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53-54 VICTORIA.

CHAPTER 27.

An Act to amend the Law respecting the exercise of Admiralty Jurisdiction in Her Majesty's Dominions and elsewhere out of the United Kingdom.

[25th July, 1890.]

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:—

1. This Act may be cited as the Colonial Courts of Admiralty Act, 1890. Short title.

2.—(1) Every court of law in a British possession, which is for the time being declared in pursuance of this Act to be a court of Admiralty, or which, if no such declaration is in force in the possession, has therein original unlimited civil jurisdiction, shall be a court of Admiralty, with the jurisdiction in this Act mentioned, and may, for the purpose of that jurisdiction, exercise all the powers which it possesses for the purpose of its other civil jurisdiction; and such court, in reference to the jurisdiction conferred by this Act, is in this Act referred to as a Colonial Court of Admiralty. Where in a British possession the Governor is the sole judicial authority, the expression "court of law" for the purposes of this section includes such Governor. Colonial Courts of Admiralty.

(2.) The jurisdiction of a Colonial Court of Admiralty shall, subject to the provisions of this Act, be over the like places, persons, matters and things, as the Admiralty jurisdiction of the High Court in England, whether existing by virtue of any statute or otherwise, and the Colonial Court

of Admiralty may exercise such jurisdiction in like manner and to as full an extent as the High Court in England, and shall have the same regard as that Court to international law and the comity of nations.

(3.) Subject to the provisions of this Act any enactment referring to a Vice-Admiralty Court, which is contained in an Act of the Imperial Parliament or in a Colonial law, shall apply to a Colonial Court of Admiralty, and be read as if the expression "Colonial Court of Admiralty" were therein substituted for "Vice-Admiralty Court" or for other expressions respectively referring to such Vice-Admiralty Courts or the judge thereof; and the Colonial Court of Admiralty shall have jurisdiction accordingly.

Provided as follows:—

(a.) Any enactment in an Act of the Imperial Parliament referring to the Admiralty jurisdiction of the High Court in England, when applied to a Colonial Court of Admiralty in a British possession, shall be read as if the name of that possession were therein substituted for England and Wales; and—

(b.) A Colonial Court of Admiralty shall have, under the Naval Prize Act, 1864, and under the Slave Trade Act, 1873, and any enactment relating to prize or the slave trade, the jurisdiction thereby conferred on a Vice-Admiralty Court and not the jurisdiction thereby conferred exclusively on the High Court of Admiralty or the High Court of Justice; but, unless for the time being duly authorized, shall not, by virtue of this Act, exercise any jurisdiction under the Naval Prize Act, 1864, or otherwise in relation to prize; and—

(c.) A Colonial Court of Admiralty shall not have jurisdiction under this Act to try or punish a person for an offence which according to the law of England is punishable on indictment; and—

(d.) A Colonial Court of Admiralty shall not have any greater jurisdiction in relation to the laws and regulations relating to Her Majesty's Navy at sea, or under any Act providing for the discipline of Her Majesty's Navy, than may be, from time to time, conferred on such Court by Order in Council.

(4.) Where a Court in a British possession exercises in respect of matters arising outside the body of a county or other like part of a British possession any jurisdiction exercisable under this Act, that jurisdiction shall be deemed to be exercised under this Act and not otherwise.

3. The legislature of a British possession may, by any Colonial law, —

Power of Colonial legislature as to Admiralty jurisdiction.

(a.) declare any court of unlimited civil jurisdiction, whether original or appellate, in that possession to be a Colonial Court of Admiralty, and provide for the exercise by such court of its jurisdiction under this Act, and limit territorially or otherwise, the extent of such jurisdiction; and—

(b.) confer upon any inferior or subordinate court in that possession such partial or limited Admiralty jurisdiction under such regulations and with such appeal (if any) as may seem fit:

Provided that any such Colonial law shall not confer any jurisdiction which is not by this Act conferred upon a Colonial Court of Admiralty.

4. Every Colonial law which is made in pursuance of this Act, or affects the jurisdiction of or practice or procedure in any court of such possession in respect of the jurisdiction conferred by this Act, or alters any such Colonial law as above in this section mentioned, which has been previously passed, shall, unless previously approved by Her Majesty through a Secretary of State, either be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that such law shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Reservation of Colonial law for Her Majesty's assent.

5. Subject to rules of court under this Act, judgments of a court in a British possession given or made in the exercise of the jurisdiction conferred on it by this Act, shall be subject to the like local appeal, if any, as judgments of the court in the exercise of its ordinary civil jurisdiction, and the court having cognizance of such appeal shall, for the purpose thereof, possess all the jurisdiction by this Act conferred upon a Colonial Court of Admiralty.

Local Admiralty appeal.

6.—(1). The appeal from a judgment of any court in a British possession in the exercise of the jurisdiction conferred by this Act, either where there is as of right no local appeal or after a decision on local appeal, lies to Her Majesty the Queen in Council.

Admiralty appeal to the Queen in Council.

(2.) Save as may be otherwise specially allowed in a particular case by Her Majesty the Queen in Council, an appeal under this section shall not be allowed—

- (a.) from any judgment not having the effect of a definitive judgment unless the court appealed from has given leave for such appeal, nor—
- (b.) from any judgment unless the petition of appeal has been lodged within the time prescribed by rules, or if no time is prescribed within six months from the date of the judgment appealed against, or if leave to appeal has been given then from the date of such leave.

(3.) For the purpose of appeals under this Act, Her Majesty the Queen in Council and the Judicial Committee of the Privy Council shall, subject to rules under this section, have all such powers for making and enforcing judgments, whether interlocutory or final, for punishing contempts, for requiring the payment of money into court, or for any other purpose, as may be necessary, or as were possessed by the High Court of Delegates before the passing of the Act transferring the powers of such court to Her Majesty in Council, or as are for the time being possessed by the High Court in England or by the court appealed from in relation to the like matters as those forming the subject of appeals under this Act.

(4.) All Orders of the Queen in Council or the Judicial Committee of the Privy Council for the purposes aforesaid or otherwise in relation to appeals under this Act shall have full effect throughout Her Majesty's dominions, and in all places where Her Majesty has jurisdiction.

(5.) This section shall be in addition to and not in derogation of the authority of Her Majesty in Council or the Judicial Committee of the Privy Council arising otherwise than under this Act, and all enactments relating to appeals to Her Majesty in Council or to the powers of Her Majesty in Council or the Judicial Committee of the Privy Council in relation to those appeals, whether for making rules and orders or otherwise, shall extend, save as otherwise directed by Her Majesty in Council, to appeals to Her Majesty in Council under this Act.

Rules of court. **7.**—(1.) Rules of court for regulating the procedure and practice (including fees and costs) in a court in a British possession in the exercise of the jurisdiction conferred by this Act, whether original or appellate, may be made by the same authority and in the same manner as rules touching the practice, procedure, fees and costs in the said court in the exercise of its ordinary civil jurisdiction respectively are made:

Provided that the rules under this section shall not, save as provided by this Act, extend to matters relating to the slave trade, and shall not (save as provided by this section) come into operation until they have been approved by Her Majesty in Council, but on coming into operation shall have full effect as if enacted in this Act; and any enactment inconsistent therewith shall, so far as it is so inconsistent, be repealed.

(2.) It shall be lawful for Her Majesty in Council, in approving rules made under this section, to declare that the rules so made with respect to any matters which appear to Her Majesty to be matters of detail or of local concern may be revoked, varied or added to, without the approval required by this section.

(3.) Such rules may provide for the exercise of any jurisdiction conferred by this Act by the full court, or by any judge or judges thereof, and subject to any rules, where the ordinary civil jurisdiction of the court can, in any case, be exercised by a single judge, any jurisdiction conferred by this Act may in the like case be exercised by a single judge.

S.—(1.) Subject to the provisions of this section nothing in this Act shall alter the application of any droits of Admiralty or droits of or forfeitures to the Crown in a British possession; and such droits and forfeitures, when condemned by a court of a British possession in the exercise of the jurisdiction conferred by this Act, shall, save as is otherwise provided by any other Act, be notified, accounted for and dealt with in such manner as the Treasury from time to time direct, and the officers of every Colonial Court of Admiralty and of every other court in a British possession exercising Admiralty jurisdiction shall obey such directions in respect of the said droits and forfeitures as may be from time to time given by the Treasury.

Droits of Admiralty and of the Crown.

(2.) It shall be lawful for Her Majesty the Queen in Council by Order to direct that, subject to any conditions, exceptions, reservations and regulations contained in the Order, the said droits and forfeitures condemned by a court in a British possession shall form part of the revenues of that possession either for ever or for such limited term or subject to such revocation as may be specified in the Order.

(3.) If and so long as any of such droits and forfeitures by virtue of this or any other Act form part of the revenues of the said possession the same shall, subject to the provisions of any law for the time being applicable thereto, be notified,

accounted for and dealt with in manner directed by the Government of the possession, and the Treasury shall not have any power in relation thereto.

Power to
establish Vice-
Admiralty
Courts.

9.—(1.) It shall be lawful for Her Majesty, by commission under the Great Seal to empower the Admiralty to establish in a British possession any Vice-Admiralty Court or Courts.

(2.) Upon the establishment of a Vice-Admiralty Court in a British possession, the Admiralty, by writing under their hands and the seal of the office of Admiralty, in such form as the Admiralty may direct, may appoint a judge, registrar, marshal and other officers of the court, and may cancel any such appointment; and in addition to any other jurisdiction of such court, may (subject to the limits imposed by this Act or the said commission from Her Majesty) vest in such court the whole or any part of the jurisdiction by or by virtue of this Act conferred upon any courts of that British possession; and may vary or revoke such vesting, and while such vesting is in force the power of such last-mentioned courts to exercise the jurisdiction so vested shall be suspended.

Provided that—

(a.) nothing in this section shall authorize a Vice-Admiralty Court so established in India or in any British possession having a representative legislature, to exercise any jurisdiction except for some purpose relating to prize, to Her Majesty's Navy, to the slave trade, to the matters dealt with by the Foreign Enlistment Act, 1870, or the Pacific Islanders Protection Acts, 1872 and 1875, or to matters in which questions arise relating to treaties or conventions with foreign countries, or to international law; and—

(b.) in the event of a vacancy in the office of judge, registrar, marshal or other officer of any Vice-Admiralty Court in a British possession, the Governor of that possession may appoint a fit person to fill the vacancy until an appointment to the office is made by the Admiralty.

(3.) The provisions of this Act with respect to appeals to Her Majesty in Council from courts in British possessions in the exercise of the jurisdiction conferred by this Act, shall apply to appeals from Vice-Admiralty Courts, but the rules and orders made in relation to appeals from Vice-Admiralty Courts may differ from the rules made in relation to appeals from the said courts in British possessions.

33 & 34 Vict.
c. 90.
35 & 36 Vict.
c. 19.
38 & 39 Vict.
c. 51.

(4) If Her Majesty at any time by commission under the Great Seal so directs, the Admiralty shall, by writing under their hands and the seal of the office of Admiralty, abolish a Vice-Admiralty Court established in any British possession under this section, and upon such abolition the jurisdiction of any Colonial Court of Admiralty in that possession which was previously suspended shall be revived.

10. Nothing in this Act shall affect any power of appointing a vice-admiral in and for any British possession or any place therein, and whenever there is not a formally appointed vice-admiral in a British possession or any place therein, the Governor of the possession shall be *ex-officio* vice-admiral thereof.

Power to appoint a vice-admiral.

11.—(1.) The provisions of this Act with respect to Colonial Courts of Admiralty shall not apply to the Channel Islands.

Exception of Channel Islands and other possessions.

(2.) It shall be lawful for the Queen in Council by Order to declare, with respect to any British possession which has not a representative legislature, that the jurisdiction conferred by this Act on Colonial Courts of Admiralty shall not be vested in any court of such possession, or shall be vested only to the partial or limited extent specified in the Order.

12. It shall be lawful for Her Majesty the Queen in Council by Order to direct that this Act shall, subject to the conditions, exceptions and qualifications (if any) contained in the Order, apply to any Court established by Her Majesty for the exercise of jurisdiction in any place out of Her Majesty's dominions which is named in the Order as if that Court were a Colonial Court of Admiralty, and to provide for carrying into effect such application.

Application of Act to courts under Foreign Jurisdiction Acts.

13.—(1.) It shall be lawful for Her Majesty the Queen in Council by Order to make rules as to the practice and procedure (including fees and costs) to be observed in and the returns to be made from Colonial Courts of Admiralty and Vice-Admiralty Courts in the exercise of their jurisdiction in matters relating to the slave trade, and in and from East African Courts as defined by the Slave Trade (East African Courts) Acts, 1873 and 1879.

Rules for procedure in slave trade matters.

36 & 37, Vict. c. 59.
42 & 43 Vict. c. 38.

(2.) Except when inconsistent with such Order in Council, the rules of court for the time being in force in a Colonial Court of Admiralty or Vice-Admiralty Court shall, so

far as applicable, extend to proceedings in such court in matters relating to the slave trade.

(3.) The provisions of this Act with respect to appeals to Her Majesty in Council, from courts in British possessions in the exercise of the jurisdiction conferred by this Act, shall apply, with the necessary modifications, to appeals from judgments of any East African court made or purporting to be made in exercise of the jurisdiction under the Slave Trade (East African Courts) Acts, 1873 and 1879.

Orders in
Council.

14. It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes authorized by this Act, and to revoke and vary such Orders, and every such Order while in operation shall have effect as if it were part of this Act.

Interpreta-
tion.

15. In the construction of this Act, unless the context otherwise requires,—

The expression “representative legislature” means, in relation to a British possession, a legislature comprising a legislative body of which at least one-half are elected by inhabitants of the British possession.

The expression “unlimited civil jurisdiction” means civil jurisdiction unlimited as to the value of the subject-matter at issue, or as to the amount that may be claimed or recovered.

The expression “judgment” includes a decree, order, and sentence.

The expression “appeal” means any appeal, rehearing, or review; and the expression “local appeal” means an appeal to any court inferior to Her Majesty in Council.

The expression “Colonial law” means any Act, ordinance, or other law having the force of legislative enactment in a British possession and made by any authority, other than the Imperial Parliament or Her Majesty in Council, competent to make laws for such possession.

Commence-
ment of Act

16.—(1.) This Act shall, save as otherwise in this Act provided, come into force in every British possession on the first day of July, one thousand eight hundred and ninety-one.

Provided that—

(a.) This Act shall not come into force in any of the British possessions named in the First Schedule to this Act until Her Majesty so directs by Order in Council and until the day named in that behalf in such Order; and—

(b.) If before any day above mentioned rules of court for the Colonial Court of Admiralty in any British possession have been approved by Her Majesty in Council, this Act may be proclaimed in that possession by the Governor thereof, and on such proclamation shall come into force on the day named in the proclamation.

(2.) The day upon which this Act comes into force in any British possession shall, as regards that British possession, be deemed to be the commencement of this Act.

(3.) If, on the commencement of this Act in any British possession, rules of court have not been approved by Her Majesty in pursuance of this Act, the rules in force at such commencement under the Vice-Admiralty Courts Act, 1863, and in India the rules in force at such commencement regulating the respective Vice-Admiralty Courts or Courts of Admiralty in India, including any rules made with reference to proceedings instituted on behalf of Her Majesty's ships, shall, so far as applicable, have effect in the Colonial Court or Courts of Admiralty of such possession, and in any Vice-Admiralty Court established under this Act in that possession, as rules of court under this Act, and may be revoked and varied accordingly; and all fees payable under such rules may be taken in such manner as the Colonial Court may direct, so however that the amount of each such fee shall, so nearly as practicable, be paid to the same officer or person who but for the passing of this Act would have been entitled to receive the same in respect of like business. So far as any such rules are inapplicable or do not extend, the rules of court for the exercise by a court of its ordinary civil jurisdiction shall have effect as rules for the exercise by the same court of the jurisdiction conferred by this Act.

(4.) At any time after the passing of this Act any Colonial law may be passed, and any Vice-Admiralty Court may be established and jurisdiction vested in such Court, but any such law, establishment, or vesting shall not come into effect until the commencement of this Act.

17. On the commencement of this Act in any British possession, but subject to the provisions of this Act, every Vice-Admiralty Court in that possession shall be abolished; subject as follows:—

Abolition of
Vice-Admi-
rality Courts.

(1.) All judgments of such Vice-Admiralty Court shall be executed and may be appealed from in like manner as if this Act had not passed, and all appeals from any Vice-Admiralty Court pending at the commencement

of this Act shall be heard and determined, and the judgment thereon executed as nearly as may be in like manner as if this Act had not passed :

- (2.) All proceedings pending in the Vice-Admiralty Court in any British possession at the commencement of this Act shall, notwithstanding the repeal of any enactment by this Act, be continued in a Colonial Court of Admiralty of the possession in manner directed by rules of court, and, so far as no such rule extends, in like manner, as nearly as may be, as if they had been originally begun in such court :
- (3.) Where any person holding an office, whether that of judge, registrar or marshal, or any other office in any such Vice-Admiralty Court in a British possession, suffers any pecuniary loss in consequence of the abolition of such court, the Government of the British possession, on complaint of such person, shall provide that such person shall receive reasonable compensation (by way of an increase of salary or a capital sum, or otherwise) in respect of his loss, subject nevertheless to the performance, if required by the said Government, of the like duties as before such abolition :
- (4.) All books, papers, documents, office furniture and other things at the commencement of this Act belonging, or appertaining to any Vice-Admiralty Court, shall be delivered over to the proper officer of the Colonial Court of Admiralty or be otherwise dealt with in such manner as, subject to any directions from Her Majesty, the Governor may direct :
- (5.) Where, at the commencement of this Act in a British possession, any person holds a commission to act as advocate in any Vice-Admiralty Court abolished by this Act, either for Her Majesty or for the Admiralty, such commission shall be of the same avail in every court of the same British possession exercising jurisdiction under this Act, as if such court were the court mentioned or referred to in such commission.

Repeal.

18. The Acts specified in the Second Schedule to this Act shall, to the extent mentioned in the third column of that schedule, be repealed as respects any British possession as from the commencement of this Act in that possession, and as respects any courts out of Her Majesty's dominions as from the date of any Order applying this Act :

Provided that—

- (a.) Any appeal against a judgment made before the commencement of this Act may be brought and any such appeal and any proceedings or appeals pending at the commencement of this Act may be carried on and completed and carried into effect as if such repeal had not been enacted; and—
- (b.) All enactments and rules at the passing of this Act in force touching the practice, procedure, fees, costs and returns in matters relating to the slave trade in Vice-Admiralty Courts and in East African Courts shall have effect as rules made in pursuance of this Act, and shall apply to Colonial Courts of Admiralty, and may be altered and revoked accordingly.
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SCHEDULES.

Section 16.

FIRST SCHEDULE.

BRITISH POSSESSIONS IN WHICH OPERATION OF ACT IS DELAYED.

New South Wales,
St. Helena.Victoria.
British Honduras.

SECOND SCHEDULE.

Section 18.

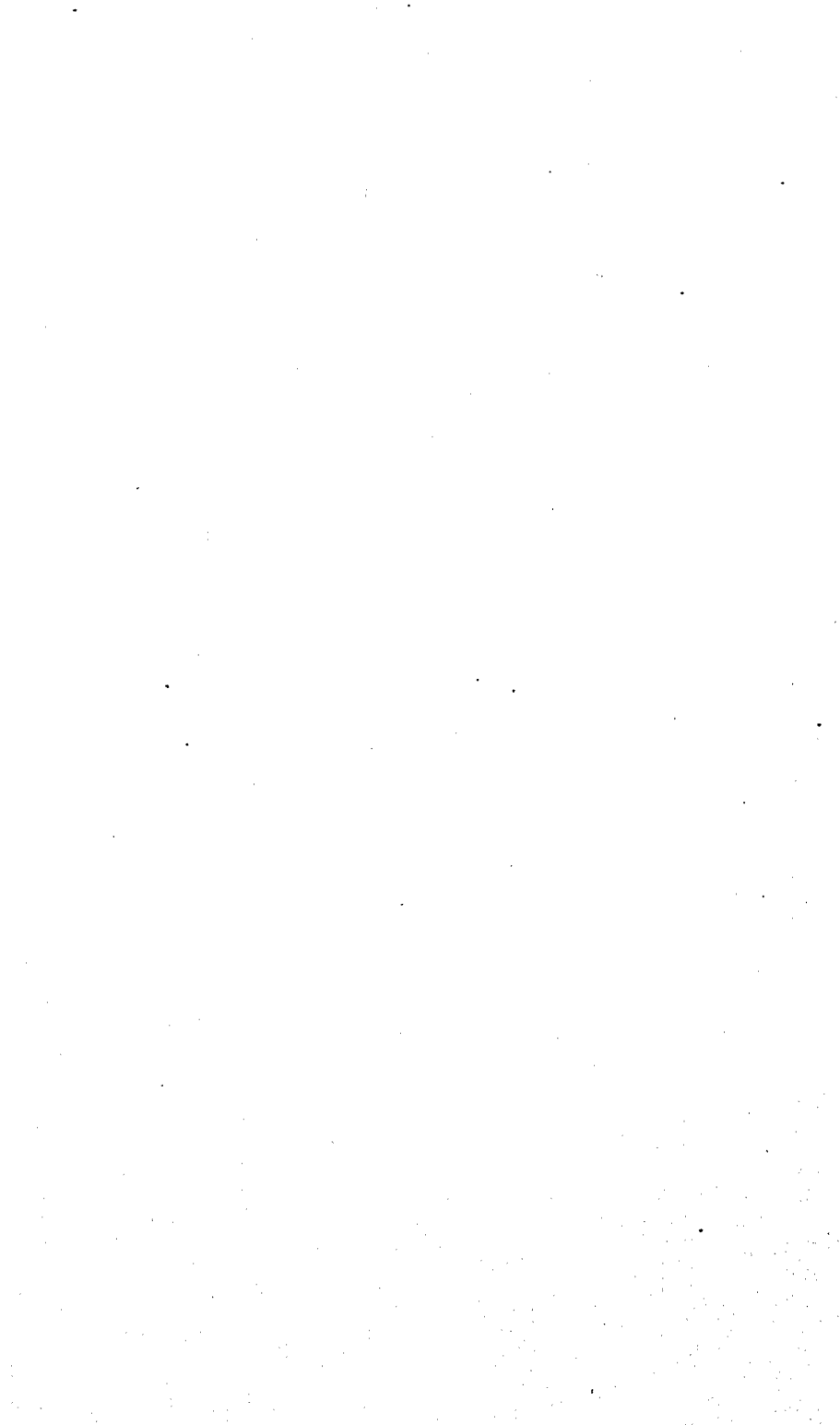
ENACTMENTS REPEALED.

Session and Chapter.	Title of Act.	Extent of Repeal.
56 Geo. 3 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.
2 & 3 Will. 4 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.
3 & 4 Will. 4 c. 41...	An Act for the better administration of justice in His Majesty's Privy Council.	Section two.
6 & 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.	In section two, the words "or from any Admiralty or Vice-Admiralty Court," and the words "or the Lords Commissioners of Appeals in prize causes or their surrogates." In section three, the words "and the High Court of Admiralty of England," and the words "and from any Admiralty or Vice-Admiralty Court." In section five, from the first "the High Court of Admiralty" to the end of the section. In section seven, the words "and from Admiralty or Vice-Admiralty Courts." Sections nine and ten, so far as relates to maritime causes. In section twelve, the words "or maritime." In section fifteen, the words "and Admiralty and Vice-Admiralty."
7 & 8 Vict. c. 69.....	An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled: "An Act for the better administration of justice in His Majesty's Privy Council," and to extend its jurisdiction and powers.	In section twelve, the words "and from Admiralty and Vice-Admiralty Courts," and so much of the rest of the section as relates to maritime causes.

SECOND SCHEDULE—(Continued.)

ENACTMENTS REPEALED.

Session and Chapter.	Title of Act.	Extent of Repeal.
26 Vict. c. 24.....	The Vice-Admiralty Courts Act, 1863.	The whole Act.
30 & 31 Vict. c. 45...	The Vice-Admiralty Courts Act Amendment Act, 1867.	The whole Act.
36 & 37 Vict. c. 59...	The Slave Trade (East African Courts) Act, 1873.	Sections four and five.
36 & 37 Vict. c. 88...	The Slave Trade Act, 1873.	Section twenty as far as relates to the taxation of any costs, charges and expenses which can be taxed in pursuance of this Act. In section twenty-three, the words "under the Vice-Admiralty Courts Act, 1863."
38 & 39 Vict. c. 51...	The Pacific Islanders Protection Act, 1875.	So much of section six as authorizes Her Majesty to confer Admiralty jurisdiction on any court.





54 - 55 VICTORIA.

CHAPTER 29.

An Act to provide for the exercise of Admiralty Jurisdiction within Canada, in accordance with "The Colonial Courts of Admiralty Act, 1890."

[Assented to 31st July, 1891.]

WHEREAS by the third section of the Act of the Parliament of the United Kingdom, passed in the session held in the fifty-third and fifty-fourth years of Her Majesty's reign, chapter twenty-seven, intituled "*An Act to amend the Law respecting the exercise of Admiralty Jurisdiction in Her Majesty's Dominions and elsewhere out of the United Kingdom*," it is amongst other things provided that the Legislature of a British Possession may, by any colonial law, declare any court of unlimited civil jurisdiction, whether original or appellate, in that Possession, to be a Colonial Court of Admiralty, and provide for the exercise by such court of its jurisdiction under the said Act; and whereas the authority given is exercisable by the Parliament of Canada by virtue of the powers vested in it by "*The British North America Act, 1867*," and "*The Interpretation Act, 1889*," of the United Kingdom; and whereas the expression "unlimited civil jurisdiction," as defined by the Act first herein referred to, which may be cited as "*The Colonial Courts of Admiralty Act, 1890*," means civil jurisdiction unlimited as to the value of the subject-matter at issue, or as to the amount that may be claimed or recovered; and whereas by the second section of the said "*Colonial Courts of Admiralty Act, 1890*," it is amongst other things enacted that every court of law in a British Possession, which is, for the time being, declared in pursuance of the said Act to be a Court of Admiralty, or which, if no such declaration is in

Preamble.
53-54 V. (Imp) c. 27.
30-31 V. (Imp) c. 63.
52-53 V. (Imp) c. 63.

force in the Possession, has therein original unlimited civil jurisdiction, shall be a Court of Admiralty, with the jurisdiction in the said Act mentioned; and whereas the Exchequer Court of Canada is a court of law which, within Canada, has original unlimited civil jurisdiction as defined by the said Act, and it is desirable, in pursuance of the said Act, to declare the said court to be a Court of Admiralty: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as "*The Admiralty Act, 1891.*"

Interpretation.

2. In this Act the expression "the Exchequer Court," or "the court," means the Exchequer Court of Canada.

Exchequer Court constituted a Court of Admiralty.

3. In pursuance of the powers given by "*The Colonial Courts of Admiralty Act, 1890,*" aforesaid, or otherwise in any manner vested in the Parliament of Canada, it is enacted and declared that the Exchequer Court of Canada is and shall be, within Canada, a Colonial Court of Admiralty, and as a Court of Admiralty shall, within Canada, have and exercise all the jurisdiction, powers and authority conferred by the said Act and by this Act.

Jurisdiction.

4. Such jurisdiction, powers and authority shall be exercisable and exercised by the Exchequer Court throughout Canada, and the waters thereof, whether tidal or non-tidal, or naturally navigable or artificially made so, and all persons shall, as well in such parts of Canada as have heretofore been beyond the reach of the process of any Vice-Admiralty Court, as elsewhere therein, have all rights and remedies in all matters, (including cases of contract and tort and proceedings *in rem* and *in personam*), arising out of or connected with navigation, shipping, trade or commerce, which may be had or enforced in any Colonial Court of Admiralty under "*The Colonial Courts of Admiralty Act, 1890.*"

Admiralty districts and registries.

5. The Governor in Council may, from time to time, constitute any part of Canada an Admiralty district for the purposes of this Act, and fix the limits thereof, and provide for the establishment of some place therein of a registry of the Exchequer Court on its Admiralty side.

2. The Governor in Council may also, from time to time, change the limits of any Admiralty district, create new districts, and assign to any district a name and place of registry.

6. The Governor in Council may, from time to time, appoint any judge of a Superior or County Court, or any barrister of not less than seven years standing, to be a local judge in Admiralty of the Exchequer Court in and for any Admiralty district; and every such local judge of Admiralty shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons; and such judge shall be designated a local judge in Admiralty of the Exchequer Court.

7. Every such local judge in Admiralty shall, previously to his entering on the duties of his office, take, before the judge of the Exchequer Court or a judge of any Superior Court, an oath in the form following, that is to say:—

“I, _____ do solemnly and sincerely swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as local judge in Admiralty in and for the Admiralty district of (*as the case may be*). So help me God.”

8. The Governor in Council may, from time to time, appoint for any district a registrar, a marshal and such other officers and clerks as are necessary.

9. Every local judge in Admiralty shall, within the admiralty district for which he is appointed, have and exercise the jurisdiction, and the powers and authority relating thereto, of the judge of the Exchequer Court in respect of the admiralty jurisdiction of such court.

10. A local judge in Admiralty may, from time to time, with the approval of the Governor in Council, appoint a deputy judge; and such deputy judge shall have and exercise all such jurisdiction, powers and authority as are possessed by the local judge:

2. The appointment of a deputy judge shall not be determined by the occurrence of a vacancy in the office of the judge:

3. A local judge in Admiralty may, with the approval of the Governor in Council, at any time revoke the appointment of a deputy judge.

11. The Governor in Council may, from time to time, appoint, for any district or portion of a district, a surrogate judge or judges; and such surrogate judge shall have such

jurisdiction, powers and authority, and be paid such fees, as are, from time to time, prescribed by general rules or orders :

Temure of
office.

2. A surrogate judge shall hold office during pleasure ; and his appointment shall not be determined by the occurrence of a vacancy in the office of the local judge of his district.

Oaths.

12. Every deputy and surrogate judge shall, previously to entering on the duties of office, take, before the judge of the Exchequer Court, or the judge of any Superior Court, an oath similar in form to that to be taken by a local judge.

Where suits
may be insti-
tuted.

13. Any suit may be instituted in any district registry when—

(a.) The ship or property, the subject of the suit, is at the time of the institution of the suit within the district of such registry ;

(b.) The owner or owners of the ship or property, or the owner or owners of the larger number of shares in the ship, or the managing owner or the ship's husband reside at the time of the institution of the suit within the district of such registry ;

(c.) The port of registry of the ship is within the district of such registry ; or—

(d.) The parties so agree by a memorandum signed by them or by their attorneys or agents :

Proviso.

Provided always, that when a suit has been instituted in any registry, no further suit shall be instituted in respect of the same matter in any other registry of the court, without leave of the judge of the court, and subject to such terms, as to costs and otherwise, as he directs.

Appeal.

14. An appeal may be made to the Exchequer Court from any final judgment, decree or order of any local judge in Admiralty, and, with the permission of such local judge or of the judge of the Exchequer Court, from any interlocutory decree or order therein, on security for costs being first given, and subject to such other provisions as are prescribed by general rules or orders :

2. An appeal may, however, be made direct to the Supreme Court of Canada from any final judgment, decree or order of a local judge, subject to the provisions of "*The Exchequer Court Act*" regarding appeals.

15. Any party to a suit or to an appeal may, at any stage Removal of suit. of such suit or appeal, by leave of the court, and subject to such terms as to costs or otherwise as the court directs, remove any suit instituted or appeal pending in any registry to any other registry.

16. A scale of costs and charges in Admiralty causes in Fees, &c. the district registries of the court, and fees to be taken in such registries, shall be prescribed by general rules or orders.

17. Until otherwise provided by the Governor in Council, the following Provinces shall each constitute an Admiralty district, for the purposes of this Act, and a registry of the Exchequer Court on its Admiralty side shall be established and maintained within such districts at the places following, that is to say:—

(a.) The Province of Quebec shall constitute the district of Quebec, with a registry at the city of Quebec;

(b.) The Province of Nova Scotia shall constitute the district of Nova Scotia, with a registry at the city of Halifax;

(c.) The Province of New Brunswick shall constitute the district of New Brunswick, with a registry at the city of St. John;

(d.) The Province of Prince Edward Island shall constitute the district of Prince Edward Island, with a registry at the city of Charlottetown; and—

(e.) The Province of British Columbia shall constitute the district of British Columbia, with a registry at the city of Victoria.

18. Until otherwise provided by the Governor in Council, there shall be a registry of the Exchequer Court on its Admiralty side at the city of Toronto, and the Governor in Council may, from time to time, fix the limits of such registry, which shall be known as "The Toronto Admiralty District." Toronto district.

19. Every person who, at the coming into force of "*The Colonial Courts of Admiralty Act, 1890*," holds in Canada the office of judge of a Vice-Admiralty Court, shall, until his death, resignation or removal from such office or from the office by virtue of which he is such judge of a Vice-Admiralty Court, or until an arrangement is made with him under the seventeenth section of the Act last mentioned, have and exercise, within the Admiralty district correspond- As to judges of Vice-Admiralty courts.

ing to the limits of his former jurisdiction as such judge of a Court of Vice-Admiralty, all the jurisdiction, powers and authority of a local judge in Admiralty.

As to judge of
Maritime
Court of On-
tario.

20. The judge of the Maritime Court of Ontario shall, in like manner and for a like time, have and exercise within the Toronto Admiralty district all the jurisdiction, powers and authority of a local judge in Admiralty.

As to Officers
of Vice-Ad-
miralty
courts.

21. Every person who, at the coming into force of "*The Colonial Courts of Admiralty Act, 1890*," is a registrar, marshal or other officer of a Vice-Admiralty Court in Canada, shall, during the pleasure of the Governor in Council, and within the Admiralty district corresponding to the limits of the jurisdiction of such Vice-Admiralty Court, have and exercise the like office in the Exchequer Court in respect of its Admiralty jurisdiction, and shall, subject to any general rule or order, have the like powers and authority, and perform the like duties, as he might have had or performed, as such registrar, marshal or other officer of a Vice-Admiralty Court.

As to registrar
and marshal
of Maritime
Court of On-
tario.

22. The registrar and marshal of the Maritime Court of Ontario shall, during the pleasure of the Governor in Council, be the registrar and marshal, respectively, of the Toronto Admiralty district.

Maritime
Court of On-
tario abolish-
ed.

23. On the coming into force of this Act, the Maritime Court of Ontario shall be abolished, but subject to the following provisions:—

(1.) All judgments of such court shall be executed and may be appealed from in like manner as if this Act had not been passed, and all appeals from such court pending at the commencement of this Act shall be heard and determined and the judgment thereon executed as nearly as may be in like manner as if this Act had not been passed:

(2.) All proceedings pending in such court at the commencement of this Act shall be continued in the district registry corresponding to that in which they were instituted or are now pending:

(3.) The procedure and practice (including fees and costs) now in force in such court shall, until otherwise provided by general rule or order, be followed, as nearly as may be, in any proceeding now pending in such court or hereafter instituted in the registry of any Admiralty district in the Province of Ontario:

(4.) The provisions of the fifth and sixth sub-sections of the fourteenth section of "*The Maritime Court Act*" shall apply to any proceeding instituted in the registry of any Admiralty district in the Province of Ontario.

24. Nothing in sections five to twenty-two of this Act, Construction. both inclusive, shall limit, lessen or impair the jurisdiction of the judge of the Exchequer Court in respect of the Admiralty jurisdiction of the court, or otherwise.

25. Any rules or orders of court made by the Exchequer Rules of court. Court of Canada for regulating the procedure and practice therein, (including fees and costs), in the exercise of the jurisdiction conferred by "*The Colonial Courts of Admiralty Act, 1890,*" and this Act, which requires the approval of Her Majesty in Council, shall be submitted to the Governor in Council for his approval, and, if approved by him, shall be transmitted to Her Majesty in Council for Her approval.

26. This Act shall not come into force until Her Majesty's Commence-
ment of Act. pleasure thereon has been signified by proclamation in the *Canada Gazette*.

CERTIFIED Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on the 10th December, 1892.

On a report dated 6th December, 1892, from the Minister of Justice submitting for Your Excellency's consideration certain general rules and orders, made by the judge of the Exchequer Court of Canada on the 5th December instant, for regulating the practice and procedure in that court in Admiralty cases. These rules and orders, under the provisions of section 25 of *The Admiralty Act*, 1891, require the approval of Your Excellency in Council, and under the provisions of section 7 of *The Colonial Courts of Admiralty Act*, 1890, they will not come into operation until they have been approved also by Her Majesty in Council.

The Minister is of opinion that they are such as should receive approval of Your Excellency in Council, and he recommends accordingly.

The Minister further recommends that a copy of them be transmitted to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies with a request that he will cause them to be submitted to Her Majesty in Council for approval.

The Minister further suggests that in the Despatch transmitting these rules and orders, attention be called, with a view to such action thereunder as to Her Majesty in Council may seem proper, to the provisions of subsection 2 of section 7 of *The Colonial Courts of Admiralty Act* under which Her Majesty in Council may, in approving rules made under the section, declare that rules with respect to any matters which appear to Her Majesty to be matters of detail or of local concern may be revoked, varied or added to, without the approval required by the section.

The Committee advise that Your Excellency be moved to take action in the sense of the recommendation of the Minister of Justice.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE.

Clerk of the Privy Council.

To the Honourable
The Minister of Justice.

ORDERS IN COUNCIL APPROVING RULES.

xxvii

DOWNING STREET, 6th April, 1893.

MY LORD,—I have the honour to transmit to you, with reference to your despatch, No. 331, of the 14th of December, an Order of Her Majesty in Council approving the rules of Court regulating the practice and procedure in Admiralty cases in the Exchequer Court of Canada.

I have, &c.,

(Sd.) R. H. MEADE,
For the S. of S.

The Officer Administering
The Government of Canada.

Date.	Description of Document.
15th March.....	Order of Her Majesty in Council. (4 spare copies).

AT THE COURT AT WINDSOR,

The 15th day of March, 1893

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT,
LORD CHAMBERLAIN,
MR. BRYCE.

WHEREAS *there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 24th day of February, 1893, in the words following, viz. :—*

“ WHEREAS by an Act passed in the fifty-fourth year of Your Majesty's reign, entitled, ‘ *The Colonial Courts of Admiralty Act, 1890,*’ it was, amongst other things, provided that Rules of Court for regulating the procedure and practice

(including fees and costs) in a court in a British possession in the exercise of the jurisdiction conferred by this Act, whether original or appellate, may be made by the same Authority and in the same manner as rules touching the practice, procedure, fees, and costs in the said court in the exercise of its ordinary civil jurisdiction respectively, are made, but that such rules of court shall not come into operation until they have been approved by Your Majesty in Council, but on coming into operation shall have full effect as if enacted in the said Act.

“And whereas it appears to Us and to Your Majesty’s Secretary of State for the Colonies to be expedient that the Rules of Court hereto annexed, having been duly prepared by the proper Authority as required by the said Act, should be established and be in force in the Exchequer Court of Canada in its Admiralty jurisdiction.

“And whereas the provisions of subsection 2 of section 7 of the aforesaid Act empower Your Majesty in Council in approving rules made under this section to declare that the rules so made with respect to any matters which appear to Your Majesty to be matters of detail or of local concern may be revoked, varied, or added to, without the approval required by this section.

“And whereas it appears to Us that rules 158 to 176 relating to appeals from the judgment or order of a local Judge in Admiralty to the Exchequer Court; Rule 224, as to cases in which half fees only should be allowed; and the Tables of Fees appended to the Rules should be considered to come within the scope of the subsection in question, and be declared to be subject to revocation, variation, or addition, without the approval of Your Majesty in Council.

“Now, therefore, We beg leave humbly to recommend that Your Majesty will be graciously pleased by Your Order in Council to direct that the Rules of Court hereto annexed shall be the Rules of Court for the said Exchequer Court of Canada in its Admiralty jurisdiction, and shall be established and be in force in the said court, and to declare that Rules 158 to 176 (both inclusive), Rule 224, and the Tables of Fees appended to the Rules, may be revoked, varied or added to without the approval of Your Majesty in Council.”

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 to direct that the Rules of Court hereto annexed shall be

the Rules of Court for the said Exchequer Court of Canada in its Admiralty jurisdiction and shall be established and be in force in the said court, and to declare that Rules 158 to 176 (both inclusive), Rule 224, and the Tables of fees appended to the Rules, may be revoked, varied, or added to without the approval of Her Majesty in Council. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary direction herein accordingly.

C. L. PEEL.

GENERAL RULES AND ORDERS

REGULATING THE

PRACTICE AND PROCEDURE IN

ADMIRALTY CASES IN THE EXCHEQUER COURT OF CANADA.

In pursuance of the provisions of "*The Colonial Courts of Admiralty Act, 1890*" and of "*The Admiralty Act, 1891*," (Canada), it is ordered that the following rules of court for regulating the practice and procedure (including fees and costs) of the Exchequer Court of Canada in the exercise of its jurisdiction, powers and authority as a Court of Admiralty shall be in force in the said Court.

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:—

- (a.) Words importing the singular number include the plural number, and words importing the plural number include the singular number;
- (b.) Words importing the masculine gender include females;
- (c.) "District" shall mean an Admiralty district constituted by or by virtue of *The Admiralty Act, 1891*; and in respect of proceedings in the registry of the court at Ottawa shall include the whole of Canada;
- (d.) "Court" or "Exchequer Court" shall mean the Exchequer Court of Canada;
- (e.) "Registry" shall mean the registry of the court, or any district registry thereof;
- (f.) "Judge" shall mean the judge of the court, or a local judge in admiralty of the court, or any person lawfully authorized to act as judge thereof;
- (g.) "Registrar" shall mean the registrar of the court, or any deputy, assistant or district registrar thereof;

- (h.) "Marshal" shall mean the marshal of the court, or any deputy, assistant or district marshal thereof, or any sheriff or coroner authorized to perform the duties and functions of a sheriff in connection with the court ;
- (i.) "Action" shall mean any action, cause, suit, or other proceeding instituted in the court ;
- (j.) "Counsel" shall mean any advocate, barrister-at-law, or other person entitled to practise in the court ;
- (k.) "Solicitor" shall mean any proctor, solicitor or attorney entitled to practise in the court ;
- (l.) "Plaintiff" shall include the plaintiff's solicitor, if he sues by a solicitor ;
- (m.) "Defendant" shall include the defendant's solicitor, if he appears by a solicitor ;
- (n.) "Party" shall include the party's solicitor, if he sues or appears by a solicitor ;
- (o.) "Person" or "party" shall include a body corporate or politic ;
- (p.) "Ship" shall include every description of vessel used in navigation not propelled by oars only ;
- (q.) "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 entitled in the court, and 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 the court and of the title of an action will be found in the Appendix hereto, Nos. 1, 2, 3 and 4.

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. 5, 6, 7, 9 and 10.

6. In an action for seaman's or master's wages, or for master's wages and disbursements, or for necessaries, or for bottomry, or in any mortgage action, 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 main-mast 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 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.

15. A writ of summons against a corporation or a public company may be served in any other mode provided by law for service of any other writ or legal process upon such corporation or 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 *twelve months* from the date thereof, and shall, after service, be filed with an affidavit of such service.

18. The affidavit shall state the date and mode of service and shall be signed by the person who served the writ. A form of affidavit of service will be found in the Appendix hereto, No. 11.

19. No service of a writ or warrant shall be required when the Defendant by his solicitor undertakes in writing to accept service thereof and enter an appearance thereto, or to put in bail, or to pay money into court in lieu of bail; and any solicitor not entering an appearance or putting in bail or paying money into court in lieu of bail in pursuance of his written undertaking so to do, shall be liable to attachment.

SERVICE OUT OF JURISDICTION.

20. Service out of the jurisdiction of a writ of summons, or notice of a writ of summons, may be allowed by the judge whenever :—

- (a.) Any relief is sought against any person domiciled or ordinarily resident within the territorial jurisdiction of the court ;
- (b.) The action is founded on any breach or alleged breach within the territorial jurisdiction of the court of any contract wherever made, which according to the terms thereof ought to be performed within such jurisdiction ;
- (c.) Any injunction is sought as to anything to be done within the territorial jurisdiction of the court ;
- (d.) Any person out of the jurisdiction is a necessary or proper party to an action properly brought against some other person duly served within such territorial jurisdiction.

21. Every application for leave to serve a writ of summons, or notice of a writ of summons, on a Defendant out of the jurisdiction shall be supported by affidavit, or other evidence, stating that in the belief of the deponent the Plaintiff has a good cause of action, and showing in what place or country such Defendant is or probably may be found, and whether such Defendant is a British subject or not, and the grounds upon which the application is made ; and no such leave shall be granted unless it shall be made sufficiently to appear to the judge that the case is a proper one for service out of the jurisdiction.

22. Any order giving leave to effect such service, or give such notice, shall limit a time after such service or notice within which such Defendant is to enter an appearance, such time to depend on the place or country, where or within which, the writ is to be served or the notice given.

23. When the Defendant is neither a British subject nor in British dominions, notice of the writ, and not the writ itself, is to be served upon him. A form of notice will be found in the Appendix hereto No. 8.

24. Notice in lieu of service shall be given in the manner in which writs of summons are served.

APPEARANCE.

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

26. 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.

27. 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.

28. 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. 12 and 13.

PARTIES.

29. 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.

30. 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.

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

32. 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.

33. 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 consoli-

dated by order of the judge upon such terms as to him shall seem fit.

34. 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.

35. 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. 14.

36. The affidavit shall state the nature of the claim, and that the aid of the court is required.

37. The affidavit shall also state—

- (a.) In an action for wages, or possession, 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 district within which the ship is at the time of the institution of the suit; and a copy of the notice shall be annexed to the affidavit;
- (b.) In an action for necessaries, 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 within Canada at the time when the necessaries were supplied;
- (c.) In an action for building, equipping, or repairing any ship, the national character of the ship and that at the time of the institution of the action, the ship, or the proceeds thereof, are under the arrest of the court;
- (d.) In an action between co-owners relating to the ownership, possession, employment, or earnings of any ship registered in such district, the port at which the ship is registered and the number of shares in the ship owned by the party proceeding.

38. 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.

39. 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.

40. 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. 15.

41. 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.

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

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

44. 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. 16.

BAIL.

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

46. Every bailbond shall be signed before the registrar, or by his direction before a clerk in the registry, or before a commissioner having authority to take acknowledgments or recognizances of bail in the court, or before a commissioner appointed by the court, to take bail. Forms of bailbond and commission to take bail will be found in the Appendix hereto, Nos. 17 and 18.

47. The sureties shall justify by affidavit and may attend to sign a bond either separately or together. A form of affidavit of justification will be found in the Appendix hereto, No. 19.

48. The commission to take bail and the affidavits of justification shall, with the bailbond, when executed, be returned to the registry by the commissioner.

49. 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.

50. Before filing a bailbond, 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. 20.

51. If the adverse party is not satisfied with the sufficiency of any surety, he may file a notice of objection to such surety. A form of Notice of Objection to Bail, will be found in the Appendix hereto, No. 21.

52. Upon such objection being filed with the registrar an appointment may be obtained for its consideration before him. Twenty-four hours' notice of such appointment shall be given to the Plaintiff unless the judge for special reasons allows a shorter notice to be given; and, on the return of the appointment, the registrar may hear the parties and any evidence they may adduce regarding the sufficiency of the sureties; and he may direct such sureties to submit themselves to cross-examination on their affidavits of justification; and he may allow or disallow the bond. He may adjourn the appointment from time to time if he thinks necessary, and shall himself make such inquiries respecting the sureties as he thinks fit.

RELEASES.

53. A release for property arrested by warrant may be issued by order of the judge.

54. 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 bailbonds being filed for the amount claimed, or for the appraised value of the property arrested, and on the allowance of the same if objected to; or if not objected to 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.

55. 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.

56. The registrar may refuse to issue a release without the order of the judge.

57. 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. 22.

58. 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.

59. 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.

60. 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, or, if the collision occurred in non-tidal waters, of the current ;
- (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.

61. Every action shall be heard without pleadings, unless the judge shall otherwise order.

62. If an order is made for pleadings, the Plaintiff shall, within *one week* from the date of the order, file his statement of claim, and, within *one week* from the filing of the statement of claim, the Defendant shall file his statement of defence, and within *one week* from the filing of the statement of defence the Plaintiff shall file his reply, if any ; and there shall be no pleading beyond the reply, except by permission of the judge.

63. The Defendant may, in his statement of defence, 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.

64. 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. Forms of pleadings will be found in the Appendix hereto, No. 23.

65. 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.

66. 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.

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

INTERROGATORIES.

68. 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.

69. 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. 24 and 25.

DISCOVERY AND INSPECTION.

70. 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.

71. 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. 26.

72. 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. 27.

73. 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.

74. 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. 28 and 29.

75. 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.

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

77. 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.

78. 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.

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

MOTIONS.

80. 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.

81. 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. 30.

82. 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.

83. 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.

84. The judge may, on due cause shown, vary or rescind any order previously made.

TENDERS.

85. 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. But the payment of money into court shall not be deemed an admission of the cause of action in respect of which it is paid.

86. 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. 31 and 32.

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

EVIDENCE.

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

89. 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.

90. 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.

91. 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.

92. 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. 33.

OATHS.

93. The judge may appoint any person to administer oaths in Admiralty proceedings generally, or in any particular proceedings. Forms of Appointments to administer oaths will be found in the Appendix hereto, No. 34.

94. 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. 35 and 36.

AFFIDAVITS.

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

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

97. 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.

98. 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.

99. When an affidavit is made in English by a person who does not speak the English language, or in French by a person who does not speak the French 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. 37.

100. 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 British 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.

101. 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.

102. 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. 38.

103. If the witness cannot be conveniently examined before the judge or the registrar, or is beyond the limits of the district, the judge may order that he shall be examined before a commissioner specially appointed for the purpose.

104. 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. 39.

105. 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.

106. The evidence of every witness shall be taken down in writing, and shall be certified as correct or approved of by the judge, or registrar, or by the commissioner, as the case may be.

107. 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. 40.

108. 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 WRITERS.

109. 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. The shorthand writer shall, in addition to such transcript thereof, supply to the registrar three copies of such transcript, one of which shall be handed to the judge and the others given to the Plaintiff and Defendant respectively. A form of oath to be administered to the shorthand writer will be found in the Appendix hereto, No. 41.

PRINTING.

110. 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.

111. Preliminary Acts, if printed, shall be printed in parallel columns.

ASSESSORS.

112. 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.

113. 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.

114. 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. 42.

115. 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.

116. 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.

117. 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.

118. After the action has been set down for trial, any party may apply to the judge, on notice to any other party

appearing, for an order fixing the time and place of trial; or he may upon giving the opposite party ten days' notice, set the action down for trial at any sitting of the court duly appointed to be held by the judge.

119. 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.

120. If there are several Plaintiffs or several Defendants, the judge may direct which Plaintiff or which Defendant shall begin.

121. 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.

122. 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.

123. If the action is uncontested, the judge may, if he thinks fit, give judgment on the evidence adduced by the Plaintiff.

REFERENCES.

124. 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.

125. 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.

126. 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.

127. 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. 43.

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

129. 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.

130. 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.

131. 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.

132. 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.

133. The judge may direct payment of a lump sum in lieu of taxed costs.

134. 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 district in which the action is instituted, the judge may, on the application of the adverse party, order him to give bail for costs.

135. 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.

136. 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.

137. 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.

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

ADMIRALTY RULES.

TAXATION OF COSTS.

139. A party desiring to have a bill of costs taxed shall file the bill, and shall procure an appointment from the registrar for the taxation thereof, and shall serve the opposite party with notice of the time at which such taxation will take place.

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

141. Within *one week* from the completion of the taxation application may be made, by either party, to the judge to review the taxation.

142. Costs may be taxed either by the judge or by the registrar, and as well between solicitor and client, as between party and party.

143. 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.

144. The fees to be taken by any district registrar shall, if either party desires it, be taxed by the judge.

APPRAISEMENT AND SALE, &C.

145. 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 appraisement, and either by public auction or by private contract, and may direct what notice by advertisement or otherwise shall be given or may dispense with the same.

146. If the property is deteriorating in value, the judge may order it to be sold forthwith.

147. 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.

148. 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.

149. The appraisement, 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 appraisement, sale, appraisement and sale, removal, discharge of cargo and demolition and sale will be found in the Appendix hereto, Nos. 44 to 49.

150. 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.

151. 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.

152. 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.

153. Application may be made to the judge on motion to review the registrar's taxation.

154. 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. 50.

DISCONTINUANCE.

155. 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. 51 and 52.

CONSENTS.

156. Any consent in writing signed by the parties may, by permission of the registrar, be filed, and shall thereupon become an order of court.

CERTIFICATE OF STATE OF ACTION.

157. Upon the application of any person the registrar shall, upon payment of the usual fee, certify as shortly

as he conveniently can, the several proceedings had in his office in any action or matter, and the dates thereof.

APPEAL FROM THE JUDGMENT OR ORDER OF A LOCAL JUDGE
IN ADMIRALTY TO THE EXCHEQUER COURT.

158. Any person who desires to appeal to the Exchequer Court, from any judgment or order of a Local Judge in Admiralty of the said court, shall give security in the sum of two hundred dollars if such judgment or order is final, or if interlocutory, in the sum of one hundred dollars, to the satisfaction of such local judge, or of the judge of the Exchequer Court, that he will effectually prosecute his appeal and pay such costs as may be awarded against him by the Exchequer Court. If the appeal is by or on behalf of the Crown, no security shall be necessary.

159. All appeals to the Exchequer Court from any judgment or order of any Local Judge in Admiralty of the court shall be by way of rehearing, and shall be brought by notice of motion in a summary way, and no petition, case or other formal proceeding other than such notice of motion shall be necessary. The appellant may by the notice of motion appeal from the whole or any part of any judgment or order, and the notice of motion shall state whether the whole or part only of such judgment or order is complained of, and in the latter case shall specify such part. A form of notice of motion on appeal will be found in the Appendix hereto, No. 53.

160. The notice of appeal shall be served upon all parties directly affected by the appeal, and it shall not be necessary to serve parties not so affected; but the Exchequer Court may direct notice of the appeal to be served on all or any parties to the action or other proceeding, or upon any person not a party, and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as may be just, and may give such judgment and make such order as might have been given or made if the persons served with such notice had been originally parties. Any notice of appeal may be amended at any time as the Exchequer Court may think fit.

161. Notice of appeal from any judgment, whether final or interlocutory, or from a final order, shall be a *twenty days'* notice, and notice of appeal from any interlocutory order shall be a *ten days'* notice.

162. The Exchequer Court shall in any appeal have all its powers and duties as to amendment and otherwise, together with full discretionary power to receive further evidence upon questions of fact,—such evidence to be either by oral examination in court, by affidavit, or by deposition taken before an examiner or commissioner. Such further evidence may be given without special leave upon interlocutory applications, or in any case as to matters which have occurred after the date of the decision from which the appeal is brought. Upon appeals from a judgment after the trial or hearing of any cause or matter upon their merits, such further evidence (save as to matters subsequent as aforesaid) shall be admitted on special grounds only, and not without special leave of the court. The court shall have power to draw inferences of fact and to give any judgment and make any order which ought to have been given or made, and to make such further or other order as the case may require. The powers aforesaid may be exercised by the said court, notwithstanding that the notice of appeal may be that part only of the decision may be reversed or varied, and such power may also be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have appealed from or complained of the decision. The court shall have power to make such order as to the whole or any part of the costs of the appeal as may be just.

163. If, upon the hearing of any appeal, it shall appear to the Exchequer Court, that a new trial ought to be had, it shall be lawful for the said court, if it shall think fit, to order that the verdict and judgment shall be set aside, and that a new trial shall be had.

164. It shall not, under any circumstances, be necessary for a respondent to give notice of motion by way of cross-appeal, but if a respondent intends, upon the hearing of the appeal, to contend that the decision of the local judge in Admiralty should be varied, he shall within the time specified in the next rule, or such time as may be prescribed by special order, give notice of such intention to any parties who may be effected by such contention. The omission to give such notice shall not in any way interfere with the power of the court on the hearing of the appeal to treat the whole case as open, but may, in the discretion of the court, be ground for an adjournment of the appeal, or for a special order as to costs.

165. Subject to any special order which may be made, notice by a respondent under the last preceding rule shall, in the case of any appeal from a final judgment, be a *fourteen days'* notice, and, in the case of an appeal from an interlocutory order, a *seven days'* notice.

166. The party appealing from a judgment or order shall produce to the registrar of the Exchequer Court the judgment or order or an office copy thereof, and shall leave with him a copy of the notice of appeal to be filed, and such officer shall thereupon set down the appeal by entering the same in the proper list of appeals, and it shall come on to be heard according to its order in such list unless the Judge of the Exchequer Court shall otherwise direct, but so as not to come into the paper for hearing before the day named in the notice of appeal.

167. Where an *ex parte* application has been refused by the Local Judge in Admiralty, an application for a similar purpose may be made to the Exchequer Court *ex parte* within *ten days* from the date of such refusal, or within such enlarged time as the Judge of the Exchequer Court may allow.

168. When any question of fact is involved in an appeal, the evidence taken before the Local Judge in Admiralty bearing on such question shall, subject to any special order, be brought before the Exchequer Court as follows:—

- (a.) As to any evidence taken by affidavit, by the production of printed copies of such of the affidavits as have been printed, and office copies of such of them as have not been printed;
- (b.) As to any evidence given orally, by the production of a copy of the judge's notes, or such other materials as the court may deem expedient.

169. Where evidence has not been printed in the proceedings before the Local Judge in Admiralty, the Local Judge in Admiralty, or the Judge of the Exchequer Court, may order the whole or any part thereof to be printed for the purpose of the appeal. Any party printing evidence for the purpose of an appeal without such order shall bear the costs thereof, unless the Judge of the Exchequer Court shall otherwise order.

170. If, upon the hearing of an appeal, a question arise as to the ruling or direction of the Local Judge, the Exche-

quer Court shall have regard to verified notes or other evidence, and to such other materials as the court may deem expedient.

171. Upon any appeal to the Exchequer Court no interlocutory order or rule from which there has been no appeal shall operate so as to bar or prejudice the Exchequer Court from giving such decision upon the appeal as may be just.

172. No appeal to the Exchequer Court from any interlocutory order, or from any order, whether final or interlocutory, in any matter not being an action, shall, except by special leave of the Exchequer Court, be brought after the expiration of *thirty days*, and no other appeal shall, except by such leave, be brought after the expiration of *sixty days*. The said respective periods shall be calculated, in the case of an appeal from an order in Chambers, from the time when such order was pronounced, or when the appellant first had notice thereof, and in all other cases, from the time at which the judgment or order is signed, entered, or otherwise perfected, or, in the case of the refusal of an application, from the date of such refusal.

173. An appeal shall not operate as a stay of execution or of proceedings under the decision appealed from, except so far as the Local Judge in Admiralty, or the Exchequer Court may order; and no intermediate act or proceeding shall be invalidated, except so far as the Judge of the Exchequer Court may direct.

174. Wherever under Rules 158 to 176 an application may be made either to the Local Judge in Admiralty or to the Exchequer Court, or the Judge thereof, it shall be made in the first instance to the Local Judge in Admiralty.

175. Every application in respect to any appeal to the Exchequer Court or the Judge thereof shall be by motion.

176. On appeal from a Local Judge in Admiralty, interest for such time as execution has been delayed by the appeal shall be allowed unless the Local Judge otherwise orders, and the taxing officer may compute such interest without any order for that purpose.

PAYMENTS INTO COURT.

177. All moneys to be paid into court shall be paid, upon receivable orders to be obtained in the registry, to the ac-

count of the registrar at some bank in the Dominion of Canada to be approved by the judge, or, with the sanction of the Treasury Board, into the Treasury of the Dominion. A form of receivable order will be found in the Appendix hereto, No. 54.

178. A bank or Treasury receipt for the amount shall be filed, and thereupon the payment into court shall be deemed to be complete.

PAYMENTS OUT OF COURT.

179. 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 Treasurer in such form as the Treasury Board shall direct. A form of order for payment out of court will be found in the Appendix hereto, No. 55.

CAVEATS.

180. 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. 56 and 57.

181. 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. 58 and 59.

182. 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. 60 and 61.

183. 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.

184. 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.

185. 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.

186. A caveat shall not remain in force for more than *six months* from the date of entering the same.

187. 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. 62.

188. The judge may overrule any caveat.

SUBPŒNAS.

189. Any party desiring to compel the attendance of a witness shall serve him with a subpœna, which shall be prepared by the party and issued under the seal of the court. Forms of subpœnas will be found in the Appendix hereto, Nos. 63 and 64.

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

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

ORDERS FOR PAYMENT.

192. 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. 65.

ATTACHMENTS.

193. 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. 66.

194. 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. 67 and 68.

The order for committal shall be executed by the marshal.

EXECUTION.

195. Any decree or order of the court, made in the exercise of its Admiralty jurisdiction, may be enforced in the same manner as a decree or order made in the exercise of the ordinary civil jurisdiction of the court may be enforced.

SEALS.

196. The seals to be used in the registry and district registries shall be such as the Judge of the Exchequer Court may from time to time direct.

INSTRUMENTS, &c.

197. 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.

198. 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.

199. Every document requiring to be served shall be served within *twelve months* from the date thereof, otherwise the service shall not be valid.

200. 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.

201. Any notice from the registry may be either left at, or sent by post by registered letter, to the address for service of the party to whom notice is to be given; and the day next after the day on which the notice is so posted shall be considered as the day of service thereof, and the posting thereof as aforesaid shall be a sufficient service.

FILING.

202. 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. 69.

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

TIME.

204. 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.

205. 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.

206. 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.

207. 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 AND REGISTRAR.

208. The registry shall be open to suitors during fixed hours to be appointed by the judge.

209. The registrar shall obey all the lawful directions of the judge. He shall in person, or by a deputy approved of by the judge, 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 not act as counsel or solicitor in the court.

MARSHAL.

210. 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.

211. 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.

212. 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 proclamation to be kept as holidays or fast days.

RECORDS OF THE COURT.

213. 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. 70 to 73.

214. 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.

215. Any solicitor may inspect the minute and caveat books.

216. 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.

217. 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.

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

COPIES.

219. 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.

220. 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.

FEEES.

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

222. In any proceeding instituted in the registry at Ottawa the fees to be taken by the registrar shall be paid in stamps, and the proceeds of the sale of such stamps shall be paid into the Consolidated Revenue Fund of Canada.

223. Where the fee is per folio, the folio shall be counted at the rate of 100 words, and every numeral, whether contained in columns or otherwise written, shall be counted and charged for as a word.

224. Where the sum in dispute does not exceed \$200, or the value of the *res* does not exceed \$400, one-half only of

the fees (other than disbursements) set forth in the Table hereto annexed shall be charged and allowed.

225. 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.

226. The judge may, in any action, order that half fees only shall be allowed.

227. 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.

CASES NOT PROVIDED FOR.

228. 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.

COMMENCEMENT OF RULES.

229. These Rules shall come into force on the day on which notice of the approval thereof by His Excellency the Governor-General in Council, and by Her Majesty in Council shall be published in the *Canada Gazette*, and shall apply to all actions then pending in the Exchequer Court of Canada on its Admiralty side, as well as to actions commenced on and after such day.

REPEALING CLAUSE.

230. From and after the day on which the notice of the approval of these Rules by His Excellency the Governor-General in Council and by Her Majesty in Council, is published in the *Canada Gazette*, the following rules and regulations, together with all forms thereto annexed, and the table of fees now in force in the Exchequer Court in Admiralty proceedings, shall, in respect to any such proceeding in such court be repealed:—

(a.) The rules and tables of fees for the Vice-Admiralty Courts established by an Order of Her Majesty in Council of the 23rd day of August, 1883; and

(b.) The rules and regulations and the table of fees previously in force in the Maritime Court of Ontario, and made by the judge of such court on the 31st day of January, 1889, and approved by His Excellency the Governor-General in Council on the 14th day of February, 1889, and all rules of the said Maritime Court of Ontario.

Dated, at Ottawa, this 5th day of December, A. D. 1892.

GEO. W. BURBIDGE,
J. E. C.

APPENDIX.

I. FORMS.

No. 1.

Rule 4.

TITLE OF COURT.

IN THE EXCHEQUER COURT OF CANADA.

IN ADMIRALTY.

or (if instituted in a District Registry)

IN THE EXCHEQUER COURT OF CANADA.

THE QUEBEC *(or as the case may be)* ADMIRALTY DISTRICT.

No. 2.

Rule 4.

TITLE OF ACTION IN REM

[*Title of court.*]

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. 3.

TITLE OF ACTION IN PERSONAM.

Rule 4.

[Title of court.]

No. _____ [here insert the number of the 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. 4.

TITLE OF ACTION IN THE NAME OF THE CROWN.

Rule 4.

[Title of court.]

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. 5.

Rule 5.

WRIT OF SUMMONS IN REM.

(L.S.) [Title of court and 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 Exchequer Court of Canada 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 Ottawa (*or as the case may be*) 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 *twelve 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 Ottawa (*or as the case may be*).

No. 6.

Rule 5.

WRIT OF SUMMONS IN PERSONAM.

[Title of court and action.]

(L.S.)

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 Exchequer Court of Canada, 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 Ottawa (*or as the case may be*) 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 *twelve 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 Ottawa (*or as the case may be*).

No. 7.

WRIT OF SUMMONS IN PERSONAM FOR SERVICE OUT OF Rules 5-20-23.
JURISDICTION.

(L.S.) [*Title of court and action.*]

VICTORIA, by the grace of God, &c.

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

We command you that within (*here insert the number of days directed by the Judge ordering the service or notice*) after the service of this writ (*or notice of this writ, as the case may be.*) on you, inclusive of the day of such service, you do cause an appearance to be entered for you in Our Exchequer Court of Canada, in the above named action, and take notice that in default of your so doing the Plaintiff may proceed therein, and judgment may be given in your absence. Given at Ottawa (*or as the case may be*) in Our said court, under the seal thereof, this _____ day of _____ 18____

Memorandum to be subscribed on Writ as in Form No. 6.

Indorsement to be made on the Writ before the issue thereof:—

N.B.—This writ is to be used where the Defendant or all the Defendants, or one or more Defendant or Defendants,

is or are out of the jurisdiction. When the Defendant to be served is not a British subject, and is not in British dominions, notice of the writ and not the writ itself, is to be served upon him.

No. 8.

Rules 23-24

NOTICE IN LIEU OF WRIT FOR SERVICE OUT OF JURISDICTION.

[*Title of court and action.*]

To *C. D.*, of _____.

Take notice that *A. B.*, of _____, has commenced an action against you *C. D.* in the Exchequer Court of Canada at Ottawa, (or in the _____ Admiralty District, *as the case may be*,) by writ of that court, dated the _____ day of _____, A.D. 18____; which writ is indorsed as follows: (*Copy in full the indorsements*), and you are required within _____ days after the receipt of this notice, inclusive of the day of such receipt, to defend the said action, by causing an appearance to be entered for you in the said court to the said action, and in default of your so doing the said *A. B.* may proceed therein, and judgment may be given in your absence.

You may appear to the said writ by entering an appearance personally or by your solicitor at the office of the registrar of the said court at Ottawa) or at _____ in the _____ Admiralty District, *as the case may be*).

(Signed,) *A. B.*, of _____ &c.,

Or *X. Y.*, of _____

Solicitor for *A. B.*

No. 9.

Rule 5.

INDORSEMENTS TO BE MADE ON THE WRIT BEFORE ISSUE THEREOF.

(1.) The Plaintiff claims [*insert description of claim as given in Form No. 10*].

(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. 10].

(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. 10.

INDORSEMENTS OF CLAIM.

Rule 5.

(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.

Rule 6.

(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, \$_____, 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 48-64th shares of the Ship "Mary," of the port of _____, claims possession of the said Ship 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 Ship "Mary," [or the proceeds of the Ship "Mary," or as the case may be], 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 the Dominion of Canada [or to the District, as the case may be].

(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 12 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. 11.

Rule 18.

AFFIDAVIT OF SERVICE OF A WRIT OF SUMMONS.

[Title of court and action.]

County of _____ }

I, A.B., of _____ in the County of _____ [calling or occupation] make oath and say :

1. That I did on the _____ day of _____ 18____
 serve the writ of summons herein by [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)

A. B.

SWORN before me, &c.

A Commissioner, &c.

No. 12.

Rule 28.

APPEARANCE.

(1.) *By Defendant in person.*

[Title of court and 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 _____

(2.) *By Solicitor for Defendant.*

[Title of Court and 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. 13.

INDORSEMENT OF SET-OFF OR COUNTER-CLAIM.

Rule 28.

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. 10, mutatis mutandis] and for costs.

No. 14.

Rule 35.

AFFIDAVIT TO LEAD WARRANT.

[Title of court and 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 } (Signed) A.B.
 the truth of this affidavit at _____ }

Before me,
 E.F., &c.

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 } (Signed) A.B.
 the truth of this affidavit at _____ }

Before me,
 E.F., &c.

ADMIRALTY RULES.

.lxxv

No. 15.

WARRANT.

Rule 40.

(L.S.) [Title of court and action.]

VICTORIA, &c.

To the Marshal of the Admiralty District of _____
 [or Sheriff of the County of _____ or as the case may be].
 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 (or District Registrar, as the case may be).

No. 16.

CERTIFICATE OF SERVICE TO BE INDORSED ON THE WARRANT Rule 44.
 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 of the Admiralty District of _____ [or,
 Sheriff of the County of _____, or as the case
 may be].

No. 17.

BAILBOND.

Rule 46.

[Title of court and 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] dollars.

This Bailbond was signed by
 the said _____
 and _____
 the sureties, the _____ day of
 _____ 18____, in the registry
 of the Exchequer Court of Canada
 [or as the case may be].

Signatures of sureties.

Before me,

E. F.,

Registrar, or District Registrar,
 [or clerk in the registry, or Commis-
 sioner to take bail, or as the case may
 be].

No. 18.

COMMISSION TO TAKE BAIL.

Rule 46.

[Title of court and action.]

[L.S.]

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] dollars, 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 bailbond hereto annexed, and to swear the said sureties to the truth of the annexed affidavits as to their sufficiency, in the form indorsed hereon. — 33110 ;

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 or District 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. 19.

AFFIDAVIT OF JUSTIFICATION.

Rule 47.

[Title of court and 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*] dollars, after the 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,
E. F., Registrar.
or District Registrar or Commissioner,
or as the case may be.

No. 20.

Rule 50.

NOTICE OF BAIL.

[*Title of court and action.*]

Take notice that I tender the under-mentioned persons as bail on behalf of [*state name, address, and description or 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)		
(2)		

Dated this _____ day of _____ 18_____.

(Signed)

X. Y.

No. 21.

Rule 51.

NOTICE OF OBJECTION TO BAIL.

[*Title of court and 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. 22.

Rule 57.

RELEASE.

(L.S.)

[*Title of court and action.*]

VICTORIA, &c.

To the Marshal of the Admiralty District of _____
(or the Sheriff of the County of _____, or as the case
may be.) 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 [or District Registrar].

No. 23.

PLEADINGS.

Rule 64.

(1.) *In an Action for damage by collision :*

a. (*The "Atlantic."*)

STATEMENT OF CLAIM.

[*Title of court and 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. $\frac{1}{2}$ 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.

DEFENCE AND COUNTER-CLAIM.

[*Title of court and 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 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 a hard-a-port. 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 herein-before admitted, the several statements in the statement of claim are denied.

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

6. The helm of the "Anthes" was improperly star-boarded.

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.

[*Title of court and action.*]

The Plaintiff denies the several statements contained in the statement of defence and counter-claim, [or admits the several statements contained in paragraphs ___ and ___ of the statement of defence and counter-claim, but denies the other statements contained therein.]

Dated the _____ day of _____ 18____.

(Signed) A. B., Plaintiff.

b. (*The "Julia David"*)

STATEMENT OF CLAIM.

[*Title of court and 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

a-ported, 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 star-boarded.

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.

DEFENCE AND COUNTER-CLAIM.

[*Title of court and 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 30 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 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 "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 a-port, and her engines stopped and almost immediately reversed full speed, but, nevertheless, the "Sarpedon" came into collision with the "Julia David," striking with the port side her stem and port bow, and doing her considerable damage.

4. The vessels separated immediately. The engines of the "Julia David" were then stopped, and her pumps sounded. She was making much water, and it was found necessary to turn her head away from the wind and sea. As soon as it could be done without great danger, she was steamed in the direction in which those on board her believed the "Sarpedon" to be, but when day broke and no traces of the "Sarpedon" could be discovered, the search was given up, and the "Julia David," being in a very disabled state, made her way to a port of refuge.

5. Save as hereinbefore appears, the several statements contained in the statement of claim are denied.

6. A good look-out was not kept on board the "Sarpedon."

7. The helm of the "Sarpedon" was improperly ported.

8. Those on board the "Sarpedon" improperly neglected or omitted to keep her on her course.

9. Those on board the "Sarpedon" did not observe the provisions of Article 16 of the "Regulations for Preventing Collisions at Sea."

10. The collision was occasioned by some or all of the matters and things alleged in the 6th, 7th, 8th, and 9th paragraphs hereof, or otherwise by the default of the "Sarpedon," or those on board her.

11. No blame in respect of the collision is attributable to the "Julia David" or to any of those on board her.

And by way of counter-claim the Defendants say that the collision caused great damage to the "Julia David."

And they claim—

- (1.) The condemnation of the Plaintiffs [and their bail] in the damage caused to the "Julia David" and in 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.

[*Title of court and action.*]

The Plaintiffs deny the several statements contained in the statement of defence and counter-claim [*or, as the case may be*].

Dated the _____ day of _____ 18____.

(Signed) A. B., &c., Plaintiffs.

(2.) *In an Action for Salvage:*

a. (*The "Crosby."*)

STATEMENT OF CLAIM.

[*Title of court and action.*]

Writ issued _____ 18____.

1. The "Asia" is an iron screw steamship of 902 tons net register tonnage, fitted with engines of 120 horse-power nominal, is of the value of \$ _____, and was at the time of

the services hereinafter stated manned with a crew of twenty-three hands under the command of George Hook Bawn, her master.

2. At about 9 a.m. on the 29th of April, 1877, while the "Asia"—which was in ballast proceeding on a voyage to Nikolaev to load a cargo of grain—was between Odessa and Ochakov, those on board her saw a steam-ship ashore on a bank situated about ten miles to the westward of Ochakov. The "Asia" immediately steamed in the direction of the distressed vessel which made signals for assistance.

3. On nearing the distressed vessel, which proved to be the "Crosby," one of the "Asia's" boats was sent to the "Crosby," in charge of the second mate of the "Asia," and subsequently the master of the "Crosby" boarded the "Asia," and at the request of the master of the "Crosby" the master of the "Asia" agreed to endeavour to tow the "Crosby" afloat.

4. The "Crosby" at this time was fast aground, and was lying with her head about N.N.W.

5. The master of the "Asia" having ascertained from the master of the "Crosby" the direction in which the "Crosby" had got upon the bank, the "Asia" steamed up on the starboard side of the "Crosby" and was lashed to her.

6. The "Asia" then set on ahead and attempted to tow the "Crosby" afloat, and so continued towing without effect until the hawser which belonged to the "Asia" broke.

7. The masters of the two vessels being then both agreed in opinion that it would be necessary to lighten the "Crosby" before she could be got afloat, it was arranged that the cargo from the "Crosby" should be taken on board the "Asia."

8. The "Asia" was again secured alongside the "Crosby" and the hatches being taken off cargo was then discharged from the "Crosby" into the "Asia," and this operation was continued until about 6 p.m., by which time about 100 tons of such cargo had been so discharged.

9. When this had been done both vessels used their steam, and the "Asia" tried again to get the "Crosby" off, but without success. The "Asia" then towed with a hawser ahead of the "Crosby," and succeeded in getting her afloat, upon

which the "Crosby" steamed to an anchorage and then brought up.

10. The "Asia" steamed after the "Crosby" and again hauled alongside of her and commenced putting the transhipped cargo again on board the "Crosby," and continued doing so until about 6 a.m. of the 30th of April, by which time the operation was completed, and the "Crosby" and her cargo being in safety the "Asia" proceeded on her voyage.

11. By the services of the Plaintiffs the "Crosby" and her cargo were rescued from a very dangerous and critical position, as in the event of bad weather coming on whilst she lay aground she would have been in very great danger of being lost with her cargo.

12. The "Asia" encountered some risk in being lashed alongside the "Crosby," and she ran risk of also getting aground and of losing her charter, the blockade of the port of Nikolaev being at the time imminent.

13. The value of the hawser of the "Asia" broken as herein stated was \$.....

14. The "Crosby" is an iron screw steam-ship of 1,118 tons net (1,498 gross) register tonnage. As salvaged, the "Crosby" and her cargo and freight have been agreed for the purposes of this action at the value of \$.....

The Plaintiffs claim—

1. Such an amount of salvage, regard being had to the said agreement, as the court may think fit to award.
2. The condemnation of the Defendants [and their bail] in the salvage and in costs.
3. Such further and other relief as the case may require.

Dated the _____ day of _____ 18__

(Signed) A. B., &c., Plaintiffs.

DEFENCE.

[Title of court and action.]

1. The Defendants admit that the statement of facts contained in the statement of claim is substantially correct, except that the reshipment of the cargo on board the "Crosby" was completed by 4 a.m. on the 30th April.

2. The Defendants submit to the judgment of the court to award such a moderate amount of salvage to the Plaintiffs under the circumstances aforesaid as to the said court shall seem meet.

(Signed) C.D., &c., Defendants.

REPLY.

[*Title of court and action.*]

The Plaintiffs deny the statement contained in the 1st paragraph of the statement of defence that the shipment of the cargo was completed by 4 a.m. on the 30th April.

Dated the _____ day of _____ 18 _____

(Signed) A.B., &c. Plaintiffs.

b. ("*The Newcastle.*")

STATEMENT OF CLAIM.

[*Title of court and action.*]

Writ issued _____ 18 _____.

1. The "Emu" is a steam tug belonging to the Whitby Steam Boat Company, of six tons register, with engines of 40 horse-power, nominal, and was at the time of the circumstances hereinafter stated manned by a crew of five hands.

2. Just before midnight on the 22nd of July, 1876, when the "Emu" was lying in Whitby harbour, her master was informed that a screw steamship was ashore on Kettleless Point. He at once got up steam, but was not able, owing to the tide, to leave the harbour till about 1.45 a.m. of the 23rd.

3. About 2 a.m. the "Emu" reached the screw steamship, which was the "Newcastle," which was fast upon the rocks,

with a kedge and warp out. The wind was about N., blowing fresh; the sea was smooth, but rising; the tide was flood.

4. The master of the "Emu" offered his services, which were at first declined by the master of the "Newcastle"; shortly afterwards the kedge warp broke and the "Newcastle" swung square upon the land and more upon the rocks. The master of the "Newcastle" then asked the master of the "Emu" to tow him off, and after some conversation it was agreed that the remuneration should be settled on shore.

5. About 3 a.m. those on board the "Emu" got a rope from the "Newcastle" on board, and began to tow. After come towing this rope broke. The tow-line of the "Newcastle" was then got on board the "Emu," and the "Emu" kept towing and twisting the "Newcastle," but was unable to get her off till about 5 a.m., when it was near high water. The master of the "Emu" then saw that it was necessary to try a click or jerk in order to get the "Newcastle" off, and 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, are as follows:—

The "Newcastle," \$_____, her cargo, \$____; freight and passage money, \$____; in all, \$_____.

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 _____ day of _____ 18

(Signed) A.B., &c., Plaintiffs.

DEFENCE.

[*Title of court and action.*]

1. At about 6.45 p.m. on the 22nd of July, 1876, the iron screw steam-ship "Newcastle," of 211 tons register, propelled by engines of 45 horse-power, and manned by 12 hands, her master included, whilst proceeding on a voyage from Newcastle to Hull with cargo and passengers, ran aground off Kettlethness 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 cibles 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 "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 4.40 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 statement of claim.

9. The Defendants have paid into Court and tendered to the Plaintiffs for their services the sum of \$____, 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 :*

STATEMENT OF CLAIM.

[*Title of court and 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 saved] to the Defendants, as owners of the ship [state name of salving 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.")

STATEMENT OF CLAIM.

[*Title of court and 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 \$_____ 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 \$ _____

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 \$ _____

The Plaintiff claims—

1. A decree pronouncing the said sums, amounting in the whole to \$ _____, 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."*)

STATEMENT OF CLAIM.

[*Title of court and 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 \$ _____ 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 the 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 re- " quired 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 \$ _____, 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 \$ _____, 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.

DEFENCE.

[*Title of court and action.*]

1. The Defendants admit the statements made in the 1st, 2nd, 3rd and 4th paragraphs of the Plaintiff's statement of claim.

2. Whilst the "Northumbria" was upon her voyage in the said 3rd paragraph mentioned, and before and until she put into Falmouth, as in the said 4th paragraph 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 paragraph of the statement of claim 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 their 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 said sea 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 said voyage from the Defendants.

7. The Defendants bring into court the sum of \$ ____ 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.

[*Title of court and action.*]

The Plaintiff denies the several statements contained in the statement of defence [*or as the case may be*].

Dated the _____ day of _____ 18____.

(Signed) A.B., Plaintiff.

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

STATEMENT OF CLAIM.

[*Title of Court and 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 said 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 \$_____.
 To *E.F.* " " \$_____.
 To *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 \$_____.
 To *L.M.* " " \$_____.

SCHEDULE referred to above.

Wages due to *A.B.*, mate, from the _____ 18____, to the _____ 18____, _____ months and _____ days at \$_____ per month.

	\$_____ : _____ : _____
Less received on account	- \$_____ : _____ : _____
Balance due	- \$_____ : _____ : _____

Wages due to *C.D.*, able seaman, from the _____ 18____, to the _____ 18____, _____ months and _____ days, at \$_____ per month.

	\$_____ : _____ : _____
Less received on account	- \$_____ : _____ : _____
Balance due	- \$_____ : _____ : _____

[*Soon with the wages due to the 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 sec. 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 :*

STATEMENT OF CLAIM.

[*Title of court and 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 \$ _____ 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 \$ _____ 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 \$ _____ (which included the principal charges and the maritime interest due thereon), within 30 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 endorsed by the said Cassa Marittima di Genova to the Plaintiffs who thereby became and are the legal holders thereof, and the said sum of \$_____ is now due and owing thereon to the Plaintiffs.

The Plaintiffs 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 \$_____ with interest thereon at _____ 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 :*

STATEMENT OF CLAIM.

[*Title of court and 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, $\frac{3\frac{2}{3}}{8\frac{1}{4}}$ th 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 \$_____, together with interest thereon at the rate of — 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 \$_____, 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 \$_____, together with 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 [*or to have the said brigantine sold, &c., as the case may be.*]
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):*

STATEMENT OF CLAIM.

[*Title of court and 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 _____, $\frac{2}{4}$ th parts or shares of the ships for the sum of \$ _____.

3. By a subsequent bill of sale duly registered on the 16th December, 1876, the said Thomas Worraker transferred his said $\frac{2}{4}$ th shares of the ship to George Wright, the Plaintiff, for the sum of \$ _____.

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 aforementioned 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.

DEFENCE.

[*Title of court and action.*]

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

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 statement of claim, 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 said shares.

4. The Defendant denies the statements contained in paragraph 5 of the statement of claim, and says that he never rendered any such accounts as alleged therein.

5. The Defendant does not admit the statements contained in paragraph 6 of the statement of claim.

Dated the _____ day of _____ 18 .

(Signed) C.D., Defendant.

REPLY.

[*Title of court and action.*]

The Plaintiff denies the several statements in the statement of defence.

Dated the _____ day of _____ 18 .

(Signed) A.B., Plaintiff.

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

STATEMENT OF CLAIM.

[*Title of court and action.*]

Writ issued _____ 18 _____

1. The Plaintiffs are registered owners of $\frac{1}{4}$ shares in the British ship "Native Pearl," and such shares are held by them respectively as follows:—

Morgan Parsall Griffiths is owner of $\frac{1}{8}$ shares, Edmund Nicholls of $\frac{1}{8}$ shares, William Meagher of $\frac{1}{8}$ shares, Isaac Butler of $\frac{1}{8}$ shares, and William Herbert of $\frac{1}{8}$ 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 $\frac{3}{4}$ 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 :*

STATEMENT OF CLAIM.

[*Title of court and action.*]

Writ issued _____ 18_____.

1. The Plaintiffs at the time of the occurrences hereinafter mentioned carried on business at the port of _____ as bonded store and provision merchants and ship chandlers.

2. The "Sfactoria" 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 \$ _____, 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 \$ _____ 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 \$ _____ 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 \$ _____, 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 \$_____ 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 \$_____ 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 \$_____ 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 \$_____ and \$_____ together with interest thereon.
2. That the Defendant [and his bail] be condemned therein, and in costs.

or

2. A sale of the said ship, and payment of the said sums and interest out of the proceeds of such sale, together with costs.
3. 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.:*

STATEMENT OF CLAIM.

[*Title of court and 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 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:*

STATEMENT OF CLAIM.

[*Title of court and 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 was [*or were*] _____ [*and* _____].

Dated the _____ day of _____ 18____.

(Signed) A. B.

(14.) *In an Action for recovery of any pecuniary forfeiture or penalty :*

STATEMENT OF CLAIM.

[*Title of court and 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. 24.

INTERROGATORIES.

Rule 69.

[*Title of court and 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.]*

Rule 69.

ANSWERS TO INTERROGATORIES.

[*Title of court and 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. &c. &c.

On the _____ day of _____ 18___, the said <i>C.D.</i> [<i>or A.B., &c.</i>] was duly sworn to the truth of this affidavit at _____ Before me, <p style="text-align: center;"><i>E. F., &c.</i></p>	}	(Signed) <i>C.D.</i> [<i>or A.B.</i>]
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Rule 71.

AFFIDAVIT OF DISCOVERY.

[*Title of court and 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 hereto.

SCHEDULE No. 1.

Part 1.

[*Here set out documents.*]

Part 2.

[*Set out documents.*]

SCHEDULE No. II.

[*Set out documents.*]

On the _____ day of _____ 18__ said C.D. [<i>or A.B. &c.</i>] was duly sworn to the truth of this affidavit at _____ Before me, E.F., &c.	}	(Signed) C.D. [<i>or A.B.</i>]
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No. 27.

Rule 72.

NOTICE TO PRODUCE.

[*Title of court and 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 _____ day of _____ 18__.

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

To C.D., Defendant,
 [*or as the case may be.*]

Rule 74.

NOTICE TO ADMIT DOCUMENTS.

[*Title of court and 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 evidence in this action.

Description of Documents.	Dates.	Time and mode of service or delivery, &c.
<p>[<i>Here briefly describe documents.</i>]</p> <p>(1.) <i>Originals.</i> (2.) <i>Copies.</i></p>	<p>[<i>Here state the date of each document.</i>]</p>	<p>[<i>Here state whether the original or a duplicate was sent by post, or served or delivered, and when and by whom.</i>]</p>

Dated the _____ day of _____ 18____.

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

To *C. D.*, Defendant,
[*or as the case may be.*]

ADMIRALTY RULES.

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No. 29.

NOTICE TO ADMIT FACTS.

Rule 74.

[*Title of court and 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*
2. } [*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. 30.

NOTICE OF MOTION.

Rule 81.

[*Title of court and 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.]

Rule 86.

No. 31.

NOTICE OF TENDER.

[*Title of court and 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

Rule 86.

No. 32.

NOTICE ACCEPTING OR REJECTING TENDER.

[*Title of court and 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

Rule 92.

No. 33.

INTERPRETER'S OATH.

You swear that you are well acquainted with the English and _____ languages [or as the case may be] and that you will faithfully interpret between the Court and the witnesses.

So help you GOD

No. 34.

Rule 93.

APPOINTMENT TO ADMINISTER OATHS.

(1.) *In Admiralty Proceedings generally :*

(L.S.)

[*Title of court.*]To [*State name and address of Commissioner.*]

I hereby appoint you _____ to be a Commissioner
to administer oaths in all Admiralty proceedings in this
Court.

(Signed) _____ A.B.,
Judge, or *Local Judge in Admiralty.*

(2.) *In any particular Proceeding.*

(L.S.)

[*Title of court and 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, or *Local Judge in Admiralty.*

No. 35.

Rule 94.

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.

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.

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 affi-
 davit by the interpretation of
 C.D., who was previously
 sworn, that he was well ac-
 quainted with the English
 and _____ languages, [or as
 the case may be] and that he
 would faithfully interpret the
 said affidavit, at _____.

(Signed) A. B.

Before me,
 E. F., &c.

No. 38.

Rule 102.

ORDER FOR EXAMINATION OF WITNESSES.

[*Title of court and action.*]

On the _____ day of _____ 18____.

Before _____ Judge, &c.

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, or District Registrar

No. 39.

COMMISSION TO EXAMINE WITNESSES.

Rule 104.

(L.S.) [*Title of court and action.*]

VICTORIA, &c.

To [*state name and address of commissioner.*] Greeting:

Whereas the Judge of our Exchequer Court of Canada, [*or the Local Judge in Admiralty of the Exchequer Court for the Admiralty District 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 at _____.

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

(Signed) _____ *E.F.*,
Registrar, or District Registrar.

Commission to examine witnesses.

Taken out by

Rule 107.

No. 40.

RETURN TO COMMISSION TO EXAMINE WITNESSES.

[*Title of court and 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 pro-

duced 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. 41.

SHORTHAND WRITER'S OATH.

Rule 109.

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

So help you GOD.

No. 42.

NOTICE OF TRIAL.

Rule 114.

[*Title of court and action.*]

Take notice that I set down this action for trial.

Dated the _____ day of _____ 18____.

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

REGISTRAR'S REPORT.

(L.S.) [Title of court and action.]

To the Honourable the Judge of the Exchequer Court of Canada [or To the Honourable the Local Judge in Admiralty of the Exchequer Court for the Admiralty District 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_____ 18____

(Signed)

E.F.,

Registrar [or District Registrar.]

ADMIRALTY RULES.

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SCHEDULE annexed to the foregoing report.

		Claimed.		Allowed.	
		\$	Cts.	\$	Cts.
No.					
1					
2	<i>[Here state as briefly as possible the several items of the claim with the amount claimed and allowed on each item in the columns for figures opposite the item.]</i>				
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 [or District Registrar.]

No. 44.

COMMISSION OF APPRAISEMENT.

Rule 149.

[L.S.] [Title of court and action.]

VICTORIA, &C.

To the Marshal of our Admiralty District of _____,
[or the Sheriff of the County of _____, or as the case may be,] Greeting:

Whereas the judge of our said court [or the Local Judge

in Admiralty of our said court for the Admiralty District of _____] 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 [*or District Registrar.*]

Commission of Appraisement.

Taken out by _____

No. 45.

Rule 149.

COMMISSION OF SALE.

[*Title of court and action.*]

(L.S.)

VICTORIA, &c.

To the Marshal of our Admiralty District of _____,
[*or the Sheriff, &c., as in Form No. 44.*] Greeting:

Whereas the judge of our said court [*or the Local Judge, &c., as in Form No. 44*] 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 [or District Registrar.]

Commission of sale.

Take out by _____

No. 46.

COMMISSION OF APPRAISEMENT AND SALE.

Rule 149.

(L.S.)

[*Title of court and action.*]

VICTORIA, &c.

To the Marshal of our Admiralty District of _____
[or the Sheriff, &c., as in Form No. 44.] Greeting:

Whereas the judge of our said court [or the Local Judge, &c., as in Form No. 44] 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 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 or 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 [or District Registrar].

Commission of appraisement and sale.

Taken out by _____

No. 47.

Rule 149.

COMMISSION OF REMOVAL.

(L.S.)

[*Title of action.*]

VICTORIA, &c.

To the Marshal of our Admiralty District of _____,
 [or the Sheriff, &c., as in Form No. 44.] Greeting:

Whereas the judge of our said court [or the Local Judge, &c., as in Form No. 44] 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 [or District Registrar].

Commission of removal.

Taken out by _____

No. 48.

Rule 149.

COMMISSION FOR DISCHARGE OF CARGO

(L.S.)

[*Title of court and action.*]

VICTORIA, &c.

To the Marshal of our Admiralty District of _____
 [or the Sheriff, &c., as in Form No. 44.] Greeting:

Whereas the judge of our said court [or the Local Judge, &c., as in Form No. 44] 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 [or District Registrar].

Commission for discharge of cargo.

Taken out by _____

No. 49.

COMMISSION FOR DEMOLITION AND SALE.

Rule 149.

(In a Slave Trade case.)

(L.S.) [Title of court and action.]

VICTORIA, &c.

To the Marshal of our Admiralty District of _____, [or the Sheriff, &c., as in Form No. 44.] Greeting:

We hereby command you, in pursuance of a decree of the judge of our said court [or the Local Judge, &c., as in Form No. 44] to that effect, to cause the tonnage of the vessel _____ to be ascertained by Rule No. 1 of the 21st 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 the said court, under the seal thereof, this _____ day of _____ 18 .

(Signed) *E.F.*,
Registrar [or District Registrar.]

Commission for demolition and sale.

Taken out by _____.

No. 50.

Rule 154:

ORDER FOR INSPECTION.

[*Title of court and action.*]

On the _____ day of _____ 18 . .

Before _____ Judge, &c.

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 [or District Registrar.]

Rule 155.

No. 51.

NOTICE OF DISCONTINUANCE.

[*Title of court and action.*]

Take notice that this action is discontinued.

Dated the _____ day of _____ 18 .

(Signed) *A.B.*, Plaintiff.

ADMIRALTY RULES.

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No. 52.

NOTICE TO ENTER JUDGMENT FOR COSTS.

Rule 155.

[*Title of court and 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. 53.

NOTICE OF MOTION ON APPEAL.

Rule 159.

In the Exchequer Court of Canada.

In Admiralty.

Between A.B., Plaintiff;
and
C.D., Defendant.

Take notice that this Honourable Court will be moved on _____ the _____ day of _____ 18__, or so soon thereafter as counsel can be heard, on behalf of the above named Plaintiff A.B. [*or Defendant C.D.*], that the judgment [*or order*] of the Local Judge in Admiralty for the Admiralty District of _____ made herein and dated the _____ day of _____ 18__, [*or if only part of the judgment or order is appealed from say that so much of the judgment (or order) of the Local Judge in Admiralty for the Admiralty District of _____ made herein and dated the _____ day of _____ 18__, as adjudges (or directs or orders as the case may be) that _____ [here set out the part or parts of the judgment or order which are appealed from] may be reversed [or rescinded] and that— [here set out the relief or remedy, if any, sought] and that the costs of this appeal, and before the Local Judge in Admiralty, may be paid by the _____ to the _____.*

Dated, &c.

Yours, &c.,

X.Y.,

Solicitor, &c., or, Agent, &c.

(To the above named Defendant), (or Plaintiff), and to _____, his solicitor or agent.

No. 54.

Rule 177.

RECEIVABLE ORDER.

Registry of the Exchequer Court of Canada
[or, for the Admiralty District of _____]

No. _____ 18____.

[Title of court and action.]

Sir,—

I have to request that you will receive from [state name of person paying in the money] the sum of _____ dollars on account in the above named action, and place the same to the credit of the account of the Registrar of the Exchequer Court of Canada [or, for the Admiralty District of _____].

(Signed) E.F.,
Registrar, [or District Registrar].

To the Manager of [state name or style of bank to which the payment is to be made,] or,

To the Deputy of the Minister of Finance and Receiver-General of Canada.

No. 55.

Rule 179.

ORDER FOR PAYMENT OUT OF COURT.

[Title of court and action.]

I, _____, Judge of the Exchequer Court of Canada [or, as the case may be], 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____.

Witness,
E.F.,
Registrar,
[or District Registrar].

(Signed) J.K.,
Judge,
[or as the case may be.]

No. 56.

NOTICE FOR CAVEAT WARRANT.

Rule 180.

[Title of court, or title of court and action.]

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] dollars, or to pay such sum into court.

My address for service is _____.

Dated the _____ day of _____ 18__

(Signed) A.B.

No. 57.

CAVEAT WARRANT.

Rule 180.

[Title of court, or title of court and action.]

[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. 58.

NOTICE FOR CAVEAT RELEASE.

Rule 181.

[Title of court and 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. 59.

CAVEAT RELEASE.

Rule 181.

[Title of court and 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. 60.

NOTICE FOR CAVEAT PAYMENT.

Rule 182.

[Title of court and 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. 61.

CAVEAT PAYMENT.

Rule 182.

[*Title of court and 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 the caveat, add:—

Caveat withdrawn this _____ day of _____ 18____

No. 62.

NOTICE FOR WITHDRAWAL OF CAVEAT.

Rule 187.

[*Title of court and 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. 63.

SUBPÆNA.

Rule 189.

(L.S.) [*Title of court and 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____.

Subpœna.

Taken out by _____

No. 64.

SUBPœNA 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. 65.

ORDER FOR PAYMENT.

[L.S.]

[*Title of court and action.*]

On the _____ day of _____ 18____.

Before _____

Judge, &c., [*or Local Judge of the Admiralty District of _____*].

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

ADMIRALTY RULES.

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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 [or District Registrar.]

No. 66.

ATTACHMENT.

Rule 193.

[L.S.] [Title of court and action.]

VICTORIA, &c.

To the Marshal of our Admiralty District of _____,
[or the Sheriff, &c., as in Form No. 44.] Greeting:

Whereas the Judge of our said Court [or the Local Judge in Admiralty, &c., as in Form No. 44] 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 [or District Registrar.]

Attachment.

Taken out by _____

No. 67.

ORDER FOR COMMITTAL.

(L.S.) [Title of court and action.]

Rule 194.

On the _____ day of _____ 18____.

Before _____

Judge, &c.

[or Local Judge in Admiralty for the Admiralty District of _____

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, [or District Registrar.]

No. 68.

COMMITTAL.

[Title of court.]

To _____

Receive into your custody the body [or bodies] of _____ herewith sent to you, for the cause hereinunder written; that is to say,

For [state briefly the ground of attachment].

Dated the _____ day of _____ 18_____.

(Signed) J.K.,

Witness,

E.F.,

Registrar,

[or District Registrar.]

Judge, &c.

[or Local Judge in Admiralty for the Admiralty District of _____.]

No. 69.

MINUTE ON FILING ANY DOCUMENT.

[Title of court and 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.

ADMIRALTY RULES.

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No. 70.

MINUTE OF ORDER OF COURT.

Rule 213.

[*Title of court and action.*]

On the _____ day of _____ 18____.

Before _____

Judge, &c.

[*or Local Judge in Admiralty for the Admiralty District of _____*]

The judge, on the application of [*state whether Plaintiff or Defendant*] ordered [*state purport of order*].

No. 71.

MINUTE ON EXAMINATION OF WITNESSES.

Rule 213.

[*Title of court and action.*]

On the _____ day of _____ 18____.

Before _____,

Judge, &c.

[*or Local Judge, &c., as the case may be*].

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. 72.

MINUTE OF DECREE.

Rule 213.

[*Title of court and action.*]

On the _____ day of _____ 18____.

Before _____,

Judge, &c.

or Local Judge, &c., as the case may be.

(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 mer-
 chants*], 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 & 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*];

or

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 ;

or

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] had 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 ;

or

pronounced that the said junk "Tecumseh" [and her cargo] had prior to her re-capture 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 re-captors 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 claim 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 to 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. 73.

MINUTES IN AN ACTION FOR DAMAGE BY COLLISION.

Rule 213.

A. B., &c.

No. _____

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.
- " " The marshal filed warrant.
- " 7 Y. Z. filed bailbond 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.
- " " A release of the ship "Mary" was issued to Y. Z.
- " 8 X. Y. filed Preliminary Act [and notice of motion for pleadings].
- " " 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 statement of claim.
- " 14 Y.Z. filed defence [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.

- Jan. 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.
- 18 ____ | Y.Z. produced as witnesses, &c. [*as above*].
- 18 ____ | 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 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 REGISTRARS,
MARSHALS AND PRACTITIONERS, &c., IN ADMIRALTY
PROCEEDINGS IN THE EXCHEQUER COURT OF CANADA

I.—BY THE REGISTRAR.

1. *For sealing or preparing Instruments, &c.*

	\$	cts.
For sealing any writ of summons or other document required to be sealed.....		50
For preparing any warrant, release, commission, attachment, or other instrument, required to be sealed, or for attending the execution of any bail-bond.....		2 00
For preparing a receivable order or a receipt for money to be paid out of court.....		1 00
For preparing and sending any notice, or issuing any appointment.....		50
For preparing any other document for every folio...		30

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

2. *For Filing.*

On filing any instrument or other document.....	20
---	----

3. *For Evidence, &c.*

For attending at examination of any witness, per hour.....	1 00
For administering any oath or declaration.....	20
For taking down and certifying the evidence of any witness examined before him, when the same is not taken down by a shorthand writer, for every folio.....	20

4. *For the Trial, &c.*

On setting down action for trial.....	1 00
For attendance at the trial of an action, to be paid by the party whose case is proceeding, per hour..	1 00
Swearing each witness.....	20

On a final decree in an uncontested action.....	2 00
On a final decree in a contested action.....	4 00
For attendance before the judge when any order is made or act done, other than pronouncing a final decree.....	1 00

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 \$ 5 00 To 15 00
For preparing the report of a reference.....	

6. *For Taxations.*

For taxing a bill of costs:—

If the bill does not exceed <i>ten</i> folios.....	2 00
For every folio beyond <i>ten</i>	20
6	

7. *For Office Copies, Searches, &c.*

For a copy of any document, for every folio (in ad- dition to the fee for sealing).....	\$ 10
For search.....	20
For a general search.....	50

Note.—No search-fee is to be charged to a party to the action, while the action is pending, or for one year after its termination, or to any seaman.

II.—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, ac- cording to the case, in the discretion of the judge, per day.....	} From \$ 5 00 To \$25 00
---	------------------------------

Note.—The above fees shall be paid to the registrar, for the assessors, and in the first instance by the party preferring the claim.

III.—BY A COMMISSIONER TO EXAMINE WITNESSES.

For administering any oath or declaration.....	\$	20
For taking down and certifying the evidence of any witness examined before him, when the same is not taken down by a shorthand writer, for every folio		20

IV.—BY A COMMISSIONER TO TAKE BAIL.

For attending the execution of any bailbond	\$	2 00
For taking any affidavit of justification.....		50

V.—BY THE MARSHAL OR SHERIFF.

For the service of a writ of summons or subpoena, if served by the marshal or a sheriff.....	\$	1 00
For executing any warrant or attachment.....		4 00
For keeping possession of any ship, goods, or ship and goods (exclusive of any payments necessary for the safe custody thereof), for each day		50

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 Custom-House officer or other authorized person.

On release of any ship, goods, or person from arrest		2 00
For attending the unlivery of cargo, for each day...		8 00
For executing any commission of appraisement, sale, or appraisement and sale, exclusive of the fees, if any, paid to the appraiser and auctioneer..		4 00
For executing any other commission or instrument..		4 00

On the gross proceeds of any ship, or goods, &c., sold by order of the court:—

If not exceeding \$400.....		4 00
For every additional \$400, or part thereof.....		2 00

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

For attendance at the trial of an action to be paid by the party whose case is proceeding, per hour..	\$	1 00
Calling each witness.....		20

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, but not to exceed 10 cents per mile travelled.

VI.—FEES TO BE TAKEN BY APPRAISERS.

Each, per appraisal.....	} From \$ 2 50 To \$10 00
(This fee may be increased to a sum not exceeding \$30.00 in the discretion of the judge.)	

VII.—BY THE SOLICITOR.

Retaining fee.....	\$ 2 00
For preparing a writ of summons (to include attendances in the registry for sealing the same).....	2 50
For bespeaking and extracting any warrant or other instrument prepared in the registry (to include attendances).....	1 00
For serving a writ of summons or a subpoena.....	1 00
For taking instructions for a statement of claim or defence ..	4 00
For drawing a statement of claim or defence.....	4 00
For taking instructions for any further pleading.....	1 00
For drawing any further pleading	2 00
For drawing any other document, for every folio....	20
For fair-copying or engrossing any document, for every folio.....	10
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 1 00 To 4 00
For taking instructions for brief.....	
	} From 1 00 To 4 00
For attending counsel in conference or consultation	2 00
For attending to fee counsel.....	2 00
For attendance on any motion before the judge :—	
If with counsel.....	2 00
If without counsel.....	4 00
For attending the examination of witnesses before the trial, for each day :—	
If with counsel	4 00
If without counsel.....	8 00
For attendance at the trial for each day.....	} From 4 00 To 12 00
For attendance at the delivery of judgment, if reserved.....	
	2 00

For attendance at the hearing of a reference to the registrar for each day :

If with counsel	}	From	\$ 4 00
		To	8 00
If without counsel	}	From	4 00
		To	20 00

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 1 00

Note.—Where 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.....	50
For serving any notice	20
For extracting and collating any office copy obtained from the registry, for every folio	\$ 10
For correcting the press, for every folio.....	5
For attending the taxation of any bill of costs, not exceeding <i>ten</i> folios	2 00
For every folio beyond <i>ten</i>	10

VIII.—BY COUNSEL

Retaining fee.....	\$ 5 00		
For settling any pleading, interrogatories, or answers, &c	}	From	5 00
		To	20 00
For any necessary consultation in the course of the action.....	}	From	\$ 5 00
		To	10 00
For any motion.....	}	From	5 00
		To	15 00
For the examination of witnesses before the trial, for each day.....	}	From	10 00
		To	20 00
For the trial of an uncontested action			10 00
For the trial of a contested action, for the first day.....	}	From	15 00
		To	50 00
For each day after the first.....	}	From	10 00
		To	25 00
For attending judgment if reserved.....	}	From	5 00
		To	10 00
For the hearing of a reference to the registrar, for each day.....	}	From	10 00
		To	25 00

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.

IX.—BY SHORTHAND WRITERS.

For taking down and transcribing the evidence, certifying the transcript and transmitting the same to the registrar and supplying three copies thereof to the registrar, per folio.....\$ 20

If for any reason the evidence is not required to be transcribed, for each hour occupied by the examination..... 1 50

Such fees shall in the first instance be paid to the registrar for the shorthand writer by the party calling the witness.

If any such fee is not paid by the party liable therefor it may be paid by any other party to the proceeding and allowed as a necessary disbursement in the cause, or the Judge may make such order in respect of such evidence and the disposal of the action or proceeding as to him seems just.

Note—If evidence is taken down by a shorthand writer no fee for taking down and certifying to such evidence shall be allowed to the Registrar or Commissioner.

X.—BY WITNESSES.

To witness residing not more than three miles from the place to which summoned, per day.....\$ 1 00

To witnesses residing over three miles from such place..... 1 25

Barristers and attorneys and solicitors, physicians and surgeons, when called upon to give evidence in consequence of any professional service rendered by them, or to give opinions, per day..... 5 00

Engineers and surveyors, when called upon to give evidence of any professional service rendered by them, or to give evidence depending upon their skill or judgment, per day.....\$ 5 00

If the witnesses attend in one cause only, they will be entitled to the full allowance.

If they attend in more than one cause they will be entitled to a proportionate part in each cause only.

The travelling expenses of witnesses over ten miles, shall be allowed according to the sums reasonably and actually paid, but in no case shall exceed ten cents per mile travelled.

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