

If all claims can be satisfied by sale of tackle, &c. **17.** If on the day of sale it shall appear to the Sheriff that the claims then filed, and the claim of the plaintiff can be satisfied by the sale of the tackle, apparel, or furniture of the vessel, or part thereof, without selling the vessel herself, then he shall first sell such tackle, apparel, or furniture, or part thereof, and if the same produce sufficient to satisfy all such claims and costs, he shall not sell the vessel herself, otherwise he shall sell the whole in one lot, or in more than one lot as he shall think most for the interest of all concerned: and he shall hold the proceeds of the sale subject to the provisions hereinafter made. 5

Otherwise the vessel shall be sold with her tackle, &c.

Distribution of process.

**18.** If there be no claimant except the plaintiff the Sheriff shall pay him the amount of his judgment and costs, and shall pay over the overplus if any to the owner of the vessel on his claiming the same and obtaining an order of the Judge to that effect: but if there be another claimant or other claimants, the Court shall make an order directing the amount to be paid to each. 15

Claims filed may be contested.

**19.** Any claim so filed may be contested by the plaintiff or by any other claimant, or by any party having an interest in contesting the same, in such manner and on such conditions as the Court shall direct, or as may be prescribed by any general rule or rules in that behalf, and the Court may require such further proof of any such claim, or such proof on the part of any party contesting the same, as it may think necessary; and the Court may if it see fit refer any matter of fact arising out of any such claim or any contestation thereof to a jury to be tried. 20

Judges of Superior Courts to make rules, &c., for proceedings under this Act.

**20.** The Judges of the Superior Courts of Common Law for Upper Canada, or any four of them, of whom the Chief Justices shall be two, may from time to time make such special rules and orders as they may see fit for the effectual execution of this Act, and the conduct of and proceedings in cases under this Act, either in the said Superior Courts or in the County Court, and as to the fees and costs to be allowed and taken in respect of the matters herein contained, and the performance thereof: but as to all matters under this Act in which no such special rule or order shall have been made, and to which there shall be no general rule or order which the Court shall consider applicable, the Court in which the case shall be pending, shall make such order as it may consider fair and right and best adapted to do justice between all parties concerned. 25 30 35