title of Action.]

VICTORIA, &c.

To the Marshal of our Vice-Admiralty Court of _____, greeting.

We hereby command you, in pursuance of the decree of the

Judge of our said Court to that effect, to cause the tonnage of the vessel _____ to be ascertained by Rule No. 1 of the twenty-first section of "The Merchant Shipping Act, 1854" [or by such rule as shall for the time being be in force for the admeasurement of British vessels], and further to cause the said vessel to be broken up, and the materials thereof to be publicly sold in separate parts [together with her cargo, if any] for the highest price that can be obtained for the same.

And We further command you, as soon as the sale has been completed, to pay the proceeds arising therefrom into our said Court, and to file an account sale signed by you, and a certificate signed by you of the admeasurement and tonnage of the vessel, together with this commission.

Given at _____, in our said Court, under the seal thereof, this _____ day of _____, 18 _____.

(Signed) E.F., Registrar.

Commission for demolition and sale taken out by _____

No. 48.

ORDER FOR INSPECTION.

In the Vice-Admiralty Court of _____

[Title of Action.]

On the _____ day of _____, 18 _____, before _____ Judge. THE Judge, on the application of [State whether plaintiff or defendant], ordered that the ship _____ should be inspected by [State whether by the Marshal or by the Assessors of the Court, or as the case may be], and that a report in writing of the inspection should be lodged by him [or them] in the Registry.

(Signed) E.F., Registrar.

No. 49.

NOTICE OF DISCONTINUANCE.

In the Vice-Admiralty Court of _____

[Title of Action.]

TAKE notice that this action is discontinued.

Dated the _____ day of _____, 18 _____.

(Signed) A.B., Plaintiff.

No. 50.

NOTICE TO ENTER JUDGMENT FOR COSTS.

In the Vice-Admiralty Court of _____

[Title of Action.]

TAKE notice that I apply to have judgment entered for my costs in this action.

Dated the _____ day of _____, 18 _____.

(Signed) C.D., Defendant.

No. 51.

NOTICE OF APPEAL.

In the Vice-Admiralty Court of _____

[Title of Action.]

TAKE notice that I, A.B., plaintiff [or defendant], appeal from the decree [or order] of the Judge of the said Court made the _____ day of _____, 18 _____.

Dated the _____ day of _____, 18 _____.

(Signed) A.B., Plaintiff [or Defendant].

No. 52.

RECEIVABLE ORDER.

Registry of the Vice-Admiralty Court, _____, 18 _____.

No. _____

[Title of Action.]

SIR,—I have to request that you will receive from [State name of person paying in the money] the sum of _____ pounds _____ shillings and _____ pence, on account in the above-named action, and place the same to the credit of the account of the Registrar of the Vice-Admiralty Court of _____.

To the Manager of [State name or style of bank to which the payment is to be made] [or to the Treasurer of the possession].

(Signed) E.F., Registrar.

No. 53.

ORDER FOR PAYMENT OUT OF COURT.

In the Vice-Admiralty Court of _____

[Title of Action.]

I, _____, Judge of the Vice-Admiralty Court of _____ hereby order payment of the sum of [State sum in letters and figures], being the amount [State whether found due for damages or costs, or tendered in the action, or as the case may be] to be made to [State name and address of party or solicitor to whom the money is to be paid] out of the [proceeds of sale of ship, &c., or as the case may be] now remaining in Court.

Dated the _____ day of _____, 18 _____.

(Signed) J.K., Judge.

Witness—E.F., Registrar.

No. 54.

NOTICE FOR CAVEAT WARRANT.

In the Vice-Admiralty Court of
TAKE notice that I, A.B., of _____, apply for a caveat against the issue of any warrant for the arrest of [State name and nature of property], and I undertake, within three days after being required to do so, to give bail to any action or counter-claim that may have been or may be brought against the same in this Court in a sum not exceeding [State sum in letters] pounds, or to pay such sum into Court.

My address for service is _____
Dated the _____ day of _____, 18 ____ (Signed) A.B.

No. 55.

CAVEAT WARRANT.

In the Vice-Admiralty Court of
[State name of ship, &c.]
CAVEAT entered this _____ day of _____, 18 ____, against the issue of any warrant for the arrest of [State name and nature of property] without notice being first given to [State name and address of person to whom, and address at which, notice is to be given], who has undertaken to give bail to any action or counter-claim that may have been or may be brought in the said Court against the said [State name and nature of property].

On withdrawal of caveat add—
Caveat withdrawn the _____ day of _____, 18 ____

No. 56.

NOTICE FOR CAVEAT RELEASE.

In the Vice-Admiralty Court of
[Title of Action.]
TAKE notice that I, A.B., plaintiff [or defendant] in the above-named action, apply for a caveat against the release of [State name and nature of property].

[If the person applying for the caveat is not a party to the action, he must also state his address and an address for service within three miles of the registry.]
Dated the _____ day of _____, 18 ____ (Signed) A.B.

No. 57.

CAVEAT RELEASE.

In the Vice-Admiralty Court of
[Title of Action.]
CAVEAT entered this _____ day of _____, 18 ____, against the issue of any release of [State name and nature or property] by [State name and address of person entering caveat, and his address for service].

On withdrawal of caveat add—
Caveat withdrawn this _____ day of _____, 18 ____

No. 58.

NOTICE FOR CAVEAT PAYMENT.

In the Vice-Admiralty Court of
[Title of Action.]
TAKE notice that I, A.B., plaintiff [or defendant] in the above-named action, apply for a caveat against the payment of any money [If for costs, add for costs, or as the case may be] out of the proceeds of the sale of [State whether ship or cargo, and name of ship, &c.] now remaining in Court, without notice being first given to me.

[If the person applying for the caveat is not a party to the action, he must also state his address, and an address for service within three miles of the registry.]
Dated the _____ day of _____, 18 ____ (Signed) A.B.

No. 59.

CAVEAT PAYMENT.

In the Vice-Admiralty Court of
[Title of Action.]
CAVEAT entered this _____ day of _____, 18 ____, against the payment of any money [If for costs, add for costs, or as the case may be] out of the proceeds of the sale of [State whether ship or cargo, and, if ship, state name of ship, &c.] now remaining in Court, without notice being first given to [State name and address of person to whom, and address at which, notice is to be given].

On withdrawal of caveat add—
Caveat withdrawn this _____ day of _____, 18 ____

No. 60.

NOTICE FOR WITHDRAWAL OF CAVEAT.

In the Vice-Admiralty Court of
[Title of Action.]
TAKE notice that I withdraw the caveat [State whether caveat warrant, release, or payment] entered by me in this action [or as the case may be].

Dated the _____ day of _____, 18 ____ (Signed) A.B.

No. 61.

SUBPOENA.

In the Vice-Admiralty Court of
(L.S.) [Title of Action.]

VICTORIA, &c.

To _____, greeting.
WE command you _____ that, all other things set aside, you appear in person before the Judge [or the Registrar, or G.H., a Commissioner appointed by an order of our said Court] at _____, on _____, the _____ day of _____, 18 ____, at _____ o'clock in the _____ noon of the same day, and so from day to day as may be required, and give evidence in the above-named action.

And herein fail not at your peril.
Given at _____, in our said Court, under the seal thereof, this _____ day of _____, 18 ____
Subpoena taken out by _____

No. 62.

SUBPOENA DUCES TECUM.

The same as the preceding form, adding before the words "And herein fail not at your peril," the words "and that you bring with you for production before the said Judge [or Registrar or Commissioner, as the case may be] the following documents, viz. [Here state the documents required to be produced]."

No. 63.

ORDER FOR PAYMENT.

In the Vice-Admiralty Court of
(L.S.) [Title of Action.]

On the _____ day of _____, 18 ____, before _____, Judge.

It is ordered that A.B. [plaintiff or defendant, &c.] do pay to C.D. [defendant or plaintiff, &c.] within _____ days from the date hereof the sum of £ _____ [State sum in letters and figures], being the amount [or balance of the amount found due from the said A.B. to the said C.D. for [State whether for damages, salvage, or costs, or as the case may be] in the above-named action.

(Signed) E.F., Registrar.

No. 64.

ATTACHMENT.

In the Vice-Admiralty Court of
(L.S.) [Title of Action.]

VICTORIA, &c.

To the Marshal of our Vice-Admiralty Court of _____, greeting.

WHEREAS the Judge of our said Court has ordered [State name and description of person to be attached] to be attached for [State briefly the ground of attachment]:

We, therefore, hereby command you to attach the said _____, and to bring him before our said Judge.

Given at _____, in our said Court, under the seal thereof, this _____ day of _____, 18 ____

(Signed) E.F., Registrar.

Attachment taken out by _____

No. 65.

ORDER FOR COMMITTAL.

In the Vice-Admiralty Court of
(L.S.) [Title of Action.]

On the _____ day of _____, 18 ____, before _____, Judge.

WHEREAS A.B. [State name and description of person to be committed] has committed a contempt of Court in that [State in what the contempt consists] and, having been this day brought before the Judge on attachment, persists in his said contempt, it is now ordered that he be committed to prison for the term of _____ from the date hereof, or until he shall clear himself from his said contempt.

(Signed) E.F., Registrar.

No. 66.

COMMITTAL.

Vice-Admiralty Court of _____

To _____

RECEIVE into your custody the body [or bodies] of _____ herewith sent to you, for the cause hereunder written, that is to say,—

For [State briefly the ground of attachment].

Dated the _____ day of _____, 18 ____

(Signed) J.K., Judge.

Witness—E.F., Registrar.

No. 67.

MINUTE ON FILING ANY DOCUMENT.

In the Vice-Admiralty Court of
[Title of Action.]
I, A.B. [State whether plaintiff or defendant], file the following documents, viz.,—
[Here describe the documents filed.]
Dated the _____ day of _____, 18____, (Signed) A.B.

No. 68.

MINUTE OF ORDER OF COURT.

In the Vice-Admiralty Court of
[Title of Action.]
On the _____ day of _____, 18____, before _____ Judge.
THE Judge, on the application of [State whether plaintiff or defendant] ordered [State purport of order].

No. 69.

MINUTE ON EXAMINATION OF WITNESSES.

In the Vice-Admiralty Court of
[Title of Action.]
On the _____ day of _____, 18____, before _____ Judge.
A.B. [State whether plaintiff or defendant] produced as witnesses [Here state names of witnesses in full], who, having been sworn [or as the case may be], were examined orally [if by interpretation, add by interpretation of _____].

No. 70.

MINUTE OF DECREE.

In the Vice-Admiralty Court of
[Title of Action.]
On the _____ day of _____, 18____, before _____ Judge.

(1.) Decree for an ascertained Sum:

THE Judge, having heard [State whether plaintiff and defendant, or their counsel or solicitors, or as the case may be], and having been assisted by [State names and descriptions of Assessors, if any], pronounced the sum of [State sum in letters and figures] to be due to the plaintiff [or defendant] in respect of his claim [or counter-claim], together with costs [if the decree is for costs]. And he condemned—

(a.) [In an action in rem where bail has not been given] the ship [or cargo ex the ship _____, or proceeds of the ship _____, or of the cargo ex the ship _____, or as the case may be] in the said sum [and in costs]:

(b.) [In an action in personam or in rem where bail has been given] the defendant [or plaintiff] and his bail [if bail has been given] in the said sum [and in costs].

(2.) Decree for a Sum not ascertained:

THE Judge, having heard, &c. [as above], pronounced in favour of the plaintiff's claim [or defendant's counter-claim], and condemned the ship [or cargo, &c., or the defendant or plaintiff] and his bail [if bail has been given] in the amount to be found due to the plaintiff [or defendant] [and in costs]. And he ordered that an account should be taken, and—

(a.) [If the amount is to be assessed by the Judge] that all accounts and vouchers, with the proofs in support thereof, should be filed within _____ days [or as the case may be].

(b.) [If the Judge refers the assessment to the Registrar] referred the same to the Registrar [assisted by merchants], to report the amount due, and ordered that all accounts, &c. [as above].

(3.) Decree on Dismissal of Action:

THE Judge, having heard, &c. [as above], dismissed the action, [if with costs, add] and condemned the plaintiff and his bail [if bail has been given] in costs.

(4.) Decree for Condemnation of a Derelict subject to Salvage:

THE Judge, having heard, &c. [as above] pronounced the sum of [State sum in letters and figures] to be due to A.B., &c., for salvage, together with costs, and subject thereto condemned the said ship [or cargo or proceeds of ship or of cargo, &c., as the case may be] as a droit and perquisite of Her Majesty in her office of Admiralty.

(5.) Decree in Action for Possession:

THE Judge, having heard, &c., decreed that possession of the ship _____ should be given to the plaintiff, and condemned the defendant [and his bail] in costs.

(6.) Decree of Condemnation in a Slave-trade Action:

THE Judge having heard, &c. [as above], pronounced that the vessel, name unknown [or as the case may be], seized by H.M.S. "Torch" on the _____ day of _____, 18____, had been at the time of her seizure engaged in or fitted out for the slave trade in contravention of the treaties existing between Great Britain and _____ [or in violation of the

Acts 5 Geo. IV., c. 113, and 36 and 37 Vict., c. 88, or as the case may be], and he condemned the said vessel [together with the slaves, goods, and effects on board thereof] as forfeited to Her Majesty [or condemned the said vessel and slaves as forfeited, &c., but ordered that the cargo should be restored to the claimant, or as the case may be].

THE Judge further ordered that the said slaves [or the slaves then surviving], consisting of _____ men, women, and _____ boys and girls, should be delivered over to [State to whom or how the slaves are to be disposed of].

If the vessel has been brought into port, add—

THE Judge further ordered that the tonnage of the vessel should be ascertained by the rule in force for the admeasurement of British vessels, and that the vessel should be broken up, and that the materials thereof should be publicly sold in separate parts, together with her cargo [if any];

If the vessel has been abandoned or destroyed by the seizers prior to the adjudication, and the Court is satisfied that the abandonment or destruction was justifiable, add—

THE Judge further declared that, after full consideration by the Court of the circumstances of the case, the seizers had satisfied the Court that the abandonment [or destruction] of the vessel was inevitable, or otherwise under the circumstances proper and justifiable.

(7.) Decree of Restitution in a Slave-trade Action:

THE Judge, having heard, &c., pronounced that it had not been proved that the vessel _____ was engaged in or fitted out for the slave trade, and ordered that the said vessel should be restored to the claimant, together with the goods and effects on board thereof;

Add, as the case may be, but without costs or damages, _____ or on payment by the said claimant of the costs incurred by the seizers in this action;

and awarded to the said claimant costs and damages in respect of the detention of the said vessel, and [referred the same to the Registrar (assisted by merchants) to report the amount thereof, and] directed that all accounts and vouchers with the proofs in support thereof, if any, should be filed within _____ days.

(8.) Decree in Case of Capture from Pirates:

THE Judge, having heard, &c., pronounced that the said junk "Tecumseh" [and her cargo] having been at the time of the capture thereof by H.M.S. "Torch" the property of pirates, and condemned the same as a droit and perquisite of Her Majesty in her office of Admiralty;

pronounced that the said junk "Tecumseh" [and her cargo] had, prior to her recapture by H.M.S. "Torch," &c., been captured by pirates from the claimant [State name and description of former owner], and he decreed that the same should be restored to the said claimant as the lawful owner thereof, on payment to the recaptors of [one-eighth] part of the true value thereof in lieu of salvage. The Judge also directed that the said junk [and her cargo] should be appraised.

If the junk, &c., has been captured after an engagement with the pirates, and if there is a petition for bounty, add—

THE Judge further declared that the persons attacked or engaged by H.M.S. "Torch," &c., on the occasion of the capture of the said junk were pirates, that the total number of pirates so attacked or engaged was about _____, that of that number were captured, and that the only vessel engaged was H.M.S. "Torch" [or as the case may be].

(9.) Decree of Condemnation under Pacific Islanders Protection Acts:

THE Judge, having heard, &c., pronounced that the ship _____ had been at the time of her seizure [or during the voyage on which she was met] employed [or fitted out for employment] in violation of the Pacific Islanders Protection Acts, 1872 and 1875, and he condemned the said ship _____ and her cargo, and all goods and effects found on board, [or as the case may be], as forfeited to Her Majesty.

THE Judge further ordered that the said ship [and her cargo, and the said goods and effects] should be sold by public auction, and that the proceeds should be paid into Court.

(10.) Decree of Condemnation under Foreign Enlistment Act:

THE Judge, having heard, &c., pronounced that the ship _____ had been [built, equipped, commissioned, despatched, or used, as the case may be] in violation of "The Foreign Enlistment Act, 1870," and he condemned the said ship _____ and her equipment [and the arms and munitions of war on board thereof, or as the case may be], as forfeited to Her Majesty.

(11.) Decree of Condemnation under Customs or Revenue Acts:

The Judge, having heard, &c., condemned the ship [or cargo or proceeds, &c., as the case may be] as forfeited to Her Majesty for violation of the Act [State what Act].

(12.) Decree for Pecuniary Forfeiture or Penalty under Customs Act or other Act:

The Judge, having heard, &c., pronounced the said goods to have been landed [or other illegal act to have been done] in violation of the Act [State what Act], and condemned the defendant, C.D. [the owner of the said goods, or as the case may be], in the penalty of £ imposed by the said Act [and in costs].

No. 71.

MINUTES IN AN ACTION FOR DAMAGE BY COLLISION.

No.	A.B., &c., against The ship "Mary."
18 Jan. 3	A writ of summons [and a warrant] was [or were] issued to X.Y. on behalf of A.B., &c., the owners of the ship "Jane," against the ship "Mary" [and freight, or as the case may be], in an action for damage by collision. Amount claimed, £1,000.
5	Y.Z. filed notice of appearance on behalf of C.D., &c., the owners of the ship "Mary."
6	X.Y. filed writ of summons.
6	The Marshal filed warrant.
7	Y.Z. filed bail-bond to answer judgment as against the defendants [or as the case may be] in the sum of £1,000, with affidavit of service of notice of bail.
7	A release of the ship "Mary" was issued to Y.Z.
8	X.Y. filed preliminary Act [and notice of motion for pleadings].
8	Y.Z. filed preliminary Act.
10	The Judge, having heard solicitors on both sides [or as the case may be], ordered pleadings to be filed.
11	X.Y. filed petition.
14	Y.Z. filed answer [and counter-claim].
15	X.Y. filed reply.
16	The Judge, having heard solicitors on both sides [or as the case may be], ordered both plaintiffs and defendants to file affidavits of discovery, and to produce, if required, for mutual inspection, the documents therein set forth within [three days].
18	X.Y. filed affidavit of discovery.
19	Y.Z. filed affidavit of discovery.
22	X.Y. filed notice of trial.
26	X.Y. produced as witnesses [State names of witnesses, who, having been sworn, were examined orally in Court, the said [State names] having been sworn and examined by interpretation of [State name of interpreter], interpreter of the language. Present [State names of Assessors present, if any], Assessors. Y.Z. produced as witnesses, &c. [as above]. The Judge, having heard [State whether plaintiffs and defendants, or their counsel or solicitors, as the case may be], and having been assisted by [State names and descriptions of Assessors, if any], pronounced in favour of the plaintiffs [or defendants], and condemned the defendants [or plaintiffs] and their bail [if bail has been given] in the amount to be found due to the plaintiffs [or defendants] [and in costs]. And he ordered that an account should be taken, and referred the same to the Registrar [assisted by merchants] to report the amount due, and ordered that all accounts and vouchers, with the proofs in support thereof, should be filed within days [or as the case may be].
Feb. 5	X.Y. filed statement of claim, with accounts and vouchers in support thereof [numbered 1 to], and affidavits of [State names of deponents, if any].
8	Y.Z. filed accounts and vouchers [numbered 1 to] in answer to claim.
9	X.Y. filed notice for hearing of reference.
15	X.Y. [or Y.Z.] filed Registrar's report, &c.

Here insert address for service of documents required to be served on the plaintiffs. Here insert address for service of documents required to be served on the defendants.

NOTE.—The above minutes are given as such as might ordinarily be required in an action in rem for damage by collision, where pleadings have been ordered. In some actions many of these minutes would be superfluous; in others additional minutes would be required.

II. TABLES OF FEES TO BE TAKEN BY THE JUDGES, REGISTRARS, MARSHALS, AND PRACTITIONERS, ETC., OF THE VICE-ADMIRALTY COURTS.

I.—BY THE JUDGE.

	£	s.	d.
On administering any oath or declaration in Court or in Chambers	0	5	0
On examination before him of any witness before trial	1	0	0
On any motion in Chambers	0	10	0
On any motion in Court	1	0	0
On a final decree in an uncontested action	1	0	0
On a final decree in a contested action	5	0	0
On the assessment of damages, or taking of any account, if assessed or taken by the Judge, according to the case	From 1	0	0
	To 5	0	0
On signing or certifying any document	0	5	0

II.—BY THE REGISTRAR.

1. For preparing Instruments, &c.

For sealing any writ of summons or other document required to be sealed	0	2	6
For preparing any warrant, release, commission, attachment, or other instrument, required to be sealed, or any bail-bond	0	10	0
For preparing a receivable order or a receipt for money to be paid out of Court	0	5	0
For preparing and sending any notice	0	2	6
For preparing any other document for every folio	0	2	0

NOTE.—The fees for preparing shall include drawing and fair copying or engrossing.

2. For Filing.

On filing any instrument or other document, except minutes and exhibits	0	5	0
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3. For Evidence, &c.

For administering any oath or declaration, except before the Judge	0	2	6
For taking down and certifying the evidence of any witness examined before him, for every folio	0	1	6

4. For the Trial, &c.

On a final decree in an uncontested action	0	10	0
On a final decree in a contested action	1	0	0
For attendance before the Judge when any order is made or act done, other than pronouncing a final decree	0	10	0

NOTE.—The above fees shall include the entry of the decree or order in the minute-book.

5. For References.

For hearing any reference, according to the case, per day	From 1	0	0
	To 5	0	0
For preparing the report of a reference	1	0	0

6. For Taxations.

For taxing a bill of costs:—			
If the bill does not exceed [ten] folios	0	10	0
For every folio beyond [ten]	0	1	0

7. For Office Copies, &c.

For an office copy of any document, for every folio (in addition to the fee for sealing)	0	1	0
For a search of the records by any person not a party to the action	0	2	6

NOTE.—No search-fee is to be charged to a party to the action, or to any seaman.

III.—BY THE ASSESSORS.

For each nautical or other Assessor, whether at the examination of witnesses or at the trial of an action, or upon any assessment of damages, or taking of an account, according to the case, per day	From 1	0	0
	To 5	0	0

NOTE.—The above fees shall be paid to the Registrar, for the Assessors, and [in the first instance] by the party preferring the claim.

IV.—BY A COMMISSIONER TO EXAMINE WITNESSES.

For administering any oath or declaration	0	2	6
For taking down and certifying the evidence of any witness examined before him, for every folio	0	1	6

V.—BY A COMMISSIONER TO TAKE BAIL.

For attending the execution of any bail-bond	0	10	0
For taking any affidavit of justification	0	2	6

VI.—BY THE MARSHAL.

For executing any warrant or attachment	1	0	0
For keeping possession of any ship, goods, or ship and goods (exclusive of any payments necessary for the safe custody thereof), for each day	0	2	6

NOTE.—No fee shall be allowed to the Marshal for the custody and possession of property under arrest, if it consists of money in a bank, or of goods stored in a bonded warehouse, or if it is in the custody of a Customhouse officer or other authorized person.

	£	s.	d.
On release of any ship, goods, or person from arrest	0	10	0
For attending the unlivery of cargo, for each day..	2	0	0
For executing any commission of appraisement, sale, or appraisement and sale, exclusive of the fees, if any, paid to the appraiser and auctioneer	1	0	0
For executing any other commission or instrument	1	0	0
On the gross proceeds of any ship, or goods, &c., sold by order of the Court,—			
If not exceeding £100	1	0	0
For every additional £100 or part thereof ..	0	10	0

NOTE.—If the Marshal, being duly qualified, acts as auctioneer, he shall be allowed a double fee on the gross proceeds.

On a final decree in an uncontested action ..	0	10	0
On a final decree in a contested action ..	1	0	0

NOTE.—If the Marshal or his officer is required to go any distance in execution of his duties a reasonable sum may be allowed for travelling, boat-hire, or other necessary expenses, in addition to the preceding fees.

VII.—BY THE SOLICITOR.

Retaining-fee	0	10	0
For preparing a writ of summons (to include attendances in the registry for sealing the same) ..	0	10	0
For bespeaking and extracting any warrant or other instrument prepared in the registry (to include attendances)	0	10	0
For serving a writ of summons or a subpoena ..	0	5	0
For taking instructions for a petition or answer ..	1	0	0
For drawing a petition or answer	1	0	0
For taking instructions for any further pleading ..	0	5	0
For drawing any further pleading	0	10	0
For drawing any other document, for every folio ..	0	1	0
For fair-copying or engrossing any document, for every folio	0	0	6
For taking instructions for any affidavit (unless made by the solicitor or his clerk), or for interrogatories or answers, according to the nature or importance thereof	From 0	5	0
	To 1	0	0
For taking instructions for brief	From 0	5	0
	To 1	0	0
For attending counsel in conference or consultation	0	10	0
For attending to fee counsel	0	10	0
For attendance on any motion before the Judge,—			
If with counsel	0	10	0
If without counsel	1	0	0
For attending the examination of witnesses before the trial, for each day,—			
If with counsel	1	0	0
If without counsel	2	0	0
For attendance at the trial for each day..	From 1	0	0
	To 3	0	0
For attendance at the delivery of judgment, if reserved	0	10	0
For attendance at the hearing of a reference to the Registrar for each day,—			
If with counsel	From 1	0	0
	To 2	0	0
If without counsel	From 1	0	0
	To 5	0	0
For any other necessary attendance before the Judge, or in the registry, or on the Marshal, or on the adverse party or solicitor, in the course of the action	0	5	0

NOTE.—When more than one document can conveniently be filed, or one document can be filed and another bespoken, at the same time, the fee for one attendance only shall be allowed.

For any necessary letter to the adverse party ..	0	3	6
For serving any notice	0	2	6
For extracting and collating any office copy obtained from the registry, for every folio ..	0	0	4
For correcting the press, for every folio ..	0	0	2
For attending the taxation of any bill of costs, not exceeding [ten] folios	0	10	0
For every folio beyond [ten]	0	0	6

VIII.—BY COUNSEL.

Retaining-fee	1	1	0
For settling any pleading, interrogatories, or answers, &c.	From 1	1	0
	To 4	4	0
For any necessary consultation in the course of the action	From 1	1	0
	To 2	2	0
For any motion	From 1	1	0
	To 3	3	0
For the examination of witnesses before the trial, for each day	From 2	2	0
	To 4	4	0
For the trial of an uncontested action	2	2	0
For the trial of a contested action, for the first day	From 3	3	0
	To 10	10	0
For each day after the first	From 2	2	0
	To 5	5	0

	£	s.	d.
For attending judgment if reserved ..	From 1	1	0
	To 2	2	0
For the hearing of a reference to the Registrar, for each day	From 2	2	0
	To 5	5	0

NOTE.—Where the same practitioner acts as both counsel and solicitor he may, for any proceeding in which a counsel's fee might be allowed, charge such fee in lieu of a solicitor's fee.

WITNESSES.

The allowances to witnesses for loss of time and travelling expenses shall be according to the scale for the time being in force in the Supreme Court of the possession by authority of the Judge or Judges of that Court.

APPEALS.

ORDER IN COUNCIL ESTABLISHING RULES FOR APPEALS.

At the Court at Windsor, the 11th day of December, 1865.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY,
Lord President, | Duke of Somerset,
Mr. Secretary Cardwell.

WHEREAS there was this day read at the Board a report from the Right Honourable the Lords of the Judicial Committee of the Privy Council, dated the 5th December instant, humbly setting forth that, by an Act passed in the session of Parliament held in the sixth and seventh years of Her Majesty's reign, intituled "An Act to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council," it was, amongst other things, enacted that it should be lawful for the said Judicial Committee from time to time to make such rules, orders, and regulations respecting the practice and mode of proceeding in all appeals from Ecclesiastical and Admiralty and Vice-Admiralty Courts, and the conduct and duties of the officers and practitioners therein, as to them should seem fit, and from time to time to repeal or alter such rules, orders, and regulations, provided always that no such rules, orders, or regulations should be of any force or effect until the same should have been approved by Her Majesty in Council; and that the Lords of the said Judicial Committee have agreed humbly to report to Her Majesty their opinion that it is expedient that the following rules should be established respecting the practice and mode of proceeding in all such appeals as aforesaid, and therewith humbly submitting the same for the approval of Her Majesty in Council:

Her Majesty, having taken the said report into consideration, was pleased, by and with the advice of her Privy Council, to approve thereof, and of the rule set forth therein, in the words following, videlicet,—

RULES FOR APPEALS IN ECCLESIASTICAL AND MARITIME CAUSES.

1. In the construction of these rules, the following terms shall (if not inconsistent with the context or subject-matter have the respective meanings hereinafter assigned to them that is to say,—

"Appeal" shall mean an appeal to Her Majesty in Council in any ecclesiastical or maritime cause:

"Judicial Committee" shall mean the Judicial Committee of Her Majesty's Privy Council, as the same shall be constituted for hearing any such appeal:

"Registry" shall mean the registry of Her Majesty's Court of Appeals in Ecclesiastical and Maritime Causes:

"Registrar" shall mean the Registrar of Her Majesty in Ecclesiastical and Maritime Causes:

"Solicitor" shall mean any proctor, solicitor, or attorney entitled to practise before the Judicial Committee in any appeal, or the party himself when conducting the appeal in person:

"Instrument" shall mean any inhibition, citation, monition, relaxation, remission, attachment, sequestration, or other document on parchment issued under the seal of Her Majesty in ecclesiastical and maritime causes:

"Month" shall mean calendar month.

2. Any solicitor, attorney, or proctor who shall be entitled to practise in the High Court of Chancery in England, in the Superior Courts of Common Law at Westminster, in the High Court of Admiralty of England, or in the Arches Court of Canterbury, shall be entitled to practise in any appeal.

3. A solicitor desiring to prosecute an appeal shall leave in the registry his petition to Her Majesty in Council in duplicate, together with an office copy of the decree or order appealed from if the appeal has been *apud acta*, or the instrument of appeal if the appeal has been before a notary or witnesses. A form of the petition of appeal is given in the Appendix, and is marked No. 1.

4. When the Registrar has ascertained that the petition of appeal has been referred to the Judicial Committee, he may,

on the application of the solicitor, issue the usual inhibition and citation, and monition of process. Forms of the inhibition and citation and of the monition for process are given in the Appendix, and are marked Nos. 2 and 3.

5. If, within [one month] from the date of the petition of appeal being referred to the Judicial Committee, the solicitor for the appellant shall not take out the inhibition and citation and the monition for process, the appeal shall stand dismissed.

6. The inhibition and citation shall be served on the Registrar of the Court appealed from, as well as on the adverse party. If proof is given to the satisfaction of the Registrar that service cannot be made upon the adverse party, it may be served upon his solicitor. It may also in any case be served upon the solicitor instead of the party, if the solicitor is willing to accept such service. The monition shall be served on the Registrar of the Court appealed from.

7. Within [one month] from the issue of the inhibition and citation and the monition for process if the appeal is from a Court in the United Kingdom, and within [four months] if from a Court out of the United Kingdom, the solicitor for the appellant shall return the same duly served, together with the process, into the registry, and if he shall not do so the appeal shall stand dismissed.

8. The solicitor for the respondent may enter an appearance at any time after the petition of appeal has been referred to the Judicial Committee, and whether the inhibition and citation and the monition for process have been taken out or not. A form of the appearance is given in the Appendix, and is marked No. 4.

9. If the respondent's solicitor desires to adhere to the appeal, he shall, within [one month] from the time of entering an appearance, file in the registry a declaration of adhesion, stating from what part of the decree or order of the Court below he desires to appeal. A form of the declaration of adhesion is given in the Appendix, and is marked No. 5.

10. Within [one month] from the process being brought in, the solicitor for the appellant shall bring into the registry printed copies of the Appendix; and if he shall not do so the appeal shall stand dismissed.

11. The Appendix shall be paged consecutively throughout, and shall have an index at the commencement. It shall contain a copy of all documents filed in the Court below material to the issue in the appeal, and of the judgment of the said Court given on the occasion of the decree or order appealed from, certified by the reporter of the Court to be correct.

12. Within [one month] from the printed copies of the Appendix being brought in, the solicitor for the appellant shall bring into the registry printed copies of his case; and if he shall not do so the appeal shall stand dismissed.

13. Within [one month] from the printed copies of the Appendix being brought in, the solicitor for the respondent shall bring in printed copies of his case; and if he shall not do so the appellant may notwithstanding proceed with his appeal.

14. As soon as the time allowed for bringing in the cases has expired, the appeal shall stand for hearing before the Judicial Committee, provided that where an appearance has not been entered a period of [four months] has expired from the bringing-in of the petition of appeal.

15. Where the appellant resides out of the United Kingdom, he shall, within [two months] after his solicitor has been served with a notice to that effect, give bail by two sufficient sureties to answer the costs of the appeal in the sum of [two hundred pounds]; and if he shall not do so the appeal shall stand dismissed. Forms of the bail-bond, affidavit of justification, and commission to take bail, are given in the Appendix, and are marked Nos. 6, 7, and 8.

16. At any time before the appeal is set down for hearing before the Judicial Committee, the Registrar may, on the application of either solicitor, make an order on the adverse solicitor to file a proxy for his party within such time as the Registrar shall appoint; and, if the adverse solicitor shall not within such time file his proxy, motion may be made to the Judicial Committee to enforce the order either by dismissing the appeal, or in such other way as the Judicial Committee shall direct. A form of the proxy is given in the Appendix, and is marked No. 9.

17. It shall be competent to the appellant's solicitor at any stage of the proceedings to file in the registry a proxy for his party, stating that he abandons the appeal, and consents to be condemned in the costs thereof, and thereupon the appeal shall stand dismissed. A form of the proxy of abandonment is given in the Appendix, and is marked No. 10.

18. The Registrar may, on good cause shown, extend the time allowed by these rules for doing any act.

19. When an appeal by these rules stands dismissed, the appellant shall, unless there is a special agreement to the contrary, stand condemned in the costs of the appeal.

20. When an appeal by these rules stands dismissed, either solicitor may within one fortnight from that time file in the registry a notice of motion to have the appeal reinstated, and on the hearing of the motion the Judicial Committee may, if it so think fit, direct the appeal to be reinstated, subject to

such order as to the costs or otherwise as to it shall seem meet.

21. If notice of motion to have the appeal reinstated be not given within the time prescribed by the preceding rule, the Registrar may, on the application of either solicitor, issue a relaxation of the inhibition. A form of the relaxation of inhibition is given in the Appendix, and is marked No. 11.

22. If, on the final hearing, the Judicial Committee shall order the cause to be remitted, the Registrar shall, on the application of either solicitor, issue a remission. A form of the remission is given in the Appendix, and is marked No. 12.

23. Neither solicitor shall be entitled to plead specially, whether in objection to the jurisdiction or in respect of *noviter perventa* or of any other matter, without leave having been first obtained from the Judicial Committee.

24. In case either solicitor is allowed to plead, the rules which are in force for the time being in the High Court of Admiralty in regard to pleadings and proofs shall, so far as they are applicable and not inconsistent with these rules, be the rules in regard to pleadings and proofs in appeals.

25. In case any matter is referred to the Registrar, or to the Registrar assisted by merchants, to report upon, the same rules which are in force for the time being in the High Court of Admiralty in regard to references shall, so far as they are applicable, be the rules in regard to references in the Court of Appeal.

26. If a party shall not pay any amount which shall have been found to be due from him within [a fortnight] after he shall have received notice from the adverse solicitor demanding payment of the same, the Registrar may, on the application of the solicitor and on an affidavit being filed proving the notice, issue a monition for payment thereof. A form of the monition for payment is given in the Appendix, and is marked No. 13.

27. Upon the monition being returned duly served, and an affidavit filed that the amount has not been paid, motion may be made to the Judicial Committee for an attachment or a sequestration, as the case may be. Forms of the attachment, supersedeas of attachment, sequestration, relaxation of sequestration, sequestration of benefice, and relaxation of sequestration of benefice are given in the Appendix, and are marked Nos. 14, 15, 16, 17, 18, and 19.

28. When an appendix or case is brought in, [sixty] copies thereof shall be left in the registry, and [forty] delivered to the adverse solicitor, if any.

29. Save in an appeal proceeding by default, no document shall be allowed to be filed without a certificate that a copy thereof has been previously served upon the adverse solicitor.

30. Any consent in writing between the solicitors may, with the approval of the Registrar, be filed, and shall thereupon become an order of Court.

31. The practice heretofore existing in regard to libels of appeal, setting down causes on motion by counsel, and all acts and proceedings before surrogates, are abolished. But the same fees shall be allowed for filing any document, returning any instrument, or doing any act by a solicitor in the registry as have heretofore been allowed for doing any similar act before a surrogate in chambers.

32. The existing practice of the Court shall continue in force, save in so far as it is inconsistent with these rules.

33. All instruments already issued or hereafter to be issued, and which are made returnable before the Judicial Committee, or before a surrogate of the Judicial Committee, may be returned into the registry.

34. These rules shall come into operation on the 1st day of February, 1866, and shall apply to all appeals prosecuted on or after that day, and to all proceedings which shall then remain to be had or done in appeals prosecuted before that day.

And Her Majesty is further pleased to order, and it is hereby ordered, that the foregoing rules be punctually observed, obeyed, and carried into execution in all appeals or petitions and complaints in the nature of appeals, brought to Her Majesty, or to her heirs and successors, from the High Court of Admiralty of England, or from any of Her Majesty's Courts of Vice-Admiralty in any of Her Majesty's colonies or plantations abroad, or from any other Court of Admiralty Jurisdiction, and likewise from all Courts Ecclesiastical from which an appeal lies to Her Majesty in Council:

Whereof the Right Honourable the Judge of the High Court of Admiralty in England, the Right Honourable the Dean of the Arches Court of Canterbury, the Commissary of the Exchequer Court of York, and all other Judges and officers of the said Courts of Admiralty or Ecclesiastical Jurisdiction, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

SCHEDULE ANNEXED TO THE FOREGOING ORDER.

FORM No. 1.

Petition of Appeal.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

To the Queen's Most Excellent Majesty.

THE humble petition of [State name and address of solicitor], solicitor for the above-named [State appellant's name], sheweth:

That in a certain cause lately depending in the [State Court appealed from], promoted by [State name and description of plaintiff in Court below] against [State name and description of defendant and of property, if any, proceeded against in Court below], the [State name of Judge], the Judge of the said Court, did, on the day of 18, decree or order [State purport of decree or order appealed from], from which decree or order an appeal has been duly interposed.

Wherefore your petitioner most humbly prays that your Majesty will be graciously pleased to reverse the said decree or order, or to make such order in the premises as to your Majesty shall seem meet.

Dated at this day of 18.
[To be signed by the solicitor.]

FORM No. 2.

Inhibition and Citation.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To all and singular Our liege subjects, being literate persons whomsoever and wheresoever in and throughout Our said United Kingdom and other Our dominions, and especially to Our officer lawfully appointed, greeting.

WHEREAS in a cause [State nature of cause] lately depending in [State from what Court the cause is appealed], promoted by [State name and description of plaintiff in Court below] against [State name and description of defendant and of property, if any, proceeded against in Court below], the [State name of Judge], the Judge of the said Court, did, on the day of 18, [State purport of decree or order appealed from], from which said decree or order an appeal has been duly made to Us in Council on behalf of the said [State name of appellant], and has by Us been referred to the Judicial Committee of our said Council: We do therefore hereby authorize and command you jointly and severally to inhibit, or cause to be inhibited, the said [State name and title of Judge of Court below], from whom the said cause is appealed, his Registrar or Actuary, and the said [State name of respondent] and all other persons whomsoever, that neither they nor any of them pending the said appeal do or attempt anything to the prejudice of the said appellant or of his said appeal; and, further, that you cite, or cause to be cited, the said [State name of respondent], and all other persons having any interest in the said appeal, to enter an appearance in the registry of our Court of Appeals for Ecclesiastical and Maritime Causes, situate at

within days after service hereof; and that you warn them that if they do not enter an appearance as aforesaid We shall proceed to determine the said appeal, or make such order in the premises as to Us shall seem meet.

Given at London, under the seal which We use in this behalf, the day of , in the year of our Lord 18.
(L.S.) A.B., H.M. Registrar.

Inhibition and citation taken out by

FORM No. 3.

Monition for Process.

In Her Majesty's Courts of Appeals.
From the [State Court appealed from].
[State title of cause.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To all and singular Our liege subjects, being literate persons whomsoever and wheresoever in and throughout Our said United Kingdom and other Our dominions, and especially to Our officer lawfully appointed, greeting.

WHEREAS in a cause lately depending in the [State Court appealed from], promoted by [State name and description of plaintiff in Court below] against [State name and description of defendant and of property, if any, proceeded against in Court below], the [State name of Judge], the Judge of the said Court, did, on the day of 18, [State purport of decree or order appealed from], from which decree or order an appeal has been duly made to Us in Council on behalf of the said [State name of appellant], and has by Us been referred to the Judicial Committee of Our Privy Council:

We do hereby authorize and command you jointly and severally to monish, or cause to be monished, the said [State name and title of Judge of Court below], his Registrar or Actuary, and all other persons in whose custody or control any of the proceedings which in any way relate to the said cause do now remain, that within days after service hereof they transmit, or cause to be transmitted, the whole proceedings had and done in the said cause, in a proper and authentic form, to the registry of Our Court of Appeals for Ecclesiastical and Maritime Causes, situate in , together with these presents.

Given at London, under the seal which We use in this behalf, the day of , in the year of our Lord 18.
(L.S.) A.B., H.M. Registrar.

Monition for process taken out by

FORM No. 4.

Appearance.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

I [State name and address of solicitor] hereby certify that I am authorized to and do enter an appearance in this appeal on behalf of [State name, address, and description of party].

Dated the day of 18.
[To be signed by the solicitor or by his clerk for him.]

FORM No. 5.

Declaration of Adhesion.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

WHEREAS in a cause lately depending in [State Court appealed from], promoted by [State name and description of plaintiff in Court below] against [State name and description of defendant and of property, if any, proceeded against in Court below], the [State name of Judge], the Judge of the said Court, did, on the day of 18, decree or order [State purport of decree or order appealed from], from which decree or order an appeal has been made to Her Majesty in Council on behalf of the said [State name of appellant], and has by Her Majesty been referred to the Judicial Committee of her said Council: Now I [State name], the solicitor for the said [State name], the respondent in the said appeal, do hereby adhere to the same appeal, and do dissent from the said decree or order in so far as [State part of decree or order from which respondent's solicitor dissents].

Dated the day of 18.
[To be signed by the respondent's solicitor or by his clerk for him.]

FORM No. 6.

Bail-bond.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

WHEREAS in a cause lately depending in [State Court appealed from], promoted by [State name and description of plaintiff in Court below] against [State name and description of defendant and of property, if any, proceeded against in Court below], an appeal has been made to Her Majesty in Council on behalf of [State name of appellant], and has by Her Majesty been referred to the Judicial Committee of Her said Council: Now therefore we [State names and descriptions of sureties] hereby jointly and severally submit ourselves to the jurisdiction of the said Judicial Committee, and consent that, if [he] the said [State name of appellant] shall not pay what may be adjudged against [him] for the costs of the said appeal, execution may issue forth against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding [State sum in words and figures] pounds.

This bail-bond was signed by the
said , and
the sureties, the day
of , 18 , before
me,
[To be signed before the Registrar or one of the clerks in the registry, or before a Commissioner.]

FORM No. 7.

Affidavit of Justification.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

[State name, address, and description], one of the proposed sureties for [State name, address, and description of the person

for whom bail is to be given], make oath and say, that I am worth more than the sum of _____ hundred pounds after payment of all my debts.

On the _____ day of _____, 18____,)
 the said _____ was duly sworn)
 to the truth of this affidavit at _____ Signature of surety.
 before me,)
 Commissioner.)

FORM No. 8.

Commission to take Bail.

In Her Majesty's Court of Appeals.
 From the [State Court appealed from].
 [State title of appeal.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To [State name and address of Commissioner], greeting.

WHEREAS in the above-named appeal now depending before the Judicial Committee of Our Privy Council bail is required to be taken on behalf of [State name and description of appellant], the appellant, in the sum of £200, to answer judgment so far as regards the costs of the said appeal: We therefore authorize you to take bail in the said sum on behalf of the said [State name of appellant] from two sufficient sureties, who may be produced before you for that purpose, upon the bail-bond hereto annexed, and to swear the said sureties to the truth of the annexed affidavits as to their sufficiency; and We command you, upon the said bail-bond and affidavits being duly executed and signed by the said sureties, to transmit the same, attested by you, into the registry of Our Court of Appeals for Ecclesiastical and Maritime Causes.

Given at London, under the seal which We use in this behalf, the _____ day of _____, in the year of our Lord 18____.

(L.S.) _____ A.B., H.M. Registrar.
 Commission for bail taken out by _____

The Form of Oath to be indorsed on the Commission, and to be administered to each of the Sureties.

You swear that the contents of the affidavit to which you have signed your name are true. So help you God.

FORM No. 9.

Proxy.

In Her Majesty's Court of Appeals.
 From the [State Court appealed from].
 [State title of appeal.]

I [State name, address, and description], lately the [State whether plaintiff or defendant] in a cause which was depending in the [State in what Court], and from the decree in which an appeal has been interposed to Her Majesty in Council, and now the [State whether appellant or respondent] in the said appeal, do hereby appoint [State name and address of solicitor] to appear and conduct all proceedings in my behalf in this appeal.

Dated the _____ day of _____, 18____.
 [To be signed by the party.]

Witness—

FORM No. 10.

Proxy of Abandonment.

In Her Majesty's Court of Appeals.
 From the [State Court appealed from].
 [State title of appeal.]

I [Insert name and description], the appellant in the above-named appeal, do hereby declare that I abandon the same, and proceed no further therein; and I undertake to pay all costs that may have been incurred by the respondent herein; and I authorize and direct you [Insert name of solicitor], my solicitor in the said appeal, to file this proxy in the registry of Her Majesty's Court of Appeals for Ecclesiastical and Maritime Causes.

Dated the _____ day of _____, 18____.
 [To be signed by the appellant.]

Witness—

FORM No. 11.

Relaxation of Inhibition.

In Her Majesty's Court of Appeals.
 From the [State Court appealed from].
 [State title of appeal.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To [State name and title of Judge of Court below], or his surrogate, or some other competent Judge in this behalf, greeting.

WHEREAS in a cause lately depending in the said Court, promoted by [State name and description of plaintiff in Court

below] against [State name and description of defendant and property, if any, proceeded against in Court below], an appeal from an order or decree of the Judge of the said Court was made to Us in Council on behalf of the said [State name of appellant], and was by Us referred to the Judicial Committee of Our said Council: And whereas on the _____ day of _____, 18____, We did command that [you], the said [State name and title of Judge from whom the cause was appealed], [your] Registrar or Actuary, and the said [State name of respondent], and all other persons whosoever, should be inhibited from attempting anything to the prejudice of the said appellant or of his said appeal: And whereas the said [State name of appellant] has abandoned his said appeal [or failed to prosecute his said appeal within the time allowed by law]: We do therefore hereby relax the said inhibition, justice so requiring.

Given at London, under the seal which We use in this behalf, the _____ day of _____, in the year of our Lord 18____.

(L.S.) _____ A.B., H.M. Registrar.
 Relaxation of inhibition taken out by _____

FORM No. 12.

Remission.

In Her Majesty's Court of Appeals.
 From the [State Court appealed from].
 [State title of appeal.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To [State name and title of Judge of Court below], his surrogate, or some other competent Judge in this behalf, greeting.

WHEREAS in a cause lately depending in the said Court, promoted by [State name and description of plaintiff in Court below] against [State name and description of defendant and of property, if any, proceeded against in Court below], an appeal from an order or decree of the Judge of the said Court was made to Us in Council on behalf of the said [State name of appellant], and was by Us referred to the Judicial Committee of Our said Council: And whereas Our said Judicial Committee did, on the _____ day of _____, 18____, report to Us against the said appeal, and that the decree or order appealed from ought to be affirmed, and the cause remitted, with all its incidents (save the costs incurred in the said appeal), to the Judge of the said Court from which the same was appealed [or as the case may be]: And whereas on the _____ day of _____ We were pleased, by and with the advice of Our Privy Council, to approve of the said report, and to order that the same should be duly carried into execution (justice so requiring): We do therefore hereby authorize and command you to resume into your own hands the said cause, with all its incidents (save as aforesaid), and freely to proceed therein according to the exigence of the law and the tenor of the former proceedings, and to administer justice between the parties, any inhibition heretofore issued to the contrary notwithstanding.

Given at London, under the seal which We use in this behalf, this _____ day of _____, in the year of our Lord 18____.

(L.S.) _____ A.B., H.M. Registrar.
 Remission taken out by _____

FORM No. 13.

Monition for Payment.

In Her Majesty's Court of Appeals.
 From the [State Court appealed from].
 [State title of appeal.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To [State name and address of person to be monished], greeting.

WHEREAS in the above-named appeal, now or lately depending before the Judicial Committee of Our Privy Council, the sum of [State sum in words] has been found due from you, the said [State name of person to be monished], to [State name of person to whom the sum is due] for [State for what the sum is due]: We therefore hereby command you, the said [State name of person monished], to pay within _____ days from the service hereof (exclusive of the day of service) the said sum of [State sum in words] to the said [State name and address of person to whom the money is to be paid] accordingly, and hereof fail not.

Given at London, under the seal which We use in this behalf, the _____ day of _____, in the year of our Lord 18____.

(L.S.) _____ A.B., H.M. Registrar.
 Monition to pay £ _____ taken out by _____

FORM No. 14.

Attachment.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To all and singular our Justices of the Peace, Mayors, Sheriffs, Bailiffs, Marshals, Constables, and to all our Officers, Ministers, and others whomsoever, greeting.

WHEREAS in the above-named appeal, now or lately depending before the Judicial Committee of Our Privy Council, Our said Judicial Committee has decreed [State name and description of person to be attached] to be attached for manifest contumacy and contempt in not having obeyed Our monition bearing date the day of 18, heretofore issued by Us in the said appeal, requiring him to [State in what the contempt has consisted]: We therefore hereby command you to attach and arrest the said [State name of person to be attached], and to keep him under safe arrest until you shall receive further orders from Us, or until the said [State name of person to be attached] shall have obeyed Our said monition, and cleared himself of his said contempt.

Given at London, under the seal which We use in this behalf, the day of , in the year of our Lord 18

(L.S.) A.B., H.M. Registrar.
Attachment taken out by

Indorsement.

In Her Majesty's Court of Appeals. Receive into your custody the body of herewith sent you, for the cause hereunder written, that is to say [for his manifest contumacy and contempt in not having obeyed the within-mentioned monition, or as the case may be].

A.B., H.M. Registrar.

FORM No. 15.

Supersedes of Attachment.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To the or keeper of Our prison called the , in Our County of , his deputy or deputies, and all persons whomsoever in whose custody the body of the under-mentioned [State name of person attached] now is or remains, greeting.

WHEREAS the Judicial Committee of Our Privy Council has ordered that the attachment heretofore issued in the above-named appeal against the said [State name and description of person attached], bearing date the day of 18, be superseded [Here state the conditions, if any, on which the supersedeas is to issue]: We therefore hereby command that [Here state the conditions as before] you forthwith release the said [State name of person attached], and hereof fail not.

Given at London, under the seal which We use in this behalf, the day of , in the year of our Lord 18

(L.S.) A.B., H.M. Registrar.
Supersedeas of attachment taken out by

FORM No. 16.

Sequestration.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To [State names, addresses, and descriptions of the sequestrators], greeting.

WHEREAS in the above-named appeal, now or lately depending before the Judicial Committee of Our Privy Council, Our said Judicial Committee has decreed process of sequestration against the real and personal estate and effects of [State name, address, and description of person whose property is to be sequestered], for manifest contumacy and contempt in not having obeyed Our monition bearing date the day of 18, heretofore issued by Us in the said appeal, requiring him to [State in what the contempt has consisted]: We therefore, confiding in your prudence and fidelity, hereby command you [or two of you] that you do at certain proper and convenient days and hours enter upon all the messuages, lands, tenements, and real estate whatsoever

and wheresoever situate within Our dominions of the said [State name of person whose property is to be sequestered], and that you collect and receive into your hands the rents and profits of his said real estate and all his personal estate wheresoever lying within Our dominions, and keep the same in your hands until you shall have levied [Here state the sum, if any, to be levied, and any necessary directions as to the disposal thereof], or until the said [State name of person whose property is to be sequestered] shall have cleared his contempt [or as the case may be], and Our said Judicial Committee shall make other order to the contrary; and that you from time to time report to Us what you shall do in the premises.

Given at London, under the seal which We use in this behalf, this day of , in the year of our Lord 18

(L.S.) A.B., H.M. Registrar.
Sequestration taken out by

FORM No. 17.

Relaxation of Sequestration.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To [State names and addresses of sequestrators], greeting.

WHEREAS the Judicial Committee of Our Privy Council has ordered that the sequestration heretofore issued in the above-named appeal against [State name of person whose property was sequestered], bearing date the day of 18, be relaxed: We therefore hereby command that you release all the messuages, lands, tenements, and real estate whatsoever and wheresoever situate within Our dominions of the said [State name of person whose property was sequestered], and desist henceforth from collecting or receiving the rents and profits of his said real estate; and, further, that you release all his personal estate wheresoever lying within Our dominions which may not have been already disposed of by you in accordance with the tenor of Our said sequestration; and that you duly report to Us what you shall have done in the premises.

Given at London, under the seal which We use in this behalf, this day of , in the year of our Lord 18

(L.S.) A.B., H.M. Registrar.
Relaxation of sequestration taken out by

FORM No. 18.

Sequestration of Benefice.

In Her Majesty's Court of Appeals.
From the [State Court appealed from].
[State title of appeal.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To the Right Reverend Father in God , by Divine permission Lord Bishop of , greeting.

WHEREAS in the above-named appeal, now or lately depending before the Judicial Committee of Our Privy Council, Our said Judicial Committee has decreed process of sequestration against [State name of the person whose benefice is to be sequestered], rector of the rectory [or vicarage] and parish church of , in the County of , and within your diocese: We therefore hereby command that you enter into the said rectory [or vicarage] and parish church of , and take and sequester the same into your possession, together with the rents, tithes, rent-charges in lieu of tithes, oblations, obventions, fruits, issues, and profits thereof, and all other ecclesiastical goods in your diocese of and belonging to the said rectory [or vicarage] and parish church, and to the said as rector [or vicar] thereof; and that you hold the same in your possession until [State here the purpose for which the sequestration is made, and any other necessary directions, according to the circumstances], and until Our said Judicial Committee shall make other order to the contrary; and that you from time to time report to Us what you shall do in the premises.

Given at London, under the seal which We use in this behalf, this day of , in the year of our Lord 18

(L.S.) A.B., H.M. Registrar.
Sequestration of benefice taken out by

FORM No. 19.

Relaxation of Sequestration of Benefice.

In Her Majesty's Court of Appeals.

From the [*State Court appealed from*].[*State title of appeal.*]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To the Right Reverend Father in God , by Divine permission Lord Bishop of , greeting.

WHEREAS the Judicial Committee of Our Privy Council has ordered that the sequestration heretofore issued in the above-named appeal against [*State name of person whose benefice was sequestered*], rector of the rectory [*or vicar of the vicarage*] and parish church of , in the County of , and within your diocese, bearing date the day of , 18 , be relaxed: We therefore hereby

command that you release the said rectory [*or vicarage*] and parish church, together with the rents, tithes, rent-charges in lieu of tithes, oblations, obventions, fruits, issues, and profits thereof, and all other ecclesiastical goods in your diocese of and belonging to the said rectory [*or vicarage*] and parish church, and to the said as rector [*or vicar*] thereof, except such as may have been already disposed of by you in accordance with the tenor of our said sequestration; and that you duly report to Us what you shall do in the premises.

Given at London, under the seal which We use in this behalf, this day of , in the year of our Lord 18

(L.S.)

A.B., H.M. Registrar.

Relaxation of sequestration of benefice taken out by .

By Authority: GEORGE DIDSBURT, Govt. Printer, Wellington.