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ADDITIONAL  
RULES AND REGULATIONS

FOR THE SEVERAL

COURTS OF VICE-ADMIRALTY

ABROAD,

ESTABLISHED BY HER MAJESTY'S ORDER IN COUNCIL

BEARING DATE THE 6TH DAY OF JULY 1859.



LONDON:  
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,  
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
FOR HER MAJESTY'S STATIONERY OFFICE.

1859.



WHEREAS by an Act passed in the Second Year of the Reign of His late Majesty King William IV., intituled *An Act to regulate the Practice and the Fees in the Vice-Admiralty Courts abroad, and to obviate Doubts as to their Jurisdiction*, Her Majesty is empowered to make such Rules and Regulations, and to alter them from time to time, as may be found expedient, for the said Vice-Admiralty Courts; and whereas by an Order in Council, bearing date the 6th day of July 1859, certain additional Rules and Regulations for the several Courts of Vice-Admiralty abroad were established, We, therefore, send you herewith a copy of the aforesaid Order in Council, and the additional Rules and Regulations thereby established; and We hereby desire and direct you to act in accordance with and to be guided by such Order in Council, Rules, and Regulations in all matters to which they relate.

(Signed) SOMERSET.  
 R. S. DUNDAS.  
 FRED. PELHAM.  
 CHARLES EDEN.  
 CHARLES FREDERICK.  
 SAM. WHITBREAD.

*To the Vice-Admirals, Judges, and other Officers and Practitioners in the several Vice-Admiralty Courts abroad.*

By Command of their Lordships,  
 (Signed) C. PAGET,  
*Secretary.*



*At the Court at Buckingham Palace, the 6th day of July 1859 ;*

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 21st of June 1859, in the words following, viz. :—

“ Whereas by the Act of the 2nd William IV., cap. 51, it was enacted that it should be lawful for His Majesty, with the advice of His Privy Council, from time to time to make and ordain such Rules and Regulations as should be deemed expedient touching the practice to be observed in Suits and Proceedings in the several Courts of Vice-Admiralty then or thereafter to be established in any of His Majesty's Possessions abroad, and also from time to time as should be found expedient to alter any such Rules and Regulations and to make any new Regulations in lieu thereof: And whereas it hath been represented unto us that it is desirable to make additional Rules and Regulations touching the practice to be observed in Suits and Proceedings in the said several Courts of Vice-Admiralty in Your Majesty's Possessions abroad: Now, therefore, we, Your Majesty's Commissioners for executing the Office of Lord High Admiral, do most humbly submit to Your Majesty that Your Majesty will be most graciously pleased by your Order in Council to make and ordain as additional Rules and Regulations to be observed in Suits and Proceedings in the several Courts of Vice-Admiralty at present or hereafter to be established in any of Your Majesty's Possessions abroad, the accompanying Rules and Regulations which have been prepared by the Registrar and approved by the Judge of the High Court of Admiralty of England, and to order that the same shall be enforced and take effect from the first day of January 1860.

Her Majesty, having taken the said Memorial and the additional Rules and Regulations for the several Courts of Vice-Admiralty abroad accompanying the same into consideration,

was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, as it is hereby ordered, that the said additional Rules and Regulations (a copy whereof is hereunto annexed) shall be enforced and take effect from the 1st day of January 1860. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

(Signed) WM. L. BATHURST.

## ADDITIONAL RULES AND REGULATIONS FOR THE VICE-ADMIRALTY COURTS ABROAD.

I. In all cases of Damage, unless the Judge shall be pleased otherwise to direct, each Party or his Proctor shall, before the libel or act on petition is given in, bring into and deposit in Court a sealed packet containing a statement of the following particulars:—

Preliminary  
Acts in  
Damage  
Causes.

1. The names of the two vessels which came into collision, and the names of their respective masters.
2. The time of the collision as nearly as can be stated.
3. The place of the collision.
4. The direction of the wind.
5. The state of the weather.
6. The courses of the respective vessels on first sighting each other.
7. The distance at which the other vessel was first seen.
8. The steps taken to avoid the collision.
9. The parts of each vessel which first came in contact.

And such packets shall remain in the Registry sealed up and shall not be opened, save with the permission of the Judge, until the proofs in the cause are brought in, or the whole of the pleadings and evidence are concluded, and such statements shall be called the "Preliminary Acts," and may be in the form of the Schedule hereto annexed, marked A.

II. It shall be competent to the Court, if it shall think fit so to do, and if the Parties in the cause consent thereto, to direct the evidence to be taken upon the Preliminary Acts, and without its being necessary to bring in any further pleadings in the cause.

Cause may be  
heard on pre-  
liminary Acts  
and Evidence.

III. In proceedings by act on petition, the Proctor by whom the Act is to be commenced shall, on an appearance being given to the action, be assigned to bring in his act on petition by a time to be then fixed by the Judge or his Surrogate; and on his bringing in the same he shall deliver a copy thereof to the adverse Proctor, who shall thereupon be assigned to bring in his answer thereto by such further time as may be then fixed by the Judge or Surrogate, and on the answer or any subsequent writing to the Act being brought in, the Proctor bringing in the same shall deliver a copy thereof to the adverse Proctor, and a similar assignation shall be made on the adverse Proctor to bring in his reply thereto. And when both Proctors decline to write further to the act, a Conclusion (form of which is hereunto annexed, marked B.), shall be brought in signed by both the Proctors, and, on the proofs being given in, the cause shall be assigned for hearing.

IV. In the event of a Proctor not complying with the assignation made upon him to bring in his act on petition within the time specified for such purpose, the Court may

Court may dis-  
miss Cause or  
conclude Act.

if Assignment not complied with.

dismiss the cause. And if after the act on petition shall have been given in, either Proctor shall fail to comply with any assignation made upon him to bring in any subsequent writing to the act, the Court may conclude the act, and assign the Proctors to bring in their proofs within a time to be then fixed, in order that the cause may be set down for hearing.

Proceedings by Plea and Proof.

V. In proceedings by plea and proof upon a libel or allegation being given in, an assignation shall be made upon the adverse Proctor to bring in his allegation responsive thereto on some day to be then fixed by the Judge or Surrogate, and the libel or allegation so given in as aforesaid shall stand admitted, unless the adverse Proctor shall within four days from the giving in of the same declare in Acts of Court that he opposes the admissibility thereof.

Witnesses not to be examined until Pleadings concluded.

VI. No witness shall be examined on any plea until after the pleadings in the cause have been concluded, except with the permission of the Court, and upon good cause shown.

Examination of Witnesses.

VII. The witnesses may be examined in one or other of the following methods:—

1. *Vivá voce* in open Court.
2. By the Registrar or an Examiner of the Court in chambers.
3. By a Commissioner specially appointed by virtue of a commission to be issued under Seal of the Court, form of which is hereto annexed, marked C.

Examination in open Court.

VIII. When the witnesses are to be examined in open Court, a list of the witnesses to be examined by each party is to be given to the adverse Proctor forty-eight hours before the time appointed for their examination, provided that nothing herein contained shall prevent the immediate examination of the witnesses, if both parties in the cause consent thereto, and the Court shall think fit to order it.

Witnesses whether previously examined or not may be summoned to give Evidence *vivá voce*.

IX. It shall be competent to the Court to summon and examine before it any witnesses, whether the proceedings shall have been by act on petition or by plea and proof, and whether the witnesses shall or shall not have previously made affidavits or given evidence in the cause.

Proctors may be present at the Examination in chambers.

X. In any examination by the Registrar or an Examiner, or a Commissioner specially appointed, the Proctors in the cause, or their substitutes, may, unless the Judge shall order to the contrary, be present; but the evidence, as well in chief as upon interrogatories, shall be taken down in writing by the Registrar, Examiner, or Commissioner, as the case may be. The witnesses may be cross-examined upon interrogatories either prepared beforehand or framed and put in writing at the time of the examination, and after cross-examination, they may in the same manner be re-examined also upon written interrogatories, but the questions shall in all cases be put, and the interrogatories be administered, by the Registrar, Examiner, or Commissioner.

Parties in the Cause not to be present at Examination in

XI. No Party in a cause, except by special leave of the Judge, shall be allowed to be present at such examination by the Registrar, Examiner, or Commissioner, unless he shall be conducting the proceedings in person. And no Party, Proctor, or substitute shall be

permitted to take any part in such examination, cross-examination, or re-examination, or in any manner to interfere with or object to the conduct or proceedings of the Registrar, Examiner, or Commissioner, except to design the witnesses to the several articles of the pleas, and to tender written interrogatories to the Registrar, Examiner, or Commissioner, for the purpose of their being administered to the witnesses.

chambers except in certain cases.

XII. It shall not be necessary to repeat a witness to his deposition, either in chief or on interrogatories; but the Registrar, Examiner, or Commissioner who shall have taken the evidence shall certify at the foot of the deposition that the same has been read over audibly and distinctly to the witness, and that the witness has acknowledged the same to be true.

Not necessary to repeat a Witness to his Deposition.

XIII. If the witness refuse to sign his deposition, the Registrar, Examiner, or Commissioner who shall have taken the evidence shall certify at the foot of the deposition that the witness has so refused, and that the deposition is in accordance with the evidence given by such witness, and the deposition of such witness may thereupon be read and referred to at the hearing of the cause.

Deposition may be read at the Hearing, though Witness refuse to sign it.

XIV. It shall be competent to the Court, whether the examinations take place in open Court, or before the Registrar, Examiner, or Commissioner, to direct the evidence of the witnesses to be taken down by a shorthand writer or reporter, who shall have been previously sworn faithfully to report the evidence, and a transcript of the shorthand writer's or reporter's notes, certified by him to be correct, and approved by the Judge, or the Registrar, Examiner, or Commissioner, as the case may be, shall be admitted to prove the oral evidence of the witnesses, and be taken down and used as evidence in the cause.

Court may direct Evidence to be taken down by Shorthand Writer.

XV. Witnesses may be produced for examination before the Registrar in any reference made to him either alone or with the assistance of merchants, after they shall have been duly sworn to speak the truth; and the evidence shall, if either party in the cause require it, be taken down by a shorthand writer or reporter appointed by the Court, who shall be previously sworn faithfully to report the evidence, and a transcript of the shorthand writer's or reporter's notes, certified by him to be correct, and approved by the Registrar, shall be admitted to prove the oral evidence of the witnesses, and be taken and used as evidence in any objection that may be taken to the Registrar's report on such reference.

Witnesses may be produced on a reference before the Registrar.

XVI. All the pleadings and proofs in a cause may, if the Judge shall so direct, be printed prior to the hearing, and such printing shall be in such manner and form and under such regulations in regard to the cost and mode of printing the same as the Judge of the Court shall from time to time direct.

Pleadings, &c. may be printed.

A.PRELIMINARY ACT.

Insert title of cause \_\_\_\_\_

## STATEMENT on behalf of the OWNERS of the

I.  
 The names of the vessels and their re- }  
 spective masters - - - - }

II.  
 Time of collision - - - - -

III.  
 Place of collision - - - - -

IV.  
 Direction of the wind - - - - -

V.  
 State of the weather - - - - -

VI.  
 The courses of the respective vessels on }  
 first sighting each other - - - - }

VII.  
 Distance at which the other vessel was }  
 first seen - - - - - }

VIII.  
 Steps taken to avoid the collision - - - - -

IX.  
 Parts of each vessel which first came into }  
 collision - - - - - }

this                      day of                      185 .

\_\_\_\_\_  
 Signature of Party or his Proctor.

**B.****CONCLUSION to ACT on PETITION.**

In the presence of A.B., dissenting, denying, alleging, and praying as before.  
Whereupon the Judge assigned to hear on petition of both Proctors whensoever.

(Signed) A.B.  
C.D.

Date \_\_\_\_\_ 185

**C.**

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland,  
Queen, Defender of the Faith, to  
greeting. Whereas in a certain cause of \_\_\_\_\_ civil maritime promoted  
in Our Vice-Admiralty Court of \_\_\_\_\_ on behalf of  
against the \_\_\_\_\_ or vessel \_\_\_\_\_ (whereof  
now is or lately was master), her tackle, apparel, and  
furniture  
and against \_\_\_\_\_  
intervening a Commission has been duly decreed for the examination of certain witnesses  
necessary to prove the contents of the \_\_\_\_\_, bearing date the  
day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_ given  
in in the said cause on behalf of the said \_\_\_\_\_ (justice so requiring),  
We do therefore authorize and empower you, and do hereby will and require you that  
upon any day or days to be by you appointed (Sundays excepted), you do in the presence  
of the Proctor of the said \_\_\_\_\_ or his lawfully appointed substitute or otherwise,  
notwithstanding his absence or contumacy, administer an oath upon the Holy Evangelists  
in due form of law unto the witnesses who shall be produced before you on behalf of the  
said \_\_\_\_\_, to speak the truth in this behalf, and forthwith carefully examine  
and interrogate the said witnesses as well upon the articles of the said \_\_\_\_\_ as  
upon the interrogatories to be administered by the Proctor of the said \_\_\_\_\_ or  
his substitute, either annexed to these presents or to be delivered to you at the time of the  
examination of the said witnesses, and cause their sayings and depositions to be faithfully

