

Court of Admiralty shall have jurisdiction over any claim by a seaman of any ship for wages earned by him on board the ship, etc., etc. Provided always that if in any such cause the plaintiff do not recover £50 he shall not be entitled to any costs, charges, or expenses incurred by him therein unless the judge shall certify that the cause was a fit one to be tried in the said court."

The 9th section of the Admiralty Court Jurisdiction Act, 1868, conferred upon the Court of Admiralty power to order proceedings which might without agreement have been taken in a County Court having admiralty jurisdiction to be taken in a Court of Admiralty, and this power is transferred and vested in the Admiralty Division of the High Court of Justice. It has been held that the effect of this section was to restore to the Court of Admiralty its inherent jurisdiction over the actions therein mentioned, whenever such jurisdiction had been taken away by previous legislation; and consequently in England, at the date when the Colonial Courts of Admiralty Act of 1890 was passed and became law, the Admiralty Division had admiralty jurisdiction in all actions of wages, irrespective of the smallness of the plaintiff's claim: *The Empress*, L.R. 3 A. & E. 502.

Upon the question as to the right of the plaintiff to recover costs where he brought his action in the Court of Admiralty for an amount which he could have recovered in a County Court having admiralty jurisdiction, it has been expressly held that the provisions of Order 55 of the English Judicature Act has impliedly repealed all the restrictions imposed by section 9 of the County Courts Admiralty Jurisdiction Act, 1868, in reference to costs, and that therefore no judge's certificate is required, but that the costs in each case rests in the judge's discretion. This was expressly decided, first, by the Queen's Bench Division in 1880, in the case of *Tennant & Co. v. Ellis*, L.R. 6 Q.B.D. 46, approved by the Court of Appeal in *Rockett v. Clippindale*, 2 Q.B. (1891) 293, and also affirmed in *The Salthorn*, (1892) Pro. 333.

Upon turning to the Rules of Practice adopted under the Admiralty Act and approved by an order of Her Majesty in Council, we find by Rule 132 that costs are left in the discretion of the judge.

Rule 224 directs that, where the sum in dispute does not exceed \$200, one-half only of the fees (other than disbursements) set forth in the table annexed to the rules shall be charged or allowed.

Rule 228 directs "That in all cases not provided for by these rules the practice for the time being in force in respect to admiralty proceedings in the High Court of Justice in England shall be followed."

From the foregoing I conclude that it is quite clear that in England, at the date of the passage of the Colonial Courts of Admiralty Act, 1890, the Court of Admiralty had jurisdiction in all cases of wages, salvage, or otherwise, regardless of the amount involved; that with reference to clauses in previous statutes purporting to limit that jurisdiction, such clauses had been repealed by implication by the later statutes enlarging the jurisdiction of the Court of Admiralty; and that clauses in statutes which purported to have for their aim the compelling of suitors claiming small amounts to proceed in inferior courts having admiralty jurisdiction, and depriving them of costs if they brought their action in the Court of Admiralty, were also to be treated as repealed, and costs