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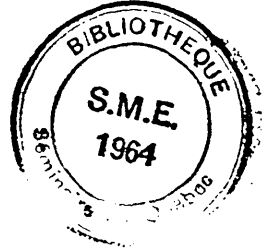
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R U L E S
AND
R E G U L A T I O N S



MADE IN PURSUANCE OF

AN ACT OF PARLIAMENT PASSED IN THE SECOND YEAR OF THE REIGN OF

His Majesty, King William the Fourth,

TOUCHING THE

PRACTICE TO BE OBSERVED IN SUITS AND PROCEEDINGS

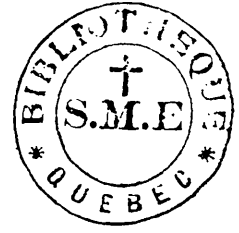
IN THE SEVERAL

COURTS OF VICE-ADMIRALTY

ABROAD,

AND ESTABLISHED BY THE KING'S ORDER IN COUNCIL.

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Quebec.
1833.

WHEREAS by an Act passed in the Second Year of His present Majesty, King William IV., entitled *An Act to regulate the Practice and the Fees in the Vice-Admiralty Courts abroad, &c.*, His Majesty is empowered to make such Rules, Regulations, and Fees, and to alter them from time to time, as may be found expedient, in the Vice-Admiralty Courts abroad; and whereas, by an Order in Council of the 23rd of June, 1832, His Majesty has been pleased to authorize us to carry into effect the following Rules, Regulations, and Tables of Fees, to be taken and received by the respective Officers of the said Courts, We send you herewith a Book containing Copy of the aforesaid Act, Order in Council, Table of Fees, and the Regulations of Practice to be observed in the Vice-Admiralty Court under your jurisdiction; and hereby desire and direct, that the Judge, Officers, and Practitioners in the said Court be governed by the same accordingly.

J. R. G. GRAHAM,
T. M. HARDY,
G. H. L. DUNDAS,
S. JOHN BROOKE PETCHELL,
G. BARRINGTON,
H. LABOUCHERE.

*To the Vice-Admiral, and the respective
Officers and Practitioners of the Vice-
Admiralty Court of Quebec.*

By Command of their Lordships,
JOHN BARROW.

ANNO SECUNDO GULIELMI IV. REGIS.

CAP. LI.

An Act to regulate the Practice and the Fees in the Vice-Admiralty Courts abroad, and to obviate Doubts as to their Jurisdiction.— *23d June, 1832.*

WHEREAS it is expedient that Provision should be made for the Regulation of the practice to be observed in the Suits and Proceedings in the Courts of Vice-Admiralty in His Majesty's Possessions abroad, and for the establishment of Fees to be allowed and taken in the said Courts by the respective Judges, Officers, and Practitioners therein: Be it therefore enacted by the King'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, that it shall be lawful for His Majesty, with the Advice of His Privy Council, from time to time to make and ordain such Rules and Regulations as shall be deemed expedient touching the practice to be observed in Suits and Proceedings in the several Courts of Vice-Admiralty at present or hereafter to be established in any of His Majesty's Possessions abroad, and likewise from time to time to make, ordain, and establish Tables of Fees to be taken or received by the Judges, Officers, and Practitioners in the said Courts, for all Acts to be done therein, and also from time to time, as shall be found expedient, to alter any such Rules, Regulations, and Fees, and to make any new Regulations and Table or Tables of Fees; and that all such Rules, Regulations, and Fees, after the same shall have been so made and established or altered, from time to time be entered or enrolled in the Public Books or Records of the said Courts, so far as such Practice and Fees shall relate or apply to each of such Courts respectively.

II. And be it further enacted, that a Copy of every Table of Fees so to be from time to time made and established or altered, shall be laid before the House of Commons within Three Calendar Months next after the making and establishment or alteration thereof respectively, if Parliament shall be then sitting, and if not, then within One Calendar Month next after the subsequent Meeting of Parliament.

III. And be it further enacted, that the several Fees so to be established, and no other, shall, from and after the making and establishment thereof, and the Entry and Enrollment thereof as aforesaid, be deemed and taken to be the lawful Fees of the several Judges, Officers, Ministers and Practitioners of the said respective Courts; and such Fees only shall and may be demanded, received and taken accordingly.

IV. And to the intent that all such Regulations and Fees may be promulgated and publicly made known, be it further enacted, that the Judge and Registrar of every such Court shall cause to be kept constantly hung up and preserved in some conspicuous part of every such Court, and in the Office of the Registrar, a Copy of the Table of Fees so to be from time to time ordained and established in such Courts respectively, so that the said Table may be seen and read by all Persons having any Business in any such Court and Office respectively; and that the Books or Records containing the Entries of the said Regulations and Tables of Fees, as the same shall be in force, shall be at all seasonable times open to the inspection of the Practitioners and Suitors in every such Court.

His Majesty empowered to make Regulations and establish Fees in the Vice-Admiralty Courts abroad.

Regulations and Fees to be enrolled in the respective Courts.

The Tables of Fees to be laid before the House of Commons.

Fees so established to be the only lawful Fees.

Copies of the Regulations & Tables of Fees to be hung up in each Court.

Appeal to the
High Court of
Admiralty in
Cases of Costs.

V. And be it further enacted, that in all cases in which proceedings may be had in any of the said Vice-Admiralty Courts, if any person shall feel himself aggrieved by the Charges made by any of the Officers or Practitioners therein, and the Allowance thereof by such Vice-Admiralty Court, by reason that such Charges are not warranted by the Tables herein-before mentioned, it shall be lawful for such Person or his Agent, under the Regulations to be established in pursuance of the Powers given by this Act, by summary application to the High Court of Admiralty to have the said Charges taxed by the authority thereof.

Vice-Admi-
ralty Courts to
have Jurisdic-
tion in certain
Maritime Cau-
ses.

VI. And whereas in certain cases doubts may arise as to the Jurisdiction of Vice-Admiralty Courts in His Majesty's Possessions abroad, with respect to Suits for Seamen's Wages, Pilotage, Bottomry, Damage to a Ship by Collision, Contempt in Breach of the Regulations and Instructions relating to His Majesty's Service at Sea, Salvage, and Droits of Admiralty; be it therefore enacted, That in all cases where a Ship or Vessel, or the Master thereof, shall come within the local limits of any Vice-Admiralty Court, it shall be lawful for any person to commence proceedings in any of the Suits herein-before mentioned in such Vice-Admiralty Court, notwithstanding the cause of action may have arisen out of the local limits of such Court, and to carry on the same in the same manner as if the cause of action had arisen within the said limits.

At the Court of St. James's, the 27th day of June, 1832,

PRESENT

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 19th Instant, in the words following, viz :

“Whereas by an Act passed in the second year of Your Majesty's Reign for the regulation of the practice to be observed in the Suits and Proceedings in the Courts of Vice-Admiralty in Your Majesty's Possessions abroad, and for the establishment of Fees to be allowed and taken in the said Courts by the respective Judges, Officers, and Practitioners therein, it is enacted that it shall be lawful for Your Majesty, with the advice of Your Privy Council, from time to time to make and ordain such Rules and Regulations as shall be deemed expedient, touching the practice to be observed in Suits and Proceedings in the several Courts of Vice-Admiralty, at present or hereafter to be established in any of Your Majesty's Possessions abroad ; and likewise, from time to time, to make, ordain, and establish Tables of Fees to be taken or received by the Judges, Officers, and Practitioners in the said Courts, for all acts to be done therein ; and also, from time to time as shall be found expedient, to alter any such Rules, Regulations, and Fees, and to make any new Regulations, and Table or Tables of Fees ; and that all such Rules, Regulations, and Fees, after the same shall have been so made and established or altered, shall, from time to time, be entered or enrolled in the public Books or Records of the said Courts, so far as such Practice and Fees shall relate or apply to each of such Courts respectively.

“And whereas among other provisions of the said Act it is ordained, with respect to doubts that may arise as to the jurisdiction of Vice-Admiralty Courts in His Majesty's Possessions abroad, or to Suits for Seamen's Wages, Pilotage, Bottomry, Damage to a Ship by collision, Contempt in breach of the Regulations and Instructions relating to His Majesty's Service at sea, Salvage and Droits of Admiralty, that in all cases where a Ship or Vessel, or the Master thereof, shall come within the local limits of any Vice-Admiralty Court, it shall be lawful for any person to commence proceedings in any of the suits before-mentioned in such Vice-Admiralty Court, and to carry on the same in the same manner as if the cause of action had arisen within the said limits.

“And whereas we deem it of great importance that one uniform system of practice should prevail in all the Vice-Admiralty Courts in Your Majesty's Colonies, we would most humbly submit to Your Majesty that Your Majesty will be pleased by Your Order in Council to authorize us to carry into effect the said Rules and Regulations touching the practice in Suits and Proceedings in the said Courts, as laid down in a Report of certain Referees appointed by the Lords Commissioners of Your Majesty's Treasury, and approved by the Judge and other competent Law Authorities of the High Court of Admiralty of England ; and also that the Tables of Fees proposed and approved by the said Authorities may be established by Your Majesty's Order in Council, as the only Fees to be taken and received by the Judges, Registrars, Marshals, Advocates, and Proctors of the Vice-Admiralty Courts of the respective Colonies, as laid down by the Referees, and approved by the Law Authorities above-mentioned.

“And further that we be authorized to carry into execution all other provisions contained and set forth in the Act of Parliament aforesaid.”

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed ; and the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions therein accordingly.

W. L. BATHURST.

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1

RULES AND REGULATIONS

TO BE OBSERVED IN THE SEVERAL

COURTS OF VICE ADMIRALTY.

§ 1. *As to the holding of Courts.*

COURTS are to be regularly held at short intervals by adjournment from day to day ; but the Judge is authorized to sit on any intermediate day as hereinafter provided, in case the dispatch of business, or other necessity shall require. The practice which has prevailed in many of the Vice-Admiralty Courts of presenting a petition to the Judge to appoint a day for holding a Court, is from henceforth to cease.

The Judge is to be at convenient times accessible at his chambers, that he may be, if necessary, consulted by the Registrar on any incidental matter, or for the purpose of hearing a motion by Counsel, or directing the sale of perishable goods, or doing any other act which the emergency of a case may render requisite to be done.

§ 2. *Surrogates.*

The admitted Advocates of each Court are to be appointed Surrogates, to do, in the absence of the Judge, ordinary, or common form acts (but none other), such as the administering an oath to a witness, decreeing a monition, taking bail, and the like ; but in those Courts in which the Advocate is allowed to act as Proctor also, no judicial act of any kind is to be sped by a practitioner in any cause in which he may be professionally retained or interested.

When an Advocate is to be admitted a Surrogate, he is to attend with the Registrar before the Judge, and, on being sworn faithfully to execute his office, is to be admitted. The Registrar is then to make an entry of such admission in the Minute or Assignment Book, and attest the same.

§ 3. *Registrar and Marshal to be sworn.*

The persons to be appointed to execute the several offices of Registrar and Marshal are to be sworn faithfully to perform their respective duties.

§ 4. *Registry Office.*

The Registry of the Court is to be accessible to suitors at convenient hours in the day throughout the year ; and a person of competent skill and knowledge is to be in regular attendance there, for all requisite purposes.

§ 5. *Registrar's Duties.*

The duty of the Registrar is to attend all sittings of the Court, and also before the Judge, or Surrogate in Chambers, and to make minutes of every act of Court or decree, and to enter the same in an Assignment Book, to be kept for the purpose, which is to form a record of the proceedings of the Court ; he is to file, or take the custody of all pleas, depositions, documents, exhibits, and papers brought into Court, recording the receipt thereof in the Assignment Book, briefly stating the papers so received, and the date of their receipt. He is to take the depositions of all witnesses examined upon pleas and interrogatories. If from illness, or any other sufficient cause, he should be unable to perform this duty, he may, with the consent of the Judge, appoint some other competent person to act for him on those occasions. He is to make, or procure to be made, translations of such documents in foreign languages brought into Court as may be required by the Judge, or by the Proctor of either party. He is to make and to attest copies of all records, documents, and papers that may be requisite. He is to draw all bail-bonds, or recognizances, and to be present at and attest the execution thereof before the Judge or Surrogate. He is to prepare, sign, and seal all warrants, commissions, and instruments issuing under the seal of the Court. He is also to collect from the practitioners, and receive for the Judge's use, the fees payable to him. He is to have the custody of all monies paid into Court, and to remit them when required, by bills of exchange or other valid securities, to England. He is prohibited from acting either as Advocate or Proctor in any suit, matter, or proceeding in the Court of which he is a Registrar.

§ 6. *Marshal's Duties.*

The Marshal is to attend the Judge in Court on all court-days. He is to enquire and report as to the sufficiency of persons proposed for bail. He is to execute all such warrants, decrees, monitions, and other instruments as shall be issued from the Court, and be directed to him; and he is to make due returns thereof.

In cases where, in order to avoid expence, it may be deemed requisite to employ others than the Marshal to execute process at any great distance from the Court, the instrument is to be addressed as follows:—

“To all and singular Mayors, Justices of the Peace, Bailiffs, Constables, Officers and ministers of Justice, or literate persons whomsoever, and more especially to the Collector and Comptroller of our Customs at the port of——;” or in some similar form, if more appropriate to the existing authorities in the colony.

And on those occasions either the Collector or Comptroller of the Customs is to be preferred, unless they are parties to, or interested in, the suit.

And with the same view of avoiding expence, it is expedient that other duties which properly belong to the office of Marshal, and which require to be performed at a distance from the Court, be executed by others; in which cases, commissions are to be addressed specially to any competent persons, by name, resident near the place where such duties are to be performed.

§ 7. *Proceedings by Action.*

These are to commence with an entry by a Proctor, in a book to be kept in the Registry for that purpose, called the “Action Book,*” of the action in a given sum sufficient to cover the demand and the probable amount of costs; but this sum is on no account to be excessive. Before any warrant is issued, the party applying for the same is to exhibit to the Registrar an affidavit,† setting forth the nature of the demand, that application for payment has been made without effect to the parties concerned, and that the aid and process of the Court are required for the enforcement thereof. Upon the leaving of this affidavit in the Registry, a warrant,‡ specifying the amount of the action, may issue to arrest the property proceeded against, or the person in cases where personal arrest is lawful; but personal arrest is never to be resorted to when the ends of justice can be otherwise obtained. The Proctor, having obtained the warrant from the Registrar, is to make a copy of it, and then deliver the warrant and copy to the Marshal, with instructions for the execution of the process. If the instrument is to be served on a ship, cargo, and freight at different places; as many different copies thereof as are requisite, must be made by the Proctor for that purpose. Every copy is to be examined with the original by the Marshal, or the person serving the instrument.

§ 8. *Execution of Warrants.*

When a ship is, or a ship and cargo are, to be arrested, the warrant is to be affixed on the mainmast or some conspicuous part of the vessel for a short time, and a collated copy of it left on board; and when goods only are to be arrested, (either for the purpose of proceeding against such goods or the freight due thereon,) the warrant is to be affixed for a short time on part of the goods, and a collated copy thereof left thereon, or with any person in whose actual custody the goods may be.

In cases of personal arrest the warrant under the seal of the Court must be shewn to the party before he is taken into custody.

A certificate § of the service of every warrant executed by the Marshal is to be endorsed thereon, and signed by him, in which he is to set forth the time when, and the mode by which the service was effected.

When a warrant is served by any other person than the Marshal, there must be, in addition to a similar certificate of the person serving it, his affidavit in the verification thereof.¶

The warrant having been served is to be delivered back to the Proctor, to be by him returned into the Registry at the time when it purports to be returnable; and the Registrar is then to attend with the Proctor before a Judge or Surrogate, and enter a minute in the Assignment Book, that the warrant has been returned duly served and executed.¶¶

* See forms of Actions, No 1 to 14.

† See Forms of Warrants, No. 21 to 34.

‡ See the Form of this Affidavit, No. 38

§ See Affidavits to lead Warrants, No. 15 to 20.

¶ See Forms No. 35 to 37.

¶¶ See Form of Minute No. 39.

§ 9. *Appearance and Bail.*

After the entry of an action, and before the issue of a warrant, the defendant may voluntarily appear and give bail, and thus avoid the expense consequent on the issue of process.

An appearance alone, without any bail, may be sufficient for the purpose of contesting a suit, but in cases of the arrest of property or of the person, either the demand must be satisfied, or competent bail given before the property or person is released from the arrest.

In order to avoid unnecessary detention when the arrest is to take place at a distance from the Court, a commission for taking bail is to accompany the warrant, as an authority to the party serving the warrant to release the individual or the property on sufficient bail being given.

§ 10. *Proceeding by Default.*

In the case of property arrested, and no party appearing after the return of the warrant, the cause may proceed by default, or *pœnam contumaciæ*. To this end, on the day the warrant is returned, the parties cited and not appearing, are, at the petition of the Proctor, to be pronounced by the Judge or Surrogate to be in default, and an entry to that effect is to be added by the Registrar to the minute on the return of the warrant in the Assignment Book.*

At the expiration of two months from the return of the warrant, if no appearance be given, the parties cited are again to be pronounced in default, and the promoter is to be entitled to a decree pronouncing for the amount of his demand, and giving him a lien on the property; which decree is to be drawn by the Proctor, who, after it has been perused and settled by the Registrar, is to make a fair copy of it for the Court.†

An affidavit in verification of all the facts mentioned in the decree is to be made by the party proceeding, which affidavit is to be drawn by the Proctor, and submitted to the Registrar.‡

The Proctor is then to prepare a short case detailing the proceedings, which, with a copy of the affidavit, he is to deliver to counsel as instructions to move the Court to sign the decree, of which, when signed by the Judge, the Registrar is to make a minute in the Assignment Book.§

On the same Court day, or on any subsequent adjourned Court day, if an affidavit ¶ of two persons is exhibited, stating that the property proceeded against is perishable and likely to deteriorate in value, the Judge is to direct a decree of appraisement and sale to issue, of which the Registrar is also to make an entry.¶¶ This decree is then to be delivered by the Registrar to the Proctor, and by the latter to the Marshal, with instructions for its execution.** The Marshal is thereupon to select a broker, or other person conversant with the value of the property, and to administer an oath to him justly and faithfully to inventorize and appraise the ship, her tackle, apparel, and furniture, or the goods, as the case may be. An inventory and appraisement are then to be made, and the Marshal is to cause the property to be publicly advertised by printed bills or otherwise, and, after sufficient public notice of the intended sale, to be sold by auction. The sale being completed, the Marshal is to return the decree (with his certificate as to the execution thereof) into Court, or before the Judge or Surrogate in Chambers, and to bring in at the same time the inventory and appraisement, with a more extended return of the Marshal †† and appraiser, signed by them, setting forth the particulars and the value of the ship or goods as appraised; and he is also to bring the account of sales and proceeds into the Registry within the time specified in the decree.‡‡

If the property be of considerable value, two brokers or appraisers may be employed, provided there is sufficient reason for the same. The property is never to be sold under the appraised value, unless by special order of the Court; and if the appraised value cannot be obtained after an attempt to sell, the Marshal is to exhibit an affidavit,§§ of at least two persons, stating that the property had been duly advertised and put up at public auction, when only a certain sum was bid for the same. And if the Judge be then satisfied that all has been done as properly and fairly as if the owner himself had been selling his own property, he is to direct the same to be sold at a reduced price, but not for less than a sum which he in his discretion is to fix. A minute ¶¶ of such order is to be entered by the Registrar in the Assignment Book, and the property is then to be offered again to sale by public auction.

* See Form of Minute, No. 40. † See Forms Nos. 41 and 42. ‡ See Forms Nos. 43 and 44.
 § See Forms Nos. 45 and 46. ¶ See Form No. 47. ¶¶ See Minute on granting a Decree of Appraisement and Sale, No. 49.
 ** See Decrees of Appraisement and Sale, Nos. 49 and 50. †† See Forms of Return, Nos. 51 and 52
 ‡‡ See Form of Minute, No. 53. §§ See Form No. 54. ¶¶ See form No. 55.

When the proceeds are brought into the Registry, the Registrar may pay out of Court to the party proceeding, on his application for that purpose, the amount of the debt pronounced for, together with the costs of the suit, the same being first duly taxed and allowed by the Judge.

When a decree pronouncing for the interest of a party proceeding by default has been signed by the Judge, if any other party should also proceed against the property, he will be entitled, on motion of Counsel, to have his interest pronounced for by an interlocutory decree,* after the warrant has been returned two months, and a second default has been incurred in his particular suit. On this occasion a similar affidavit must be exhibited to that required on obtaining the decree for the interest of the party who had originally proceeded by default.

The balance of proceeds, if any remain in the Registry after satisfying the amount pronounced for and costs, may, on production of the Ship's Register, or other satisfactory evidence of ownership, be paid out to the owner. But if his application be made within a year and a day from the return of the warrant, he is to give bail to answer latent demands.†

The sufficiency of sureties is to be reported upon by the Marshal, and the bail must be given in the manner hereinafter mentioned respecting bail to answer an action in a contested suit.

In a case proceeding by default or *in pœnam*, the owners of the property are to be allowed to contest the suit at any time before the expiration of a year and a day from the return of the warrant; but if they neglect to appear until they have been pronounced in default, they must, on appearing, pay contumacy fees, viz. all the costs occasioned by such their neglect, including the charges for keeping possession beyond the time specified in the warrant for its return, which costs are to be taxed by the Court.

§ 11. Contested Suits.

In contested suits the property remains in the custody of the Court, but if the release thereof be a material object to the owner, or to the party defendant, it may be delivered to him on sufficient bail by two persons severally in the amount for which the action has been entered. Causes of possession, however, are not bailable unless by the special direction of the Judge. Bail to answer an action, and all bail bonds or recognizances are to be given, in the following manner:

The Proctor who is to produce the sureties is to furnish the Marshal and also the adverse Proctor with the particulars, in writing, of the names of the proposed bail, their address and occupation; and the Marshal, having made due enquiry as to their sufficiency, is to deliver his report ‡ thereon to the Proctor proposing the bail, who is then to instruct the Registrar to prepare the bail-bond.§ The Registrar, the two Proctors, and their sureties, are then to attend the Judge or Surrogate, and, upon the recognizances being duly entered into, the property is to be released upon an instrument¶ to be drawn by the Marshal and issued immediately after bail has been given. This form is to be dispensed with when the bail is taken by commission.

It is competent to the adverse Proctor to object to the proposed sureties, in which case the Judge is immediately to decide on the validity of the objections. If the adverse Proctor do not attend at the production of the sureties, the bail may be taken *ex parte* upon an affidavit, ¶ to be prepared by the Proctor producing them, that he has given twenty-four hours' notice in writing of their names, address, and occupation, which affidavit is to be left in the Registry.

Should a party appear under protest, either objecting to the jurisdiction of the Court or on any other ground on which he means to contend that he is not liable to answer the action, his appearance must be entered by the Registrar in the Assignment Book as given under protest, and the party so appearing is to be assigned to deliver his act on protest to the adverse Proctor within a limited time.** The same course of proceeding is to be pursued on the act on protest as in cases of acts on petition (hereafter stated) up to the time of the hearing, when the Judge is either to pronounce for the protest and dismiss the suit, or overrule the protest and assign the party to appear absolutely, and the cause is then to proceed as if no appearance on protest had been given.

In contested suits the facts may be established either by libel or plea, and the examination of witnesses thereon styled "Plea and Proof;" or by an "Act on Petition," supported by affidavits, to which may be annexed exhibits or other documents to be verified in the affidavits.

* See Form No. 56.

§ See Bail-Bonds, No. 59 to 67.

† See Form of Bond, No. 57.

‡ See Form of Release, No. 68.

** See Form of Act, No. 70.

¶ See Form of Report, No. 58.

¶ See Form of Affidavit, No. 69.

§ 12. *Proceedings by Plea and Proof.*

When an appearance has been entered, the defendant is entitled to an assignation on the plaintiff to exhibit a libel within a time to be limited by the Judge.

The libel or plea is to be drawn by the plaintiff's Proctor* and settled by Counsel, and then a fair copy, signed by Counsel, is to be made for the Court, and brought in pursuant to the assignation;† a copy is also to be delivered to the adverse Proctor, and each Proctor is entitled to make copies for the use of his Counsel at the hearing.

There may be annexed to the libel or plea, documents or exhibits pleaded or referred to therein, of which copies are to be made in like manner, the originals being brought into Court. And upon the libel or plea being brought in, the Judge is to assign to hear, on admission thereof, on the next Court day, or at a time to be named by him. The defendant's Proctor may then lay the libel or plea before Counsel for his advice, if the same be opposable, and if it be deemed by him not sufficient in law (supposing it be true) to warrant the plaintiff's prayer, the admission of it may be opposed; whereby if the plaintiff has no legal cause of action, the suit may be stopped *in limine*, it being the duty of the Judge to reject all pleas, which, if assumed to be true, will not justify him in pronouncing a decree for the party giving in such plea. Or if the plea contains matter unnecessary or irrelevant to the cause of action, or is drawn in too diffuse or argumentative a manner, the admission thereof may be opposed. Upon these objections coming on to be debated, the Judge will order the plea to be admitted, reformed, or altogether rejected as he shall see cause. If ordered to be reformed, the Judge will in his discretion direct the objectionable matter to be expunged and other points modified.‡ If ordered to be rejected, such rejection puts an end to the suit.

On the libel being debated, a case on each side is to be prepared by the respective Proctors, and delivered to Counsel with copies of the libel and of the exhibits, if any, which copies, however, must afterwards serve for the use of the Counsel at the final hearing.

Pleas, the admissibility of which is not objected to, are admitted to proof of course.

Pleas or allegations given in a subsequent stage of a cause, may be admitted, reformed, or rejected in a similar manner.

On the libel being admitted, the Proctor giving in the same is to be assigned to prove its contents by evidence within a time to be limited by the Judge, and the party giving in the plea is entitled, if he desires it, to the personal answers in writing of the adverse party.§ In that case a decree for answers is to be extracted from the Registry and served on the party, by shewing him the original under seal, and leaving with him a copy thereof. The answers are to be drawn by the Proctor for the party required to give in the same, who must answer specifically to all the facts or allegations in the plea which are within his own knowledge, by either admitting or denying the same; and as to all matters, he must answer to his belief or disbelief.

No extraneous or irrelevant matter is to be introduced, but the party may set forth any matter necessary to explain his answer. If any facts are introduced which are capable of proof by witnesses, they must be established by evidence regularly taken on a plea. The answers|| are to be settled by Counsel, and then the party attended by his Proctor is to be sworn¶ to the truth thereof before the Judge or Surrogate in the presence of the Registrar, who is to make and sign an attestation at the foot thereof. The Registrar is then to file them and make a minute** in the Assignation Book, of their having been sworn and brought into Court. The adverse Proctor may immediately inspect them without waiting for publication, and may have an office copy of them. And if they be insufficient, redundant, or contain matter not pertinent, may be objected to in the same manner as a libel or plea.

If after the return of a decree personally served, the party does not give in his answer within the time assigned, the Judge may decree an attachment against him for his contumacy; but, notwithstanding this measure, the Proctor for the plaintiff may proceed with the production of his witnesses and take other requisite steps in the cause.

§ 13. *Examination of Witnesses.*

The name of the witness†† and a designation of the specific articles of the libel or plea on which he is to be examined, must be delivered to the adverse Proctor and to the Registrar or Examiner, whereupon the Proctor giving in the plea is to attend the witness and produce him before the

* See Libels, No. 71 to 75.

† See Form of Minute on bringing in Libel, No. 76.

‡ See Minutes admitting, reforming, or rejecting Libel, No. 77 to 80. § See Decree for Answers, No. 81.

|| See Answers, No. 82 to 85.

¶ See Oath, No. 86.

** See Minute, No. 87.

†† See Form, No. 88.

Judge or Surrogate, in Court or chambers, when the witness is to be immediately sworn in the presence of the Registrar.* Due notice of his intended production must be given to the adverse Proctor, who may attend if he think fit. On the witness being so sworn, the Registrar is to make an entry thereof in the Assignment Book.†

The deposition in chief is not to be taken upon written interrogatories, but by relevant questions put *vivâ voce* by the Registrar or Examiner,‡ and arising out of the circumstances pleaded, but not so put as to lead the witness. If there are several pleas, witnesses are to be examined on each plea. The witness must not be dismissed until the lapse of twenty-four hours from the time of his production, so that the adverse Proctor may have an opportunity to cross-examine him by interrogatories in writing if he think fit; and this time may be extended on reasonable cause to be shewn by the Proctor through the Registrar to the Judge.§ Such interrogatories are to be drawn by the adverse Proctor, and, when practicable, settled by Counsel. They are then to be copied for and signed by Counsel, and delivered to the Registrar, with instructions as to the particular interrogatories to be administered to each witness. When the witness has been examined in chief, and also upon interrogatories, if any are to be administered, the depositions in chief, and also the answers to the interrogatories (if any,) are to be read over to or by the witnesses and signed by him, and he is then to attend with the Registrar before the Judge or Surrogate in chambers, and make a declaration that he knows the contents of his deposition, and that the same are true in virtue of the oath by him taken on his being produced; and an attestation thereof is to be made at the foot of the deposition by the Registrar or Examiner.

The evidence of the witnesses is in all cases to be kept closely sealed, and the contents thereof are not to be divulged until publication shall have been passed; after which, but not sooner, the Proctor administering the interrogatories, if any are administered, is to deliver a copy thereof to the Proctor producing the witness.

In the event of any witness refusing to attend to be examined, his necessary expences having been tendered to him (but not otherwise,) a compulsory or subpoena,|| to be prepared by the Registrar, may be extracted, and served on the person so refusing to attend, by shewing to him the original instrument under seal, and leaving with him a collated copy thereof, and if he do not appear to this process, an attachment may issue against him for his contempt.

The witnesses for the plaintiff being all examined, his Proctor may on the first court-day afterwards pray publication of the evidence, which is to be decreed to take place at a time to be fixed by the Judge;¶ and at the expiration of that time it is imperative on the opposite party to plead if he intends to do so at all; for this purpose, he is to attend before the Registrar or Surrogate, and declare in a minute** of Court that he intends to offer an allegation†† or counter-plea, and the same must be brought into Court within a reasonable time, to be assigned by the Judge. In that case, publication of the evidence must be stayed until the allegation be disposed of, either by being admitted or rejected by the Court, or by the party abandoning the intention of giving it in. If admitted, publication must be stayed until the whole evidence in the cause be taken. In the event of no allegation or counter-plea being given, or, if given, being rejected by the Court, or withdrawn by the party, publication of the evidence is to take place; and thereupon the depositions may be inspected on each side, and copies thereof furnished to the parties at the request of their Proctors, who may make copies thereof for their respective Counsel.

After the evidence has been inspected, neither party can claim as a matter of right to give any further plea or allegation in the principle cause; but if the Judge shall be satisfied by affidavit that there is any matter important to the issue, which could not have been pleaded before by reason that knowledge thereof had not come to the party prior to, or that the fact had occurred after the publication, the Judge in his discretion may allow such matter to be pleaded.

Allegations exceptive to the testimony of witnesses†† may be given after publication in cases only where the matter on which they are founded, arises out of the evidence of the witness or witnesses excepted to, and where the contradiction, if proved, would tend materially to destroy his or their credit; but no allegation exceptive to the testimony of witnesses is to be admitted, if the facts it contains either have been or could have been pleaded before publication. After publication, no allegation, pleading generally that the witness is not worthy to be believed on his oath, is to be received. Any such allegation, when offered, must precede publication, and must plead generally that the witness is of bad character and reputation, and not to be believed on his oath without imputing to him any specific charges.

* See Oath, No. 89. † See Minute, No. 90. ‡ See Forms used in the High Court of Admiralty, No. 91 to 95.
 § See Forms, No. 96 to 99. ¶ See Form No. 100. ¶ See Minute, No. 101. ** See Minute No. 102.
 †† See Forms of Allegations, No. 103 to 107. †† See Forms Nos. 108 and 109.

When several pleas are given in a cause, witnesses are to be examined on each plea; and all other steps are to be pursued in the same manner as directed in respect of the plaintiff's libel.

It is the duty of the Proctors to take especial care that the libel and defensive allegation contain all the facts material to the decision of the cause, so that several pleas may not unnecessarily be given.

When publication shall have taken place on all pleas, the cause is to be set down to be heard at a time to be appointed by the Judge. Counsel are to be furnished with copies of all material papers, viz. pleas, exhibits, and depositions of witnesses, but not of warrants, decrees, or other formal instruments, unless from circumstances the contents of such instruments may be material to the discussion of the cause. A case for hearing on each side is to be prepared by the respective Proctors, briefly stating the proceedings which have taken place, and calling the attention of Counsel to the decree which each party may pray the Judge to pronounce. The evidence is not to be abstracted, nor are documents of which Counsel are furnished with copies to be more than merely described in the case. All lengthened details are to be avoided, but the attention of Counsel is to be directed to the principal points. A reasonable fee is to be paid to Counsel on the hearing; and if the case takes more than one day in argument, a moderate additional or refreshing fee is to be given for each subsequent day. Definitive sentences in writing are only requisite in derelict and piratical cases. In other causes the judgment may be given by interlocutory* decree, and entered by the Registrar in the Assignation Book,

If it become necessary to enforce a judgment, a monition† is to be taken out against the party principal and his bail, and served in the manner before directed in regard to instruments requiring personal service. Upon the return into Court of the monition, with a certificate of its due service indorsed thereon, and the tenor thereof not being obeyed, the Judge, upon motion of Counsel, may decree an attachment‡ against the person of the party moribised for his contempt; directing either the attachment to issue immediately, or to be suspended for a reasonable time, as circumstances may in his judgment require. This attachment § is to be extracted from the Registry. The previous service of a monition may not always be necessary. Where the disobedience is manifest upon the face of the proceedings, and it is clear that the order of the Court must be known to the party, an attachment may be decreed without a previous monition; but in cases where sureties are to be attached, a previous monition is indispensable. Upon compliance with the order for disobedience of which the attachment issued, and upon payment of the costs of the attachment, the Marshal, or other person executing it, is to release the party, certifying to the Judge fully what has been done but in cases of doubt he may resort to the Judge for directions previous to the release.

§ 14. *Proceeding by Act on Petition.*

In case bail has been given to the action, a minute is to be made in the Assignation Book by the Registrar, assigning the Proctor for the party proceeding to deliver his act on petition to the adverse Proctor by a time to be fixed by the Judge. The Proctor is then to set forth the facts of his case || in a plain narrative manner, without argument, and concluding with his prayer. This, having been settled by Counsel (for which purpose he is to be furnished with a copy), is to be copied fair for the Court, and then delivered to the adverse Proctor that he may reply thereto, and with the reply, it must be returned to the Proctor of the party proceeding, that he may make a rejoinder thereto if necessary. The reply and rejoinder must also be settled by Counsel in the same manner as the act.

The facts alleged in the act on petition are to be supported by affidavits; and any necessary exhibits, or documents annexed thereto, are to be verified in such affidavits, which are to be confined to the material averments, and are not to be settled by Counsel.

Should any delay occur in the delivery of the act from one Proctor to the other, either of them may allege the same, in the presence of the Registrar, before the Judge, who is to direct the act to be returned by a time to be specified; and if it be not returned by that time, or good cause shewn for the delay, the Judge is to assign to hear the act on petition *ex parte*, that no unnecessary postponement may take place, for which purpose a copy of the act, instead of the original, together with the affidavits on behalf of the party, must be brought in by the Proctor applying to have the cause so heard.

* See Interlocutory Decrees, No. 110 to 130.

† See Monitions, No. 131 to 135.

‡ See Minutes, No. 136 to 136.

§ See Attachments, No. 140 to 145.

|| See Acts on Petition, No. 146 to 148.

When the article is concluded, it is to be signed by both Proctors who are to attend before the Judge or Surrogate, in the presence of the Registrar, to bring in the same, together with the original affidavits and exhibits. No further affidavits or documents are to be afterwards received, unless by leave of the Judge obtained on special application. The Judge is then to appoint the cause for hearing, and thereupon one copy of the affidavits and exhibitions is to be made for each of the Counsel, and one for the adverse Proctor, to be delivered to him when the originals are brought in. The adverse Proctor is also to make copies for his own Counsel. The same rules, as to the preparing the case for hearing, delivering copies of papers, fees to Counsel, and the same proceedings for enforcing obedience to the decree, are to be observed as in a cause conducted by plea and proof.

§ 15. *Suits for Mariners' Wages*

The same regulations as to the arrest of a Ship, the subsequent proceeding by default or *in pœnam*, and the rules for conducting a cause by plea and proof, are to be applicable to the suit of a mariner for his wages, which is called a cause of subtraction of wages, in which the mariner may proceed against the ship, freight, and master, or the ship and freight, or the owner or the master alone; and any number of mariners, not exceeding six, may proceed jointly in one action.

When an appearance is given, the Proctor for the party proceeding is entitled to an assignation on the defendant* to bring into Court the mariner's contract and ship's books; and he is not compelled to file his libel until they are so brought in.

The libel, if in common form and pleading no special matter, should state the hiring, rate of wages, performance of service, and the refusal of payment; and should have annexed to it a schedule, stating the whole amount of wages, with the sum received on account, and the balance claimed to be due. This plea is termed a summary petition, and should not be settled by Counsel

§ 16. *Suits for Pilotage.*

Suits for the recovery of pilotage, where no party appears to defend the action, may be conducted by default or *in pœnam*. When contested, the proceeding will be by plea and proof; the libel or plea, as in suits for wages, if containing no special matter, is also called a summary petition, and need not be settled by Counsel.

§ 17. *Suits of Bottomry.*

These suits may likewise be conducted by default or *in pœnam*, and ships may be sold, in virtue of a decree of the Court, for the payment of bottomry bonds without any appearance having been given to defend the action.

When the validity of the bond is contested, the cause generally proceeds by act on petition and affidavits, but the party promoting the cause may, if he thinks proper, proceed by plea and proof: and it is competent to defendant, on his appearance, to require the cause to be conducted in that manner, for which purpose he must pray the Judge to assign the promoter to bring in a libel.

Before the warrant is extracted from the Registry, the original bond must be exhibited to the Registrar in addition to the usual affidavit.

§ 18. *Causes of damage by Collision.*

These causes may also be prosecuted by default or *in pœnam*. When defended, the suit is conducted by plea and proof, and differs in no respect from that mode of proceeding already detailed.

Suits of Damage by Beating or Assault on the High Sea.

In these cases the suit is by plea and proof, and the warrant is necessarily against the person.

Prosecutions for contempt in breach of the Maritime Law, and of the Regulations and Instructions relating to His Majesty's Service at Sea.

These prosecutions can only be instituted on complaint by an Officer in His Majesty's Navy, and under the directions of the Lord High Admiral or the Commissioners, for executing the office of Lord High Admiral of the United Kingdom, or of some one of the Admirals or Commanders in Chief of the naval squadrons abroad, and are to be conducted in the following manner:—

An affidavit† of two persons is to be exhibited by the Proctor for the Crown, stating the name and description of the party intended to be proceeded against, and detailing the particulars of the offence committed, which affidavit, with a short case, is to be delivered to the Advocate for the

* See Minute, No. 149.

† See Affidavit, No. 150.

Crown to move the Judge to decree the warrant of arrest, who, in making the decree, is to specify the amount of the bail to be given as he shall consider sufficient to ensure the personal appearance of the party prosecuted when judgment shall be pronounced. This amount is to be stated in the Action Book and on the face of the warrant. The Marshal is then to execute the warrant by the arrest of the person of the offender, who is to be liberated on giving sufficient bail, which is to be taken in the usual manner.

On the appearance being given, the Proctor for the Crown* is to be assigned to exhibit articles pleading the offence within a short time to be specified by the judge.

These articles are to be prepared by the Proctor for the Crown, and may be settled by Counsel, and the cause is then to proceed like other suits, by plea and proof, with the following exceptions :

1st. On the articles or plea being admitted to proof, the defendant must be assigned to declare in act of Court, within a reasonable time, generally whether he denies the facts pleaded, which is termed giving a negative issue, or whether he confesses them, which is termed giving an affirmative issue.

2ndly. In case of an affirmative issue, the judgment of the Court may be immediately pronounced on which occasion the defendant is to be allowed to exhibit affidavits in mitigation of punishment but not to deny the offence charged.

3rdly. Extended personal answers in writing to the different positions or averments of the articles cannot be required from the defendant.

4thly. Where a negative issue is given the defendant may be at liberty to offer a defensive plea.

After the evidence is taken, if the Judge shall decide that the charge is established, he will proceed to give sentence, imposing the fines due by law on the defendant and condemning him in the costs. In very aggravated cases the defendant may also be imprisoned for a limited time. Affidavits in mitigation may be offered and are to be received when the offence has been proved by evidence.

§ 19. Suits for Salvage

The ordinary course of proceeding is by act on petition, but in cases where no appearance is given these suits may be prosecuted by default or *in panam*. The property must on no account be released from arrest until a value shall be agreed upon between the parties and alleged in minute† of Court, which is to be entered by the Registrar in the Assignment Book.

If the value cannot be agreed upon, a decree‡ of appraisement must be extracted by the Proctor for the salvors, and executed and returned into Court before the property is released. This constat of the value is necessary both for regulating the amount of bail to be taken, and for guiding the Judge at the final hearing in fixing a proper remuneration for the services of the salvors, with reference to the value of the property saved.

§ 20. Causes of Possession.

These causes are to commence by the entry of an action at the suit of the owners or owner of a majority of interest in the ship, and a warrant is to be issued to obtain possession thereof from any party who may withhold the same. No amount of action need be inserted in the Action Book or on the face of the warrant.

An Affidavit§ of the party proceeding is to be prepared by the Proctor, and laid before Counsel, with a short case stating the circumstances, in order to move for the warrant, which can be obtained only on motion of Counsel. The affidavit need not previously, as in other cases, be left in the Registry. On this occasion the Judge or surrogate is to be attended by the Proctor, Counsel, and Registrar; and the Judge on reading the affidavit, if it be satisfactory, will, on motion of Counsel,¶ decree the warrant citing all persons in general to appear and answer to the party proceeding in a cause of possession. The warrant having been served on the ship, is to be returned into the Registry, and if no appearance be given within a month from such return, the Judge, if satisfied that the party proceeding has a majority of the legal interest, is, on the affidavit originally brought in or on further proofs, if necessary, being exhibited on motion of Counsel on the next regularly adjourned Court-day, by interlocutory decree to order possession of the ship to be delivered to the party proceeding, or if necessary assign a further limited time for entering an appearance, and on any subsequent regularly adjourned Court-day in like manner pronounce his decree, which is issued by the Registrar from the Registry.¶

* See Form, No. 151.

§ See Form, No. 154.

† See Minute, No 152.

¶ See Minute, No. 155.

‡ See Decree, No. 153

¶ See Form, No.

Should any party appear to contest the right of possession, the cause is to proceed by act on petition and affidavits, the ship remaining in the custody of the Court until the final hearing, because the object of the suit which is to obtain actual possession of the property cannot otherwise be secured.

Upon an interlocutory decree being pronounced in favor of either party, a decree of possession is to be issued accordingly.

During the dependence of the suit on proof by affidavit being exhibited that the ship's register is in the possession of any person whomsoever, a monition* may be issued requiring him to bring it in, or shew cause why it should not be brought into the Registry to abide the event of the suit. Or after the hearing, should the ship's register remain in the possession of any person, the Judge may on proof thereof issue a monition† directing him to deliver up the same to the party in whose favor the decree has been made.

Causes of possession may also be conducted by plea and proof at the option of either party.

§ 21. *Action to obtain Security for the safe Return of a Vessel.*

Actions of this description occur when a part owner is dissatisfied with the management of his co-owners, and requires the ship to be restrained from proceeding on a voyage until bail shall be given for her safe return to the port to which she belongs.

An affidavit‡ of the party is first to be made setting forth the number of shares of which he is the legal owner, that he is dissatisfied with the management of the ship, and is desirous of obtaining bail for her safe return to the port to which she belongs, to the amount of the value of his shares, which value is to be stated in the affidavit. And upon this affidavit, which need not previously be left in the Registry, the Judge or Surrogate in chambers is to be moved by Counsel to issue the warrant of arrest.§

The action should be entered in the amount of the value of the shares of the party proceeding, and in a further moderate sum to cover the costs; and on bail || being given, the vessel is to be released and allowed to proceed on her voyage.

In case of the parties differing as to the value of the vessel, she must be appraised under the authority of the Court; and the actual value of the shares of the party proceeding at the period of giving bail, whether the ship be appraised or not, is the amount to be recovered in case the bond shall ultimately be pronounced to be forfeited.

The costs of the arrest are to be borne by the party proceeding; and the costs of giving bail by the defendant, unless the Judge shall see cause to order otherwise.

In the event of the loss of the vessel before her return to the port to which she belongs, (until which time the bail bond remains in force,) the party principle and his sureties may be called on by monition¶ to shew cause why they should not bring in the amount of their recognizances, in order to abide the judgment of the Court. To obtain this monition an affidavit must be exhibited, shewing that the bond has become forfeited, and it must be moved for by Counsel before the Judge or Surrogate. The monition when obtained requires personal service.

Should an appearance be given and the suit be contested, the Proctor of the party proceeding is to be assigned to deliver an act on petition to the adverse Proctor, and the cause is then to take the same course as other cases conducted by act on petition.

§ 22. *Derelict Cases*

In cases of derelict the action is to be entered and the warrant extracted by the Proctor for the Admiralty, without any amount of action being stated in the Action Book or on the warrant, and no affidavit is necessary to obtain the warrant, which, when issued, is to be served by affixing it for a short time on the ship or goods found derelict, and by leaving thereon affixed a true copy thereof. The warrant is then to be returned by the Proctor into the Registry.

After the lapse of three months from the return of the warrant, (the property remaining in the custody of the Court,) the Judge, on the next regularly adjourned Court-day, at the petition of the Proctor, and on his allegation** in Court that the warrant has been returned upwards of three months, and that no appearance has been given, is to decree a monition†† to issue, calling upon all persons to appear and shew cause why the property should not be condemned, at the expiration of a year and a day from the return of the warrant, as droits and perquisites of His Majesty in his

* See Form, No. 157.

§ See Minute, No. 160

** See Minute, No. 163.

† See Form, No. 158.

|| See Form of Bond, No. 161.

‡ See Form, No. 159.

¶ See Form No. 162.

†† See Monition, No. 164.

office of Admiralty. The monition is to be made returnable at three months after its date, to be served by affixing the original for a short time either on the Court-House or on the Exchange, or place of common resort of merchants, or as the usage of the colony or settlement may be, and by leaving thereon affixed a true copy thereof. The object of this general service is to give utmost publicity, so that the contents of the monition may be most likely to reach the knowledge of all parties interested. After this service, the monition is so to be returned into the Registry with a certificate of service indorsed thereon.

If the property be in a perishable condition, and the Judge be satisfied by affidavit at any period after the arrest that it would be for the benefit of all parties interested therein that the same should be forthwith sold, it may be appraised and sold under the direction and authority of the Court, and the proceeds paid into the Registry.

At the expiration of a year and a day from the return of the warrant, if no claim or appearance be given for the owners, the Judge, on the next regularly adjourned Court-day, is to proceed to condemn by sentence the property as droits and perquisites of His Majesty in his office of Admiralty. The sentence* is to be prepared by the Proctor, who is to make a fair copy thereof for the Judge's signature, which is to be signed in Court in presence of the Registrar, and a certificate† is to be added by the Registrar on the sentence, and a minute made in the Assignment Book of the same having been so signed.

The owners of property proceeded against as derelict, may appear at any time before the termination of the cause, and claim the same without being liable to any fees of contumacy incurred prior to their appearance. The claim, with an affidavit‡ in verification thereof, is to be drawn by the Proctor, and should set forth the name, residence, and occupation of the owner, the title of the party to, and the identity of, the ship or goods claimed. Documents or exhibits in support of the affidavit may be annexed thereto. When the claim and affidavit have been settled by Counsel, the proctor is to attend his party before the Judge or Surrogate, to be sworn to the same in the presence of the Registrar, and the Judge will then assign to hear on admission thereof on the next Court-day, or at any other time to be by him fixed, of which notice is to be given to the parties. A copy of the affidavit and claim is to be given to the Proctor for the Crown, and if the Counsel for the Crown be satisfied that the party claiming is entitled to restitution of the property, he is to consent to the same being restored, which on motion of Counsel § before the Judge may be immediately done on payment of the salvage, and the expenses on behalf of the Crown. The instrument of restitution|| is to be prepared by the Registrar, and extracted from the Registry by the Proctor for the claimant. The interests of salvors are always to be protected, and to this end, if restitution be consented to, and if salvage has not been previously paid, bail¶ to our Sovereign Lord the King, in his office of Admiralty, in a sum sufficient to answer salvage, must be given by two persons on behalf of the owners before the instrument of restitution is to be issued.

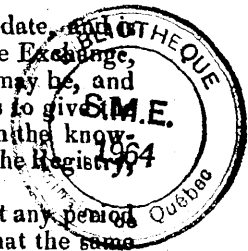
If the title to the property is contested, the cause must come on to be heard in Court; a case and papers being delivered to Counsel as in other contested causes.

§ 27. *Prosecutions for breach of the Revenue or Navigation Laws.*

An affidavit** is to be made by the seizer, detailing the grounds of the seizure and the circumstances attending the same, to which, in the case of a vessel being seized, is to be annexed all original papers that have been delivered up at the time of seizure, and which must be verified in the affidavit. Or if the ship's papers have been concealed, thrown overboard, or destroyed, the fact of such concealment or destruction should be stated in the affidavit.

The affidavit†† is to be exhibited to the Judge or Surrogate, who is to decree a monition‡‡ to issue, returnable fourteen days after service, citing by name the owners or persons implicated (if known) in special, and all others in general, to appear and shew cause why the forfeiture should not be decreed, and the penalties due by law pronounced for; but where the parties are not known the monition must only cite all persons in general.

When the monition specifies the names of the parties cited, it must be personally served on them like other instruments requiring personal service, and must also, like other monitions where the names of parties are not mentioned, be served on the Exchange or Court-house, or other public place, as before directed respecting instruments requiring service against all persons in general.



* See Sentence, No. 165.

† See Minute, No. 166.

‡ See Forms, Nos. 167 and 168.

§ See Forms of Interlocutorys, No. 122 to 130.

|| See Form, No. 169.

¶ See Form of Bond, No. 170.

** See Forms, Nos. 203 and 204.

†† See Minutes decreeing same, Nos. 205 and 207.

‡‡ See Monitions, Nos. 203 and 211.

The monition having been served and no appearance being given, the Judge is to proceed by interlocutory decree to condemn the property : but such condemnation is not to take place on any other than a regularly adjourned Court-day, and not until the expiration of fourteen days from the return of the monition, and if it has been personally served, the Judge may, without requiring any further evidence than the affidavit to lead the monition, pronounce for the penalties due by law.

If a personal service of the monition cannot be effected by reason that the persons named therein have purposely absented themselves to avoid the service, the Judge may pronounce a similar decree; but if he has reason to believe that the persons named in the monition are *bonâ fide* ignorant thereof, he is to reserve his judgment so far as relates to the penalties sued for, and also as to the property, should any doubt arise upon the evidence.

In the case of a monition citing all persons in general, and not describing any person by name, no penalties can be pronounced for, but if the persons by whom the offence was committed shall afterwards be discovered, a subsequent monition may be issued in the same suit against him or them for recovery of the penalties.

In order to move for the interlocutory decree,* a case, with a copy of the affidavit, must be delivered to Counsel.

A claim may be given on behalf of the owners at any time before the interlocutory decree, and the claimant may, if he think fit, require the seizer to file an information or libel, to which the claimant may give in a responsive plea or allegation, and the case will then proceed by plea and proof in the manner before mentioned.

To the claim must be annexed an affidavit, containing the names, descriptions, and residence of the owners, and a detail of all the circumstances on which the claimant means to rely as the grounds of his defence.

The claim and affidavit† are to be prepared and given in as directed in derelict cases; but in compliance with the Act 6 Geo. IV. cap. 114, sec. 62, security must be given on behalf of the claimant in the sum of £60 sterling,‡ to answer costs before any claim can be received.

Upon a claim being filed, the Judge, with the consent of the Collector and Comptroller of the Customs, may order the delivery of the property to the claimant, on his giving bond, with two sufficient sureties, to answer double the value of the same, as provided by the 58th section of the said Act.

The Court, on the application of the officer of the Customs, or parties interested, may, at any time before condemnation, direct the property to be sold, if it shall satisfactorily appear by affidavit that a sale will be beneficial to all parties interested.

When a claim is given, and no libel prayed, the Court may proceed to adjudge the case upon the facts and circumstances stated in the affidavits on both sides;§ but if it shall appear to the Judge that the case is not sufficiently proved by such evidence, he may direct an information or libel to be filed by the seizer,|| and give leave to the claimant to file a responsive allegation; in which case witnesses are to be examined on both sides, and the cause will proceed as in plea and proof cases.¶ After condemnation, the sale must take place according to the provisions of the 56th section of the said Act.

In order to remedy complaints which have been made of the burthensome law charges in the Colonies, on proceedings in revenue cases of small value, it is directed, that any number of seizures, not exceeding in the aggregate value £500, and not individually exceeding the sum of £100 may be included in one monition, and that different seizing officers may proceed conjointly in the same prosecution,—care being taken that the monition, and also the libel where that proceeding is required, be drawn conformably with the several circumstances, and that the different seizures be described in separate articles or counts of the libel or information. And to obviate any possible delay in the proceedings of the seizing officer**, any claimant is to be at liberty to take out a monition†† against the seizer, returnable three days after service thereof, requiring him immediately to proceed to the adjudication of the property seized. For this purpose and also to enable the seizer to determine whether to proceed separately as to one seizure, or to wait for the chance of including other seizures in the same process, by a consideration of the expenses of warehousing and custody of the seizure, the seizer is, without delay, in all cases where the

* See Forms, Nos. 212 and 213.

† See Forms, Nos. 214 and 215,

‡ See Bond, No. 216.

§ See Interlocutory Decrees, Nos. 217 and 218.

|| See Libel, No. 219.

¶ See Interlocutory Decrees, Nos. 220 and 221.

** See Minute, No. 222.

†† See Monition, No. 223.

probable amount of the seizure does not exceed in value £100, to report the facts to the Registrar of the Court.

In cases where it shall be deemed necessary to proceed immediately without waiting for other seizures, and the value is under £100, the several charges of the proceeding and adjudication are to be reduced £25 per cent. upon the usual charges; and if the property separately proceeded against does not exceed the value of £50, one half of the usual fees only are to be charged.

§ 28. *General Rules to be observed in Practice.*

Subduction of an Action.

If a party proceeding, determine to abandon his suit, or has compromised the same, he may at any period be allowed to subduct the action; to which end, the Proctor who has extracted the warrant is to sign a short entry to that effect in the Action Book, and the property, if any have been arrested, is to be immediately released.

§ 29. *Tender.*

Whenever a tender is made on behalf of a defendant to pay a certain sum of money, the sum tendered must be brought into the Registry, and an undertaking given for payment of the costs incurred up to that time; this must be done before the Judge or Surrogate, in the presence of the Registrar and the adverse Proctor, and a minute* thereof is to be entered in the Assignment Book, and the Proctor for the plaintiff is to be assigned to declare whether he will accept the tender or not, within a time to be limited by the Judge.

If the tender be refused, and the Courts shall ultimately consider the same to have been sufficient, the plaintiff, in general cases, is to be subject to all the costs incurred subsequent to the refusal, but under special circumstances, where the enforcement of this rule may be attended with injustice or hardship, the Court may exercise its discretion by forbearing to condemn him in costs.

§ 30. *References.*

In cases where a reference of the subject in litigation may be expedient, the Judge, either for his own satisfaction or at the instance of either of the parties, may refer any accounts or demands, or any matter incidental thereto, to the Registrar, directing him to take to his assistance one or two merchants, and to investigate and report on the matter. The merchants to be selected by the Registrar and approved by the Judge.

The reference being ordered, the Registrar is forthwith to make an appointment with the Proctors of the parties and with the assistant merchant or merchants, and all necessary documents being produced, the Registrar and merchants are to hear the matters in dispute discussed by the Proctors and the parties principal, or their agents. The Registrar is afterwards to draw up the result of the investigation, and of their joint deliberation thereon, in a written report, † to be brought into Court, and a minute ‡ to that effect is to be thereupon made in the Assignment Book.

The Judge is to direct the report to be confirmed, unless objected to by either party by the succeeding adjourned Court-day, or within a time to be limited by him. The report may be confirmed at the prayer of either of the Proctors, § and either may object to the report wholly or in part; but the party objecting must so declare in act of Court, and is to be assigned by the Judge to deliver in an act on petition, setting forth his objections to the adverse Proctor, within a time to be limited. And the subsequent proceedings are then to be conducted as on all other acts on petition.

§ 31. *Taxation of Costs.*

The Proctor of the party who has obtained a decree or order condemning another party in the costs, is to furnish the adverse Proctor and the Registrar each with a copy of his bill, and to attend the Registrar to procure an appointment to tax the same, of which notice is to be given to the adverse Proctor, that he may be present thereat; and if he shall decline, or neglect to attend, the taxation may proceed in his absence upon an affidavit being exhibited to and filed with the Registrar, shewing that a copy of the bill had been furnished, and that twenty-four hours' previous notice of the appointment had been given to him.

If the amount of the costs ascertained by the Registrar be not forthwith paid, the Registrar is to report the amount to the Court, when, if no objection be made, the Judge is to sign the bill, which completes the taxation, and a minute ¶ thereof is to be entered in the Assignment Book.

* See Minute, No. 224.

§ See Minute, No. 227.

† See Report, No. 225.

‡ See Minute, No. 226.

¶ See Minute, No. 223.

If the adverse Proctor be dissatisfied with the amount proposed to be allowed, he is, on the same being reported and before the bill is signed by the Judge, so to declare in Court; and in that case the Judge is to assign him to deliver an act on petition* in objection to the taxation within a short time to be specified, and subsequently the same course is to be pursued as in other acts on petition.

When the Judge has signed the bill, whether as originally reported by the Registrar, or with any subsequent alteration, he is to decree a monition † for payment thereof: and if the costs be not immediately paid, such monition may be extracted and served as usual, and may be followed up by attachment if necessary.

§ 32. *Incidental Monitions.*

In any cause, however commenced, monitions may incidentally become necessary, which are to be made returnable at a period to be fixed by the Judge; and if the tenor of the monition be not complied with, the Judge, on proof that it has been duly served, may enforce obedience thereto by attachment.

§ 33. *Commissions.*

Commissions to take bail, to take the answers of parties to a libel or allegation, to take the oaths of parties or others to affidavits, to examine witnesses, and the like, may, under the authority and at the discretion of the Judge, issue in cases where the parties reside at so great a distance that the transaction of the business by commission will be attended with less expense than their personal appearance before the Court.

Commissions may also issue for the unlivery of a cargo, for the appraisement or sale of a ship or cargo, or for the appraisement and sale of a ship and cargo in cases when, by reason of the distance, the Marshal cannot be conveniently employed for the purpose without great expense. ‡

All commissions are to be directed to respectable merchants, or professional men named by the Proctors; and when they can agree thereto, one Commissioner will be sufficient, otherwise a Commissioner is to be nominated by each party.

§ 34. *Acts on Petition.*

In cases where any incidental matter may become the subject of dispute, and either of the parties shall desire it, or if the Judge shall deem it necessary for his own satisfaction to have the facts further elucidated, he may direct the circumstances to be set forth in an act on petition.

§ 35. *Appeals.*

All appeals from decrees of the Vice-Admiralty Courts are to be asserted by a party in the suit within fifteen days after the date of the decree, which is to be done by the Proctor declaring the same in Court; and a minute thereof is to be entered in the Assignment Book. § And the party must also give bail within fifteen days from the assertion of the appeal in the sum of £100 sterling, to answer the costs of such appeal.

In all cases, however, in which an appeal is asserted, except respecting slaves, the Judge may proceed to carry his sentence into execution provided the party in whose favour the decree has been made give bail to avoid the event of the appeal, ¶ by two sureties in the amount of the value of the property or subject in dispute, together with the further sum of £100 sterling to answer costs, in the event of the same being awarded by the superior Court.

The party appealing, having complied with these regulations, is then to cause the Judge and Registrar to be served with an inhibition from the High Court of Admiralty, restraining them from further proceeding in the cause, and also with a monition to transmit the process.

This process will consist of a fair copy of the proceedings under the seal of the Vice-Admiralty Court, to be made and signed by the Registrar, at the expense of the party ordering the same, which is to be transmitted to the superior Court pursuant to the monition.

The proceeds, if in Court, or in the hands of any individual, must, on a special monition for that purpose being § served, be remitted to the Registrar of the High Court of Admiralty or Court of Appeal.

§ 36. *Regulations as to the Sittings of the Court.*

Before the rising of the Court, the Judge is always to adjourn the same to a day to be by him fixed at his discretion, and proclamation thereof is thereupon to be made in open Court, by the

* See Minute, No. 229.

† See Monition, No. 135.

‡ See Forms, No. 230 to 235.

§ See Form, No. 236.

¶ See Form, No. 237.

Marshal or Officer of the Court. It is, however, competent to the Judge, notwithstanding such adjournment, subsequently to appoint an intermediate day or days, as may appear to him to be necessary, for the expediting any particular cause or causes before the Court.

Forty-eight hours' notice of such intermediate Court-days must always be published in the Gazette, or public newspaper of the Colony by the Registrar, at the expense of the party at whose instance or for whose benefit the Court is to be so called, which expense is to be paid by the Proctor.

Care is always to be taken that on such intermediate Court-days, no assignation be sped, or order made, precluding the right, or to the manifest injury of any absent party, when it shall appear that he cannot have received sufficient notice of the sitting of the Court; and absent parties are always to be entitled to the favourable consideration of the Judge, if on the next succeeding regularly adjourned Court-day cause shall be shewn why an assignation made on any intermediate Court-day had not been complied with

In like manner, when an assignation has been made for an act to be done by a limited time, shall not have been duly complied with, and an intermediate Court-day shall be subsequently held, parties who cannot by possibility have been cognizant of such intermediate Court, and who may have very conclusive reasons to allege why they have been unable to comply with such assignation, are not to be prejudiced by the enforcement of the same on such intermediate Court-day.

§ 37. *As to the Return and Service of Warrants, Monitions, and other Instruments.*

In general cases, warrants, monitions, and other instruments are to be made returnable, and parties cited to appear at the Registry, either on a certain day mentioned, or at the expiration of a certain number of days after service, to be specified in the instrument, and between any two hours of the day most usually appropriated to public business.

Monitions to pay costs or a sum of money, or to do any specific act within a certain number of days, are to be returnable at the expiration of the usual hours of business at the Registry, on the furthest or last day assigned to the party to do the act.

If no appearance be given thereto, the Registrar is immediately on the expiration of the time specified to attend before the Judge or Surrogate in Court or Chambers, with the Proctor who is to return the instrument; and the proceedings are subsequently to be continued according to the requisites of the cause. The day of such return is the period from which is to be reckoned, for all future purposes, the contumacy or default of the party cited and not appearing.

Instruments against all persons in general, and which are served only on the ship or goods, or on the Exchange, or principal resort of merchants, or on the Court-house, can only be further proceeded or *in pœnam* on the regularly adjourned Court-days. But an instrument which has been personally served and duly returned, may be followed up by all further proceedings, even to attachment, without more regard to the regularly adjourned Court-days than would be necessary respecting any other incident in the proceedings, because in such cases the party who has been served must always be aware of the liabilities to which he is exposed by his own laches, or contempt.

If an instrument be served on a ship, or goods laden on board a ship, when the master is on board, and the action be one to which he ought to appear and become a defendant, such service may, for the purpose of future proceedings, be considered equivalent to a personal service on him.

Whenever any monition or other instrument is served by any other person than the Marshal, the certificate* of the service thereof must be verified by an affidavit of the person serving the same.

All warrants, monitions, and other instruments requiring ulterior proceeding *in pœnam*, in case of no appearance or of non-obedience, must be duly returned at the time specified for their return; and if not then duly returned, no further proceedings can be had thereon.

§ 38. *Interlocutory Decree.*

The interlocutory decree, which must always be moved by Counsel, is the final act of adjudication in the principal cause of action in any suit. But in some few instances a suit may be terminated without it, viz:—

Where a libel is rejected.

Where a defendant is dismissed because the promoter does not bring in his libel.

Where a protest is pronounced for, and the party appearing under protest is dismissed.

Where an action is subducted.

* See Form of Certificate and Affidavit, No. 238.

If sureties apply to be dismissed from their recognizances, it must be done by interlocutory decree; but if they are dismissed by the interlocutory decree in the principal cause, no further decree of that kind is necessary for their dismissal.

The fees due to the Judge and Officers on an interlocutory decree, are chargeable to all parties* who receive benefit under the same; thus, in a case of derelict, the fees are chargeable to the claimant who obtains restitution of the property, and to the salvors to whom salvage may be awarded.

No decree is to be made, nor Act of Court to be sped by the Judge or Surrogate, without the presence of the Registrar, by whom a minute or record thereof must be made and attested, except only in case of the Registrar's unavoidable absence, on which occasion the Judge or Surrogate may assume an actuary to attest *pro hac vice* the act to be done. Any practitioner of the Court, provided he be not concerned in the suit in which the act is to be done, may perform this part of the Registrar's duty, attesting by his signature the entry of the act in the Assignment Book.

§ 39. *Monitions.*

If a monition be not decreed at the time an interlocutory decree is made, it may, at the petition of the Proctor on either side, be decreed on any Court-day afterwards.

No monition to pay costs can be extracted until after such costs shall have been regularly taxed by the Court.

§ 40. *Proxies.*

Although proxies are not usually exhibited in maritime suits, yet they may sometimes be required, in order to prevent Proctors from proceeding in causes on instructions from parties not being themselves entitled to intervene, or not having a legal *persona standi* to prosecute a cause.*

§ 41. *Other General Rules.*

Upon the execution of commissions to take bail, the sureties must always justify their sufficiency before the Commissioners, by being sworn to an affidavit,† to be drawn by the Registrar and annexed to the commission; and when bail is not taken by commission, and the Court orders the sureties to justify, a similar affidavit must be made.

When a cargo has been delivered to the consignee, and he has not paid the freight, or when freight has been paid, and is in possession of the owner of the ship, master, broker, or any other person, such freight may be arrested by service of a warrant, upon the consignee or the person in whose hands the freight remains.

The same course is to be pursued when, under similar circumstances, a monition is to be served to bring the freight into the Registry.

All commissions of unlivery, of appraisement, and of appraisement and sale, are to be extracted by the Proctor for the plaintiff or promoter in the cause.

In those Courts in which it may be necessary that the same individual should act as advocate and Proctor, he may elect in which of the two capacities his fee, in those instances where the duties are necessarily exercised together, shall be charged, and the practitioner is in no instance to be allowed to receive fees for the same business in both capacities, nor to take a fee as Counsel where the act of a Proctor only is necessary. The same rule will apply to the fee specified in the table for a consultation in any intermediate stage of the proceeding, should a "necessity arise to resort to Counsel for advice;" but an Advocate's fee for consultation is not to be charged on any occasion where a reference to Counsel would not have been necessary. The Practitioner in such cases is only to be entitled to the fee for consultation as a Proctor.

If the Practitioner charges the Advocate's fee for motion necessarily made by Counsel before the Judge in the progress of the cause, he is not to charge or be allowed the Proctor's fee for attending such motion, and where he charges the Advocate's fee "for the hearing," he is not also to charge or be allowed the Proctor's fee "for attending informations on the final hearing;" nor is he in any case, when acting as Counsel in the cause, to charge the Proctor's fee for attendance to fee Counsel.

In the case of the charges for drawing, and the fee for settling any plea, affidavit, interrogatories, answers, and the like, the Practitioner acting in both capacities is not to be entitled to the full fee

* See Proxy, No. 239.

† See Form of Affidavit, No. 240.

for drawing, and to charge a copy to settle, and also a fee for settling the same; but may be allowed, instead thereof, to charge such fee as the table prescribes for the Advocate on settling, and also a moiety of the charges allowed by the Table to the Proctor for drawing and copying.

It being provided by the 5th section of the Act, under the authority of which these Regulations are established, that persons feeling themselves aggrieved by the allowance of any charges made by any Officers or Practitioners in the said Vice-Admiralty Courts, as not warranted by the established Tables of Fees, may have such charges retaxed by the authority of the High Court of Admiralty of England, upon summary application thereto.

It is requisite, when such applications are intended to be made to that Court, that a set of the copies of all papers previously made out and used in the proceedings upon which the charges objected to have arisen, or so many of them as may be necessary to explain or support the disputed charges, be transmitted to England; or if such copies cannot be transmitted without incurring an expense disproportionate to the object, it will be sufficient, as a substitute for the same, that an affidavit be made stating summarily the nature of the proceedings and the decree in the cause, a description of the different papers and the number of folios contained in each of them, and such facts or circumstances as will explain the nature of the cause and the charges objected to; which affidavit is to be filed in the Registry of the Vice-Admiralty Court, to give the Officer or Practitioner whose charges may be objected to, an opportunity of replying thereto, which he should do within a period not exceeding fourteen days, to be limited by the Judge, who is then to order the costs already taxed to be referred for revision to the High Court of Admiralty, with copies of the affidavits. But, previous to any such order of reference being made, the party complaining must pay to the adverse Proctor such part of the allowed charges as is not objected to, and must bring the remainder into the Registry of the Vice-Admiralty Court, to abide the decision of the High Court of Admiralty.

NOTE.—*The foregoing Rules and Regulations touching the practice and proceedings in the several Courts of Vice-Admiralty Abroad, are extracted from a Report addressed to the Lords Commissioners of His Majesty's Treasury, drawn up and signed by*

JAMES FARQUHAR,
H. B. SWABEY,
WILLIAM ROTHERY,

and perused and approved by

HERBERT JENNER,
JOHN DODSON,
STEPHEN LUSHINGTON,

And the whole, together with the Table of Fees for the respective Colonies (regulated and approved by the same persons,) were submitted to and approved by the Right Honorable Sir CHRISTOPHER ROBINSON, Judge of the High Court of Admiralty.

TABLE OF FEES

TO BE TAKEN BY THE

JUDGE, REGISTRAR, MARSHAL, ADVOCATES, AND PROCTORS

OF THE

VICE-ADMIRALTY COURT

AT

QUEBEC.

JUDGE.

No Fees to be allowed to the Judge. His Salary to be, in lieu of all Fees

Sterling Money.
£. s. d.
200 0 0

BY THE SURROGATE.

Fees in the Progress of a Suit or Cause.

For administering an Oath as to a Witness or Party in a Cause. Taking Bail, whether by one or more Persons. Decreeing Monition, Commission, Attachment, or any other Instrument; or for any Judicial Act done before or after the hearing of the Cause..... 0 1 6

BY THE REGISTRAR.

1. *Fees on Instruments prepared by the Registrar.*

For Drawing and Engrossing—Warrant to arrest Ship, Goods, or Person—Copy and Filing Affidavit.....	0	4	6
Bail Bond.....	0	4	6
Monition, Commission, or Decree, whether of Unlivery, Appraisement or Sale, or otherwise.....	0	9	0
Writ or Instrument of Restitution.....	0	9	0

	Sterling Money.		
	£	s.	d.
Compulsory or Subpœna against Witnesses.....	0	3	0
Writ of Attachment.....	0	9	0
If either of the preceding Instruments exceed in length ten folios, for every folio beyond ten.....	0	1	0

NOTE.—The folio mentioned throughout this Table of Fees must contain ninety words, reckoning each figure as a word.

Should the Registrar be required to prepare any other Document, Instrument or matter whatsoever, not specified in this Table, he will be entitled to the same charge as a Proctor, viz :—

For Drawing, for every folio.....	0	1	0
For Fair Copying or Engrossing, for every folio.....	0	0	6

2. Fees on Documents not prepared by the Registrar, but by the Proctor, Solicitor, or Advocate in a Cause.

On a Decree, pronouncing for the interest of a Party proceeding <i>in pœnam</i> , being signed by the Judge, including the drawing the Act.....	0	6	0
On filing Affidavit or Protest of a Master or Mariners, without reference to the number of persons making the same.....	0	1	6
On filing Libel, Information, Claim, Proxy, or similar Document.....	0	2	3
On filing Exhibit annexed thereto, or to any Affidavit.....	0	0	6
On signing (or filing) personal Answers of a Party in a Suit, including drawing the Act.....	0	3	0

3. Fees on taking the Examination of Witnesses.

On the Examination of every Witness on an Information, Libel, Interrogatories or Plea, (whether <i>vivâ voce</i> or otherwise) a fee of.....	0	4	6
For each folio to which the Examination shall extend, if in English.....	0	1	0
If by Interpretation (Interpreter included).....	0	2	0

NOTE.—It should be understood, that the Registrar, or whoever acts as the Examiner for him, should take Depositions in chief of the Witnesses, on the Libel, Information, or Plea itself, without written Interrogatories; putting each relevant questions, *vivâ voce*, as may suggest themselves; and care should be taken not to lead the Witness. The Libel, Information, or Plea, should therefore always be drawn sufficiently precise and full to enable the Examiner to take the Examinations accordingly.

The Cross-examinations must, of course, be taken on written Interrogatories.

4. Fees on Office Copies of Papers or Proceedings,

For office Copy of Sentence or Interlocutory Decree, certified under Seal.....	0	6	0
For Office Copy of any Affidavit, Examination, Answers of a Party, or other documents, or Proceedings in a Cause, or Extract therefrom, if under twelve folios.....	0	4	6
If exceeding twelve folios, for each folio beyond twelve.....	0	0	6
Office Copies of Papers and Proceedings to form a Process, to be transmitted to the Court of Appeal, or for any other purpose, for each folio contained therein.....	0	6	0

5. Fees on Translation of Papers.

Where papers are translated, the Registrar should charge the Disbursement actually made to the Translator, with an addition of one-fourth, to compensate himself for his trouble, advance, &c.

6. *Incidental Fees in the Progress of a Cause.*

	Sterling Money		
	£	s.	d.
On Subduction of an Action.....	0	4	6
For entering every ordinary Act of Court not specified in this Table.....	0	1	0
On every Default pronounced against Parties in Contempt, in Cases proceeding <i>in penum.</i>	0	4	6
On every Interlocutory Decree, or Sentence, including drawing the Act to be paid by the Party succeeding.....	0	9	0
For every Attendance before a Judge or Surrogate, at which any Decree is made, other than an Interlocutory or Sentence including the Act, drawing the Act	0	4	6
For a Receipt for original Documents delivered out of the Registry.....	0	1	6
On a Search or Examination of the Records, by any Person not being a Party in the Cause in which the Search is made.....	0	1	0
NOTE.—No Fee to be charged to a Party in the Cause, or to any Seamen, applying for a Search.			
For advertising an intermediate or Extra Court Day, in addition to the sum paid for Advertisement.....	0	4	6

7. *On Paying out Money.*

For preparing Receipt for Money to be paid out of the Registry.....	0	1	6
Poundage on Money paid out of the Registry, for every Pound sterling.....	0	0	2

8. *Taxing Costs.*

For taxing a Bill of Costs, if under six folios, from the Party at whose instance the Taxation takes place.....	0	4	6
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9. *References of Accounts, &c., by the Judge, to the Registrar and Merchants.*

To the Registrar.....	2	2	0
To the Assistant Merchant.....	2	2	0

If two Merchants, Two Guineas each.

BY THE MARSHAL.

For arresting a Vessel, Goods, or Person.....	0	18	0
For keeping possession of a Vessel and Cargo, jointly, or either of them singly, when the same are not under the responsible charge and custody of the Officers of the Customs, for each day in which they remain in the Marshal's charge, exclusive of charge for keepers when necessary.....	0	3	0

NOTE.—This Fee not to be chargeable in cases where the Goods have been put into Store or Warehouse.

For inquiring into and certifying the sufficiency of Persons proposed as Sureties in any Suit.....	0	2	3
For release of a Vessel, Goods, or Person, from Arrest.....	0	2	3
For executing any Monition, or Decree for Answers of a Party, or Compulsory, or other Instrument not specified.....	0	4	6
For every Default or Decree, pronounced for the interest of a Party proceeding <i>in penum.</i>	0	3	0

TABLE OF FEES.

QUEBEC.]

	Sterling Money.		
	£	s.	d.
For every attendance in Court, when a Sentence or Interlocutory Decree is pronounced.....	0	4	6
For executing any Decree or Commission of Appraisement, exclusive of the Appraiser's Fees, but-including the making of the Inventory, if the value should not exceed £500 sterling.....	1	1	0
For the like Duty, when the value exceeds £500 sterling.....	1	16	0
For executing every Decree or Commission of Sale of Ship, or Goods, by Public Auction, when the gross proceeds are under £200 sterling.....	1	1	0
And on every additional £100 sterling.....	0	10	6
On attending the execution of a Decree or Commission of Unlivery of Cargo (when not done for the purpose of Sale), per Day.....	0	16	0
For taking a Person in Execution after Sentence, if the Sum due from such Person does not exceed £20 sterling.....	0	18	0
For the like duty when the sum is above £20 and under £50 sterling.....	1	16	0
For the like duty when the sum is above £50 and under £100 sterling, for every Pound sterling due.....	0	1	0
And on every additional Pound sterling after the first £100.....	0	0	6

NOTE.—Should it be necessary for the Marshal to go any distance to execute any of the above Duties, there should be paid to him for Loss of Time and Travelling Expenses, in addition to the preceding Fees, the following:—

If the distance exceeds Four and be under Six miles.....	1	1	0
If the distance be still greater, the allowance to be increased by an addition of 2s. 3d. for each additional league and his reasonable disbursements.			

BY THE ADVOCATES.

As the professions of Advocate and Proctor are not as yet separated in Lower Canada the Fees of both are inserted under the following head.

BY THE ADVOCATES AND PROCTORS.

Retaining Fee, Instructions to prosecute or defend.....	0	10	6
For attending before the Judge, or Judge Surrogate, either in Court or Chambers.....	0	6	0
On extracting any Warrant, Monition, Commission, Writ, or other Instrument.....	0	6	0
Drawing Libel, Information, Claim, and Affidavit, Act on Petition, Responsive Plea (or Replication) to Libel or Information, or Act on Petition.....	0	18	6
Engrossing Copies, each.....	0	9	0
Drawing Interrogatories, Answers, Affidavits, or any other Proceeding whatever, not herein specified, for each folio.....	0	1	0
Fair Copying or Engrossing, for every folio.....	0	0.	6

NOTE.—It should be understood that in preparing Interrogatories for the cross-examination of Witnesses, they are not to be drawn separately for each Witness to whom the same are to be administered, but that when practicable, as in most instances will be the case, one set of Interrogatories should be prepared generally applicable to all the Witnesses.

For Consultation with Party, for the purpose of taking Instructions for the Libel, Information, Plea, Act on Petition, or for any other important purpose, during the dependence of a Suit.....	0	6	0
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	Sterling Money.		
	£	s.	d.
The Fee for the final Hearing must depend upon the length of the Evidence and the importance and difficulties of the Cause ; but in cases of no great intricacy, the Fee should be from Two to Three Guineas, and not to exceed the latter sum, unless where the Proceedings are voluminous or unusually important or difficult, and in this last case not to exceed Five Guineas	2	2	0
	3	3	0
	5	5	0
For any necessary Attendance on the Registrar, or on the adverse Proctor, during the Progress of a Cause, to adjust any incidental point in the Suit, or on the Marshal, to instruct him as to the service of any Instrument, reporting Bail, &c.....	0	4	6
On all Office Copies of Depositions, &c., obtained from the Registrar, one-third of the actual sum paid at the Registry is to be added for the trouble of collating and extracting the same.			
For perusing and considering any Papers, Exhibits, or Documents, furnished, or introduced into a Cause, by the adverse Party, or furnished by a Party to his own Proctor, for the purpose of being brought forward as Evidence in the Suit, if not exceeding twelve folios.....	0	3	0
For every additional twelve folios.....	0	1	6
For attending Informations on the final Hearing of a Cause, when it occupies only a short time, 10s. ; if a few hours, 16s. 8d. ; if a whole day, £1. 6s. 8d.....	0	10	0
	0	16	8
	1	6	8

NOTE.—In some of the Vice Admiralty Courts, Proceedings for the Forfeitures of Ships, or Goods, and for the Recovery of Penalties consequent thereon, have, in some instances, been carried on by two separate Suits ; one for the condemnation of the Property, and the other for the Penalties. This mode of proceeding should be discontinued, one Suit only being necessary to accomplish both objects.

In all cases under £20 sterling, wherein the Judge shall see fit to order that the Proceedings be summary, and the Evidence taken *viva voce*, the Fees to be taken by the several Officers of the Court shall become half of the foregoing Fees, and no more, save and except as to the Fee for the Warrant of Arrest, Arrest and Bail Bond, which shall remain as above.

So also as to cases under £20 sterling settled before the return of the Warrant.

Supplementary Rules.

The Rules and Regulations established by the King's Order in Council of the 27th June, 1832, are not to be construed to have set aside the former practice in the Courts of Vice-Admiralty, of allowing the Defendant to require from the Promoter to Libel with Sureties, unless the Promoter should be admitted by the Court to his juratory caution.

From the shortness of the season of the navigation at the port of Quebec, and the danger and risk to ships towards the close of the navigation in the autumn, from even so short as twenty-four hours' notice of bail to answer an action, this period of notice of bail as provided by the 11th Section of the above Rules and Regulations, shall not be required, where the Parties who are proposed as the Bail make oath that they are respectively worth more than the amount for which they are proposed as Bail or Security, over and above the amount of all their just debts.

(Signed)

J. DODSON.
 JOSEPH PHILLIMORE.
 WM. ROTHERY.
 H. B. SWABEY.

At the Court at Buckingham Palace, the second day of March, 1848.

Present,

The Queen's Most Excellent Majesty in Council.

Whereas there was this day read at the Board:—a Memorial of the Right Honorable the Lords Commissioners of the Admiralty, dated the 16th February, 1848, in the words following, viz:—

“Whereas by his late Majesty's Order in Council, of the 27th June, 1832, certain Tables of Fees were established for the several Courts of Vice Admiralty; and by a subsequent order in Council, of his late Majesty, dated 20th November, 1835—so much of the preceding Order in Council as related to the establishment of a Table of Fees, to be taken by the several Officers of the Vice Admiralty Court at Quebec, was revoked; and, whereas, the Lords Commissioners, of your Majesty's Treasury, have represented to us that it would be desirable to establish a Table of Fees, for the said Vice Admiralty Court, at Quebec. We do, therefore, most humbly submit to your Majesty—that your Majesty will be most graciously pleased, by your Order in Council, to authorise us to carry into effect the proposal of the Lords Commissioners of your Majesty's Treasury; and, that the Table of Fees hereunto annexed, which has been proposed by your Majesty's Advocate General, and other competent Authorities of the High Court of Admiralty of England, may be established, by your Majesty's Order in Council, as the only Fees to be taken, or received, by the Officers and Practitioners of the Vice Admiralty Court at Quebec.”

Her Majesty having taken the said Memorial into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and of the Table of Fees accompanying the same, (copy whereof is hereunto annexed,) and the Right Honorable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

(Signed)

C. GREVILLE.

Entered and enrolled in the Vice-Admiralty Court at Quebec, the 27th day of June, 1848.
J. P. BRADLEY, Registrar.

APPENDIX.

FORM OF ACTION.

Arrest the ship or vessel called _____ (whereof
now is or lately was master), her tackle, apparel and furniture, and the freight due for the
transportation of the cargo now or lately laden therein, wheresoever the same shall be found ;
and cite all persons in general, who have or pretend to have any right, title, or interest
therein, to appear on the _____ day of _____ to answer to _____ late
Mate on board the said ship, in a cause of subtraction of wages, civil and maritime. .
Action, £

FORM OF ACTION.

Arrest _____ now or late master of the ship or vessel called the
so that his body may be had and forthcoming, on the *third* day after the said arrest, to answer
to _____ late *Boatswain* on board the said ship, in a cause of subtraction of
wages, civil and maritime.
Action, £

FORM OF AFFIDAVIT, in a cause of Wages.

In the Vice-Admiralty Court of _____

[Insert Name of Ship and Master.]

Appeared personally _____ late *Mate* on board the above ship or
vessel _____ (whereof _____ now is or lately was master),
and made oath that there is justly and truly due and owing to him the sum of _____
pounds _____
and _____ shillings or thereabouts, of lawful money of _____ being the balance
of wages due to him for his services as *Mate* on board the said ship or vessel ; and he further
made oath, that he hath caused various applications to be made to the *Master* of the said ship
or vessel for the payment of the said balance of wages without being able to obtain the
same, and that the aid and process of this Court is required to enforce his demand.
On the _____ day of _____ the said }
_____ was duly sworn to } (Signed.)
the truth of this affidavit.
Before me,
(Signed)

APPENDIX.

FORM OF AFFIDAVIT, *in a cause of Pilotage.*

In the Vice-Admiralty Court of

Appeared personally of Pilot, and made oath that there is justly and truly due and owing to him the sum of pounds shillings, or thereabouts, of lawful money of Great Britain, being the amount of pilotage due to him for his services in piloting the said ship or vessel from to and he further made oath that he hath caused various applications to be made for the payment of the said sum to the Master of the said ship or vessel, without being able to obtain the same, and that the aid and process of this Court is required to enforce his demand.

On the day of the said was duly sworn to } (Signed) the truth of this affidavit. Before me, (Signed)

FORM OF AFFIDAVIT, *in a cause of Collision.*

In the Vice-Admiralty Court of

Appeared personally of and made oath that he is the owner of the ship or vessel called the (whereof was master), which vessel was on the day of run foul of by the above-named vessel called the of (whereof now is or lately was master), off whereby great loss and damage have been occasioned to the said vessel and her cargo, and that he hath applied to for compensation for the said damage, but that he has not been able to procure the same, and that the aid and process of this Court is therefore necessary to enforce his demand.

On the day of the said was duly sworn to } (Signed). the truth of this affidavit. Before me, (Signed)

FORM OF AFFIDAVIT, *in a cause of Damage by beating.*

In the Vice-Admiralty Court of

[Insert names of Plaintiff and Defendant.]

Appeared personally and made oath that he was lately serving on board the ship or vessel called the (whereof master), in the capacity of that whilst so serving he was beaten and assaulted by the said by which this appearer received grievous personal injury and damage.

On the day of the said was duly sworn to } (Signed) to the truth of this affidavit. Before me, (Signed)

FORM OF AFFIDAVIT, *in a cause of Salvage.*

In the Vice-Admiralty Court of

Appeared personally _____ of _____ and made oath that on the _____ day of _____ he, this deponent, with _____ went to the assistance of the said Ship or vessel, the _____ (whereof _____ was master), which was then in distress, and rendered salvage services to the said ship *and cargo*; and he further made oath that he has applied to _____ of _____ the owners or agents of the said ship and cargo for remuneration for the salvage services so rendered, but that they have refused to pay an adequate sum for the same, and that the aid and process of this Court is now required to enforce the said demand.

On the _____ day of _____ the said }
 _____ was duly sworn to } (Signed)
 the truth of this affidavit.
 Before me,
 (Signed)

FORM OF ACT ON PROTEST.

In the Vice-Admiralty Court of

[*Insert Title of cause*].

On _____ the _____ day of _____ exhibited as Proctor, and appeared to the action for _____ of _____ and _____ of _____ but nevertheless under protest to the jurisdiction of this Court, and under such his protest alleged them to be the principal owners of the said ship or vessel _____ (whereof _____ now is or lately was master); and he further expressly alleged that the place where the collision in question in this cause happened was within thirty yards of the west pier, at the entrance of the Humber dock basin, in the parish of the Holy Trinity, in the south ward of Mytown, in the town and county of the town of Kingston-upon-Hull, twenty-eight miles up the river Humber, and accordingly that the same not having taken place on the high seas, but within the body of a county as aforesaid, is not within the jurisdiction of, nor cognizable by this honorable Court; and in verification of what he so alleged, the said _____ prayed leave to refer to certain affidavits, exhibits, and other proofs to be by him brought into and left in the Registry of this Court; wherefore he prayed the Worshipful the Judge to admit the validity of his protest to dismiss his parties from all further observance of justice in this cause, and to condemn _____ and _____ the parties promoting the same in costs.

In the presence of _____ the Proctor of _____ of _____ the owner of the ship or vessel _____ the party promoting this suit dissenting and denying the allegations of _____ to be true, and he alleged that the collision in question took place in the afternoon of _____ the _____ day of _____ in the Humber; that the place where the said collision happened was about thirty yards from the outer end of the western pier of the port of Hull, within the flux and reflux of the tide, which was then about three-quarters flood, and within the jurisdiction of this honourable Court; and in verification of what he so alleged, the said _____ prayed leave to refer to certain affidavits and other proofs to be by him exhibited and left in the Registry of this Court: wherefore he humbly submitted that this cause of damage is cognizable by this honorable Court, and prayed the Worshipful the Judge to overrule the said protest, to assign the said _____ to appear absolutely and to condemn _____ and _____ his said parties in costs.

That the said ship or vessel on or about the day of arrived at the port of within the jurisdiction of Her Majesty's Vice-Admiralty Court of and that, by reason thereof, all and singular the premises have been rightly and duly complained on the part and behalf of the said and to the worshipful the Judge thereof, and to the said Court, and the party propound doth allege and propound as before.
That all and singular the premises were and are true.

The Schedule A.

Wages of the day of the mate, from the being months and day of days, at the rate to } £
of per month.....
Deduct Cash received by advance.....
Greenwich Hospital and Merchant Seamen's Hospital dues..
Balance of wages due to the said £

The Schedule B.

Wages of to the day of mariner, from the being months and day of days, at the rate } £
rate of per month.....
Deduct Cash received by advance..... £
Greenwich Hospital and Merchant Seamen's Hospital dues..
Balance of wages due to the said £

FORM OF PROXY.

Whereas there is now depending in Her Majesty's Vice-Admiralty Court of a certain cause or business of promoted and brought by against the ship or vessel called the (whereof now is or lately was master), her tackle, apparel, and furniture.

Now know all men by these presents, that I the said one of the parties in the said cause or business, for divers good causes and considerations, me thereunto especially moving, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint one of the Procurators of Her Majesty's Vice-Admiralty Court of or in his absence any other Proctor of the said Court, to be my true and lawful Proctor for me and in my name, to appear before the Worshipful Judge and Commissary of the said Vice-Admiralty Court, lawfully constituted and appointed, or his Surrogate, and to exhibit this my proxy, and pray and procure the same to be admitted and enacted, and invirtue thereof, and on my part and behalf to prosecute the said cause or business, and generally to do, perform, execute and expedite all and every thing that my said Proctor or Proctors may in his or their judgment deem necessary to be done herein for my benefit and advantage, until the giving the definitive sentence or final interlocutory decree in the said suit, and the execution thereof, hereby promising to ratify, allow and confirm all and whatsoever my said Proctor or Proctors shall do in or about the premises. In witness whereof I have hereunto set my hand and seal the day of

(Signed) (LS.)

Signed, sealed and delivered in the presence of Us,
(Signed)
(Signed)

TABLE OF FEES

TO BE TAKEN BY THE

Judge, Registrar, Marshal, Advocates, and Proctors,

OF THE

VICE-ADMIRALTY COURT AT QUEBEC.

BY THE JUDGE.

Fees in the Progress of a Suit or Cause.

	Sterling Money.
	£ s. d.
For administering an Oath to a Witness or party in a cause. Taking Bail, whether by one or more Persons. Decreeing Monition, Commission, Attachment, or any other Instrument; or for any Judicial Act done before or after the Hearing of a Cause, and not otherwise mentioned herein - - - - -	0 2 0
The above Fee of 2s. to be taken by the Surrogate, whenever he performs the duty.	
On Subduction of an Action - - - - -	0 3 6
On pronouncing a Party to be in Default - - - - -	0 8 6
On signing a Decree pronouncing for the interest of a Party proceeding in pœnam - - - - -	0 8 6
On a Sentence or Interlocutory Decree - - - - -	1 6 8

Fees upon the Sealing of Instruments.

Warrant of Arrest, Monition, Commission, Decree, Restitution, or Attachment	0 6 6
Compulsory or Subpœna, or any Instrument not otherwise mentioned - - -	0 4 0
Exemplification of any Document or Proceeding - - - - -	0 10 0
Process transmitted to the Court of Appeal - - - - -	0 6 6

BY THE REGISTRAR.

1. *Fees on Instruments prepared by the Registrar.*

For Drawing and Engrossing—	
Warrant to arrest Ship, Goods, or Person - - - - -	0 5 0
Bail Bond - - - - -	0 5 0

Monition, Commission, or Decree, whether of Unlivery, Appraisement or Sale, or otherwise	0	13	4
Writ or Instrument of Restitution	0	13	4
Compulsory or Subpœna against Witnesses	0	5	0
Writ of Attachment	0	13	4
If either of the preceding Instruments exceed in length ten folios, for every folio beyond ten	0	1	4

NOTE.—The folio mentioned throughout this Table of Fees must contain ninety words, reckoning each figure as a word.

Should the Registrar be required to prepare any other Document, Instrument, or matter whatsoever, not specified in this Table, he will be entitled to the same charge as a Proctor, viz.

For drawing, for every folio	0	1	4
For fair Copying or Engrossing, for every folio	0	0	8

2. *Fees on Documents not prepared by the Registrar, but by the Proctor, Solicitor, or Advocate in a Cause.*

On a Decree, pronouncing for the interest of a Party proceeding in pœnam, being signed by the Judge	0	8	6
On filing Affidavit or Protest of a Master or Mariners, without reference to the number of persons making the same	0	3	6
On filing Libel, Information, Claim, Proxy, or similar Document	0	5	4
On filing Exhibit annexed thereto, or to any Affidavit	0	1	4
On entering (or engrossing) personal Answers of a Party in a Suit, for each folio	0	0	8

3. *Fees on taking the Examination of Witnesses.*

On taking the Examination of every Witness on an Information, Libel, Interrogatories, or Plea, a fee of	0	8	6
For each folio to which the Examination shall extend, if in English	0	1	4
If by Interpretation (Interpreter included)	0	2	8

NOTE.—It should be understood, that the Registrar, or whoever acts as the Examiner for him, should take the Depositions in chief of the Witnesses, on the Libel, Information, or Plea itself, without written Interrogatories; putting such relevant questions, *viva voce* as may suggest themselves; and care should be taken not to lead the Witness. The Libel, Information, or Plea, should therefore always be drawn sufficiently precise and full, to enable the Examiner to take the Examinations accordingly.

The Cross examinations must, of course, be taken on written interrogatories.

4. *Fees on Office Copies of Papers or Proceedings.*

For Office Copy of Sentence or Interlocutory Decree, certified under Seal	0	12	0
For Office Copy of any Affidavit, Examination, Answers of a Party, or other Document or Proceedings in a Cause, or Extract therefrom, if under twelve folios	0	5	0
If exceeding twelve folios, for each folio beyond twelve	0	0	8
Office Copies of Papers and Proceedings to form a Process, to be transmitted to the Court of Appeal, or for any other purpose, for each folio contained therein	0	0	8

5. Fees on Translation of Papers.

Where Papers are translated, the Registrar should charge the Disbursement actually made to the Translator, with an addition of one-fourth, to compensate himself for his trouble, advance &c.

6. Incidental Fees in the Progress of a Cause

	Stg. Money.
	£ s. d.
On Subduction of an Action - - - - -	0 6 8
For entering every ordinary Act of Court - - - - -	0 1 4
On every Default pronounced against Parties in contempt, in Cases proceeding in pœnam - - - - -	0 5 0
On every Interlocutory Decree or Sentence, including drawing the Act, to be paid by the Party succeeding - - - - -	0 13 4
Sportulage upon every Sentence or Interlocutory Decree, to be paid by each Party in a Suit - - - - -	0 13 4
Sportulage in a cause terminating without a Sentence or Interlocutory Decree, to be paid by each party in a Suit - - - - -	0 8 6
For every Attendance before a Judge or Surrogate, at which any Decree is made, other than an Interlocutory or Sentence - - - - -	0 5 0
For a receipt for original Documents delivered out of the Registry - - - - -	0 2 0
On a Search or Examination of the Records, by any Person not being a Party in the Cause in which the Search is made - - - - -	0 2 6
NOTE.—No fee to be charged to a Party in the Cause, or to any Seaman applying for Search.	
For advertising an intermediate or extra Court Day, in addition to the sum paid for Advertisement - - - - -	0 6 8

7. On paying out Money

For preparing Receipt for Money to be paid out of the Registry - - - - -	0 1 4
Poundage on Money paid out of the Registry, for every Pound sterling - - - - -	0 0 2

8. Taxing Costs.

For taxing a Bill of Costs, if under six folios, from each Party who attends the Taxation - - - - -	0 4 6
If the Bill of Costs exceed six folios, for every additional folio (besides the Fees above-mentioned,) to be paid in equal proportions by each Party who attends; and if but one Party attend, to be paid by him solely - - - - -	0 0 6

9. References of Accounts, &c. by the Judge to the Registrar and Merchants.

To the Registrar - - - - -	5 5 0
To the Assistant Merchant - - - - -	5 5 0

If two Merchants, Five Guineas each.

BY THE MARSHAL.

	Stg. Money.		
	£	s.	d.
For arresting a Vessel, Goods, or Person - - - - -	1	1	0
For keeping possession of a Vessel and Cargo, jointly, or either of them singly, when the same are not under the responsible charge and custody of the Officers of the Customs, for each Day in which they remain in the Marshal's charge - - - - -	0	4	0
For inquiring into, and certifying the sufficiency of persons proposed as Sureties in any Suit, for each Surety - - - - -	0	5	0
For release of a Vessel, Goods, or Person from Arrest - - - - -	0	5	0
For executing every Monition, or Decree for Answers of a Party, or Compulsory, or other Instrument not specified - - - - -	0	6	8
For every Default or Decree pronouncing for the interest of a Party proceeding in penam - - - - -	0	5	0
For every Attendance in Court, when a sentence or Interlocutory Decree is pronounced - - - - -	0	10	0
For executing every Decree or Commission of Appraisement, exclusive of the Appraiser's Fees, but including the making of the Inventory, if the value should not exceed £500 sterling - - - - -	1	6	8
For the like duty, when the value exceeds £500 sterling - - - - -	2	0	0
For executing every Decree or Commission of Sale of Ship, or Goods by Public Auction, when the gross proceeds are under £200 sterling - - - - -	1	6	8
And on every additional £100 sterling - - - - -	0	13	4
On attending the execution of a Decree or Commission of Unlivery of Cargo (when not done for the purpose of Sale,) per Day - - - - -	2	2	0
For taking a Person in Execution after Sentence, if the sum due from such Person does not exceed £20 sterling - - - - -	1	0	0
For the like duty, when the sum is above £20 and under £50 sterling - - - - -	2	0	0
For the like duty, when the sum is above £50 and under £100 sterling, for every Pound sterling due - - - - -	0	1	0
And on every additional Pound sterling after the first £100 - - - - -	0	0	6
NOTE.—Should it be necessary for the Marshal to go any distance, to execute any of the above duties, there should be paid to him, for the loss of time and Travelling Expenses, in addition to the preceding Fees, the following :			
If the distance exceed Two, and be under Four Miles - - - - -	1	1	0
If above Four, and under Eight Miles - - - - -	2	2	0
If the distance be still greater, the allowance to be reasonably increased.			

BY THE ADVOCATES.

It is not easy to lay down any precise Rules respecting Fees to Counsel, inasmuch as the amount must depend upon the circumstances of each particular case, with reference to its length, importance, and difficulty.

In all undefended Cases, and in matters of no great difficulty, one Counsel ought to be considered sufficient.

Subject to these observations, the following suggestions are made, for the guidance of the Proctor in seeing Counsel, upon matters which most frequently occur in the progress of a Suit :—

	Stg. Money.
	£ s. d.
Retaining Fee to an Advocate - - - - -	2 2 0
For perusing, settling, and signing Information or Libel, Claim and Affidavit, Act on Petition, responsive Plea (or Replication) to Libel or Information, or Act on Petition, according to the length or difficulty } to	1 1 0
For perusing, settling and signing Interrogatories, Answers, &c. when the same do not exceed twelve folios in length - - - - -	4 4 0
For every additional fifteen folios, to the extent of sixty - - - - -	1 1 0
NOTE.—It should be understood, that in preparing Interrogatories, for the cross-examination of Witnesses, they are not to be drawn separately for each Witness, to whom the same are to be administered; but that, when practicable (as in most instances will be the case,) one set of Interrogatories should be prepared, generally applicable to all the Witnesses.	1 1 0
For a Consultation in any intermediate stage of the Proceedings, should a necessity arise to resort to Counsel for advice; but this ought not too frequently to occur, and only in cases of difficulty - - - - -	3 3 0
For any Motion necessarily made by Counsel, before the Judge in the progress of a Cause - - - - -	1 1 0
The Fee for the final Hearing must depend upon the length of the Evidence, and the importance and difficulties of the Cause; but, in cases of no great intricacy, the Fee should be from three to five Guineas, and not to exceed the latter sum, unless where the proceedings are voluminous, or unusually important or difficult - - - - -	2 2 0
	3 3 0
	5 5 0

BY THE PROCTORS.

Retaining Fee - - - - -	0 6 8
For attending before the Judge or Judge Surrogate, either in Court or Chambers - - - - -	0 6 8
On extracting any Warrant, Monition, Commission, Writ, or other Instrument	0 7 6
Drawing Libel, Information, Plea, Claim, Affidavit, Act on Petition, Interrogatories, Answers, or any other Proceeding whatever, not herein specified, for every folio - - - - -	0 1 4
Fair Copying or Engrossing, for every folio - - - - -	0 0 8
For Consultation with Party, for the purpose of taking Instructions for the Libel, Information, Plea, Act on Petition, or for any other important purpose during the dependance of a Suit - - - - -	0 6 8
For Consultation with Counsel, if any such should be found requisite, preparatory to the final Hearing of a Cause, or otherwise - - - - -	0 13 4
For attendance on Counsel to see him to peruse, settle, and sign any Information, Libel, Replication, or other Plea, Claim, Affidavit, Act on Petition, Answers, Interrogatories, or other matter, or upon any other occasion that may arise on delivering Papers and seeing Counsel - - - - -	0 6 8

NOTE.—Care should be taken not to increase the number of Attendances or Consultations with Counsel, which ought only to be resorted to when absolutely necessary.

	Stg. Money.
	£ s. d.
For any necessary attendance on the Registrar, or on the adverse Proctor during the Progress of a Cause, to adjust any incidental point in the Suit, or on the Marshal, to instruct him as to the service of any Instrument, reporting Bail, &c. - - - - -	0 5 0
On all Office Copies of Depositions, &c., obtained from the Registrar, one-third of the actual sum paid at the Registry is to be added for trouble of collating and extracting the same.	-
For perusing and considering any Papers, Exhibits, or Documents furnished, or introduced into a Cause, by the adverse party, or furnished by a Party to his own proctor, for the purpose of being brought forward as Evidence in the Suit, if not exceeding twelve folios - - - - -	0 3 4
For every additional twelve folios - - - - -	0 2 0
For attending informations on the final Hearing of a Cause, when it occupies only a short time, 10s. ; if a few hours, 16s. 8d. ; if a whole day, £1 6s. 8d. ; - - - - -	0 10 0 16 8 or 1 6 8

NOTE.—Proceedings for the Forfeiture of Slaves, Ships, or Goods, and for the Recovery of Penalties consequent thereon, have, in some instances, been carried on by two separate Suits ; one for the condemnation of the Property, and the other for the Penalties. This mode of proceeding should be discontinued, one Suit being only necessary to accomplish both objects.

Undefended Prosecutions for Breach of the Acts for the Abolition of the Slave Trade.

In all such Prosecutions carried on under one Monition, where no Party appears to defend—

To the Judge - - - - -	1 10 0
To the Registrar, including a Copy of the Interlocutory Decree, or Sentence	3 0 0
To the Proctor - - - - -	4 0 0
To the Advocate - - - - -	1 1 0
To the Marshal - - - - -	0 15 0

£10 6 0

Approved.

(Signed)

HERBERT JENNER,
JOHN DODSON,
STEPHEN LUSHINGTON,

JAMES FARQUHAR,
H. B. SWABEY,
WM. ROTHERY.