

INDEX.

NOTE.—The Index does not refer to the Digest, nor to the Rules of 1893. For the Rules a separate Table of Contents will be found, *ante*, p. 534.

ACCIDENT.

See INEVITABLE ACCIDENT.

ACCOUNTS.—The Court has now jurisdiction to settle accounts between co-owners.

ACT OF PARLIAMENT.

See STATUTES.

ADMIRALTY JURISDICTION.—Since the passing of the statute 26 & 27 Vict. c. 24, s. 10 (The Vice-Admiralty Courts Act, 1863), the Court has jurisdiction to entertain a claim for damage to a railway car standing on a wharf within the limits of a county, by the hawser of the vessel coming in contact with the car and overturning it. *The Teddington*, 45.

2. A foreign steamship, the E., while in the harbor of St. John, N. B., loading a cargo of deals, bought and received on board a quantity of coals for the use of the ship. The coals were purchased to be delivered in the bunkers of the steamer, and the coal merchant employed a third party to put the coals on board. The steam power to hoist the coals on board was furnished by the E. The plaintiff was employed by the third party to put the coals on board, and while so employed was injured by the breaking of the hoisting rope. *Held*, That an action could not be maintained against the steamer; that the Court had no jurisdiction; and that the Vice-Admiralty Courts Act, 1863, sec. 10, sub-sec. 6, did not confer authority to entertain such an action. *The Enrique*, 157.

(In view of recent decisions it is submitted this case must be considered overruled. See note to this case, 161, *et seq.*)

3. In so far as regards Canadian registered vessels, the Court can entertain claims for masters' and seamen's wages if the amount due is or exceeds two hundred dol-

ADMIRALTY JURISDICTION.—Continued.

lars, and this under the Dominion statute, the Seamen's Act, 1873. *ibid.* See *contra. The Jonathan Weir*, 79. See note *ibid*, p. 80, *contra*.

4. For the statement of the law upholding the jurisdiction of the Court in causes of damages to a stationary object, a bridge for instance, see *The Maggie M.* and note. *ante*, p. 185.

AMENDMENT.—See note to *The Maud Pye*, p. 103.

APPEAL.—An 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 (26 Vict. c. 24, s. 22); appeal to be made within six months. See *The Teddington*, 65 n.

(See now, however, "The Admiralty Act, 1891," 402).

APPRAISEMENT.—A commission of sale may issue in the first instance. *The Nordcap*, p. 173.

2. See Rules 145 to 154 of 1893 for present practice as to appraisal and sale.

BOTTOMRY BOND.—A vessel owned and registered in New Brunswick was sent with a cargo of deals from that province to Queenstown, Ireland, the intention being to sell her to best advantage, after arrival and discharge of cargo. Efforts to sell the vessel were not successful, and after remaining some time at Queenstown, the agent, by directions of the owner, instructed the captain to return with the vessel in ballast to New Brunswick. Unable to get needed funds from the owner or agent to make