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VICE-ADMIRALTY COURTS.

Appendix

TO THE

R E P O R T O F T H E R E F E R E E S

APPOINTED BY

THE LORDS COMMISSIONERS OF HIS MAJESTY'S TREASURY

TO INVESTIGATE AND REPORT ON

F E E S,

&c.,

PROPER TO BE ESTABLISHED IN THE

SEVERAL COURTS OF VICE-ADMIRALTY ;

CONTAINING

FORMS OF ACTIONS, PLEADINGS, INSTRUMENTS, DECREES,

AND OTHER INCIDENTS,

IN THE PROGRESS OF A CAUSE.

LONDON :

PRINTED BY W. CLOWES AND SONS, 14, CHARING CROSS.

1833.

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APPENDIX,

CONTAINING FORMS OF

ACTIONS, PLEADINGS, INSTRUMENTS, DECREES, AND OTHER INCIDENTS IN THE PROGRESS OF A CAUSE.

No. 1.

FORM of ACTION to precede a Warrant for the Arrest of a Ship and Freight in a Cause of Subtraction of Wages.

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 *sixth*
day after the arrest, to answer to _____, late *Mate* on board the said ship, in a
cause of subtraction of wages, civil and maritime.

Action, £ _____

Insert date.

Or "third," or as most expedient.
Or as the fact may be.
Insert amount of action.

No. 2.

FORM of ACTION to precede Warrant of Arrest against a Ship and Master in a Cause of Subtraction of Wages.

ARREST the ship or vessel called the _____ (whereof _____ now
is or lately was master), her tackle, apparel, and furniture, 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 *third* day after the arrest, to answer to _____, late *Cook* on board the
said ship, in a cause of subtraction of wages civil and maritime.

Action, £ _____

Arrest, moreover, the master in the like cause.

Insert date.

Or as the fact may be.

No. 3.

FORM of ACTION to precede Warrant of Arrest against the Master of a Ship, in a Cause of Subtraction of Wages.

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, £ _____

Insert date.

Or as the fact may be.

No. 4.

FORM of ACTION to precede Warrant of Arrest against the Owner of a Ship in a Cause of Subtraction of Wages.

ARREST _____, now or late owner 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 a *Mariner* on board the said ship, in a cause of subtraction of wages,
civil and maritime.

Action, £ _____

Insert date.

Or as the fact may be.

No. 10.

FORM of ACTION to precede Warrant of Arrest against Ship, Cargo, and Freight, in a Cause of Salvage.

ARREST the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel, and furniture, and the goods, wares, and merchandize, now or lately laden therein, and also the freight due for the transportation thereof, 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 *sixth* day after the arrest, to answer to _____

Insert date.

Action, £ _____

No. 11.

FORM of ACTION to precede Warrant for the Arrest of a Ship in a Cause of Possession.

ARREST the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel, and furniture, 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 *sixth* day after the arrest, to answer to _____, the owner of _____ parts or shares of the said ship or vessel, in a cause of possession, civil and maritime.

Insert date.

No. 12.

FORM of ACTION to precede Warrant for the Arrest of a Ship to obtain Bail for her safe return to the Port to which she belongs.

ARREST the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel, and furniture; and cite all persons in general, having or pretending to have any right, title, or interest therein, to appear on the *sixth* day after the arrest, to answer to _____ of _____, the true and lawful owners and proprietors of _____ parts or shares of the said ship or vessel, and to show cause why the said ship or vessel should not be restrained from proceeding to sea until good and sufficient security be given for the safe return thereof to the port of _____, to which port she belongs, to the amount or value of the interest of the said _____ therein, in a cause civil and maritime.

Insert date.

Action, £ _____

No. 13.

FORM of ACTION to precede Warrant of Arrest of Ship and Goods found Derelict.

ARREST all and every part of a ship or vessel, name unknown, supposed to be called the _____, her tackle, apparel, and furniture, and the goods, wares, and merchandizes, now or lately laden therein, taken and seized upon the high sea, and brought to or near _____, as being a ship and goods derelict, flotzon, jetzon, or lagon, and as such rights and perquisites of our Sovereign Lord the King in his Office of Admiralty; and cite all persons in general, having or pretending to have any right, title, or interest in the premises, to appear on the *sixth* day after the arrest, to answer unto our Sovereign Lord the King in his said Office of Admiralty, and to show cause why the same should not be condemned, and adjudged to our Sovereign Lord the King in his Office of Admiralty, as being a ship and goods derelict, flotzon, jetzon, or lagon, and as such rights and perquisites of the Admiralty aforesaid.

Insert date.

No. 14.

FORM of ACTION to precede Warrant of Arrest against a Ship and Goods taken from the possession of Pirates.

ARREST the ship or vessel called the _____, her tackle, apparel, and furniture, arms, stores, and ammunition, and the goods, wares, and merchandizes, now or lately laden therein, taken and seized as being the goods of pirates, and as such droits and perquisites of His Majesty in his Office of Admiralty; and cite all persons in general, having or pretending to have any right, title, or

Insert date.

No. 18.

FORM of AFFIDAVIT to be left in the Registry on the Entry of an Action in a Cause of Damage to a ship by 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.

Insert Ship's name and Master.

Insert the name of the Owner or his Agent.

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

No. 19.

FORM of AFFIDAVIT to be left in the Registry on the Entry of an Action against a Person in a Cause of Damage by Beating or Assault on the High Sea.

In the Vice-Admiralty Court of

appeared personally _____, and made oath that he was lately serving on board the ship or vessel called the _____ (whereof _____ now is or lately was 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.

Insert names of Plaintiff and Defendant.

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

No. 20.

FORM of AFFIDAVIT to be left in the Registry on the Entry of an Action 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.

Insert names of Ship and Master.

Or as the fact may be.

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

No. 21.

FORM of WARRANT to arrest a Ship and Freight in a Cause of Subtraction of Wages.

WILLIAM the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admi-

rally Court, , and to his deputy whomsoever, greeting: We do hereby empower and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest, or cause to be arrested, the ship or vessel called the (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 you shall find the same; and the same so arrested you keep under safe and secure arrest, until good and sufficient bail shall have been given according to law to answer the action commenced in this behalf, or until the said action shall have been duly satisfied; and that you cite at the premises all persons in general, who have or pretend to have any right, title, or interest therein, to appear before Us or our Judge of our said Vice-Admiralty Court, in the Registry of our said Court, situated at , on the *sixth* day after the said arrest, between the hours of and in the of the said day, there to answer unto , late *Mate* on board the said ship or vessel, in a cause of subtraction of wages, civil and maritime; and further to do and receive in this behalf as unto justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at in our aforesaid Court, under the seal thereof, the day of in the year of our Lord and of our reign the

Action, £

(Signed) (L.S.) Registrar.

Or *third*, or as most expedient. Insert any two hours most convenient for business in the Colony. Insert morning or afternoon.

No. 22.

FORM of WARRANT to arrest a Ship and the Master thereof in a Cause of Subtraction of Wages.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To , gentleman, Marshal of our Vice-Admiralty Court of , and to his deputy whomsoever, greeting: We do hereby empower and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest, or cause to be arrested, the ship or vessel called the (whereof now is or lately was master), her tackle, apparel, and furniture, wheresoever you shall find the same; and the same so arrested you keep under safe and secure arrest, until good and sufficient bail shall have been given according to law to answer the action commenced in this behalf, or until the said action shall have been duly satisfied; and that you cite at the premises all persons in general, who have or pretend to have any right, title, or interest therein, to appear before Us or our Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated at , on the third day after the said arrest, between the hours of and in the of the said day, there to answer unto , late *Cook* on board the said ship, in a cause of subtraction of wages, civil and maritime; and further to do and receive in this behalf as to justice shall appertain. Arrest, moreover, or cause to be arrested, the said , the master of the said ship or vessel, wheresoever you shall find him, and him so arrested keep under safe and secure arrest, until good and sufficient bail shall have been given according to law to answer the action commenced in this behalf, or until the said action shall have been duly satisfied; or in default thereof, so that his body may be had and forthcoming before Us or our Judge of our said Court, or his Surrogate, the day, time, and place aforesaid, there to answer unto the said in the like cause; and further to do and receive in this behalf as to justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at in our aforesaid Court, under the seal thereof, the day of in the year of our Lord and of our reign the

Action, £

(Signed) (L.S.) Registrar.

Or as the fact may be.

No. 23.

FORM of WARRANT to arrest the Master of a Ship in a cause of Subtraction of Wages.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To , gentleman, Marshal of our Vice-Admiralty Court of , and to his deputy whomsoever, greeting: We do hereby empower and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest or cause to be arrested , master of the ship or vessel called , wheresoever you shall find him, and him so arrested

you keep under safe and secure arrest until good and sufficient bail shall have been given according to law to answer the action commenced in this behalf, or until the said action shall have been duly satisfied, or in default thereof so that his body may be had and forthcoming before Us or our Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated at _____, on the third day after the said arrest, between the hours of _____ and _____ in the _____ of the said day, there to answer unto _____, late *Boatswain* on board the said ship or vessel _____, in a cause of subtraction of wages, civil and maritime; and further to do and receive in this behalf as to justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our reign the _____

Action, £

(Signed)

(L.S.)

Registrar.

No. 24.

FORM of WARRANT to arrest the Owner of a Ship in a Cause of Subtraction of Wages.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: We do hereby empower and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest or cause to be arrested _____, owner of the ship or vessel called the _____, wheresoever you shall find him, and him so arrested you keep under safe and secure arrest until good and sufficient bail shall have been given according to law to answer the action commenced in this behalf, or until the said action shall have been duly satisfied, or in default thereof so that his body may be had and forthcoming before Us or our Judge of our said Vice-Admiralty Court, in the Registry of our said Court, situated at _____, on the third day after the said arrest, between the hours of _____ and _____ in the _____ of the said day, there to answer unto _____, late *Mariner* on board the said ship or vessel, in a cause of subtraction of wages, civil and maritime; and further to do and receive in this behalf as to justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our reign the _____

Action, £

(Signed)

(L.S.)

Registrar.

No. 25.

FORM of WARRANT to arrest a Ship in a Cause of Pilotage.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: We do hereby empower and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest, or cause to be arrested, the ship or vessel called the *Benjamin Packard* (whereof _____ now is or lately was master), her tackle, apparel, and furniture, wheresoever you shall find the same, and the same so arrested you keep under safe and secure arrest until good and sufficient bail shall have been given according to law to answer the action commenced in this behalf, or until the said action shall have been duly satisfied; and that you cite at the premises all persons in general, who have or pretend to have any right, title, or interest therein, to appear before us or our Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated at *James King's Hall*, on the sixth day after the said arrest, between the hours of _____ and _____ in the _____ of the said day, there to answer unto _____, late *Pilot* on board the said ship or vessel, in a cause of pilotage, civil and maritime; and further to do and receive in this behalf as unto justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our reign the _____

Action, £

(Signed)

(L.S.)

Registrar.

strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest or cause to be arrested _____, now or late master of the ship or vessel called the _____, wheresoever you shall find him, and him so arrested you keep under safe and secure arrest until good and sufficient bail shall have been given according to law to answer the action commenced in this behalf, or until the said action shall have been duly satisfied, or in default thereof so that his body may be had and forthcoming before Us or our Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated at _____, on the third day after the said arrest, between the hours of _____ and _____ in the _____ of the said day, there to answer to _____, late _____ on board the said ship or vessel, in a cause of damage, civil and maritime; and further to do and receive in this behalf as unto justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our Reign the _____

Action, £ _____

(Signed)

(L.S.)

Registrar.

No. 29.

FORM of WARRANT to arrest the Master of a Ship for Contempt in not striking Topsails to His Majesty's Ships of War, in Breach of the Regulations and Instructions relating to His Majesty's Service at Sea.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: We do hereby empower and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest or cause to be arrested _____, now or late master, captain, or commander of the ship or vessel called the _____, wheresoever you shall find him, and him so arrested you keep under safe and secure arrest until good and sufficient bail shall have been given according to law to answer the action commenced in this behalf, or until the amount of the said action shall have been paid into the Registry of our said Court, or in default thereof so that his body may be had and forthcoming before Us or our Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated at _____, on the third day after the arrest, between the hours of _____ and _____ in the _____ of the said day, there to answer to such matters and articles as shall be objected against him on our behalf in our Office of Admiralty for a contempt in passing our ship _____ commander, without striking or lowering the *topsail* of the said ship or vessel _____, being the uppermost or loftiest sail which she was then carrying; and further to do and receive in this behalf as to justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our Reign the _____

Action, £ _____

"Top-gallant-sail," or "royal," or other loftiest sail, as the fact may be.

(Signed)

(L.S.)

Registrar.

No. 30.

FORM of WARRANT to arrest a Ship, Cargo, and Freight, in a Cause of Salvage.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: We do hereby empower and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest or cause to be arrested the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel, and furniture, and the goods, wares, and merchandizes now or lately laden therein, and also the freight due for the transportation thereof, wheresoever you shall find the same, and the same so arrested you keep under safe and secure arrest until you shall receive further orders from Us; and that you cite at the premises all persons in general, who have or pretend to have any right, title, or interest therein, to appear before Us or our Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated at _____, on the sixth day after the said arrest, between the hours of _____ and _____ in the _____ of the said day, there to answer unto _____ in a cause of salvage, civil and maritime; and further to do and receive in this behalf as unto justice

shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our Reign the _____

Action, £

(Signed)

(L.S.)

Registrar.

 No. 31.
FORM of WARRANT to arrest a Ship in a Cause of Possession.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: We do hereby empower and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest or cause to be arrested the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel, and furniture, wheresoever you shall find the same, and the same so arrested you keep under safe and secure arrest until you shall receive further orders from Us; and that you cite at the premises all persons in general, who have or pretend to have any right, title, or interest therein, to appear before Us or our Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated at _____, on the sixth day after the said arrest, between the hours of _____ and _____ in the _____ of the said day, there to answer unto _____, the owner of _____ parts or shares of the said ship or vessel _____, in a cause of possession, civil and maritime; and further to do and receive in this behalf as unto justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our Reign the _____

(Signed)

(L.S.)

Registrar.

 No. 32.
FORM of WARRANT for the Arrest of a Ship to obtain Bail for her safe Return to the Port to which she belongs.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: We do hereby empower and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest or cause to be arrested the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel, and furniture, wheresoever you shall find the same, and the same so arrested you keep under safe and secure arrest, until good and sufficient bail shall have been given according to law to answer the action entered in this behalf, or in default thereof that you cite at the premises all persons in general, who have or pretend to have any right, title, or interest therein, to appear before Us or our Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated at _____, on the sixth day after the said arrest, between the hours of _____ and _____ in the _____ of the said day, there to answer unto _____, the owner of _____ parts or shares of the said ship or vessel, and to show cause why the said ship or vessel should not be restrained from proceeding to sea until good and sufficient security shall have been given for the safe return thereof to the port of _____, being the port to which she belongs, to the amount or value of the interest of the said _____ therein, in a cause civil and maritime; and further to do and receive in this behalf as unto justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our Reign the _____

Action, £

(Signed)

(L.S.)

Registrar.

 No. 33.
FORM of WARRANT to arrest Ship and Goods found Derelict.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-

Admiralty Court of _____, and to his deputy whomsoever, greeting: We do hereby empower, and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest or cause to be arrested all and every part of a ship or vessel, name unknown (supposed to be called the _____), her tackle, apparel, and furniture, and the goods, wares, and merchandizes now or lately laden therein, taken and seized on the high seas, and brought within the jurisdiction of our said Vice-Admiralty Court, as being goods derelict, flotzon, jetson, or lagon, and as such droits and perquisites of Us in our Office of Admiralty, wheresoever you shall find the same; and the same so arrested you keep under safe and secure arrest until you shall receive further orders from Us; and that you cite at the premises all persons in general, who have or pretend to have any right, title, or interest therein, to appear before Us or the Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated at _____, on the sixth day after the arrest, between the hours of _____ and _____ in the _____ of the said day, there to answer unto Us in our said Office of Admiralty, and show cause why the same should not be condemned and adjudged to Us in our said Office of Admiralty, as being goods derelict, flotzon, jetson, or lagon, and as such droits and perquisites of Us in our said Office of Admiralty; and further to do and receive in this behalf as unto justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our Reign the _____

(Signed)

(L.S.)

Registrar.

 No. 34.

FORM of WARRANT to arrest Ship and Goods taken from the Possession of Pirates.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: We do hereby empower and strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you arrest or cause to be arrested the ship or vessel called the _____, her tackle, apparel, and furniture, arms, stores, and ammunition, and the goods, wares, and merchandizes now or lately laden therein, taken and seized as being the goods of pirates, and as such droits and perquisites of Us in our Office of Admiralty, wheresoever you shall find the same; and the same so arrested you keep under safe and secure arrest until you shall receive further orders from us; and that you cite at the premises all persons in general, who have or pretend to have any right, title, or interest therein, to appear before Us or the Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated at _____, on the sixth day after the arrest, between the hours of _____ and _____ in the _____ of the said day, there to answer unto Us in our said Office of Admiralty, and to show cause why the same should not be adjudged and condemned to Us as being the goods of pirates, and as such droits and perquisites of Us in our said Office of Admiralty, and further to do and receive in this behalf as to justice shall appertain; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our Reign the _____

(Signed)

(L.S.)

Registrar.

 No. 35.

FORM of MARSHAL'S CERTIFICATE of Service of Warrant of Arrest on a Ship or Ship and Cargo.

I HEREBY certify that the within-named ship or vessel _____, her tackle, apparel, and furniture, and the goods, wares, and merchandizes laden therein, were duly arrested on the day of _____, and all persons in general, having or pretending to have any right, title, or interest therein, were duly cited to appear at the time and place within mentioned, by affixing this warrant for some time on the main-mast of the said ship, and by leaving affixed thereon a true copy thereof.

As the fact may be.

(Signed)

 Marshal of the Vice-Admiralty Court of _____

No. 36.

FORM of MARSHAL'S CERTIFICATE of Service of Warrant on a person to be arrested.

I HEREBY certify that this warrant was duly executed on the _____ day of _____, and the within-named _____ was duly arrested by showing to him this warrant under seal, and delivering to him a true copy thereof, and by taking his body into custody.

(Signed)

 Marshal of the Vice-Admiralty Court of

No. 37.

FORM of MARSHAL'S CERTIFICATE of Personal Service of a Warrant when the Person is not arrested.

I HEREBY certify that the within warrant was executed on the _____ day of _____, and the within-named _____ was duly cited to appear at the time and place within mentioned, by showing the warrant under seal to him, and leaving with him a true copy thereof.

(Signed)

 Marshal of the Vice-Admiralty Court of

No. 38.

FORM of AFFIDAVIT in verification of a certificate of the Service of a Warrant, when the same is not executed by the Marshal of the Court, to be endorsed on the Warrant.

APPEARED personally _____ of _____, and made oath that the contents of the above certificate to which he hath subscribed his name were and are true.

(Signed)

Sworn the _____ day of _____ before me,
 (Signed)

“Surrogate,” or “Magistrate,” or other competent Authority.

No. 39.

FORM of MINUTE or Act of Court on the Return of a Warrant when a Default is not prayed.

Insert the name of “Judge” or “Surrogate.” ON _____ the _____ day of _____, before _____, Judge and Commissary of the Vice-Admiralty Court of _____

Present,
 (Signed)

Registrar.

Insert names of Ship and Master.

_____ returned warrant duly executed, with *certificate* of service endorsed thereon.

Insert Proctor's name. And “Affidavit” if the Warrant be not executed by the Marshal or “Surrogate.” In pain of parties cited not appearing, the *Judge*, at his petition, continued the certificate to the next adjourned Court.

No. 40.

FORM of MINUTE or Act of Court on the Return of a Warrant and the pronouncing the Party cited to be in Default.

Or “Surrogate.” ON _____ the _____ day of _____, before _____, Judge and Commissary of the Vice-Admiralty Court of _____

Present,
 (Signed)

Registrar.

Insert names of Ship and Master.

Insert Proctor's name. No *Affidavit* necessary if Warrant served by the Marshal or “Surrogate.” _____ returned warrant duly executed, with *certificate and affidavit* of service endorsed thereon. In pain of parties cited not appearing, the *Judge*, at his petition, granted the first default, and continued the certificate to the next adjourned Court.

No. 41.

FORM of DECREE pronouncing for the Interest of a Party proceeding by default (or in panam contumaciæ) in a Cause of Subtraction of Wages.

In the Vice-Admiralty Court of

Insert names of Ship and Master.

In pain of parties cited not appearing before you, the Worshipful _____, Judge and Commissary of his Majesty's Vice-Admiralty Court of _____, lawfully constituted and appointed the Proctor of _____, late mariners of and belonging to the said ship or vessel called the _____ (whereof _____ now is or lately was master), now being in the port of _____ in the said island, and within the jurisdiction of the said Court, doth say, allege, and by this writing propound in law, against the said ship or vessel, her tackle, apparel, and furniture, and against all persons in general, having or pretending to have any right, title, or interest in the same, that the said _____ mentioned in the affidavit and schedule brought into and now remaining in the Registry of this Court, were, in the years and months therein mentioned, shipped and hired to serve on board the said ship or vessel on the voyage or voyages to be performed, and afterwards performed, by the said ship, at the rate or wages and for the sum of money in the said affidavit and schedule mentioned; and the said _____ did afterwards, to wit, on the _____ day of _____, enter into the service of the said ship, and did go on board the same, and did sign the usual mariner's contract or ship's articles for the voyage or voyages then to be performed by the said ship, and did well and truly perform their duty therein for the time mentioned in the said affidavit and schedule, and did well and truly deserve the sum or sums of money therein mentioned for their services and necessary expenses on board the said ship, and that the said sum or sums mentioned in the said affidavit and schedule are due and ought to be paid to the said _____ for their wages, for their services and necessary expenses aforesaid; also that the wages mentioned in the said affidavit and schedule (which affidavit and schedule the Proctor propounding the same prayed may be admitted as if here read and inserted) amount, after deducting what is due for Greenwich and the Merchant Seamen's Hospitals, and for advances made to the said _____, to the sum or sums following, to wit, the wages due to the said _____ to the sum of _____, those due to _____ to the sum of _____, and those due to _____ to the sum of _____, of lawful money of _____.

The "freight," if arrested, may be inserted.

Whereupon the said _____ having no other hopes of recovering their aforesaid wages but by arresting the said ship, her tackle, apparel, and furniture, have procured the same to be arrested by virtue of a warrant under the seal of the said Court, and have caused all persons in general, having or pretending to have any right, title, or interest in the premises, to be cited to appear before you, the aforesaid Judge, or your Surrogate, at a certain time and place mentioned in the said warrant, to answer to the said _____ in a certain cause of subtraction of wages, civil and maritime, all which persons in general cited as aforesaid, and not appearing, but contumaciously absenting themselves, stand in contempt, by having incurred two defaults; all and singular which premises were and are true, public, and notorious, and thereof there was and is a public voice, fame, and report; whereupon the affidavit required by law having been exhibited, and the Proctor for the said _____ praying right and justice to be done, and the said _____ to be put into possession of the said ship, her tackle, apparel, and furniture, with effect, according to the extent of their debts, and that their property may be preserved, together with their expenses due by law in this cause by this your decree, according to the style, manner, and practice of proceeding in the said Court used in like cases, which premises he doth propound, jointly and severally, not obliging himself to prove all and singular the premises, but so far as he shall prove therein he humbly prays he may obtain in his demands, the right and benefit of the law being always preserved, humbly imploring your aid and assistance herein; all and singular which premises, we _____ the Judge aforesaid, having maturely weighed and considered the same, do admit, and do pronounce, decree, and declare that the same ought by law to be admitted, and that the defaults aforesaid have been incurred, and do pronounce, decree, and declare that the said _____ ought to be put in possession of the said ship, her tackle, apparel, and furniture, with effect, according to the extent of their said debts, and that their property may be preserved, together with their expenses due by law in this cause and by this our decree; We do adjudge, and by these presents decree, the possession of the said ship or vessel, her tackle, apparel, and furniture, to the said _____ accordingly.

The "freight," if arrested, should be inserted.

The "freight," if arrested, should be inserted.

The "freight," if arrested, should be inserted.

The "freight," if arrested, may be inserted.

This decree was signed and promulged by the Worshipful _____, the Judge aforesaid, in the Court-house of _____, the said Vice-Admiralty Court, on the _____ day of _____ in the year of our Lord _____ in the presence of _____

(Signed)

Registrar.

No. 42.

FORM of DECREE pronouncing for the Interest of a Party proceeding by Default (or in pœnam contumaciæ) in a Cause of Bottomry.

In the Vice-Admiralty Court of

Insert names of Ship
and Master.

Or "lawfully consti-
tuted attorneys of

the legal holders," as
the fact may be.

In pain of parties cited not appearing before you, the Worshipful _____, Judge and
Commissary of his Majesty's Vice-Admiralty Court of _____, lawfully constituted and
appointed the Proctor of _____ of _____, the legal holders
of a bottomry bond on the ship or vessel called the _____ (whereof
now is or lately was master), and the freight due for the transportation of the cargo now or lately
laden therein, the said ship or vessel now being in the port of _____ in the said island,
and within the jurisdiction of the said Court, against the said ship or vessel, her tackle, apparel, and
furniture, and freight; also against all persons in general, having or pretending to have any right,
title, or interest therein, by way of complaint, and hereby complaining, doth say, allege, and by this
writing in law propound, that the said ship or vessel called the _____, whereof the
said _____ was master, being in the month of _____ in the harbour of
_____, bound to the port of _____, and in want of reparations,
refittings, provisions, stores, and other necessaries, to equip, refit, and set forth the same for sea, and
enable her to perform her said intended voyage, and the said _____, the master, not
having money to defray the said repairs to the said ship, or credit to procure money for that purpose
otherwise than on the security of the said ship, her tackle, apparel, and furniture, and freight, he the
said _____ did thereupon apply to _____ of _____
to advance him the said _____ money upon the bottom and security of the said
ship and freight, to enable him to repair and refit the said ship, that she might proceed on her said
voyage, which the said _____ agreed to do, and thereupon advanced the sum of _____
unto the said _____, who for and in consideration thereof did
make, sign, and execute a bottomry bond, bearing date the _____ day of _____
now exhibited, annexed to an attestation of _____, whereby he did amongst other
things hypothecate and bind the said ship or vessel called the _____, with her tackle,
apparel and furniture, and the freight which was then or should become due for the voyage, from
aforsaid to the port of _____, to pay unto _____
of _____, their executors, administrators, or assigns, the said sum of _____,
together with maritime interest thereon, at and after the rate of _____ for every
one hundred pounds advanced, the said premium amounting to the sum of _____,
and the said principal sum and premium amounting together to the sum of _____,
within _____ days next after the arrival of the said ship in the said port of _____;
that the said ship arrived in the port of _____ aforsaid, on or about the
day of _____ now last past, and thereupon the said _____, after the
bottomry bond had become due, repeatedly applied to the said _____ for payment
of the said sum of _____, but the said _____ refused and declined
to discharge the same; whereupon the said _____, having no hopes of recovering the
aforsaid debt but by arresting the said ship _____, her tackle, apparel, furniture,
and freight, have caused the same to be arrested by virtue of a warrant under seal of this honourable
Court, and have caused all persons, having or pretending to have any right, title, or interest in the
premises, to be cited to appear before you, the aforsaid Judge, or your Surrogate, at a certain time
and place mentioned in the said warrant, to answer to the said _____ and
_____, the legal holders of the said bottomry bond, in a cause of bottomry, civil and
maritime, all which persons in general, cited as aforsaid, not appearing, but contumaciously absenting
themselves, stand in contempt by having incurred two defaults; all and singular which premises
were and are true, public, and notorious, and thereof there was and is a public voice, fame, and report;
whereupon the affidavit required by law in this behalf being exhibited, the Proctor of the said
_____ prays right and justice to be done, and that the said
_____ may be put into possession of the said ship, her tackle, apparel, furniture, and freight, with effect,
according to the extent of the aforsaid debt of the said _____,
in order that the same may be preserved, together with the expenses due by law in this cause by this
your decree, according to the style, practice, and manner of proceeding in the said Court used in like
cases, which premises he doth propound jointly and severally, not obliging himself to prove all and
singular the premises, but so far as he shall prove herein he humbly prays he may obtain in his
demands, the right and benefit of the law being always preserved, humbly imploring your aid and
assistance herein; all which premises we _____ the Judge aforsaid, having
maturely weighed and considered the same, do admit, and do pronounce, decree, and declare that the
same ought by law to be admitted, and the defaults aforsaid have been incurred as is above alleged,
and that the said _____ ought to be put in possession of the said ship, her tackle,

Or "lawfully consti-
tuted attorneys of

the legal holders," as
the fact may be.

a pparel, furniture, and freight, with effect, according to the extent of his said debt, and that his property may be preserved, together with his expenses due by law in this cause; and by this our decree, We do adjudge, and by these presents decree, possession of the said ship, her tackle, apparel, furniture, and freight, to the said accordingly

(Signed)

This decree was signed and promulged by the Worshipful , the Judge aforesaid, in the Court-house of the said Vice-Admiralty Court, on the day of the in the year of our Lord the in the presence of

(Signed)

Registrar.

No. 43.

FORM of AFFIDAVIT and SCHEDULE in support of a Decree pronouncing for the Interest of a Party proceeding by Default (or in pœnam) in a Cause of Subtraction of Wages.

Memorandum.—When an affidavit similar to this form has been sworn to, prior to the issue of the Warrant, it is not necessary to exhibit any further affidavit to obtain the decree.

Insert names of Ship and Master. Or "Carpenter," "Boatswain," or as the fact may be.

IN the Vice-Admiralty Court of appeared personally , late Mate belonging to the said ship or vessel, called the (whereof now is or lately was master), and made oath that on or about the day of , the said ship or vessel being in the port of , and designed on a voyage to and back to the port of , with an assorted cargo of merchandize, the said , the master, did, by himself or agent, ship and hire this deponent to serve on board the said ship during her then intended voyage as aforesaid, as Mate; and for the performance of the same did agree to pay him wages at and after the rate of per month; and accordingly he, this deponent, to wit, on the day of , went on board and entered into the service of the said ship, and did sign the usual mariner's contract or ship's articles for the voyage or voyages then to be performed by the said ship; and that shortly after he had been so shipped, the said vessel proceeded in ballast with him, this deponent, on board, and safely arrived at aforesaid on or about the day of the said month of Or as the fact may be. and took on board a cargo of , with which on or about the day of last they proceeded back to the port of , where she safely arrived on or about the day of last, and thereby earned considerable freight. And he further made oath that he was continued on board and in the service of the said ship or vessel until the day of , when he was discharged therefrom; that during all the time, he, this deponent, was in the service of the said ship or vessel, and until he was so discharged, he did well and truly perform his duty as a mate on board the said ship, to the utmost of his skill and ability, and was obedient to all the lawful commands of the said , the master, and the other officers of the said ship or vessel, and did well and truly deserve the wages so agreed on as aforesaid between him, this deponent, and the said , the master, and so much or greater wages were then given to persons serving in the like capacities on board ships of the like burthen, and on like voyages. And he further made oath that there is now justly and truly due and owing to him, as the balance of wages for his services on board such vessel, the sum of , after deducting therefrom the sum of for cash advanced and for Greenwich and the Merchant Seamen's Hospitals dues, as appears by the schedule annexed hereto, and to which he has subscribed his name.

On the day of (Signed) the said was duly sworn to the truth of the foregoing affidavit.

Before me,

(Signed)

SCHEDULE referred to in the annexed Affidavit.

To wages due to , as mate on board the ship or vessel } £. from the to the being months and days, at per month. } Deduct cash advanced.....£ For Greenwich and the Merchant Seamen's Hospitals dues..... (Signed) £

No. 44.

FORM of AFFIDAVIT to be made in support of a Decree pronouncing for the Interest of a Party proceeding by Default (or in pænan) in a Cause of Bottomry.

IN the Vice-Admiralty Court of

Insert names of Ship and Master.

appeared personally _____, merchant, one of the partners in the house trading under the firm of _____ of _____, merchants, and made oath that his said house of trade are the legal holders of the bottomry bond hereunto annexed marked _____, and the deponent further made oath that he hath been informed _____, and verily believes that the said ship or vessel called the _____, whereof _____ was master, the property of _____, being in the month of _____ last in the prosecution of a voyage from _____ to the port of _____ and back, but then lying in the port of _____, and the said ship being then in want of reparations, refittings, provisions, stores, and other necessaries to refit, equip, and set forth the same for sea, and to enable her to perform her said voyage, the said _____ did apply to the aforesaid firm of _____ of _____ aforesaid, to advance and borrow from them a certain sum of money, to pay for such reparations, refittings, provisions, stores, and other necessary expenses; and the deponent verily believes that the said _____ did supply the said _____ with the sum of _____, lawful money of _____, upon the adventure of the said ship, for the purpose of enabling him to set forth and equip the said vessel for sea, and which said sum was applied, as the deponent hath been informed and verily believes, in the repairs of the said vessel, and to enable the said _____ to set forth and equip her for sea, and in furnishing her with provisions and other necessaries, to enable her to perform her said intended voyage, and which said sum of _____, lawful money of _____, the deponent hath been informed and verily believes the said _____ did advance, and the said _____ did take upon bottomry of the said ship or vessel with all freight and moneys to grow due for the charter or hire thereof to _____, together with her tackle, apparel, and furniture, at the premium for risk and adventure of _____, lawful money of _____, for the said voyage; making together the sum of _____, lawful money of _____; and the said _____, in or by the bond or instrument of hypothecation hereto annexed, bearing date the _____ day of _____, by him duly executed, did bind himself and the owner and freighters of the said vessel, their heirs, executors, and administrators; and more especially did mortgage, hypothecate, assign, and make over unto the said _____, their executors, administrators, and assigns, the said vessel _____ and her freight, together with all and singular her tackle, apparel, and furniture, for payment of the said sum of _____, of lawful money of _____, to the said _____, their executors, administrators, or assigns, within _____ days after the safe arrival of the said vessel at the port of _____; and the deponent further made oath, that he hath been informed and verily believes that the said vessel _____ arrived at the port of _____ (being her port of destination) on or about the _____ day of _____ last, and that the said bond of hypothecation signed " _____" hath been duly tendered to the said _____ for payment, who acknowledged the same, and that the aforesaid subscription thereto was of the handwriting of the said _____, and that the said sum of _____ secured by the said bond to be paid to the said _____, their executors, administrators, or assigns, was a just debt, but that the said _____ refused or declined to discharge the same; and the deponent lastly made oath that the same sum of _____ still remains justly due and owing to the said _____, who have caused the said ship or vessel _____, her tackle, apparel, and furniture, and the freight due for the transportation of the cargo, to be arrested by virtue of the power and authority of this Court.

Or as the facts may be.

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

No. 45.

FORM of MINUTE or Act of Court on the Judge's signing a Decree pronouncing for the Interest of a Party proceeding by Default (or in pœnam), in a Cause of Subtraction of Wages.

IN pain of parties cited and not appearing, the Judge, at petition of _____, granted the second default; _____ then exhibited an attestation of _____ his party, with a schedule of the wages due to him thereto annexed, and porrected a decree pronouncing for the interest of his said party, and prayed; and the Judge at his petition, having heard the said attestation and schedule read on motion of Counsel, signed, promulged, and gave the said decree. _____ then exhibited attestations of _____ and _____, shewing the perishable state and condition of the said ship or vessel; and the Judge at his petition having heard the same read, granted a decree of appraisement and sale of the said ship or vessel.

Insert date, &c.
Insert names of Ship and Master.
Insert Proctor's name.

To be added when a decree of Appraisement and Sale of the Vessel is applied for at the same time.

No. 46.

FORM of MINUTE or Act of Court on the Judge's signing a Decree pronouncing for the Interest of a Party proceeding by Default (or in pœnam), in a Cause of Bottomry.

IN pain of parties cited not appearing, the Judge, at petition of _____, granted the second default; _____ then exhibited an attestation of _____ his party, with the bottomry bond marked _____ proceeded on in this cause annexed, and porrected a decree pronouncing for the interest of his said party, and prayed; and the Judge at his petition, having heard the said attestation and bottomry bond read on motion of Counsel, signed, promulged, and gave the said decree.

Insert date, &c.
Insert names of Ship and Master.
Insert Proctor's name

No. 47.

FORM of AFFIDAVIT as to the perishable state of a Ship or Vessel proceeded against by Default (or in pœnam).

APPEARED personally _____ and _____, and made oath that the said ship or vessel _____, her tackle, apparel, and furniture, boats, stores, and appurtenances, have continued under arrest in virtue of the process of this Court since the _____ day of _____ last; that the said ship or vessel is now lying in the _____ exposed to all weather; that during the time the said ship or vessel hath been so under arrest, the deponents have frequently been on board her, and they verily believe that the said ship or vessel is daily sustaining injury and deteriorating in value, and that it will be for the benefit of the persons interested in the said ship or vessel to have the same sold by virtue of a decree from this Court.

Insert names of Ship and Master.
Insert date.

Or as the facts may be.

Same day, sworn before me,

(Signed)

(Signed)

No. 48.

FORM of MINUTE or Act of Court on granting a Decree of Appraisement and Sale in any Cause proceeding by Default (or in pœnam).

IN pain of parties cited not appearing, _____ exhibited attestations of _____ and _____, shewing the perishable state and condition of the said ship or vessel, and prayed; and the Judge at his petition, having heard the said attestations read on motion of Counsel, granted a decree of appraisement and sale of the said ship or vessel.

Insert date, &c.
Insert names of Ship and Master.
Insert Proctor's name.

No. 49.

FORM of DECREE of Appraisement and Sale of a Ship in a Cause of Subtraction of Wages, proceeding by Default (or in pœnam).

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty

Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of subtraction of wages, civil and maritime, moved and prosecuted before him in _____, late *mariners* of the ship or vessel called the _____, against the said _____, now is or lately was master), against the said _____ (whereof _____, her tackle, apparel, and furniture, in pain of parties cited thrice called and not appearing, rightly and duly proceeding on the day of the date hereof at the petition of the Proctor of the said _____, exhibiting attestations of _____ and _____, setting forth the perishable condition of the said ship or vessel _____, granted a decree for the appraisement and sale of the said ship or vessel, her tackle, apparel, and furniture (justice so requiring); We do therefore, by these presents, authorize and empower you, jointly and severally, and do strictly charge and command you that you fail not to reduce into writing a full, true, and perfect inventory of the said ship or vessel _____, her tackle, apparel, and furniture, and that you choose *one* good and lawful person, well experienced in such affairs, and swear him faithfully and justly to appraise the same according to their true values, and that you so appraise and value or cause the same to be so appraised and valued, and the appraisement being taken, that you expose or cause the aforesaid ship, her tackle, apparel, and furniture, to be exposed to public sale, and that you sell or cause the same to be sold to the best bidder, and that you bring or cause to be brought the produce money arising from such sale into the Registry of our aforesaid Court within *two months* from the date hereof, to abide the further order of our said Court, and that you duly transmit the said appraisement, subscribed by you and the said appraiser, together with the account of such sale also subscribed by you, to our aforesaid Judge of our said Court, or his Surrogate, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____ (Signed) _____ (L.S.) _____ Registrar.

Or as the fact may be.

Or two if necessary.

Or less if so decreed.

No. 50.

FORM of DECREE of Appraisement and Sale of a Ship in a Cause of Bottomry, proceeding by Default (or in p̄nam).

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of bottomry, civil and maritime, moved and prosecuted before him in our said Court, on behalf of _____, the lawful holders of a bottomry bond on the ship or vessel called the _____ (whereof _____ now is or lately was masier), against the said _____, her tackle, apparel, and furniture, and the freight due for the transportation of the cargo now or lately laden therein, in pain of parties cited thrice called and not appearing, rightly and duly proceeding on the day of the date hereof, at the petition of the Proctor of the said _____, exhibiting attestations of _____, and _____, setting forth the perishable condition of the said ship or vessel _____, granted a decree for the appraisement and sale of the said ship or vessel, her tackle, apparel, and furniture (justice so requiring); We do therefore, by these presents, authorize and empower you jointly and severally, and do strictly charge and command you that you fail not to reduce into writing a full, true, and perfect inventory of the said ship or vessel _____, her tackle, apparel, and furniture, and that you choose *one* good and lawful person, well experienced in such affairs, and swear him faithfully and justly to appraise the same according to their true values, and that you so appraise and value or cause the same to be appraised and valued, and the appraisement being taken, that you expose or cause the aforesaid ship, her tackle, apparel, and furniture, to be exposed to public sale, and that you sell or cause the same to be sold to the best bidder, and that you bring or cause to be brought the produce money arising from such sale into the Registry of our aforesaid Court within *two months* from the date hereof, to abide the further order of our said Court, and that you duly transmit the said appraisement subscribed by you and the said appraiser, together with the account of such sale also subscribed by you, to our aforesaid Judge of our said Court, or his Surrogate, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____ (Signed) _____ (L.S.) _____ Registrar.

Or "lawfully constituted attorneys of _____, the legal holders," as the fact may be.

Or two if necessary.

Or less if so decreed.

No. 51.

FORM of MARSHAL and APPRAISER'S RETURN as to Appraisement on the Execution of a Decree of Appraisement and Sale.

In the Vice-Admiralty Court of

Insert names of Ship and Master.

A true and perfect Inventory of the above-named ship, her tackle, apparel, and furniture, hull, masts, yards, standing and running rigging.

[Here insert the inventory.]

I, _____, Marshal of this Court, do, with all due respect, hereby certify that by virtue of the decree of appraisement and sale hereunto annexed, I have chosen _____ of this colony, broker, a good and lawful man, well experienced in such affairs, and have duly sworn him faithfully and justly to value and appraise the said ship or vessel _____, her tackle, apparel, and furniture, according to their true value and to the best of his skill and judgment; and I, the said _____, whose name is hereunto subscribed, do hereby certify that by virtue of my said oath, I have faithfully and justly valued and appraised the above-named ship or vessel _____, her tackle, apparel, and furniture, at the sum of _____, of lawful money of _____.

Insert Broker's name.

day of

(Signed)

_____, *Marshal.*

(Signed)

_____, *Appraiser.*

No. 52.

FORM of MARSHAL'S RETURN to a Decree of Appraisement and Sale.

In the Vice-Admiralty Court of

Insert names of Ship and Master.

The Marshal's account of sales of the ship _____, her tackle, apparel, and furniture, sold by public auction at _____, on _____, the _____ day of _____, by virtue of a decree of the said Court, bearing date the _____ day of _____, hereunto annexed. The Ship, her tackle, apparel, and furniture, sold to _____ for £ _____ Deduct Marshal's Bill of Disbursements and Fees annexed

£ _____

(Signed)

_____, *Marshal of the Vice-Admiralty Court of*

BILL of DISBURSEMENTS and FEES of the Marshal of the Vice-Admiralty Court of relative to the Ship or Vessel _____ (whereof _____ was Master), sold by virtue of a Decree of Appraisement and Sale, bearing date the _____ day of _____

[Here insert the several items.]

(Signed)

_____, *Marshal of the Vice-Admiralty Court of*

The Marshal should also endorse on the back of the decree of appraisement and sale the following certificate:—

“This decree was duly executed, as appears by the inventory, appraisement, and account of sales annexed.”

(Signed)

_____, *Marshal of the Vice-Admiralty Court of*

No. 53.

FORM of MINUTE or Act of Court on the Marshal's returning Decree of Appraisement and Sale, and bringing in the Proceeds.

Insert date, &c. Insert names of Ship and Master.

THE Marshal returned decree of appraisement and sale of the said ship, executed with inventory, appraisement, and return annexed, together with accounts of sales and disbursements, and brought in the sum of _____ as the nett proceeds of sale.

No. 54.

FORM of AFFIDAVIT to be made when appraised Value of a Ship cannot be obtained.

IN the Vice-Admiralty Court of

Insert names of Ship and Master.

appeared personally _____ and _____, and made oath that, in virtue of the authority of this Court, the above-named ship or vessel _____ was appraised at the sum of _____, and due notice was given, by advertisements and otherwise, for the sale thereof, to take place by public auction on the _____ day of _____; that the said ship or vessel was thereupon put up for sale, when the highest sum offered for the purchase thereof was the sum of _____, and no more; and these deponents further make oath that

Insert the cause which may have occasioned the difference in value between the time of appraisement and that of the auction, or any special circumstances that may be necessary.

and that, in consequence thereof, these deponents verily and in their consciences believe that the said ship or vessel ought not to be considered of greater value than the sum of _____

On the _____ day of _____ the said _____ (Signed)
and _____ were _____ (Signed)

duly sworn to the truth thereof.
Before me,
(Signed)

No. 55.

FORM of MINUTE or Act of Court directing a Ship to be sold for less than the Appraised Value.

Insert date, &c.
Insert names of Ship and Master.
Insert Proctor's name.

IN pain of parties cited not appearing _____ exhibited affidavits of _____ and _____, and alleged that, in virtue of the decree of this Court, the said ship or vessel, her tackle, apparel, and furniture, were duly appraised and valued at the sum of _____, and that, on the _____ day of _____, the same were, after public advertisement thereof, put up for sale by public auction, but only the sum of _____ was offered for the same. The Judge having heard the said affidavits read, directed the said ship or vessel to be again exposed to public sale, but not to be sold under the sum of _____

No. 56.

FORM of INTERLOCUTORY DECREE pronouncing Wages to be due in a suit conducted by Default (or in pœnam) against a Ship already sold by the authority of the Court, or decreed to be sold at the suit of another Party, who had also proceeded by Default.

Insert date, &c.
Insert names of Ship and Master.
Insert Proctor's name.

IN pain of parties cited not appearing, the Judge, at petition of _____, granted the second default; _____ then referred to the attestation of _____ his party, with a schedule of the wages due to him thereto annexed, heretofore exhibited, and now remaining in the Registry.

The Judge, in like pain at petition of the said _____, having heard the said attestation and schedule read on motion of Counsel by interlocutory decree, pronounced the sum of _____ to be due to the said _____, for his wages on board the said ship

Or if the decree of sale be not completed "when brought into."

or vessel, as set forth in the said schedule, and condemned the proceeds of the said ship or vessel remaining in the Registry therein and in costs.

No. 57.

FORM of BOND to answer latent Demands, to be given on behalf of an Owner on his receiving the Balance of Proceeds, after payment by the Registrar of the Amount of Debt and Costs, in a Cause conducted by Default or in pœnam.

Or "Surrogate," as the fact may be.
Insert names of Ship and Master.
Insert Proctor's name.

ON _____, the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, Present, _____ (Signed) _____ Registrar.

_____ of _____, and _____, who, submitting themselves to the jurisdiction of his Majesty's Vice-Admiralty Court of _____

, bound themselves, their heirs, executors, and administrators, for late the owner of the said ship or vessel, in the sum of , lawful money of , Double the amount to be received out.
 unto our Sovereign Lord the King, to restore the sum of , being the balance of the proceeds arising from the sale of the said ship or vessel, now remaining in the Registry of the said Court, and about to be paid thereout to the said , in case any person shall come in for his interest in the said sum of ; and they further bound themselves, their heirs, executors, and administrators, to bring into the Registry of this Court the said sum of , whenever the Court shall so order, and to indemnify and save harmless the Judge, Registrar, Marshal, and all other Officers of the said Court, as to the payment out of the said sum of , and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of , before mentioned ; which caution the said Judge Or "Surrogate," as received on the report of the said sureties. , Marshal of the said Court, as to the sufficiency of the fact may be.

(Signed)
 (Signed)

No. 58.

FORM of MARSHAL'S REPORT as to Sufficiency of Bail.

I, Marshal of the Vice-Admiralty Court of , do hereby certify that, having made inquiry after of of and , Insert Defendant's name.
 of , proposed to be securities for , find, from the best information that I can procure, that they are sufficient security for the said , in the sum of pounds of lawful money of , and as such report them accordingly. Witness my hand this day of

(Signed)
 Marshal of the Vice-Admiralty Court of

No. 59.

FORM of BAIL BOND to answer Action against a Ship in a Cause of Subtraction of Wages.

ON , the day of , before the Worshipful , Judge Or "Surrogate," as the fact may be.
 of the Vice-Admiralty Court of , in his chambers, situated at Present, (Signed) Registrar. , Insert names of Ship and Master. Insert Proctor's name.
 appeared to the action for , of sole owner of the said ship or vessel , and produced as sureties , who, submitting themselves to the jurisdiction of His Majesty's Vice-Admiralty Court of , bound themselves, their heirs, executors, and administrators for the said , in the sum of of lawful money of unto , late Mate on board the said ship or vessel As the fact may be.
 to answer the action commenced in this behalf, and to bring forth the said into judgment, to abide the hearing of this cause whenever it shall be assigned, and likewise to pay what shall be adjudged, with expenses; and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of before mentioned ; which caution the said Judge received on the report of Marshal of the said Court, as to the sufficiency of the said sureties. Present, (Signed) Registrar to insert name of Proctor of the Promoter in the Registrar's hand-writing.
 (Signed)

No. 60.

FORM of BAIL BOND to answer Action against the Master of a Ship in a Cause of Subtraction of Wages.

ON , the day of , before the Worshipful , Judge Or "Surrogate," as the fact may be.
 of the Vice-Admiralty Court of , in his chambers, situated at Present, (Signed) Registrar. , Insert names of Ship and Master. Insert Proctor's name.
 appeared to the action for , the master of the said ship or vessel, and produced as sureties of and

of _____, who, submitting themselves to the jurisdiction of the Vice-Admiralty Court of _____, bound themselves, their heirs, executors, and administrators for the said _____, in the sum of _____ of lawful money of _____ unto _____, late a mariner on board the said ship or vessel _____, to answer the action commenced in this behalf, and to bring forth the said _____, into judgment, to abide the hearing of this cause whenever it shall be assigned, and likewise to pay what shall be adjudged, with expenses; and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of _____ before mentioned; which caution the said *Judge* received on the report of _____, Marshal of the said Court, as to the sufficiency of the said sureties. Present,

Or "Surrogate," as the fact may be. Registrar to insert name of Proctor for the Promoter.

(Signed)
(Signed)

No. 61.

FORM of BAIL BOND to answer Action against a Ship in a Cause of Pilotage.

Or "Surrogate," as the fact may be. ON _____ the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, in his chambers, situated _____, Present, _____ (Signed) Registrar.

Insert names of Ship and Master. Insert Proctor's name.

_____ appeared to the action for _____ of _____, the owner of the said ship or vessel, and produced as sureties _____ of _____ and _____ of _____, who, submitting themselves to the jurisdiction of the Vice-Admiralty Court of _____, bound themselves, their heirs, executors, and administrators, for the said _____, in the sum of _____, of lawful money of _____, unto _____, late pilot on board the said ship or vessel, to answer the action commenced in this behalf, and to bring forth the said _____ into judgment, to abide the hearing of this cause whenever the same shall be assigned, and likewise to pay what shall be adjudged, with expenses; and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum _____, before mentioned; which caution the said *Judge* received on the report of _____, Marshal of this Court, as to the sufficiency of the said sureties. Present,

Or "Surrogate," as the fact may be. Registrar to insert name of the Proctor for the Promoter.

(Signed)
(Signed)

No. 62.

FORM of BAIL BOND to answer Action against a Ship, or Ship and Freight, or Ship and Cargo, in a Cause of Bottomry.

Or "Surrogate," as the fact may be. ON _____, the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, in his chambers, situated _____, Present, _____ (Signed) Registrar.

Insert names of Ship and Master. Insert name of Proctor. And "cargo," as the fact may be.

_____ appeared to the action for _____ of _____, the owner of the said ship or vessel _____, and produced as sureties _____ of _____ and _____ of _____, who, submitting themselves to the jurisdiction of the Vice-Admiralty Court of _____, bound themselves, their heirs, executors, and administrators, for the said _____ in the sum of _____, of lawful money of _____, unto _____ of _____, the asserted legal holder of the asserted bottomry bond proceeded on in this cause, to answer the action commenced in this behalf, and to bring forth the said _____ into judgment, to abide the hearing of this cause whenever it shall be assigned, and likewise to pay what shall be adjudged, with expenses; and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever they shall be found, to the value of the sum of _____ before mentioned; which caution the *Judge* received on the report of _____, Marshal of this Court, as to the sufficiency of the said sureties.

Or "Surrogate," as the fact may be. Registrar to insert name of Proctor for the Promoter.

Present,

(Signed)
(Signed)

No. 63.

FORM of BAIL BOND to answer Action against Freight in a Cause of Bottomry.

ON _____, the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, in his chambers, situated _____, Present, (Signed) _____ Registrar. Or "Surrogate," as the fact may be. Insert names of Ship and Master. Insert Proctor's name.

_____ appeared to the action for _____ of _____, the consignee of the cargo laden on board the ship or vessel _____ and produced as sureties _____ of _____, who, submitting themselves to the jurisdiction of the Vice-Admiralty Court of _____, bound themselves, their heirs, executors, and administrators, for the said _____, in the sum of _____, of lawful money of _____, unto _____, the asserted legal holder of the asserted bottomry bond proceeded on in this cause, to answer the action commenced in this behalf so far as respects the freight due for the transportation of the cargo now or lately on board the said ship or vessel, and to bring forth the said _____ into judgment, to abide the hearing of this cause whenever it shall be assigned, and likewise to pay what shall be adjudged, with expenses; and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of _____ before mentioned; which caution the said Judge received on the report of _____, Marshal of the said Court, as to the sufficiency of the said sureties. Present, (Signed) _____ (Signed) _____

No. 64.

FORM of BAIL BOND to answer Action in a cause of Damage by Collision.

ON _____, the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, in his chambers, situated _____, Present, (Signed) _____ Registrar. Or "Surrogate," as the fact may be. Insert names of Ship and Master. Insert Proctor's name.

_____ appeared to the action for _____ of _____, owner of the said ship _____, and produced as sureties _____ of _____, who, submitting themselves to the jurisdiction of the Vice-Admiralty Court of _____, bound themselves, their heirs, executors, and administrators, for the said _____, in the sum of _____ of lawful money of _____, unto _____ of _____, ship-owner, the sole owner and proprietor of the ship or vessel called the _____, to answer the action commenced in this behalf, and to bring forth the said _____ into judgment, to abide the hearing of this cause whenever it shall be assigned, and likewise to pay what shall be adjudged, with expenses; and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of _____ before mentioned; which caution the said Judge received on the report of _____, Marshal of the said Court, as to the sufficiency of the said sureties. Present, (Signed) _____ (Signed) _____

No. 65.

FORM of BAIL BOND to answer Action in a cause of Damage by Beating or Assault on the High Sea.

ON _____, the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, in his chambers, situated _____, Present, (Signed) _____ Registrar. Or "Surrogate," as the fact may be. Insert names of Ship and Master. Insert Proctor's name.

_____ appeared to the action for the said _____, the master of the said ship or vessel _____, and produced as sureties _____ of _____, who, submitting themselves to the jurisdiction of the Vice-Admiralty Court of _____, bound themselves, their heirs, executors, and administrators, for the said _____, in the sum of _____ lawful money of _____, unto _____, late a mariner on board the said ship _____, to answer the action commenced in this

behalf, and to bring forth the said _____ into judgment, to abide the hearing of this cause whenever it shall be assigned, and likewise to pay what shall be adjudged, with expenses; and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of _____ before mentioned; which caution the said *Judge* received on the report of _____, Marshal of the said Court, as to the sufficiency of the said sureties. Present,

Or "Surrogate," as the fact may be.
Registrar to insert name of Proctor of the Promoter.

(Signed)
(Signed)

No. 66.

FORM of BAIL BOND to answer Action against the Master of a Ship for Contempt in passing any one or more of His Majesty's Ships of War without striking or lowering the Top-gallant-sail of his Ship, being the uppermost or loftiest Sail she was then carrying.

Or "Surrogate," as the fact may be.

ON _____, the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, in his chambers, situated _____ Present, _____ (Signed) _____ Registrar.

Our Sovereign Lord the King, in his Office of Admiralty, against _____, now or late master of the ship or vessel called the _____, for a contempt in passing his Majesty's Ship _____, Esq., commander, without striking or lowering the *top-gallant* sail of the said ship or vessel, being the uppermost or loftiest sail she was then carrying.

Or "royal," or "top-sail," as the fact may be.

Insert name of Proctor.

_____ ship _____ appeared to the action for _____, master of the merchant _____, and produced as sureties _____ of _____ and _____ of _____, who, submitting themselves to the jurisdiction of the Vice-Admiralty Court of _____, bound themselves, their heirs, executors, and administrators, for the said _____ in the sum of _____ of lawful money of _____, unto our Sovereign Lord the King in his Office of Admiralty, to answer the action commenced in this behalf against the said _____, and to bring forth the said _____ into judgment, to abide the hearing of this cause whenever it shall be assigned, and likewise to pay what shall be adjudged, with expenses; and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of _____ before mentioned; which caution the said *Judge* received on the report of _____, Marshal of the said Court, as to the sufficiency of the said sureties.

Or "Surrogate," as the fact may be.
Registrar to insert name of King's Proctor or Admiralty Proctor.

Present, _____ (Signed)
_____ (Signed)

No. 67.

FORM of BAIL BOND to answer Action against Ship, Cargo, and Freight, in a Cause of Salvage.

Or "Surrogate," as the fact may be.

Insert names of Ship and Master.

Insert Proctor's name.

ON _____, the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, in his chambers, situated _____ Present, _____ (Signed) _____ Registrar.

_____ and _____ appeared to the action for _____ of _____ and for _____ and _____, the owners of the said ship or vessel _____, the owners of the cargo now or lately laden therein, and produced as sureties _____ of _____ and _____, who, submitting themselves to the jurisdiction of the Vice-Admiralty Court of _____, bound themselves, their heirs, executors, and administrators, for the said _____, and _____, and _____ in the sum of _____ of lawful money of _____ unto _____, the master and the owners and crew of the brig _____, and _____, the master and the owners and crew of the smack _____ to answer the action commenced in this behalf, and to bring forth the said _____, and _____ into judgment, to abide the hearing of this cause whenever it shall be assigned, and likewise to pay what shall be adjudged, with expenses; and unless they shall so do they

do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of before-mentioned; which caution the said *Judge* received on the report of
 Present, , Marshal of the said Court, as to the sufficiency of the said sureties.

Or "Surrogate," as the fact may be.

Registrar to insert name of Salvor's Proctor.

(Signed)
 (Signed)

No. 68.

FORM of MARSHAL'S RELEASE of Property arrested.

SUFFICIENT bail having been given to answer the action, I do hereby release the above-named ship or vessel from the arrest made in this behalf, and hereof the assistants of the Marshal and all others whom it may concern are to take notice. Witness my hand, this day of

Insert names of Ship and Master.

Or ship and cargo, or otherwise, as the fact may be.

(Signed)
 Marshal of the Vice-Admiralty Court of

No. 69.

FORM of AFFIDAVIT as to Notice of Bail.

appeared personally of , and made oath that on the day of he the appearer delivered to the following names of bail to answer the action commenced in this behalf, viz. of , and of ; that from such time to the time of his being sworn to the present affidavit, more than twenty-four hours have elapsed. On the day of the said } was duly sworn to the } (Signed) truth of this affidavit.

Insert names of Ship and Master.

Insert name of Proctor to whose party the bail is to be given.

Before me,
 (Signed)

No. 70.

FORM of ACT on PROTEST.

IN the Vice-Admiralty Court of

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 Myton, in the town and county of the town of Kingston-upon-Hull, twenty 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 honourable 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.

Insert names of Ship and Master.
 Insert Proctor's name.

Or as the facts may be.

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

Reply.

Or as the facts may be.

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 honourable 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.

Conclusion.

In the presence of _____ dissenting and denying the allegations of _____ to be true; whereupon the Judge assigned to hear on petition of both Proctors whensoever.

To be signed by the Proctors.

(Signed)
(Signed)

No. 71.

FORM of LIBEL or Summary Petition in a Cause of Subtraction of Wages.

IN the Vice-Admiralty Court of _____

Insert names of Ship and Master.

Insert Proctor's name. on _____ the _____ day of _____ in the year of our Lord _____ exhibited as Proctor for _____, late *Mate* on board the ship or vessel called the _____, and for _____, late a mariner on board the same, and made himself a party for them, and under that denomination, and by all better and more effectual ways, means, and methods, and to all intents and purposes in the law whatsoever that may be most beneficial for his said party, did, by way of summary petition, say, allege, and in law articulately propound as follows, to wit—

First.

That in or about the month of _____ in the year of our Lord _____ the said ship or vessel the _____ (whereof the said _____ was master), being in the port of _____ and designed on a voyage from thence to _____ and back again to the said port of _____, the said _____, the master, did, by himself or agent, ship and hire the said _____ to serve as mate, and the said _____ to serve as mariner, on board the said ship or vessel, during the said intended voyage, the said _____ at the rate or wages of _____ per month, and the said _____ at the rate or wages of _____ per month; and accordingly, on the _____ day of the said month of _____, they, the said _____ and _____, entered on board and into the service of the said ship or vessel the _____, in the capacities and at the monthly wages aforesaid, and signed the usual ship's articles or mariner's contract; and the said ship or vessel, having taken in a cargo of _____, set sail therewith, and with the said _____ and _____ on board, for the said port of _____, where she safely arrived. That the said ship or vessel remained in the said port of _____ for _____ months, and during that time disposed of her said outward-bound cargo, and took on board a return cargo of _____. That some time in the month of _____ in the year _____ the said ship or vessel sailed therewith from the said port of _____ and then proceeded on her homeward-bound voyage to the said port of _____, where she likewise safely arrived in the month of _____ last with the said _____ and _____ on board, and was there safely moored, and the said _____ discharged them from the service of the said ship or vessel _____ without paying them the wages due to them for the said voyage, though often applied to and requested so to do. That during all the aforesaid voyage or voyages they, the said _____ and _____, did well and truly perform their respective duties on board the said ship or vessel in their respective capacities aforesaid, and were obedient to all the lawful commands of the said master and other officers on board the said ship, and well and truly deserved the wages of _____ and _____ per month, as mentioned and set forth in the schedules hereto annexed, marked A and B, (which the party propounding them prays may be taken as if here read and inserted, and as part and parcel hereof,) and so much or greater wages were then given to persons serving in the like capacities on board other ships of like burthen and on the like voyage or voyages. And this was and is true, public, and notorious, and so much the said _____, the master, doth know and in his conscience believes to be true, and the party proponent doth allege and propound of any other time, place, person, or thing, sum or sums of money, as shall appear from the proofs to be made in this cause, and everything herein contained jointly and severally.

Or, "the Owner of the said ship or vessel," or party defendant, as the fact may be.

Second.

That the said ship or vessel _____ on or about the _____ day of _____ arrived at the port of _____, within the jurisdiction of his 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 proponent doth allege and propound as before.

Third.

That all and singular the premises were and are true.

Handwritten notes:
No. 71 in the Court of the Admiralty...
The wages were not paid...
The party proponent...
The master...
The ship...
The cargo...
The voyage...
The arrival...
The departure...
The complaint...
The court...
The judge...
The party...
The premises...
The true...

The Schedule A.

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

No. 72.

FORM of LIBEL or Summary Petition pleading special Matter in a cause of Subtraction of Wages.

In the Vice-Admiralty Court of

Insert names of Ship and Master.

on the day of in the year of our Lord exhibited as Proctor for , late mariner on board the said ship or vessel called the , and made himself a party for him, and under that denomination, and by all better and more effectual ways, means, and methods, and to all intents and purposes in the law whatsoever that may be most beneficial for his said party, did, by way of summary petition, say, allege, and in law articulately propound as follows, to wit—

That some time in or about the day of in the year of our Lord the said ship or vessel , whereof now is or lately was master and sole owner, being then in the port of , and designed on a voyage to the island of in the West Indies, and back again to the port of , the said master, did, by himself or his agent, ship and hire the said to serve as a seaman on board the said ship or vessel on her then intended voyage, and for his services did agree to pay him wages at and after the rate of per month, and on or about the said day of the said went on board and entered into the service of the said ship in the capacity and at the wages aforesaid, and signed the usual ship's articles or mariner's contract accordingly. That shortly after the said had been so shipped as aforesaid, an assorted cargo of merchandize having been taken on board, the said ship proceeded with the same, and with the said on board, for the said island of , where she safely arrived on or about the day of the month of , and there discharged her said cargo. That upon the afternoon of the day of the said month of , whilst the said ship was lying at the said island of , the chief mate of the said ship gave permission to the said and two others of his shipmates to go on shore; and they accordingly, about three o'clock of the said afternoon, went on shore. That there being at that time no very urgent duty to perform on board the said ship, they did not return on board again the same night, but about eleven o'clock of the following day, being the day of the said month of , whilst the said and his two shipmates were coming down to their ship, they were apprehended by the civil authorities, at the instance of the said , the master, who charged them with intending to desert the said ship; and notwithstanding their positively denying the said charge, and declaring they were perfectly willing to return on board the said ship, the said and one of his shipmates, were at the instance of the said committed and sent to prison, and for the first forty-eight hours of their confinement therein were not furnished with anything either to eat or drink. That the said was then continued in prison for seventy-five days, without receiving proper nutriment, and was fed on the worst food, whereby he became very ill, and his health has been greatly impaired. That on the day of the month of following, the said came to the prison in which the said was confined, and he, being then in a weak state, was taken, by the orders of , on board the said ship, but prohibited from doing any duty on board during the whole of the return voyage, the said informing him that, if he attempted to do any duty during any part of the return voyage, he, the said , would blow his brains out, and for which purpose he kept his pistols always loaded. That the said ship then proceeded with a cargo of sugar and coffee on her return to the port of , where she safely arrived in the beginning

of the month of _____ following, and there discharged her cargo; and the said _____, not having been, during any part of the said voyage, permitted (although perfectly willing) to do any duty in his power, but constantly threatened with personal violence by the said _____ during the whole of that period, was, on the _____ day of the said month of _____, duly discharged from the service of the said ship. That the said ship by her aforesaid voyage earned very considerable freight. That during all the time he the said _____ was in the service of the said ship or vessel, when permitted by the said _____, he did well and truly perform his duty as a seaman on board the said ship or vessel, and was always obedient to all the lawful commands of the said _____, the master, and others his superior officers, and well deserved the wages schedule, and so much or greater wages were then given to persons serving in the like capacity on board ships of the like burthen and on like voyages. That the said _____ has made various applications to the said _____, the master and owner of the said ship, for the payment and satisfaction of the balance of wages due to him for his services on board the said ship, without being able to obtain the same. And so much the said _____, the master and owner of the said ship, doth know, and in his conscience believes to be true; and the party proponent doth allege and propound of any other time, place, person, or thing, sum or sums of money, as shall appear from the proofs to be made in this cause, and everything herein contained, jointly and severally.

Second.

That the said ship or vessel _____, on or about the _____ day of _____, arrived at the port of _____, within the jurisdiction of his 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 _____ to the Worshipful _____, the Judge thereof, and to the said Court; and the party proponent doth allege and propound as before.

Third.

That all and singular the premises were and are true.

Schedule to which the foregoing Summary Petition refers.

To wages due to _____ as a seaman on board the ship _____	} £
from _____ to _____, being _____ months	
and _____ days, at the rate of _____ per month.....	} £
By cash received.....	
Hospital dues.....	} £
Balance.....	

No. 73.

FORM of LIBEL or Summary Petition in a Cause of Pilotage.

IN the Vice-Admiralty Court of _____

Insert names of Ship and Master.

on _____ the _____ day of _____ in the year of our Lord _____ exhibited as Proctor for _____, late pilot on board the said ship or vessel called the _____, and made himself a party for him, and under that denomination and by all better and more effectual ways, means, and methods, and to all intents and purposes in the law whatsoever that may be most beneficial for his said party, did, by way of summary petition, say, allege, and in law articulately propound as follows, to wit—

First.

That the said ship or vessel _____, whereof the said _____ then was master, being on her voyage from _____, with a cargo of divers merchandize on board, to the port of _____, where her said voyage was to end and be complete, he the said _____ did, by himself or agent, to wit, on or about the _____ day of _____, engage and hire the said _____ to pilot the said ship or vessel from _____ to _____, and did engage and agree to pay to him wages for the same at and after the rate of _____.

That the said _____ did accordingly on or about the said _____ day of _____ go on board and enter into the service of the said ship in the capacity of pilot, and for the purpose of piloting the said ship safely up to _____ aforesaid; and on the said ship's arrival at _____ he the said _____ did further engage and hire the said _____ to pilot the said ship from thence to _____, where she arrived on or about the _____ day of _____ the same month, and was there safely moored, whereby the said voyage and agreement were fully completed and ended; and the party proponent doth further allege and propound that soon after the said ship's arrival at her moorings at _____ as aforesaid, the said _____ gave to him the said _____ a draft or order on _____ of _____ for the payment to him of the sum of _____, the amount of his aforesaid wages or pilotage; and the party proponent doth further allege and propound, that the said _____ was and is a skilful pilot, and at and during all the time he was as aforesaid on board and in the service of the

Or as the facts may be.

said ship he did well and truly perform his duty as a pilot to the best of his skill and ability, and well and truly deserved the wages or pilotage for which he was engaged and hired as aforesaid, and so much or greater wages or pilotage were then given to pilots for piloting ships of the like burthen from to ; and the said hath frequently applied to the said for the payment of his said wages and of the said draft or order, but that the same hath always been refused him, and that the said sum of still remains justly due and owing to him for such his aforesaid service on board the said ship. And this was and is true, public, and notorious, and so much the said doth know and in his conscience believes to be true; and the party proponent doth allege and propound of any other time, place, person, or thing, sum or sums of money, as shall appear from the proofs to be made in this cause, and everything in this and the subsequent articles of this summary petition contained, jointly and severally.

That in supply of proof of part of the premises mentioned and set forth in the next preceding article, the party proponent doth exhibit and hereto annex, and prays to be here read and inserted and taken as part and parcel hereof, a certain paper-writing marked with the letter A, and doth allege and propound the same to be and contain the original draft or order drawn by the said , the master of the said ship, on the said , for the payment of the said sum of to him the said , for piloting the said ship as mentioned in the said preceding article. That all things were so had and done as therein contained, and that and the ship therein mentioned, and , the master of the said ship , party in this cause, and several times hereinbefore mentioned, and the ship proceeded against in this cause, were and are the same persons and ship and not divers; and further, that the whole body, series, and contents of the said paper-writing or exhibit, and the name thereto set and subscribed, were and are all of the proper handwriting and subscription of the said , the master, and not divers. And this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That the said ship or vessel the , on or about the day of , arrived at the port of , within the jurisdiction of His 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 to the Worshipful , the Judge thereof, and to the said Court, and the party proponent doth allege and propound as before.

That all and singular the premises were and are true.

Second.

Third.

Fourth.

To be signed by Counsel.

No. 74.

FORM of LIBEL in a Cause of Damage by Collision.

In the Vice-Admiralty Court of

Insert names of Ship and Master.
Insert date.

before you, the Worshipful , Judge and Commissary of His Majesty's Vice-Admiralty Court of , lawfully constituted and appointed the Proctor of the sole owner of the late schooner or vessel called the (whereof was late master), against the said ship or vessel called the (whereof or lately was master), her tackle, apparel, furniture, and freight, and also against all persons having or pretending to have any right, title, or interest therein, or any other person or persons lawfully intervening herein on their behalf, doth by way of complaint, and hereby complaining unto you, say, allege, and in law articulately propound as follows, to wit—

That on the day of the said schooner or vessel (whereof the said was master) sailed from with a cargo of bound for . That the said schooner was of the burthen, by admeasurement, of tons, or thereabouts, and was navigated by a crew consisting of the said , the master, and other persons. That the said schooner at the time she so sailed from was tight, stanch, and in good condition. That on the morning of the next day, the day of , the said schooner arrived off . That the wind was then blowing hard from the , and in consequence thereof the said schooner, together with about twenty sail of other vessels, one of which was the brig or vessel of (whereof was master), being the vessel proceeded against in this cause, were during the said day occasionally reaching and lying to under the north side of the for shelter. That about o'clock in the evening of the said day, the mate, whose watch it then was, and , a seaman, wore the said schooner and laid her to with her head to the southward, under the fore-staysail, foresail, fore-topsail, and mainsail; that the

First.

fore-topsail was full, and the foresail hauled close to windward with the bow-line made fast to the foremast shroud, and the topsail was aback, and the mainsail scandalized with the helm in the lee becket. That in about a quarter of an hour after the said schooner had been so laid to, the said perceived a brig to windward upon the said schooner's starboard bow, which he afterwards found was the said brig proceeded against in this cause. That the evening was rather dark, but not at all hazy, and vessels at the distance of about a mile from each other could at such time be very well discerned. That the land and the said brig were discerned from the deck of the said schooner. That when the said brig was so first seen by the said , the mate, she appeared to be standing towards the land, on the larboard tack; but she soon afterwards altered her course, and came towards the said schooner. That the said , the mate, having noticed the same, observed to the said , "What is this brig about?" Upon which the said came to the said , who was standing upon the starboard side of the main-deck, just before the main rigging; and the said then said to him, "It looks as if she was coming on board of us." That at this time the said brig had wore round, and had got the wind aft, and was coming towards the said schooner, with her larboard main-braces and starboard fore-braces checked, and all her sails full. That as she neared the said schooner, and got before the wind, the braces appeared to be gradually drawn in. That as the said brig continued to get nearer to the said schooner, the said , when she came within hail, called to the persons on board, "Brig, ahoy!" and then added, "What do you mean to do?—do you intend to come on board of us?" And he then called out to them, "Put your helm down, put your helm a-starboard," or expressed himself to that very effect. That no answer was made by either of the persons on board the said brig, and the said , the mate, perceiving that she would inevitably strike the schooner, ran to the helm, and took it out of the becket, and then ran forward; just at which time the said brig struck the said schooner. That the peak of the mainsail of the said brig was then up, and her fore-topmast staysail set, with the sheet hauled in to leeward, and her bowsprit carried away the three starboard foremast shrouds of the said schooner, and went abaft the foremast, but the aftermast shroud held. That the said brig was, at the time of the said accident, to windward of the said schooner, and the said collision occurred solely through the inattention or want of skill of the persons on board the said brig, and not by or through the inattention or want of skill of the persons on board the said schooner. And this was and is true, public, and notorious; and the party proponent doth allege and propound of any other time or place, person or thing, as shall appear from the proofs to be made in this cause, and everything in this and the subsequent articles of this libel contained, jointly and severally.

Second.

That, notwithstanding the crews of the said vessels used their utmost exertions to separate them, they were unable to do so; and the said expressed great apprehension that both vessels, in consequence thereof, might be lost, and requested the said , the master of the said schooner, as a means of effectuating their separation, to cut the lanyard of the only remaining shroud of the starboard fore-rigging of the said schooner; but the said , apprehending that, were the same done, the mast would go by the board, stated such to be his opinion to the said . That the said , notwithstanding, continued to be very urgent to have the said lanyard cut, and assured the said that the mast would stand, and that it would be the means of ensuring the safety of both vessels. That at length the said yielded to the representations of the said , and consented to the said lanyard being cut; and the same having been done by the carpenter belonging to the said schooner, the mast to which it was attached, owing to the motion of the vessel, almost immediately gave way by the sparings of the deck, and fell over to leeward, and hung by the stays over the larboard side. That before the said vessels could be separated, the bowsprit of the said brig stove the schooner's boat. That by the aforesaid collision of the said vessels, the bow of the schooner was stove in, and the covering boards split and started; and the upper part of the paint-streak, as far as the midships, also split; and the bulwark and stanchions were carried away as far as the main-rigging; and she was otherwise considerably injured. And this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

Third.

That when the said vessels at length were separated, all the crew of the said schooner were on-board the said brig. That the brig's boat was thereupon hoisted out, and they returned on board the said schooner; and, on sounding the pumps, found she was making water; and they thereupon nailed all the spare tarpauling they had over such parts of the covering-board and paint-streak as were most damaged. That the said , upon the schooner's mast falling, promised to stay by her, and tow her into the port of ; and the said , believing that he would so do, immediately on getting again on board the said schooner caused the tow-line and warp to be got on deck, and the lines to be put into the said brig's boat, and sent the same, and all his people therewith, back again to the said brig; but the said then declined to take the schooner in tow, alleging that they were too far off the land, and that he was afraid they could not fetch it. That the crew of the said schooner then went directly to a cod-smack, called the ,

of (whereof was master), which had perceived them in distress, and was lying to, and got the smack's lines into the boat; and the mate and two of the smack's crew pulled on board the schooner with one end of the line, and made it fast to the tow-line; and the people on board the said smack attempted to haul the end of the tow-line on board, for the purpose of taking the schooner in tow; but the smack missed stays three times, in consequence of the sea being so heavy, and broke the lines, and after making several fruitless attempts to take the schooner in tow, the master of the said smack said it was of no use, even if they then had her in tow; they had drifted so far from the land, and the gale had increased so much, that he thought they could not tow her, but would have to cut her adrift. That the pump was again sounded, and upwards of two feet of water was found to be in the hold, and the sea was then making a free passage over the schooner, and she was then making a great deal of water, and quite unmanageable in consequence of the loss of the fore-mast; whereupon, between eleven and twelve o'clock, all hands left the said schooner, and got on board the said smack to save their lives, and soon after the said schooner sunk, and was totally lost, and the next day the master and crew were landed at . And this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That the said schooner , at the time she was struck and damaged as aforesaid, Fourth. was, save as to the injury she then sustained, of the value of , or thereabouts, at the least. That she was built in the year at , and the cargo she had on board, at the time she was so injured, consisted of , which was, at such time, of the value of , or thereabouts, at the least; and that the freight which she would have earned thereon, had she completed her intended voyage, would have amounted to or thereabouts. And this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That the ship or vessel having arrived at the port , within the jurisdic- Fifth. tion of this Court, all and singular the premises have been rightly and duly complained on the part and behalf of the said to you, the Worshipful , the Judge aforesaid, and to this Court; and the party proponent doth allege and propound as before.

That all and singular the premises were and are true.

Sixth. To be signed by Counsel.

No. 75.

FORM of LIBEL in a Cause of Damage by Beating.

IN the Vice-Admiralty Court of

Insert names of Ship and Master. Insert date.

before you the Worshipful , Judge and Commissary of His Majesty's Vice-Admiralty Court of , lawfully constituted and appointed the Proctor of late a mariner on board the ship or vessel called the (whereof now is or lately was master), against the said and against all and every other person or persons whomsoever, lawfully intervening for him in judgment before you by way of complaint, and hereby complaining unto you in this behalf, doth say, allege, and in law articulately propound as follows, to wit—

That in the month of in the year of our Lord the said ship or vessel First. (whereof the said was then master), being in the port of , and bound on a voyage to , the said did, by himself or agent, ship and hire the said to serve as a Mariner on board the said ship for and during the said voyage; and the said ship , having taken on board her complement of officers Or as the fact may be. and men, did, on or about the day of the said month of , proceed therein, with the said on board, and having been to returned to the aforesaid port of with a full ship in the month of last. And this was and is true, public, and notorious; and so much the said doth know, in his conscience believes, and hath confessed to be true; and the party proponent doth allege and propound of any other time or place, person or thing, as shall appear from the proofs to be made in this cause, and every thing in this and the subsequent articles of this libel contained, jointly and severally.

That during the whole time the said continued on board the said ship or vessel, he did well and truly perform his duty on board her, was obedient to all the lawful commands of the said , the master, and the other officers on board the said ship; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That during the time of the said voyage, and while the said ship or vessel was lying off and within the jurisdiction of this Court, (to wit) on the day of in the said year Third. , whilst the said was in the fore hold handing up billett wood

Or as the fact may be. the officer on board the said ship or vessel charged him with not working so well as he could, nor so fast as another *mariner* of the name of . That the said replied, "that the said worked too fast to last long;" or he the said made use of words to that or the like effect, when the said , the chief officer, that he the said immediately made complaint to had been very impertinent to him; whereupon, and for no other cause whatever, the said then ordered him to be taken from his duty, and placed below in irons, where he continued till the day of the said month of following. That upon the said the master, coming on board the said vessel, (from which he had been absent the whole of the before-mentioned period,) he, immediately upon the complaint being made by the said , and without hearing the said in his defence, ordered him to the gangway and caused him to be flogged with lashes; and although the said most humbly and repeatedly urged the said , the master, for some water, to allay the thirst and fever that he then suffered from the punishment aforesaid and previous imprisonment, the said absolutely refused to let the master-at-arms give him any water. That the said then fainted, and was much exhausted by the said flogging or punishment so inflicted. That the said would not permit the surgeon to give the said any ointment or lotion to apply to his back, but ordered him, in his fainting and exhausted state, to return to his duty. That the said , in consequence of the flogging aforesaid, suffered extreme pain, and was greatly injured thereby. And this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

Fourth. That the said , by reason of the said cruelty and violent assault which he suffered by the act of the said , the master, as herein-before pleaded and set forth, hath sustained a damage to the amount of of lawful money of . And this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

Fifth. That the said at the time he so flogged and ill-treated the said , as set forth in the third article of this libel, was commander of the said ship or vessel called the , and that the said cruelty and ill-treatment were inflicted in the said ship off , and within the jurisdiction of this Court; and that, by reason of the premises, it hath been and is rightly and duly complained on the part and behalf of the said to you the Worshipful the Judge aforesaid, and to this Court; and the party proponent doth allege and propound as before.

Sixth. That all and singular the premises were and are true.

To be signed by
Counsel.

No. 76.

FORM of MINUTE of Court bringing in a Libel.

Insert date, &c.
Insert names of Ship
and Master.
Insert Proctor's name.
Or "next adjourned
Court," as the Judge
may see fit.

day of brought in libel. The Judge assigned to hear on admission thereof the

No. 77.

FORM of MINUTE of Court admitting a Libel not opposed.

Insert date, &c.
Insert names of Ship
and Master.
Insert Proctor's name.
Insert adverse Proctor's
name.
Those instruments not to be
extracted unless necessary.

THE Judge, at petition of admitted the libel by him given. Present, not opposing the same, the Judge assigned to prove the contents of the said libel by the day of , and granted a decree for answers, commissions for examination of witnesses, and compulsories.

No. 78.

FORM of MINUTE of Court admitting a Libel when opposed.

Insert date, &c.
Insert names of Ship and
Master.
Insert Proctor's name
Insert adverse Proctor's
name.
Those instruments not to be
extracted unless necessary.

prayed the libel by him given to be admitted. prayed the said libel to be rejected. The Judge having heard the same read, and Advocates and Proctors on both sides thereon, admitted the said libel, and assigned to prove the contents thereof by the day of , and granted a decree for answers, commissions for examination of witnesses, and compulsories.

No. 79.

FORM of MINUTE of Court directing a Libel to be reformed.

prayed the libel by him given to be admitted. prayed
 the said libel to be rejected. The Judge, having heard the same read, and Advocates and Proctors
 thereon, directed the said libel to be reformed by striking out the third and fifth articles, and also the
 words " " in the sixth article; and, the said libel being then so reformed,
 admitted the same, and assigned to prove its contents by the day of
 , and granted a decree for answers, commissions for examination of witnesses, and
 compulsories.

Insert date, &c.
 Insert names of Ship and
 Master.
 Insert Proctor's name.
 Insert Adverse Proctor's
 name.

No. 80.

FORM of MINUTE of Court rejecting a Libel.

prayed the libel by him given to be admitted. prayed
 the said libel to be rejected. The Judge, having heard the same read, and Advocates and Proctors on
 both sides thereon, rejected the said libel.

Insert date, &c.
 Insert names of Ship and
 Master.
 Insert Proctor's name.
 Insert Adverse Proctor's
 name.

No. 81.

FORM of DECREE for Answers.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland
 King, Defender of the Faith, To , gentleman, Marshal of our Vice-Admiralty
 Court of , and to his deputy whomsoever, greeting: Whereas, our beloved the Wor-
 shipful , Judge and Commissary of our said Court, lawfully constituted and
 appointed in a certain cause of , civil and maritime, moved and prosecuted before him in
 our said Court, on behalf of , against the ship or vessel called the ,
 her tackle, apparel, and furniture, and against , the owner thereof, intervening
 rightly and duly proceeding on the day of the date hereof, at the petition of the Proctor of the said
 , hath decreed the said to be monished, cited, and called
 to judgment at the time and place under-written, and to the effect hereinafter expressed, (Justice so
 requiring): We therefore strictly charge and command you, jointly and severally, that you omit not
 by reason of any liberty or franchise, but that you monish and cite, or cause to be monished and cited,
 peremptorily the said , that he appear before Us or our aforesaid Judge, or his
 Surrogate, in the Registry of our said Court, situated , on the sixth day after he
 shall have been served with these presents, between the hours of and in the
 of such day, then and there to answer personally, by virtue of his corporal oath to be then administered
 to him, to the positions or articles of a certain *libel* given in and admitted in the said cause on behalf
 of the said , and further to do and receive as unto justice shall appertain, and
 that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises,
 together with these presents. Given at , in our aforesaid Court, under the seal
 thereof, the day of , in the year of our Lord , and of our reign the
 (Signed) (L.S.) , Registrar.

Or "Master," or other de-
 fendant, as the case may be.

Insert defendant's name.

The period of two hours
 only is to be allowed for
 the appearance: the par-
 ticular time of day will be
 best determined on in the
 Colony, whether forenoon
 or afternoon.
 Or "allegation," or other
 kind of plea.

No. 82.

FORM of PERSONAL ANSWERS of a Party to a Summary Petition or Libel given on behalf of a Mariner in a Cause of Subtraction of Wages.

In the Vice-Admiralty Court of

The personal answers of , late master of the said ship or vessel
 party in this cause, to all and every the positions or articles of a certain libel or summary petition
 bearing date on the day of , and the exhibit marked A thereto annexed, and
 therein pleaded and referred to, given in and admitted in this cause by or on the part and behalf of
 , the other party in this cause, made and given in by virtue of the corporal oath
 of the said , follow, to wit—
 To the first position or article of the said libel or summary petition the respondent saith, he admits
 that on or about the day of , the said ship or vessel being then in

Insert names of Ship
 and Master.

First.

the port of _____, and designed on a voyage from thence to _____ and back, the respondent did ship and hire the said _____ to serve as a seaman on board the said ship or vessel during her then intended voyage, and did agree to pay him wages at and after the rate of _____ per month, and that he the said _____ went on board and entered into the service of the said ship or vessel accordingly, and signed the usual ship's articles or mariner's contract for the performance of such voyage; and he also admits that, a general cargo having been taken on board the said ship, she, on or about the _____ day of _____, sailed with the same, and the said _____ on board, to _____, where she arrived on or about the _____ day of _____ following, and discharged her said cargo, and then took on board another general cargo for the port of _____, where she arrived and made freight as articulate; but he denies that whilst lying at _____, to wit, on the _____ day of _____, as articulate, the said _____ quitted the said ship for the purpose of entering into the service of his Majesty, on board his Majesty's ship _____, or that he so did on that day, for the respondent positively saith that the said _____ continued on board and in the service of the said ship until about ten o'clock in the morning of the _____ day of _____, when in company with _____, another of the seamen belonging to the said ship or vessel, he the said _____ deserted from the service of the said ship for the purpose, as he verily believes, of entering into the service of the Brazilian navy; and the respondent further answering saith, he admits that the said ship proceeded on her return voyage to _____, where she safely arrived in or about the month of _____ following, as articulate, but the respondent denies that, during all the time the said _____ was in the service of the said ship, he did well and truly perform his duty as a seaman, and was obedient to all the lawful commands of the respondent and others his superior officers, and deserved the wages schedulate, for on the contrary the respondent saith that the said _____ on various occasions refused to perform his duty, and absented himself without leave, but more particularly that on the _____ day of _____, the said ship having completed the lading of her return cargo, and being ready for sea, all hands were turned out to clear the hawse and unmoor the ship, when the said _____ positively refused to assist in so doing; that on the following morning, the _____ day of the said month, all hands were again turned out to unmoor the ship for sea, when the said _____ and others also again refused so to do, and likewise that on the next following morning at about _____ o'clock all hands were again turned out to clear the hawse and unmoor the ship, when, the starboard anchor having been weighed, and the other anchor having been got a-peak, the said _____, and also _____, refused to weigh the same, whereby the said ship was placed and left in a state of great danger, in consequence whereof the respondent immediately went on shore for assistance; that during such the respondent's absence the said _____, and also the said _____, quitted and finally deserted the service of the said ship as aforesaid; and the respondent further saith, that, in consequence of the refusal of the said _____ and the other seamen as aforesaid to weigh the anchors and proceed to sea until the respondent was enabled to procure other seamen in their stead, the said ship with a valuable cargo on board was detained at a considerable expense and in a dangerous situation, and did not sail from _____ till the _____ day of _____, and further or otherwise he denies and disbelieves the said article to be true, save that he knows not to answer at what time the said _____ was discharged from the service of His Majesty's said ship _____, and also save that he has refused and doth refuse to pay the said _____ the wages articulate, by reason of his disobedience of lawful commands and desertion aforesaid.

Second.

To the second position or article of the said libel or summary petition, this respondent answers and says, he denies the said exhibit to be true, as far as the same states that the said _____ entered on board his Majesty's said ship _____ on the _____ day of _____, by reason that of his own knowledge the said _____ did not quit the respondent's said ship until the _____ day of _____, as by him before answered; and further or otherwise this respondent knows not of his own knowledge to answer, but has no reason to disbelieve, and therefore admits the same to be true.

Third.

To the third position or article of the said libel or summary petition the respondent answering saith, he admits and believes what he has admitted and believed, and denies and disbelieves what he hath denied and disbelieved.

On the _____ day of _____ repeated }
 and acknowledged before _____, } (Signed)
 Judge (or Surrogate), in his chambers. }
 In the presence of _____
 (Signed) _____, Registrar.

No. 83.

FORM of PERSONAL ANSWERS of a Party to a Responsive Plea given on the part of a Mariner in a Cause of Subtraction of Wages.

In the Vice-Admiralty Court of

Insert names of Ship and Master.

The personal answers of _____, party in this cause, to all and every the positions or articles of a certain allegation bearing date the _____ day of _____, given in and admitted in this cause by or on the part and behalf of _____, the other party therein, made and given in by virtue of the corporal oath of the said _____, follow, to wit—

To the first position or article of the said allegation this respondent answering saith, he admits that in the second position or article of the allegation, given in and admitted in this cause on his part and behalf, it is amongst other things alleged and pleaded in the words and to the effect recited in the said article; and further answering the respondent saith, he denies and disbelieves that at the time the said _____, and the rest of his shipmates, signed articles at _____ for the performance of the voyage in question, the rate of wages then usually given to mariners in the port of _____ for such voyages was _____ pounds and _____ shillings per month; and this respondent admits that he did offer and endeavour to persuade the said _____, and others of the crew of the said ship, to take _____ pounds and _____ shillings per month, which he considered to be the usual and fair rate of wages, but that they refused to take the same, and the respondent, rather than delay the sailing of his ship, then fully loaded, until he obtained mariners at a lower rate of wages, which he had no doubt he could have done, was induced to comply with their demands; and although the respondent did then, as he does now, consider that the said _____, and the others of the crew who acted with him therein, took advantage of his situation to extort a higher rate of wages than was usually given at the time, he denies that he was much irritated against the said _____, or that he did, either alone or in conjunction with _____, the chief mate, take every or any opportunity during the voyage to make the said _____ uncomfortable, nor did he on the most frivolous or on any occasions, and without any just cause, swear at and abuse him; and further answering the respondent saith, he denies that, on the occasion of the said ship coming to an anchor in the _____, on or about the _____ day of _____, the said _____, upon being found fault with and reproved by the respondent, did not conduct and behave himself in a most insolent manner towards the respondent, or that he did say "he would be damned if he would do any duty that he did not think proper or approve of," and that he would not be controlled by the captain in what he should do, "as he was not on board a damned man of war;" and he saith that such the conduct and behaviour of the said _____ did tend to produce disorder, insubordination, and mutiny amongst the rest of the crew; and the respondent denies that on the said occasion there were so many of the crew employed as to be in each other's way, and that the said _____ in consequence thereof quitted the cable and went to put the pot on the fire for making breakfast, or that he, this respondent, putting himself into a passion, asked the said _____ what business he had to leave the cable, or that he, the said _____, expressed himself as articulate in answer to such question, and he denies that he the respondent used the expression articulate or any opprobrious epithets to that or the like effect towards the said _____, and further or otherwise the respondent denies and disbelieves the said position or article to be true.

First.

Second.

To the second position or article of the said allegation this respondent answering saith, he admits and confesses that in the third article of the said allegation given in and admitted in this cause on his behalf it is alleged and pleaded in the words or to the effect recited; and further answering the respondent saith, he admits that it is customary when at sea to serve out to every mariner a certain quantity of peas and flour, together with salt provisions, but the respondent disbelieves that upon various occasions during the said voyage the steward only served out to the said _____, and two or three others of his shipmates, salt beef and biscuit whilst the rest of the crew had the usual allowance of peas and flour, and he expressly denies that he ever gave the steward any order to do so, and he disbelieves that the said steward ever stated that he had received such orders from him; and this respondent admits that the said _____ did on one occasion, being the occasion mentioned in the said recited third article of the said allegation, given in and admitted on behalf of this respondent, bring a piece of beef to him, but he denies that the said _____ humbly complained of the deprivation he suffered or requested the respondent to authorize the steward to give to him the customary allowance; and this respondent further answering saith, that he denies that on such occasion he flew into a violent passion, and swore at and abused the said _____, as articulate, although he did reprove him for his improper behaviour at the time: and he denies that the said _____ did thereupon, without making any reply, leave the said _____, or that he did not swear at the respondent and conduct himself in a most insubordinate manner as pleaded in the second recited article, or that he behaved himself in an orderly and obedient manner to

this respondent; and further or otherwise this respondent denies and disbelieves the said position or article to be true.

Third. To the third position or article of the said allegation this respondent answering saith, he admits and confesses that in the fourth article of the said allegation, given in and admitted in this cause on his behalf, it is alleged and pleaded in the words or to the effect in the said position or article recited; and further answering, the respondent denies that the said _____ was in his proper station forward on the occasion articulate, for, on the contrary, he absented himself from his duty and was by the cook's galley, and remained there until ordered to do his duty by the respondent, and that at such time the squall was most severe, and the services of the whole crew were then requisite to get in the sails, and thereby prevent the ship from upsetting, and the respondent expressly denies that the said _____ quitted his station in order to go aft to assist in hauling down the trysail, and that upon coming aft the respondent immediately said, "You damned rascal, you have been skulking in the galley," and that, upon the said _____ denying the same, and being corroborated therein by _____, one of his shipmates, he the respondent continued to abuse the said _____, and called him a damned lying rascal, and shaking his fist at him said, "Wait till I get you under the cliffs at _____, and I'll work you up for this." The respondent denies that the articulate conversation or anything to that or the like effect took place between him and the said _____, and he saith that the said _____ upon the occasion articulate did not perform his duty as a good seaman on board the said ship, and denies that he the said _____ was obedient to the lawful command of, or that he did not behave in an insolent and insubordinate manner to, the respondent, for he saith that he the said _____ did refuse and neglect to do his duty in reefing the topsails, and that great confusion was occasioned by the said _____ on board the said ship, which was much endangered by his conduct; and further and otherwise the respondent denies the said position or article to be true.

Fourth. To the fourth position or article of the said allegation this respondent answering saith, he admits and confesses that in the fifth position or article of the aforesaid allegation on behalf of the respondent it is alleged and pleaded in the words or to the effect in this article recited; and further answering this respondent saith, he disbelieves and denies that, after having landed and rolled all the empty casks to the warehouse, and whilst waiting for more casks to arrive from the ship, the said _____, being very thirsty, merely went to a water-pipe a few hundred yards off to obtain a draught of water, and that having obtained the same he instantly returned to his shipmates. The respondent saith the conduct of the said _____ on the occasion articulate did not happen under his own personal observation, but from the report thereof made to him immediately afterwards, and which he has reason to believe, and does believe, was true, the said _____ was absent without leave on the said occasion whilst his shipmates were at work, and that, on being reprimanded for such conduct by the second mate, and required to return on board the ship, he refused to do so, and behaved in a very insolent manner to him in the presence of his said shipmates. The respondent knows not otherwise what excuse the said _____ offered for his absence on the said occasion, nor in what particular words the second mate reproved him; and save that the said _____ afterwards returned on board the ship, he further or otherwise denies and disbelieves the said position or article to be true.

Fifth. To the fifth position or article of the said allegation the respondent answering saith, he admits and confesses that in the sixth article of the aforesaid allegation on his behalf it is alleged and pleaded in the words or to the effect in the said position or article recited; and further answering the respondent saith, he denies and disbelieves that the said _____ did not desert from the said ship, and that he was about to return to the ship on the _____ day of _____, articulate, at noon, when he was arrested, for the respondent saw him near _____, about _____ miles from the ship, in a wrong direction to be returning to the ship; and the respondent was informed, and he believes, that he was arrested at _____, where he had been and was then staying, and, on being required by the constable to accompany him to the magistrate, he refused to do so, and the said constable was ultimately obliged to procure assistance to arrest him; and he the respondent saith he did accompany the said _____ a part of the way to the office of the magistrate, but he denies on such occasion, addressing himself to the said _____, he said, "Now, you damned rascal, I'll work you up for it;" and he also denies that, on the said _____ being called upon to state what he had to say why he should not be committed to prison, he the said _____ humbly but strenuously submitted, that he had not been guilty of any misconduct amenable to the laws, or that he contended that he had a right to return on board the said ship, or that he added that on his return to _____, if he had been guilty of any misconduct, the respondent had it in his power to make the usual deductions from his wages; on the contrary saith that the said _____ declared in a most insolent manner that he acknowledged no authority over him in the island of _____, and that he would give no answer to the questions put to him; and he refused to return on board the said ship, and that, in

consequence thereof, and not at the instance of the respondent, the magistrate committed him to the common gaol in the said island. The respondent further saith, he knows not in what manner the said was treated in the said gaol, but denies that he caught the fever of the country as articulate; and further answering the respondent saith, he admits and believes that, on or about the of following, the said , and another of the mariners of his said ship who had deserted with him, were then again brought before the said magistrate at the instance of the respondent, and he saith they were again required to return to their duty on board the said ship, but so far from the said claiming a right to return on board the ship as articulate, he on the contrary refused to do so, and was thereupon, but not at the instance of the respondent, remanded to the said gaol. The respondent denies that on such occasion he shook his fist at the said , and called him a damned rascal, and said that if it was in his power he should never again go on board the said ship; and further answering the respondent saith, he believes the said continued in prison until the day of following, and that he was then taken out and sent on board the said ship; and this respondent further answering saith, that the said may have been visited several times by his shipmates at the said prison, but, if so visited by them the respondent knows not what the said may have stated to them; and further or otherwise the respondent denies and disbelieves the said position or article to be true.

To the sixth position or article of the said allegation, this respondent answering saith, he admits and confesses that in the and articles of the said allegation on his behalf it is alleged and pleaded (amongst other things) in the words or to the effect in this article recited; and further answering the respondent saith, he denies that the said was anxious and willing to return and do his duty on board the said ship, and was refused permission to do so, but on the contrary he refused to return thereto; and further answering the respondent saith, he denies and disbelieves that the said , from and after his having been taken out of prison and put on board the said ship, was willing to do any duty on board thereof, and so expressed himself; and he also denies and disbelieves that he was prevented upon the return voyage from doing any duty entirely through fear of his personal safety from this respondent; but the respondent further answering saith, that the said was not at any time required or directed by him the respondent, or by any other of the officers of the ship, to do any duty on board thereof during the homeward voyage, by reason that they considered him as not belonging thereto; and further or otherwise this respondent denies the said position or article to be true.

To the seventh position or article of the said allegation, this respondent answering saith, he admits and confesses what he hath admitted and confessed, and denies and disbelieves what he hath denied and disbelieved.

On the day of repeated and }
 acknowledged before , Judge, } (Signed)
 (or Surrogate,) in his chambers. Present, }
 (Signed) Registrar.

No. 84.

FORM of PERSONAL ANSWERS of a Party to a Libel in a Cause of Damage by Collision.

IN the Vice-Admiralty Court of

Insert names of Ship and Master.

The personal answers of , the master and sole owner of the said brig or vessel called the , party in this cause, to all and every the positions and articles of a certain libel bearing date the day of , given in and admitted in this cause on behalf of and , the owners of a certain schooner or vessel called the (whereof was master), the other parties in this cause, made and given in by virtue of the corporal oath of the said: follow, to wit—

To the first position or article of the said libel the respondent answering saith, he believes and therefore admits that on the day of last, the said schooner , whereof the said was master, may have sailed from with a cargo of , bound as articulate, and that the said schooner was of the burthen by admeasurement of tons or thereabouts, and was navigated by a crew consisting of the said , the master, and other persons, but he knoweth not save from the said libel whether at the time she so sailed from she was tight, stanch, and in good condition; and the respondent further answering saith, he believes and admits that on the morning of the next day, the of , the said schooner arrived off , and the wind was then blowing hard, though not from south-west or south-west-by-south as pleaded, but from west-south-west,

Or as the fact may be.

varying to south-west, and that in consequence thereof the said schooner, together with about twenty sail of other vessels, one of which was the brig _____, belonging to _____, and not _____ as pleaded, whereof the respondent was master, being the vessel proceeded against in this cause, were during the said day occasionally reaching and lying-to under the north side of _____ for shelter; and the respondent further answering saith, he disbelieves and denies that, about five o'clock in the evening of the said day the said schooner was wore and laid-to with her head to the southward, but admits she was under the fore-stay, foresail, fore-topsail, and mainsail, and that the fore-staysail was full and the mainsail scandalized, but disbelieves and denies that the foresail was hauled close to windward with the bow-line fastened to the foremast shroud and the topsail aback with the helm in the becket; and the respondent further answering saith, he disbelieves and denies that in about a quarter of an hour after the said schooner had been so laid-to a brig was perceived to windward upon the said schooner's starboard bow, which was afterwards found to be the brig _____ proceeded against in this cause; and he further answering saith, he admits that the evening was rather dark, but not at all hazy, and that vessels at the distance of about a mile from each other might at such a time be very well discerned, and that the land and the said brig might have been discerned from the deck of the said schooner, but he disbelieves and denies that the said brig was at such time between the land and the said schooner, and he also disbelieves and denies that at the time articulate the said brig was or appeared to be standing towards the land on the larboard tack, or that she soon afterwards altered her course and came towards the said schooner; and the respondent further answering saith, he knoweth not, save from the said allegation, whether the conversation took place between _____ and _____ as articulate, but he expressly denies that at such time the said brig wore round and got the wind aft, and came towards the schooner with her larboard main-braces and starboard fore-braces checked and all her sails full, or that as she neared the said schooner and got more before the wind the braces were gradually drawn in, and he also disbelieves and denies that the said _____, when he came within hail, called to the persons on board the said brig in a loud tone of voice, "Brig ahoy," or then added, "What do you mean to do—do you intend to come on board of us?" or that he then called out to them, "Put your helm down, put your helm a-starboard," or that he expressed himself to that very effect, but he admits that no answer was made to any hailing by either of the persons on board the said brig, because no such hailing was heard by them, nor does he believe that any such took place; and the respondent further answering saith, he disbelieves and denies that the said _____, perceiving that the said brig would strike the schooner, ran to the helm and took it out of the becket and then ran forward, but admits that at the time when the said vessels came in contact, the peak of the mainsail of the brig was up, and her fore-topmast staysail set, with the sheet hauled in to leeward; and he also admits that her bowsprit carried away the three starboard foremast-shrouds of the said schooner, and went abaft the foremast, and that the aftermost shroud held; and the respondent further answering saith, he denies that the said brig was to windward of the said schooner, until after the said schooner had struck the said brig, and he saith that, during the time the said brig and the said schooner were entangled, the said brig was momentarily to windward of the said schooner, but previously thereto the said schooner was to windward of the said brig, and he denies that the collision in question occurred in any degree through the inattention or want of skill of the persons on board the said brig; and further or otherwise denies the said position or article to be true.

Second.

To the second position or article of the said libel, the respondent answering saith, he admits that, notwithstanding the crews of the said vessels used their utmost exertions to separate them, they were unable to do so for some time, but the respondent denies that he expressed great apprehension that both vessels in consequence thereof might be lost, though he admits he requested the said _____

_____, the master of the said schooner, as a means of effecting their separation, to cut the lanyard of the only remaining shroud of the starboard fore-rigging, and the same was at his solicitation accordingly cut, but he denies that the mast to which it was attached almost immediately gave way by the sparrings of the deck, and fell over to leeward and hung by the stays over the larboard side; and the respondent further answering saith, he admits that the boat of the said schooner was stove by the bowsprit of the said brig, but he disbelieves and denies that by the aforesaid collision the bow of the said schooner was stove, but he admits that the bulwark and stanchions on the starboard side were carried away, but whether the covering-boards were split and started, and the upper part of the paint-streak as far as the midships were also split, and she was otherwise considerably injured, the respondent is unable to answer; and further or otherwise the respondent denies the said position or article to be true.

Third.

To the third position or article of the said libel, the respondent answering saith, he admits that when the said vessels were separated all the crew of the said schooner were on board the said brig, and that the brig's boat was thereupon hoisted out and they returned on board of their own vessel, but whether on sounding the pumps they found she was then making water, or that the said crew nailed all the spare tarpauling they had over such parts of the covering-board and paint-streak as were most damaged, this respondent knows not, not being on board the said schooner; and the respondent

further answering saith, he admits that he promised to stay by the said schooner and tow her into , but he expressly denies that the crew of the said schooner, when they returned to the brig, brought any tow-line, warp, or lines with them, that could be of any use in towing the said schooner, or that he the respondent ever declined to take the said schooner in tow, but he admits that her crew went to a cod-smack called the , which was lying-to, but not being on board the said smack or schooner, nor sufficiently near them to witness the transaction which subsequently took place on board the said two vessels as set forth in the said third article, he cannot of his own knowledge form any belief or disbelief respecting the same, nor whether the pump of the said schooner was sounded and upwards of two feet of water was found to be in the hold, or that the sea was then a making a free passage over her, nor whether she was making a great deal of water and quite unmanageable in consequence of the loss of the foremast, nor whether between eleven and twelve o'clock all hands left the said schooner and got on board the smack to save themselves, nor whether the said schooner soon after sunk and was totally lost, nor whether the crew were the next day landed at , and further or otherwise to the said article this respondent knows not to answer.

To the fourth position or article of the said libel the respondent answering saith, he disbelieves and denies that the said schooner at the time she was damaged as aforesaid, save as to the injury she then sustained, was of the value of or thereabouts at the least, for the respondent saith that, at the time she was purchased by her present owners, one of them told him they had so purchased her for , and the same person subsequently informed him that her additional stores had cost them ; and the respondent further answering saith, he knows not, save from the said libel, whether the said schooner was built in the year , at , nor whether the cargo she had then on board consisted of the quantity of articulate, nor whether they were of the value of or thereabouts, nor whether the freight which she would have earned thereon, had she completed her intended voyage, would have amounted to or thereabouts; and further or otherwise to the said position or article this respondent cannot answer.

To the fifth position or article of the said libel the respondent answering saith, he admits the collision between the said schooner and brig did occur on the high and open sea, and within the flux and reflux thereof, and he admits and denies not the jurisdiction of this honourable Court.

On the day of repeated and acknowledged
 before , Judge, (or Surrogate,) in his } (Signed)
 chambers. Present,
 (Signed) Registrar.

No. 85.

FORM of PERSONAL ANSWERS of a Party to a Responsive Allegation in a Cause of Damage by Beating or Assault.

IN the Vice-Admiralty Court of

Insert names of Ship and Master.

The personal answers of , one of the parties in this cause, to all and every the positions and articles of a certain allegation, bearing date the day of , given in and admitted in this cause on the part and behalf of , the other party in this cause, made and given in by virtue of the corporal oath of the said , follow, to wit—

To the first position or article of the said allegation this respondent answering saith, that he denies that he did not, during the whole time he continued on board the said ship or vessel , (that is to say) from the month of until the month of , well and truly perform his duty on board the said ship or vessel, and that he was not obedient to all the lawful commands of the said , the master, and others the officers on board the said ship; and this respondent further answering denies that he frequently neglected to perform his duty, particularly during his watch, or was disobedient and refused or neglected to obey the lawful commands of the master and others the officers on board the said ship, or treated them with great insolence and contempt, or was frequently reprimanded for such conduct, or that upon any occasions he made insolent and irritating replies to the said , and others his superior officers, or said he was only on board a “bloody merchantman,” or made use of many other expressions to that or the like effect; and this respondent denies the rest of the said article to be true.

To the second position or article of the said allegation this respondent answering, denies that he on the day of , having been ordered to assist in handing some billet-wood from the

fore-hold into the deck of the said ship, was idle and inattentive in the performance of such duty, and in receiving the wood from one person and handing it to another, and thereby greatly impeded and delayed the performance of the said duty; and this respondent further answering, denies that , the sixth officer or mate of the said ship, who was superintending the performance of the said work, several times remonstrated with him on his conduct, and desired him to be more diligent; and this respondent denies that he replied with great insolence, or said that he should take it easy, and that there was plenty of time, he should not hurry himself, or to that effect; on the contrary, this respondent expressly saith that upon the said occasion of handing up the billet-wood the said , the sixth officer, only once spoke to respondent, and then charged him with not working so well as he could, nor so fast as another seaman of the name of , and the only reply the respondent made was, "that the said worked too fast to last long;" and this respondent further answering, denies that the man who handed the wood to this respondent several times complained of his indolence, by which he was frequently kept with a billet in his hand waiting until this respondent, who had delivered the preceding billet, and was standing idle, chose to receive the billet from him; and this respondent also denies that the said , observing such man standing idle, ordered the respondent to take the billet from such man, neither did respondent upon any occasion, when performing such duty, insolently reply to the "he would be damned if he would," or to that effect; neither did respondent make use of violent expressions, or treat the said with great insolence and contempt: and this respondent further answering saith, he believes that the said made a faithful representation of respondent's conduct to , the chief mate of the said ship, the said , the master, being then on shore on the necessary concerns of the said ship; and this respondent further answering, admits that the said , the chief mate, ordered this respondent to be confined in irons, which was accordingly done, but respondent knows not whether the said by letter informed the said of any circumstances relating to this respondent, or whether the said ordered a court of inquiry to be held; and this respondent further answering saith, he admits that upon the following day he was had up before the said , and the second, third, and fifth (but not the fourth) officers of the said ship, and was by them interrogated as to his alleged insolence to the said , when respondent positively denied the same, and requested permission to call his shipmates as his witnesses in his defence, which request was peremptorily refused; and this respondent denies that upon such pretended examination it appeared from the testimony of any witnesses that the respondent had refused to obey the orders of the said , and had conducted himself in a mutinous manner; and this respondent further answering, admits that he was continued in confinement and in irons until the said returned to the said ship, which respondent says he did not do until the day of the said month; and this respondent further answering saith, he knows not what representations were made to the said by the said officers, but he saith that the said , without hearing this respondent in his defence, although he humbly supplicated him so to do, ordered respondent to receive three dozen lashes from a cat-o'-nine-tails, which were inflicted on him upon the same day; and the respondent further answering, denies that after he had received one or two lashes he admitted that he had been very insolent to the said and asked to be forgiven; on the contrary, this respondent saith that during the time of the said flogging this respondent several times called out that he was being thus barbarously punished without any just cause; and the respondent further answering saith, he denies that he did not suffer any fever from the closeness of his aforesaid confinement, and that he did not, at the time he was so as aforesaid unjustifiably punished, urge the said to let him have some water, and he also denies that the said did not refuse to let the master-at-arms give him any; on the contrary, this respondent saith that so intolerable was the fever and thirst he experienced by the time he had received two dozen of the said lashes, that respondent earnestly entreated the said and his shipmates who were near him to give him a little water; that the boatswain's mate, who was flogging him, stopped, and the master-at-arms ran to him and held a jug of water to his mouth, upon which the said in the most cruel manner ordered the master-at-arms instantly to take away the water, and then threatened the boatswain's mate, who had been inflicting the punishment, that if he did not instantly proceed with the said punishment he should have two dozen himself; and this respondent denies that the punishment he received was necessarily inflicted for the sake of example, and to preserve discipline on board the said ship; and this respondent also denies that the said did not refuse to permit the surgeon of the ship to give respondent any ointment or lotion for his back; and he also denies that he was not in consequence of the said punishment in a fainting and exhausted state, and that he did not suffer excruciating pain and was much injured thereby; and further or otherwise this respondent denies the said position or article to be true.

To the third position or article of the said allegation, this respondent answering saith, he admits and Third. believes that which he hath admitted and believed, and denies and disbelieves that which he hath denied and disbelieved.

On the _____ day of _____ repeated and } (Signed)
 acknowledged before _____ Judge, (or Surrogate,) in his chambers. In }
 the presence of _____
 (Signed) Registrar.

No. 86.

FORM of the OATH to be administered to a Party on being sworn to his Answers.

You are produced for your personal answers in a cause depending in the Vice-Admiralty Court of _____ between _____ and _____ You swear that such Or as the fact may be.
 answers shall contain the truth, the whole truth, and nothing but the truth, without favour to your own cause. "So help you God."

No. 87.

FORM of MINUTE or Act of Court on producing a Party to be sworn to his Personal Answers.

appeared personally _____ party in this cause, and produced himself for his answers to the _____ bearing date _____ and heretofore given in and admitted on behalf of _____ and he was duly sworn as usual; and he then brought in his answers in writing, subscribed with his name, and acknowledged his subscription thereto, and declared his said answers to be true by virtue of his said oath. Present, _____ and _____
 Libel or Allegation, as the fact may be.
 Insert the Adverse Party's name.
 Insert the names of both Proctors.

No. 88.

FORM of DESIGNATION of a Witness or Witnesses intended to be examined on any Libel, Allegation, or other Plea.

In the Vice-Admiralty Court of _____

to the first, second, and fifth articles of the libel.
 to the third, fourth, sixth, and seventh articles.

Insert names of Ship and Master.
 Insert name of Witness.

No. 89.

FORM of OATH to be administered to a Witness intended to be examined on any Libel, Allegation, or other Plea.

You are produced as a witness in a cause depending in the Vice-Admiralty Court of _____ respecting the ship _____ You swear that, at the time of your examination, you will speak the truth, the whole truth, and nothing but the truth, indifferently between the parties, without favour or affection to either party in the cause. "So help you God."
 Or "between _____ and _____", as the fact may be.

No. 90.

FORM of MINUTE or Act of Court on the Production of a Witness.

_____ produced _____ as a witness on the libel bearing date the _____ day of _____ by him given in and admitted in this cause, who was duly sworn and monished as usual. Present, _____

Insert date, &c.
 Insert names of Ship and Master.
 Insert name of Proctor.
 Or "Allegation," as the fact may be.
 Insert Adverse Proctor's name.

No. 91.

COPY of DEPOSITIONS of Two Witnesses examined in support of a Summary Petition in a Cause of Subtraction of Wages, taken in the High Court of Admiralty.

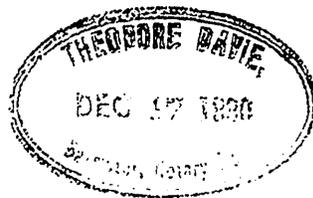
In the High Court of Admiralty of England.

The Ealing Grove, James Falconer, master. } On Clarkson's Summary Petition.
13th July, 1825.

1. David Brine, of No. 6, Brace's Buildings, East Smithfield, in the county of Middlesex, mariner, of the age of thirty-seven years and upwards, a witness produced and sworn.

The witness saith that he belonged to the said ship Ealing Grove, whereof James Falconer was master, on her late voyage, which was from London to Dominica and back. Deponent entered on board said ship in the West India Dock, on the 21st day of last December; he found James Carman on board; Carman was a seaman, and sailed in the said ship on the aforesaid voyage, and returned in her to London; Carman signed articles on the 23rd of December at Gravesend. Deponent was present: he agreed for two pounds ten shillings per month; after completing her cargo, the said ship, with deponent and Carman on board, sailed for Dominica, where they arrived on the 7th day of February last, and there discharged her cargo. On Sunday afternoon, being the 13th of February, the said ship lying in the roads at Dominica, the said James Carman and the deponent, also one Falconer, a lad, and one Peter, a foreigner, all seamen belonging to the said ship Ealing Grove, together asked Mr. Rowe (who was the chief mate of said ship, and then in command thereof, the captain being on shore) for leave to go ashore; the chief mate said "By all means," and they then all went on shore. There was no cargo discharging or shipping at such time, or on the following day, as deponent verily believes; the only duty doing on board was that of overhauling the rigging—the mere duty of the ship. Peter went on board on the Sunday night; the rest remained on shore. On the following morning, as the said James Carman and Falconer and deponent were on their way down to the shore, to rejoin their said ship, it being at about eleven o'clock of the morning, they were apprehended by two police officers, who in the first instance asked them where they were going; to which they (deponent and his mess-mates) answered that they were going on board their ship. The officers said they were all in the way for them; and Carman saying that, if they were going all one way, it was the same thing to him who it was he went with, they (Carman and deponent and Falconer) and the officers all walked down towards the water-side together; but instead of allowing Carman and deponent to go on board, the said officers took them before the Justice, where James Falconer, the master, who had joined them in the way, charged Carman and deponent and Falconer of desertion. Carman, in his defence, said that he was, when taken, in his way to the ship, and declared that he was ready and willing to go on board; he said that he did not intend to desert; he said that he had had leave to go on shore. When the Justice asked Carman what he had to say to the charge, Carman said he had nothing to say to *him* on the subject; that he desired to be carried home, and tried by the laws of his own country, in case he had done anything that was wrong. The deponent did not say anything. The master took Falconer on board with him, and Carman and deponent were committed to prison; neither of them were allowed to have anything to eat or drink for the first forty-eight hours of such imprisonment, although they requested to have the same. Deponent remained so imprisoned with the said James Carman forty-two days; and after deponent had been released, James Carman remained on shore, and (as deponent verily believes) in the aforesaid prison for a further time, making in all, from the day of his committal aforesaid, a period of seventy-five days, which the deponent knows by having been present on board the Ealing Grove when the said James Carman returned to the same, to wit, on the 1st day of May; while deponent was as aforesaid imprisoned with James Carman, their only provision was coarse bread (made of the bran of Indian corn) and putrid fish and water; when Carman so returned on board he was in a very ill state of health; he was very weak. Deponent did not hear the master threaten Carman as articulate; but almost immediately after Carman came on board from prison, he (the master) in a very significant manner fired off two pistols from the deck, looking forward at the same time in a very particular manner at James Carman, who was standing by the windlass; Carman performed no duty on the voyage home; deponent has several times heard Carman express a wish to be allowed to do duty; he has heard him say to the second mate that he wished to do duty, but that he was afraid that the master would be as good as his word if he did so. The said ship arrived safe in the port of London on the 10th day of June last, when the said James Carman and the crew were discharged; the said ship by her outward and homeward cargoes earned considerable freight, as deponent believes; the deponent knows of no instance during the said voyage out and home in which the said James Carman was any other than obedient to the said James Falconer, the master, and other the officers of the said ship; he always performed his duty when permitted so to do; deponent knows no reason why the said James Carman does not deserve the wages he agreed for; said wages are of the usual rate for such ships and such voyages; he does not believe that James Carman has been paid such wages or the balance thereof; and further he knows not to depose.

DAVID BRINE.



The same Witness examined on interrogatories administered on behalf of James Falconer and others, parties in this cause.

The witness was admonished as is hereby directed.

First.

To the second interrogatory the respondent answers, he attends to be examined at the request of Carman. Until last Friday week, he and Carman were every day, since their arrival together, on the joint purpose of procuring the payment of their wages at Mr. Clarkson's. On Friday week last respondent received his wages, and since that time he has only had one meeting with Carman; he has since said period been only twice at Mr. Clarkson's, to wit, to be produced, and to be examined. The only conversation had with Mr. Clarkson was in explanation of respondent not having been able to attend before, or without having been written to by him; it was Carman who on the occasion aforesaid delivered a notice from Mr. Clarkson; he did not say anything about the evidence to be given by respondent; and further he cannot answer.

Second.

To the third, he has not been taught or instructed, nor had hints given to him by any person as to what he should depose or avoid deposing; and further cannot answer.

Third.

To the fourth, he has not been promised and does not expect to receive any reward, gratuity or satisfaction, nor to be benefited in any manner for giving his evidence in this cause; and further cannot answer.

Fourth.

To the fifth, he is a mariner, and thereby maintains himself; he was a seaman on board the Ealing Grove on her last voyage as deposed of in chief; he left the said ship for no reason in particular, the voyage was ended; he was discharged on the 10th of June last; and knows not further to answer.

Fifth.

To the sixth he answers, that James Carman never did to the knowledge of the respondent, and he believes that he did not at any time, conduct himself in a disobedient and insolent manner on board the said ship, Ealing Grove, or contrary to the good order and discipline necessary to be observed by seamen on board merchant vessels, or tending to produce insubordination in the crew. Respondent does not know, neither does he believe, that on the 27th day of December last, whilst the said ship was coming to an anchor in the Downs, that the said James Carman left his duty when in the act of paying out cable to bring up with; all that Carman did at that time was to go from one side of the deck to the other for a drink of water; he was not a minute so doing; the master did call out and find fault with Carman for so doing, but Carman did not on such occasion, or on or about the 27th day of December aforesaid, conduct himself towards the said master in a most insolent manner, or in a manner tending to produce disorder, insubordination, and mutiny among the crew of the said ship; he swears that he did not see Carman so conduct himself; and further cannot answer.

Sixth.

To the seventh he answers, that he was not present when James Carman did (as interrogate), while at dinner on the 22nd day of January last, take up a piece of beef and ask the master if that was provision fit for him to eat; Carman did not by any words or conduct produce discontent among the crew; he (respondent) was present when the master asked the crew whether they were satisfied with their provisions; the crew said that the provisions were good enough of their kind, but that bread and beef were not enough to be fed on; they did not say that they were satisfied; he swears that he was not present when Carman complained (if he did so), or when he was insolent and insubordinate as interrogate; and further cannot answer.

Seventh.

To the eighth interrogatory, the respondent in answer positively swears that he knows nothing of Carman having on the 6th day of February last refused or neglected to do his duty in close-reefing topsails when required to do so, nor that he (Carman) was remonstrated with on such account, nor that he (Carman) on such occasion behaved insolently and unseamanlike, or caused great confusion on board or risk to the safety of the ship; and further cannot answer.

Eighth.

To the ninth he answers, that he knows nothing of Carman having gone on shore with or without leave on the 12th day of February last; and further cannot answer.

Ninth.

To the tenth the respondent answers, that when Carman was brought before the Justice, as deposed of in chief, the Justice said, "James Carman, what have you to say to this charge?" Carman in reply said, "I have nothing to say to your charge, sir; if I have done any wrong, I wish to be tried by the laws of England." This was all he said; it was not said in an insolent manner; he swears that it was not; Carman was then committed; and further he knows not to answer, save that Carman did not refuse to return on board the ship.

Tenth.

To the eleventh the respondent answers, that James Carman was again on the 14th day of March, and respondent with him, brought before the Justice; the master and mate were also present. The Justice said to Carman, "James Carman, are you willing to return to your former duty on board your ship?" Carman answered, "Yes, sir; I have never refused to do any duty since I belonged to the ship." Upon this the master and mate both loaded Carman with abuse, and the master declared that he would not take Carman again on board the ship; upon which the Justice remanded him to prison; Carman did not upon such occasion refuse to go on board; he declared that he was willing to go; Carman was at length (on the very day of the ship sailing from Dominica), to wit, on the 1st

Eleventh.

of May, sent on board by the Justice; the master was bound to bring him home; and further he cannot answer.

Twelfth.

To the twelfth he answers, that he believes that it was under the Justice's warrant that Carman was so put on board the Ealing Grove on the day of her leaving Dominica; Carman remained on board without doing duty until the 10th of June last; and further he cannot answer.

Thirteenth.

To the thirteenth he answers, that neither he nor Falconer had conducted themselves in an insubordinate or unseamanlike manner; they did not desert from the ship on the 12th of February; they were returning on board when they were taken before the Justice on the 14th; Falconer was discharged, upon his saying that he was sorry for having stayed all night on shore; he was a lad; he was frightened at going before the Justice; respondent did not refuse to return on board; he knows not why he was committed to jail, save at the instance of the master; he remained in jail until the 3rd day of March; he was then again brought before the Justice; he then told the master, as the fact was, that he had been for the last week sick in the prison, and was not able on account thereof to return to duty; he did not refuse to do duty; he said he was unable; on account thereof he was again committed; the master at length came and procured respondent's release; the respondent made no promise which induced the master so to act; he then returned to do duty; and further cannot answer.

Fourteenth.

The witness was then admonished, as is directed.

(Signed)

DAVID BRINE.

Repeated and acknowledged, before Dr. CHARLES COOTE, *Surrogate*.

Present, (Signed) TH. POYNTER, *Examiner*.

In the High Court of Admiralty of England.

The Ealing Grove, James Falconer, Master. }
21st July, 1825. } On Clarkson's Summary Petition.

2. Thomas Wilson, of St. Ann's Street, Limehouse, in the county of Middlesex, mariner, of the age of thirty-two years, a witness produced and sworn.

The deponent saith, that he was a seaman belonging to and on board the said ship or vessel Ealing Grove, whereof James Falconer was master, during her late voyage from London (from whence she sailed on or about the 21st day of December last past) to Dominica (where she arrived on or about Monday the 7th of February last past) and back to London (where said ship arrived on the 10th day of June last past); James Carman was a seaman belonging to and on board said ship during the whole of the voyage and period aforesaid, save only during the time of his (Carman's) imprisonment at Dominica, to be deposed of; Carman came on board in the West-India Docks; he and deponent and the rest of the crew signed articles at Gravesend; Carman and he also signed and agreed for wages at the rate of two pounds ten shillings per month; deponent well recollects the circumstance of Carman going on shore at Dominica, on Sunday the 13th day of February; he has no doubt and believes that Carman had leave from the mate, who was in command of the ship, though he was not present when leave was asked or given; it was said on board after Carman, and with him Brine and Falconer, two of his shipmates, had gone on shore, that they had leave; they went on shore in the afternoon; there was no duty doing on board at the time; deponent did not again see Carman till he came on board upon the day of the ship's departure from Dominica homeward bound; he believes it was on the 1st day of May; after Carman so came on board, and until he left the ship, which he did in the West-India Docks on the 10th of June last, he did not do any duty; deponent never heard the master threaten Carman with personal violence in case he (Carman) attempted to do duty; but deponent believes that Carman was afraid to do duty. The said ship carried out a cargo to Dominica, which was discharged there, and brought home a return cargo, whereby he believes that considerable freight was earned. Up to the time that Carman went on shore on the 13th day of February aforesaid, he did well and truly perform his duty as a seaman on board the said ship Ealing Grove, and was always obedient to all the lawful commands of James Falconer the master, and others his superior officers; he was both able and willing to do his duty. After Carman returned on board, and during the passage home, he (Carman) has frequently expressed to deponent that it was much more tedious to him to be doing nothing than to work; he (Carman) appeared to be and deponent believes him to have been willing to have returned to duty if the master had given him permission so to have done; Carman appeared to be more like a prisoner on board than as one of the crew; the wages of two pounds ten shillings per month is the usual rate of wages for seamen on board such ships as the Ealing Grove on West-India voyages: when Carman went on shore on the Sunday afternoon as aforesaid, he left all his things behind him; deponent does not believe that Carman meant to desert the ship; when Carman returned on board (from the prison, as deponent has heard and believes) he looked very ill, and he in the passage home complained of being ill; and further he cannot depose.

THOMAS WILSON.

The same witness examined upon the interrogatories administered on the behalf of James Falconer and others, parties in this cause.

The witness was admonished as is hereby directed.

First.

To the second interrogatory the respondent answers, that he attends as a witness at the request of Carman, the producent, who on Saturday night last applied to him for that purpose. Respondent went by direction of Carman to Mr. Clarkson's on Tuesday morning last; nothing further passed on either of such meetings, beyond respondent being asked to speak the truth; he has had no other meetings; and further cannot answer.

Second.

To the third respondent answers, that he has not been taught or instructed, nor has he had hints given to him by any one, as to what he should depose or avoid deposing; and cannot further answer.

Third.

To the fourth he answers, that he has not received, been promised, nor does he hope or expect to receive any reward, gratuity, present or satisfaction, or to be benefited in any way for giving his evidence in this cause; and further cannot answer.

Fourth.

To the fifth he answers, that he is a mariner; he supports himself by such employment; he was a seaman on board the Ealing Grove while Carman belonged to the same, on her last voyage to Dominica and back; the reason of respondent's leaving the Ealing Grove was that he was paid off, and that he wished to go into the country for a little while; he left the ship on the 10th of June last; and further cannot answer.

Fifth.

To the sixth the respondent answers, that James Carman, the producent, did not to his knowledge, neither to his belief, whilst on board the Ealing Grove as aforesaid, at any time conduct himself in a disobedient and insolent manner, or contrary to the good order and discipline necessary to be observed by seamen on board merchant vessels, or tending to produce insubordination in the crew. The respondent does recollect, that, while the ship was coming to an anchor in the Downs, and while they were paying out cable, Carman went forward to carry his can or pot to the galley, upon which the master did find fault with him; but the respondent swears that there were plenty of hands to pay out cable without Carman, and that he, Carman, was only doing what any other man might have done without it calling for notice, but that the master was always at him when there was no occasion; he had a spite against Carman; when the master found fault with Carman on such occasion, Carman answered him; and then words followed. Respondent does not recollect the words used by Carman; the words might have been saucy, if provocation had not been given by the master, but respondent is quite certain that they were not such as to produce insubordination or mutiny among the crew; and further he cannot answer.

Sixth.

To the seventh the respondent answers, that Carman did one day in January last, at dinner time, take a piece of beef aft to the master on a wooden platter, and ask him whether such piece of beef was fit provision for him to eat: Carman did not on such occasion address the master in a very respectful manner; he set the dish down on the deck at the master's feet; the meat he complained of was not good; excepting asking the master whether the meat was fit to eat, Carman did not act in a manner tending to produce discontent among the crew. The master, after hearing Carman's complaint, did not appeal to the respondent, nor to any of the crew, as he verily believes, excepting one man of the name of Booth, or ask whether they were satisfied with such provision; Booth did not, as the respondent believes, declare that the provision was of the best quality, or that he was perfectly satisfied therewith; he does not believe that Booth gave the master any answer. The rest of the crew did not declare themselves to be satisfied; had they been generally appealed to, they would have declared to the contrary; and further he cannot answer.

Seventh.

To the eighth the respondent answers, that Carman, the producent, did not to his knowledge or belief refuse or neglect to do his duty on board the Ealing Grove, by close-reefing the topsails when required to do so, off the island of Dominica, on or about the 6th day of February last. The respondent, on his oath, has no recollection whatever of any such refusal or neglect on the part of Carman, or of his having been remonstrated with on such or any similar account, or of his having behaved himself in an insolent and unseamanlike manner, or of having caused great confusion on board, or great risk of losing the ship on the said 6th day of February last; and further he cannot answer.

Eighth.

To the ninth the respondent answers, that he knows not that the producent did, on or about the 12th day of February last, go on shore at the Goodwill Estate, without leave of any person having authority to give the same; or that being on shore, he (Carman), upon being required by the second mate to return on board, refused to do so, and behaved in a most insolent manner: he never heard of Carman having so conducted himself; and further cannot answer.

Ninth.

To the tenth interrogatory the respondent answers, that he can and does positively swear that he was not present on the occasion interrogate; and cannot further answer.

Tenth.

To the eleventh he answers, that the producent returned on board the ship from the prison, as he heard and believes, on the 1st of May; and further he knows not to answer.

Eleventh.

To the twelfth he answers, that the ship sailed from Dominica homeward bound on the day that

Twelfth.

Carman so returned on board; he (Carman) did not perform any duty on the voyage home, which ended on the 10th of June; and further he knows not to answer.

Thirteenth.

To the thirteenth the respondent answers, that he knows not of two of the crew of the *Ealing Grove* have conducted themselves in an unseamanlike or insubordinate manner, or that they were induced so to conduct themselves by the example of James Carman, the producent; Brine and Falconer did, as he believes, go on shore with Carman on Sunday afternoon, the 13th of February; he does not believe that they deserted or intended so to do; he believes that they went on shore with leave; he knows nothing of what might have passed before a Justice as interrogate. Brine was absent from the ship about six weeks; he had been, as respondent was informed, in jail: he returned to the ship before Carman did, and returned to his duty; and further he knows not to answer.

Fourteenth.

The witness was admonished as is hereby directed.

(Signed)

T. WILSON.

Same day repeated and acknowledged before Dr. J. ADDAMS, *Surrogate*.

Present, (Signed) TH. POYNTER, *Examiner*.

No. 92.

COPY of DEPOSITIONS of two Witnesses examined in support of a Libel in a Cause of Damage by Collision, taken in the High Court of Admiralty of England.

ADMIRALTY Instance Court.

23rd July, 1830.

The Ligo,—Moscs Ligo, Master.

Buckton.

} On the libel given by Buckton, bearing date
the first Sessions of Easter Term, (to wit)
Pulley. } Tuesday, 27th day of April, 1830.

1. John Bittlestone, of Sunderland, in the county of Durham, ship-carpenter, aged forty-two years and upwards, a witness produced and sworn.

First.

To the first article of the said libel he says, that in December last he was employed to do some work to the schooner *Express*, of Sunderland, and was afterwards engaged to go out in her as a mariner on board. That he is a ship-carpenter by trade, and had been working on board the said schooner as such. That such schooner measures 114 tons or thereabouts, and sailed with a cargo of coals from Sunderland on the 10th day of December last, bound for Harwich, and if no market there, for Chatham. James Arther was master, Andrew Waddel, mate: William Arther, the master's son, deponent, and John Dewar, were the crew. The schooner was tight and stanch, and in good condition. On the morning of the 11th the schooner arrived off Flamborough Head, the wind blowing a strong breeze from the south-west, and varying to south-west and by south, and south-west and by west. That about twenty other vessels, and amongst them the brig *Ligo*, now of Wisbeach as he believes, being the vessel proceeded against in this cause, as well as the said schooner, were reaching and lying-to, keeping under the north side of the Head for shelter. That when deponent had ended his watch he went below, which was at four p.m., and then the schooner's head was to the northward. That about five o'clock the mate and Dewar, who had the watch upon deck, wore and laid the schooner to, with her head to the southward; she was under her fore-staysail, foresail, fore-top-sail, and mainsail. The fore-staysail was full and the foresail hauled close to windward, with the bowline fastened to the foremost shroud. The topsail was aback, and the mainsail scandalized (that is, the peak was lowered a little down, and the tack hauled up a little), with the helm in the lee-becket. The evening was dark, but not at all hazy, and vessels could very well see each other at near a mile's distance. Whilst deponent was getting some sails out of his bed-place, which was a fixed one, to go to bed, he plainly heard the mate say to Dewar, "What is this brig about, it looks as if he was coming on board of us?" In a few minutes the mate cried out, "Brig a-hoy, what do you mean to do?" and then, "Do you intend to come on board of us? Put your helm down, put your helm a-starboard," or he, the said Andrew Waddel, expressed himself to that effect. Deponent being alarmed, ran upon deck, and found Waddel at the helm, which he had taken out of the becket, and from thence he ran forward as far as the boat, and then the brig struck the schooner. The brig had the wind rather off his larboard quarter. The peak of the brig's mainsail was up, her fore-topmast staysail set, with the sheet hauled in to leeward. The brig's bowsprit carried away the three starboard foremast shrouds of the schooner, and went abaft the foremast, but the aftermost shroud held at the time such brig struck the schooner. The brig was to windward, and came stem on upon the shoulder of the starboard bow, and kept beating there some time; so deponent will not swear that the three starboard foremast shrouds were carried away at the first striking, or immediately afterwards. That to the best of deponent's judgment and belief there was neither want of skill nor attention in the persons on board the schooner, but he says that the injury and loss of the said schooner *Express* was

occasioned through the inattention and want of skill of the persons on board the said brig. The deponent thinks it was about a quarter past five p. m. when the brig struck the schooner; he had not been more than one minute on deck when it happened.

That after the two crews of the brig and schooner had tried all they could to separate the said two vessels without success, Moses Ligo, the master of the brig, told James Arther, the master of the schooner, that the only way to separate them was to cut the lanyard of the only remaining shroud of the starboard fore-rigging of the schooner, but Arther expressed his opinion that if that should be done the mast would give way. That this conversation took place after the brig got her kedge anchor out astern, and clued up both the topsails, hoping that the schooner might thereby fall to leeward, but it did not have the effect; and at the earnest and repeated solicitations of the said Moses Ligo to have the aforesaid lanyard cut, and his assuring the said James Arther that the mast would stand, and that it would ensure the safety of both vessels, which might then get into Scarborough wake and to Scarborough, the said James Arther at length consented, and directed deponent to cut the said lanyard, which deponent did, and the mast, in consequence of the motion of the vessel, almost immediately fell over to leeward, and hung by the stays over the larboard side, having broke by the sparings of the deck: that even then the said vessels did not separate until after the bowsprit of the brig had stove the schooner's boat; that by the said collision the bow of the schooner was stove, and the starboard foreguard board was carried sway, the covering boards split and started; the upper part of the paint-streak as far as the midships was also split, and the bulwark and stanchions were carried away as far as the main-rigging. He does not remember any further damage done than as before set forth. The deponent did not look at any watch, but he thinks it was an hour after the collision of the vessels before they got separated, and then the master and crew of the schooner all went on board the brig; that immediately afterwards the brig's boat was hoisted out, and the master and crew of the schooner returned to her; that the pumps were sounded the first thing, and there was then twelve inches water in the hold. Deponent had tried the pump at four o'clock when he left the helm, and could get no water out of her then. They then nailed all the spare tarpauling they had over those parts of the covering-board and paint-stroke which were the most damaged; and upon Arther, the master of the schooner, finding her situation as herebefore stated, and believing that the brig would take her in tow, as the master of her had promised to do when the schooner's mast broke, and to take them to Scarborough, he ordered the towline and warp to be got upon deck, and the lines put into the boat, and he then ordered the boat with all his crew in her to take the said lines to the brig for the purpose of her being towed by her into Scarborough or Scarborough wake. That upon reaching the brig Ligo, her master declined taking the schooner in tow, saying, that they were too far off land, and he feared they should not fetch it; that at first Ligo seemed inclined to take the schooner in tow, and when Waddel and deponent went on board, leaving the other two in the boat, they got some of the lines upon deck, and upon deponent inquiring if he might fasten the line aft, he told deponent to make it fast anywhere, it could be past aft presently; but upon getting into conversation with the mate of the brig, the said master, Ligo, altered his mind, and refused as before stated to take her in tow, the said master having told them that they should not fetch Filey Bay. The boat therefore put off, and rowed to the smack Speedwell, of London, Rycroft, master. Deponent remained in the boat, whilst the others, namely, Waddel, Dewar, and Arther, the master's son, went on board the smack. That the smack put some of their own lines in their boat; they had before 'spoke the schooner and were then lying-to. Deponent had been on board the smack and had a draught of beer before the lines were put into the boat. Two of the people belonging to the smack came into the boat, Knapps and another whose name deponent does not remember. That whilst the smack was towing the boat with those six in to get as near the schooner as they could, those in the boat feared she would go down stern foremost, and so the smack hove-to, and the boat was hauled up to lighten her. Young Arther, Dewar, and deponent went on board the smack, and Waddel and the two men from the smack went on board the schooner with the lines, having made one end fast to the smack, to fasten the other to the towline, and when that was done the schooner's people on board the smack hauled upon the line to fetch the towline aboard. That, to assist, it was tried three several times to put the smack into stays, but she missed them each time in consequence of the heavy sea, and broke the lines, so that after every endeavour to take the schooner in tow they failed to do so. After the line had broke and been hauled into the schooner, the people made a buoy fast to the end of it and threw it overboard in hopes it might get picked up by the smack, but it could not. That during this time the water increased in the schooner, and she drifted out to sea; the wind came on to blow very heavy, and she became quite unmanageable, the sea breaking over her. Rycroft therefore begged of those on board to quit her for the safety of their lives, and between eleven and twelve o'clock p. m. they did so, and in the afternoon of the next day the smack put them on board a Shields pilot-boat, from which they went on board a light collier, who landed them at Shields. The schooner did not sink whilst the smack was in sight of her, but it was impossible to prevent her sinking: if her foremast had stood, he thinks she might have been saved. When all belonging to the schooner were on board the smack, Rycroft said he was very glad of it, for he thought

Second.

Third.

that otherwise all their lives would have been lost. He also declared that even if he had had the schooner in tow he should have been obliged to cut her adrift, as the gale had increased so much, and the sea so heavy.

Fourth. The schooner Express, immediately before the brig Ligo struck her, was worth £750. She was built at Sunderland in 1824; she had on board, when so struck, fifty-five North-country chaldrons of Primrose coals, equal to about one hundred and twenty chaldrons, London measure, and the value of such coals was at that time twenty-eight shillings per North-country chaldron, and the freight for such cargo would have exceeded sixty pounds, had she earned freight.

(Signed)

JNO. BITTLESTONE.

The said Witness on interrogatories on behalf of Moses Ligo, party in this cause.

First. To the first he answers, that he considers he attends to be examined as a witness in this cause at the request of Mr. Allison, an attorney at Sunderland, who called upon respondent and asked him to go to a public-house, where respondent went and found his fellow-witnesses, Andrew Waddel and J. Dewar. There was a committee of gentlemen from a club where vessels are insured; and respondent and his fellow-witnesses were told that if they would come up to London by a steam-packet, their passage and expenses should be paid, and they agreed to come up. This meeting was on Tuesday week, as he best recollects; and on Saturday last they left Sunderland for Shields, to come up by the steamer from Shields. When they arrived in London, they all went to Messrs. Bell and Broderick, the agents of Mr. Allison, and were brought from there to the office of the producent's proctor in Doctors' Commons. That on the Monday following the day when they landed at Shields, which was on a Saturday, they were taken by Mr. Allison to Mr. Brunton, the notary's office at Sunderland, and there were examined as to the affair of the collision, respecting which he has now been examined, and the particulars taken down in writing. Mr. Allison afterwards asked them some questions at his own office, and Mr. Buckton asked respondent a few questions, when they were alone together, about what had happened at his office in Doctors' Commons. That save and except as aforesaid, he has had no meeting or conversation with the producent, or his agent or solicitor, or any other person respecting his being examined. That he has not been in any manner taught or instructed, or given to understand what he should say and depose, or avoid saying and deposing in this cause, save that he and his fellow-witnesses, Andrew Waddel, John Dewar, and William Arther, who came up from Sunderland together, were desired to tell the truth. The respondent has not been told what would be for the interest, or what to the prejudice of the producent in this cause.

Second. He has not, nor any or either of his fellow-witnesses, to his knowledge or belief, received or been promised, neither does he or they, any or either of them, to his knowledge and belief, expect to receive any reward, gratuity, present or satisfaction for giving evidence in this cause.

Third. Respondent served as carpenter and mariner on board the Express schooner at the time of the collision in question, and had ten shillings per voyage more wages than the other seamen. Such collision took place off Speeton Cliffs, about six miles to the north-north-west of Flamborough Head. The schooner had shortly before passed the brig Ligo to windward, towards the north-west, between the said brig and the land. When such collision took place, the schooner was under her fore-staysail, which was full; her foresail was hard to windward, with a bowline to the foremast shrouds hauled to windward, her fore-topsail aback, and her mainsail scandalized, and her helm to leeward in the lee-becket. And he says that the schooner did lie-to under such sail, and they found it answer very well. The mainsail was set in the manner before particularly described. On his oath the schooner was lying-to when he came on deck, immediately before the collision; she was placed in that position by the watch that succeeded him, and she had not then just wore round, in order to make a reach from the land. The two vessels, when entangled, drifted together to the northward and eastward from the land, and not towards Filey Rocks. Respondent was so engaged in assisting to get the boat out, and in doing other things on board the Ligo, that he does not know whether James Arther, the master of the schooner, did or not steer her; but she certainly was steered after the schooner for more than a mile, whilst she continued driving with the wind off the starboard side, her sails remaining as they were; that she drove beyond and not towards Filey Rocks, which brought her nearer to Scarborough. At this time the master and crew of the schooner were all on board the brig. When respondent returned on board the schooner in the brig's boat, he sounded the pump himself with a marline spike and some spun-yarn, for the sounding-rod could not immediately be found; it was found soon after and then used to sound with, and on both occasions it showed there were twelve inches water in the hold. The larboard pump was rigged for pumping before respondent left the said schooner, but she was not worked whilst respondent was on board. He says that the pumps were neither of them worked whilst he was on board the schooner at any time after the collision.

Fourth. After returning to the schooner, the smack Speedwell came up, and inquired if the schooner wanted assistance: respondent did not hear any person from the schooner, in reply to such question, ask the master of the said smack if she would take the schooner in tow to Sunderland, nor anything to that effect; but they asked if the smack would stay by them till they had been to the brig, to know what she

would do, as she had promised to take them in tow. The smack agreed, and Waddel (the mate) and respondent, John Dewar and William Arther went in the brig's boat to the brig; the mate and respondent went on board; respondent was busy getting the lines out of the boat, and then asked the captain of the brig if he, respondent, might pass the line abaft the rigging; the captain told respondent he might leave them there, they could be passed afterwards. This was every thing respondent heard the master of the brig say, for Waddel was the person who talked to him. He thinks that it was an hour from the time of the smack offering assistance to the time of the boat going to her with the lines after quitting the brig. The smack kept lying-to and reaching, and hailed the boat to make haste as the schooner was driving from the land, and they should be unable to do anything if more time was lost. Respondent did not know or hear of any determination for the smack to tow the schooner to Sunderland, neither did he hear any person exclaim on leaving the brig, "That is the place for us," alluding to Sunderland; but he knows that it was the wish of all the schooner's people to get to Sunderland in preference to Scarborough; but that was not the sole reason for accepting the offer made by the smack, for when the smack first offered her assistance, the captain of the schooner said they could not accept of it until they had first applied to the master of the brig, and it was not until they had been to the brig and found she would not tow them, that they went to the smack.

He believes, from the best recollection he has of the distance, that the schooner was about five miles from the land when he returned from the brig to the schooner. He thinks that the schooner was nearer two miles than one to the north-east of Filey Rocks at each time, and six miles, or rather less, from Scarborough, south-east. The wind was then south-west and by south, and not west-north-west; if it had been the latter, that would have been a wind upon the larboard beam, and fair for proceeding to Scarborough; and if the wind had been about west-south-west, the schooner would not have been lying there. He does not believe that the schooner could then have been turned round with her larboard side to the wind; if she could, they would never have let her gone off the land; and if her masts had been standing she would not have required the assistance of any one, she would have soon got into Scarborough by her own exertions.

The witness was strongly admonished to secrecy as directed.

(Signed)

JOHN BITTLESTONE.

Repeated and acknowledged before DR. DAUBENY, *Surrogate*.

Present, (Signed) W. D. JENNINGS, *Examiner*.

Fifth.

In the Admiralty Instance Court.

27th July, 1830.

The *Ligo*.—Moses Ligo, Master.

On the Libel aforesaid given by Buckton.

2. William Arther, of Sunderland, mariner, aged twenty years in the month of March last, a witness produced and sworn.

To the first article this deponent saith, that on the 10th day of December, 1829, he sailed as a mariner on board the schooner Express, of which deponent's father, James Arther, was master, from Sunderland, laden with coals, and bound for Harwich or Chatham as the market might suit. The said schooner was of the burden of one hundred and fourteen tons by admeasurement, and her crew consisted of Andrew Waddel, the master, John Biddlestone, carpenter and mariner, John Dewar, mariner, and deponent. The said schooner was sound and tight and in good condition, and reached Flamborough Head by seven a. m. on the following day. That the wind was then variable from south-west and by west, to south-west and by south, and blowing very fresh. The schooner tacked and stood in for shelter under the north side of the Head, and about twenty vessels, of which the brig *Ligo*, the vessel proceeded against in this cause, was one. That they kept reaching and lying-to during the day. That when deponent's watch on deck ended, which was at four o'clock, the schooner had the following sails set: her fore-staysail, foresail, fore-topsail and mainsail; the fore-staysail was full, the foresail hauled close to windward with the bow-line fastened to the foremost shroud, and the topsail was a-back, and the mainsail scandalized, and the helm was in the lee-becket. At four, Andrew Waddel and John Dewar took the watch upon deck. The schooner's head was then west-north-west as near as he can recollect. That about a quarter past five, deponent having heard the mate, Waddel, hail a brig by crying out "Brig a-hoy, what are you coming on board us?" and concluding there was something wrong, deponent immediately went upon deck, and found Waddel and Dewar both standing by each other on the main-deck. The head of the schooner was then to the southward and eastward. He did not perceive whether the helm still remained in the lee-becket or not, neither did he see Waddel run to the helm. Deponent had not been on deck a minute before the brig *Ligo* struck the schooner Express, just close before the fore-ring. The weather was clear, but rather dark, and you could see about a mile distant. The wind was blowing very hard and was upon the brig's larboard quarter, and the brig had her larboard main-braces and her starboard fore-braces checked, her sails were full and her yards almost square. The peak of the mainsail of the brig was up, her

fore-topmast staysail set, with the sheet hauled in to leeward, and her bowsprit passed before the fore-rigging and abaft the foremast, carrying away the three starboard foremast shrouds of the schooner, the aftermost shroud being the only one that held. He says, that the schooner was lying-to when the *Ligo* ran aboard her, so there could be no fault in the schooner. The brig was to windward, and it was her fault alone, and not owing to any inattention or want of skill in the master or crew of the schooner, that the *Ligo* ran on board the *Express*.

Second.

That the crews of the brig and schooner exerted themselves to separate the vessels, and to do so tried to back the yards of the brig, but the wind being nearly right aft they could not do it. They then clewed the topsails up and got out a kedge astern, but that would not hold. Captain Ligo then advised the master of the schooner to cut the lanyard of the only remaining shroud of the starboard fore-rigging of the schooner, but the master observed that if that should be cut the mast would give way. Ligo said no, it would not; that the mast would stand, and it would be the means of saving both the brig and the schooner; and he at last became so urgent, that the master of the schooner gave orders to John Bittlestone to cut the said lanyard, which he did, and immediately after the mast to which it was attached gave way by the sparings of the deck, and fell over to leeward, and hung by the stays over the larboard side. That before the said vessels were separated, the bowsprit of the brig had stove the schooner's boat. That her starboard bow was stove, and the covering-boards were split and started, and the upper part of the paint-streak as far as the midships were also split, and the bulwark and staunchion were carried away as far as the main-rigging, but he does not remember any other injury done to the said schooner.

Third.

That the master and crew of the schooner were all on board the brig at the time the vessels separated, but they soon got the brig's boat out, and all then left the brig and went to the schooner. The master and mate, Bittlestone and Dewar, got on board the schooner, and left deponent to take care of the boat; it was too dark for him to see what was going on, but he heard a hammering on board; some lines were then put into the boat to be taken on board the brig, for Captain Ligo, upon the schooner's mast breaking, promised to stay by the schooner and tow her into Scarborough. The whole crew went in the boat, leaving James Arther in the schooner alone, with the lines to the brig. The mate and Bittlestone went on board, and Dewar and deponent remained in the boat. Deponent heard Waddel (the mate) ask Captain Ligo, if he would take the schooner in tow, and Ligo said, they were too far off the land, they should never fetch Scarborough, and declined to tow her. The schooner's crew then rowed to the cod-smack *Speedwell*, who had before come down to the schooner to offer assistance, and carried their lines aboard; and having made one end fast on board the smack, the mate and two of the smack's people went with the line on board the schooner, leaving Bittlestone, Dewar, and deponent in the smack, for the sea was so heavy that they thought the boat must sink if she was not lightened, therefore the above three persons were ordered out of her. After the line had been made fast to the tow-line of the schooner, those on board the smack attempted to haul the end of the tow-line aboard, but having missed stays three several times, and the sea being very heavy, the line broke before they could get the tow-line on board: those in the schooner then made fast the end of the small line, as they told those on board the smack, to a buoy, and cast it overboard, hoping they would be able to pick it up, but it was so dark that the smack could not see it, and indeed they failed in getting the tow-line on board the smack until those on board the latter called out to those on board the schooner to come on board to save their lives; and Rycroft, the captain of the smack, declared that even if the smack had had the schooner in tow they must have cut her adrift, as the wind got boisterous, and there was too much sea on. That when the schooner *Express* was so quitted, she had become quite unmanageable, and the sea was making a free passage over her. Deponent understood at the time, that it was twenty minutes past eleven o'clock when the boat came on board the smack the last time from the schooner. He did not see the schooner sink, but he thinks she did not live long after they left her. The master and crew of the schooner were landed at Shields, on the third afternoon from the day of her sailing, as before stated, by the smack *Speedwell*.

Fourth.

The schooner *Express* was insured for £750, but deponent does not know what her real value was at the time she was struck. She was built at Sunderland in 1824. She had on board, when struck, six keels and seven chaldron, North-country measure, of Primrose coals, and he heard the people of the schooner say that she would make freight to the amount of sixty-three pounds or thereabouts; and further he knows not to depose.

(Signed) WM. ARTHUR.

The said Witness on interrogatories administered on behalf of Moses Ligo, party in this cause.

First.

To the first he answers, that he attends to be examined as a witness in this cause at the request of Mr. Allison, the solicitor to the club for insurance of vessels at Sunderland. That he has not had any meetings or conversations with the producent or any other person. That he has been at sea since the accident until a few days ago. He has not been instructed or taught in any manner whatever as to his examination.

Second.

Respondent has not, neither has nor have any or either of his fellow-witnesses, to his knowledge or

belief, received or been promised, nor does he nor do they hope or expect to receive any reward, gratuity, present or satisfaction, for giving evidence in this cause.

The respondent was serving as a mariner on board the schooner Express on the 11th of December last. The collision to which he has deposed took place off Spection Cliffs, about six miles to the north-north-west of Flamborough Head. He had not noticed the Ligo before that time. The schooner, when struck, had her fore-topsail aback, her foresail hauled close to windward, and her fore-staysail was full, and her mainsail was scandalized; and she was lying-to at the time she was struck under those sails, and if the mainsail had been set it would have hove the schooner up into the wind. He swears that the schooner was lying-to when she was struck. The brig and schooner whilst they were entangled did not drift together towards Filey Rocks, but drifted from the land and out to sea. James Arther, respondent's father, did not steer the Ligo at all; respondent was by his side all the time he was on board the Ligo. The schooner drove out to sea before the wind, and not considerably beyond Filey Rocks, and so nearer to Scarborough as interrogate. He never went on board the schooner after once quitting her, which was when the foremast had fallen to leeward. He does not know whether the schooner's pumps were at any time used between the time of the collision and that of her being abandoned, nor whether the pumps were rigged in order to pump the said schooner or not.

The fishing smack Speedwell came to the schooner whilst respondent was in the brig's boat, upon the schooner's quarter, and asked if the schooner wanted assistance: they asked if the smack would take them in tow, but without naming Sunderland; and upon the smack seeming inclined to do so, they asked her if she would lay by till they had been to the brig Ligo to inquire whether she would tow them. The brig's boat, with the crew of the schooner, leaving the master on board, then proceeded to the brig. Respondent did not go on board the brig at that time, but he heard what passed between her master and Waddel, the schooner's mate. Ligo did not at such time state that it was not a time to hesitate, for if the vessels were driven further from the land he should be unable to tow the schooner into Scarborough. He said that at that time he could not fetch Scarborough. He did not take particular notice of the time, but he thinks it was about an hour after the smack first offered assistance to the schooner, to the time of their going to the smack after quitting the brig. The smack lay-to whilst the boat went to the brig, and he cannot mind that the smack called to the boat at all after the boat left the schooner and rowed to the brig as before deposed: it was settled that the smack should tow the schooner to Sunderland, but not until after the boat had quitted the brig; and the schooner's people did not leave the brig, exclaiming, "That's the place for us," meaning Sunderland. Respondent's father certainly wished to get to Sunderland, because he could have got the schooner repaired there quicker and at less expense.

Respondent thinks the schooner was about five miles from the land when the boat reached her from the brig the first time. She was considerably more than a mile, though he cannot state the precise distance, from Filey Head. He does not know the bearing, neither does he know how Scarborough bore. He cannot speak with any certainty, but he believes she was then about nine miles from Scarborough. The wind was not then west-south-west, but south-west and by south; had it been west-south-west it would not have been on the larboard beam, and favourable for Scarborough, though she might probably have reached Scarborough with it. He is quite certain that had the schooner been turned round with her larboard side to the wind, which he says it was impossible to do, after her mast went, which was before the brig got free of her, yet she could not have been towed into Scarborough in two or three hours with the aid of her own sails.

It was strictly done as directed.

(Signed) WM. ARTHUR.

Sixth.

Repeated and acknowledged before DR. DAUBENY, *Surrogate*.
Present, (Signed) W. D. JENNINGS, *Not. Pub.*

No. 93.

COPY of DEPOSITIONS of two Witnesses examined in support of a Responsive Allegation, in a Cause of Damage by Collision, taken in the High Court of Admiralty of England.

IN the Admiralty Instance Court.

30th November, 1830.

The Ligo,—Moses Ligo, Master.

1. On the allegation given by Pulley Francis Calvert, mate of the above brig Ligo, aged about thirty-nine years, a witness produced and sworn.

To the first article he saith that he was mate of, and on board the Ligo, when she sailed from Sunderland on the 10th of December, 1829, laden with coals, bound to Wisbeach, to which port she now belongs, having been registered there on that very voyage, she being then a new vessel. That she measures 118 tons, and was then commanded by the above-named master, Moses Ligo. That

about eight o'clock on the 11th of said month, the said brig Ligo arrived off Flamborough Head, but the wind then blowing fresh from west-south-west varying to south-west and by south, she could not weather the Head. That about half-past five in the evening of said day the said brig was under Speeton Cliffs, and about a mile from the land, when they saw a loaded schooner between the brig and the land; the schooner turned out to be the Express, James Arther, master. Speeton Cliffs are six or seven miles to the north-north-west of Flamborough Head. The brig was lying-to upon the larboard tack, with her head to the northward and westward, and towards the land, with both her topsails aback, and the crew employed reefing them. The schooner passed the brig to windward, standing to the northward and westward; that in less than a quarter of an hour afterwards, the said schooner wore round suddenly with her head to the sea, and not keeping her helm sufficiently to leeward she came directly towards the lee-bow of the Ligo. Deponent was then standing on the lee-bow, but he did not see the schooner until Moses Ligo first called out to him to hail the schooner, or she would run foul of the brig. Moses Ligo was then on the main-deck. Deponent cried out as loud as he could, "Schooner, a-hoy, are you coming on board us?" and repeated such hailing several times, but no answer was given thereto. That as the schooner approached, and just as the schooner struck the brig upon her starboard bow, and not till then, deponent observed one man forward on the schooner, and cried out to him "What a damned rascal you must be to run aboard of a ship in this way!" for deponent says that the Ligo having her topsails still aback, was unmanageable, and then for the first time one of the schooner's people spoke, saying, "What are you doing with your vessel?" That the Ligo's bowsprit being locked in between the mast and the rigging of the schooner, the schooner turned the brig right round afore the wind, and then being thus entangled, the wind drove, and the ebb-tide assisting, both vessels drifted to the north and by east towards Filey Rocks, which might be about a mile and a half distant. He saith that at the time of the collision aforesaid the schooner was not laid to with her head to the southward, and her foresail hauled close to windward, with the bowline fastened to the foremast shroud, neither was her topsail aback, for, on the contrary, it was full. He does not believe that the schooner's helm was in the lee-becket at the time of the collision, for it is his belief that if it had she would have gone clear of the brig; and he says that when he first saw the said schooner's helm, which was very soon after the collision, it was a-starboard.

Second.

To the second he saith, that the master of the Express, before he quitted her, ordered his carpenter to cut away the Ligo's bowsprit; upon hearing which, the said Moses Ligo desired him to consider well what he was about, for that such a step would disable both of them, and neither would be able to render assistance to the other; and the said Moses Ligo then advised the said James Arther to cut away the lanyard of the only remaining shroud that was standing on the schooner, by which means the vessels would get separated, and then the Ligo might be able to assist the Express; and the said James Arther immediately directed his carpenter to cut away such lanyard, which he immediately did. The Ligo's crew then got a kedge-anchor astern, and clewed up the brig's topsails as close as they could to give the schooner an opportunity of driving to leeward, which she did, and the Ligo holding fast, they separated. At the time of separating the master and crew of the Express all came on board the Ligo, and the schooner, with her helm a-weather, kept driving out to sea. The said James Arther took the Ligo's helm, and steered her after his own vessel, until deponent, after the kedge-anchor had been got up, and the warp stowed away, relieved him, and took the helm himself. The Ligo's jolly-boat was then got out, and Captain Ligo told Captain Arther that he had better go to the schooner and see what damage had been done, and if she was in a state to be towed, to bring ropes with him from the said schooner, and he would immediately tow her into Scarborough; but if, on the other hand, she was not fit to be towed, he then advised that a light should be put into the boat, and the Ligo should then pick them up again. All this the master and crew of the Express agreed to, and Captain Arther then went in the Ligo's jolly-boat with his crew to the schooner. The Ligo then made from them and got her sails set, and prepared all fit for taking the schooner in tow when ready. The brig reached out from the land and lay-to under the Lec of the Express, expecting the return of the jolly-boat; when she came she had a few small lines in her, but none fit for towing with. The master remained on board the schooner, but the mate, Andrew Waddel, who returned, said that the schooner was not much damaged, and they had repaired the damage with tarpaulins. The schooner's people then said they were come to advise with Captain Ligo whether they should be towed by him into Scarborough, or be towed by a fishing-smack into Sunderland; whereupon Captain Ligo told them that if they would go to the schooner and bring a proper rope he would tow them into Scarborough, which he said was the place for them, being only about six miles off, whereas Sunderland was sixty. They seemed quite undetermined for a long time, he thinks near two hours, and walked about the Ligo's deck, when Captain Ligo at last told them that it was not a time to hesitate, for the vessels were getting out to sea, and it would soon be impossible for the Ligo to render them assistance. Deponent also repeatedly urged them either to go for a rope or to determine upon taking the assistance of the fishing smack. The mate of the schooner asked deponent's advice, and deponent told him it was no business of his, but he advised him to determine quickly. The last time Captain Ligo spoke to them he said, "Scarborough is the place for you;" and the mate of the schooner immediately said, "No, Sunderland is the place for we; we shall leave you: I wish you good night;" and they went

away in the Ligo's jolly-boat. He says positively that the said Moses Ligo never did decline to tow the said schooner Express into Scarborough on any account whatever; he was rather sharp with the mate and crew, to fetch a proper rope from the schooner, but he was willing to the last to tow them into Scarborough, and offered so to do. When the jolly-boat left the Ligo the last time, the schooner was, as well as deponent can judge, about, but not more than, two miles and a half to the north-east of Filey Rocks, and about five miles from Scarborough; and deponent has no doubt that the Ligo could then have towed the schooner into Scarborough in an hour and a half, for the wind was south-west and by south at the time.

To the fourth he saith, that the damage done to the schooner Express he knows only from report; that the last time he saw the said schooner, which was for about half an hour after the mate and crew of her had left the Ligo, her mast was standing. The deponent has always thought that the neglect of the master and crew of the said schooner in not bringing a proper tow-line to the Ligo, and then in hesitating to go back for one, and lastly in refusing to be towed into Scarborough when they might, and could have been, with great safety, was the cause of the loss of the said vessel. He, the deponent, thought the conduct of the master and crew such as to make it almost doubtful whether they wished to save her or not. Deponent did not see the Ligo's jolly-boat after being so lent to the people of the Express until March last; and further to the said article he knows not to depose. Fourth.

(Signed)

FRAS. CALVERT.

To the first interrogatory he answers, that he attends at the request of Moses Ligo; that he has neither received nor been promised any reward, gift, gratuity, or satisfaction for giving his evidence; he is, and has, for the last seven years, been in the service of Moses Ligo. First.

He answers that he has not had any meeting or consultation upon the subject of his cause, neither has he been taught or instructed what evidence he should give or avoid giving in this cause. Second.

It was fully done as directed.

The schooner Express was navigated by a master and four men; she and the brig Ligo, both mentioned in this cause, and twenty sail of other vessels, were off Flamborough Head on the 11th of December last, and in consequence of the wind blowing hard from the south-west and south-west by south, they were occasionally during the day reaching and lying-to under the north side of the said Head for shelter. About five o'clock that evening the said schooner wore round, bringing her head to the southward, but she did not lie-to; she had her fore-staysails, foresail, fore-topsail set, and the main-sail scandalized—her fore-staysail was full. He cannot recollect whether the foresail was to windward or to leeward, nor whether it was hauled close with the bow-lines fastened to the foremast shroud or not. The topsail was not a-back, but full, and the helm was not in the lee-becket, but in the weather-becket; deponent is speaking of the schooner at the moment she struck the Ligo, and for about ten minutes preceding, which was the time she had been seen by the Ligo. The Ligo was lying-to, rather ahead of the schooner than to windward, upon her starboard bow; the evening was dark, but not hazy; vessels could be seen three-quarters of a mile or perhaps a mile, but not more, from each other. Had the brig been between the schooner and the land, no doubt that the land and the Ligo might have been seen from the schooner's deck, but in fact they, the brig and the schooner, were on the same line and parallel with the land after the schooner had worn; the brig did not near the schooner, but the schooner neared the brig, and when she did so the brig was lying-to with her head to the land on the larboard tack, and so she remained until the schooner came aboard of her. The said brig did not alter her course as interrogate, neither did she wear round and get the wind aft and come down to the said schooner with her larboard main-braces and starboard fore-braces checked and all her braces full, for her yards were all square and the sails a-back. Deponent was on the starboard bow of the Ligo when the Express neared her, and the person nearest to her of any of the brig's people; and he upon his oath saith, that no person on board the said schooner called out with a loud voice, "Brig, a-hoy, what do you mean to do? do you intend to come on board of us? put your helm down—put your helm a-starboard," nor anything to that effect; neither did they hail the brig at all, nor was it likely that they should, for they had shortly before passed her and must have seen that she was lying-to. Respondent was the first person in either vessel that hailed the other, and until she had hailed the said schooner, no one on board of her said a word. He does not know when or whether the helm of the said schooner was taken out of the becket at all. The brig did not strike the schooner, on the contrary, the schooner struck the brig. The peak of the brig's mainsail was then up and her fore-topmast staysail set, with the sheet hauled in to leeward. The brig's bowsprit carried away the three starboard foremast shrouds of the schooner, and went abaft the foremast; the aftermost shroud held. The brig was to windward of the schooner at the time of the accident. Third.
Fourth.

The crew of the Express, instead of turning to, to separate the two vessels, immediately got their clothes up and put them on board the Ligo, and when respondent asked them what they were about, they asked him if he thought they were going to leave their things on board of a sinking vessel. The people of the Ligo did all they could to get their bowsprit free, but those of the Express did nothing that respondent saw, in the way of assistance, until the master of the schooner ordered his carpenter to bring his axe and cut away the bowsprit; Moses Ligo then advised him to consider what he was going Fifth.

to do, as the cutting away the bowsprit would disable the brig from giving the schooner that assistance which they might do with it, but he never said he thought both the vessels would be lost by the bowsprit being cut away. He did advise the cutting away the only remaining shroud of the starboard fore-rigging of the Express, as the easiest and best means of effectuating the separation of the two vessels. Respondent did not hear the said James Arther make any objection or even observation upon such recommendation, nor say one word about the mast giving way. The lanyard was cut, by which, and the brig holding fast by the kedge, the schooner dropped to leeward. The foremast of the schooner, instead of giving way and falling to leeward as interrogate, was actually standing when the brig left her, which was upwards of hours afterwards. Respondent did not see any of the damage done, save that which he has deposed, and not having gone on board the schooner he did not see any part of the damages stated in the latter part of the said interrogatory to have been the effect of the collision aforesaid.

Sixth.

The whole of the schooner's crew were on board the brig at the time when the vessel separated; the brig's jolly-boat was hoisted out immediately, and the schooner's crew went in her to the schooner; respondent does not know what took place or was done on board the schooner. The said Moses Ligo did over and over again promise to tow the said schooner into Scarborough, which the Ligo could easily have done, for she arrived at Scarborough at four o'clock in the morning of the 12th; and the schooner's crew were to bring a proper tow-line with them from the schooner, but instead thereof they only brought some small lines, wholly unfit for the purpose of towing, and although they were told to go to the schooner and get a proper towing-rope, they kept loitering about the Ligo's deck talking, but doing nothing until they went away to a fishing smack, which they said would tow them to Sunderland. He upon his oath says that the said Moses Ligo was at all times inclinable to tow the said schooner even to the last, and would have done so, but the crew of the Express would not go back for a tow-line. Captain Arther, who went in the jolly-boat to his own vessel, remained therein, and did not come back to the Ligo. The said Moses Ligo did tell the crew of the schooner to go and fetch a towing-rope, whilst they were in land, and could tow them easily, but he never refused to tow them, or gave as a reason for such refusal that they were too far off the land, and he was afraid they could not fetch it. When at last the schooner's crew left the brig, she went to a fishing smack, which respondent has since been informed was named the Speedwell of London; which smack, when first observed from the Ligo, was lying-to upon her weather. What afterwards passed respondent knows not, as they saw nothing of what was done by the schooner and smack, after the Ligo's jolly-boat reached the said smack.

(Signed)

FRAS. CALVERT.

Repeated and acknowledged before DR. DAUBENY, *Surrogate*.
Present, (Signed) W. D. JENNINGS, *Examiner*.

In the Admiralty Instance Court.

4th December, 1830.

The Ligo,—Moses Ligo, Master.

On the allegation aforesaid given by Pulley.

2. Matthew Stokill, mariner, a seaman belonging to the Ligo above named, aged forty-two years, a witness in this cause, produced and sworn.

First.

To the first article of the said allegation this deponent saith, that he hath belonged to the Ligo, Moses Ligo, master, ever since she was launched, and he sailed in her from Sunderland, where she was built, on her first voyage on the 10th of December, 1829. She is about one hundred and twelve tons burthen, was laden with coals, and bound to Wisbeach; to which place she belongs, and the said Moses Ligo was her master. She is a brig. That when the Ligo reached Flamborough Head on the 11th, somewhere about two o'clock in the day, as he now best recollects the time, the wind was blowing a strong breeze from the south-west, or south-west and by south, so as to prevent the brig weathering the Head. She therefore hove about and run in under Speeton Cliffs and there hove-to. He says Speeton Cliffs are north-north-west by the land from Flamborough Head, about six or seven miles, but the direction of the Ligo was more westerly. That between four and five o'clock in the evening, as the said brig was so lying-to, and upon the larboard tack, with her head to the west and by north, for deponent looked at the compass towards the land, her larboard main-braces hauled in and her head yards square, part of her crew being employed reefing her topsails, a schooner was seen running down between the Ligo and the land, which were upon the Ligo's starboard bow; such schooner was loaded, and afterwards turned out to be the Express, James Arther, master. She passed to windward about north-north-west and then wore to stand to the southward, and in standing to the southward she came upon the Ligo's starboard bow. That the crew of the Ligo had just set the fore-topsail, which was a-back at the time she was struck by the Express. That for some minutes before the schooner struck the Ligo, the captain and mate had been hailing the schooner, and asking if they were coming on board of the Ligo; but no answer was given to such hailing until at the instant of

striking a man ran forward and called out, "What are you doing with your brig, how's your helm?" to which Captain Ligo answered, "Our helm's a-lee, and has been a long time, our ship is laid-to." The blow of the schooner brought the Ligo round before the wind, and the bowsprit of the Ligo got entangled in the fore-shrouds, and both vessels then drifted to the northward and eastward. That upon the Express striking the brig, Captain Ligo observed to the people of the schooner, "You keep a bad look-out on board the schooner," but no one answered him. The schooner was not laid-to, but standing to the southward at the time she ran on board the Ligo. Her jib and fore-staysail and topsail all full, with the peak of her mainsail down, and the bow-line fastened to the foremast shroud to leeward, and the helm a-midships, or rather a-weather.

That some one on board the Express, immediately after she struck the Ligo, asked Captain Ligo to let them cut away the Ligo's bowsprit, to which Captain Ligo replied, "No, my good man, if you do that, we shall both be disabled, and then we can give no assistance on either side." The master and crew of the schooner then put their clothes and things on board the Ligo, and every one of them came on board. In the mean time the crew of the Ligo had clewed her sails, which were all a-back, and they then let go her kedje with a warp, by which the brig held until the vessels parted, the schooner's crew being all on board the Ligo. He remembers Captain Ligo advising, before the schooner's crew came into the brig, that the lanyard of the only remaining shroud of the Express should be cut away, for the purpose of getting the two vessels disentangled; but whether it was so cut away or not he does not know. That after the vessels were separated and the kedje and warp got in, James Arther, the master of the schooner, took the Ligo's helm out of the lee-becket and steered after his own vessel, which was drifting to the northward and eastward for about two miles; being then come up with the schooner, the brig lay to, and hoisted out her jolly-boat for the master and crew of the schooner to go on board of her for the purpose of fetching a warp for a tow-line, that the Ligo might tow the said schooner into Scarborough. As the boat was going, Captain Ligo hailed the master and crew of the schooner to bear a hand and bring a warp as soon as possible, for as the vessels were drifting from the land, if they did not bear a hand and bring the warp quickly, it would be too late, and they should not be able to reach Scarborough. When the boat came back, there were the four men of the schooner in her, but not the master, he remained on board the schooner; and the boat brought no warp, but the men came on board and walked the brig's deck inquiring what was best to be done: the said Moses Ligo told them over and over again, as well before they left the Ligo in the jolly-boat as after they returned, that if they brought a warp he would tow them into Scarborough, which was the proper place for them to go to. He never, to deponent's knowledge or belief, refused or declined to take the said schooner in tow. He says, he can only guess at the distance the said schooner was from Filey Rocks and Scarborough, for it was too dark to judge of the same correctly. When the schooner's crew left the Ligo for good, he judges that Filey Rocks might then be three or four miles distant, and the schooner north-east and by north of Filey Rocks, and about eight or nine miles to the south-east and by south of Scarborough, which place the Ligo reached early the next morning. The wind was a good wind for going into Scarborough, when the Ligo was last left by the crew of the schooner in the Ligo's jolly-boat, and when they went to the fishing smack, and the Ligo could then have towed them into that port speedily and with ease, and was willing so to do; but it did not appear to deponent that they had ever any intention of going to Scarborough, for they kept asking, whilst on board the Ligo, what should they do? what should they do? that they had partly agreed with a fishing smack to tow them to Sunderland, and indeed a fishing smack came under the Ligo's lee, to which the schooner's crew went upon quitting the Ligo. That the schooner's crew repeatedly declared that Sunderland was the place for them, and they accordingly made up their minds to go to Sunderland, that Scarborough was no place for them. The Ligo then again stood to the southward.

He saith, that he is quite sure that the loss of the schooner was solely occasioned by the neglect of those belonging to her, and not from any damage done to her by the collision before deposed to. He saith, that with two other men like himself, he would have carried her safe into Scarborough roads without further assistance. That it would not have been difficult, at any time after the collision down to the moment when the schooner's people left the Ligo, either for the brig or smack to have towed the said schooner into Scarborough. That the Ligo did not get back her jolly-boat until about the month of March last, when the same having been picked up at sea and carried to Steers, was then taken to Whitby, where the Ligo called for her, and after paying about six-and-thirty shillings for her got it again. The deponent did not go on board the schooner, but whilst upon the bowsprit clearing away the rigging he was over her deck. That her gunwale and some of her staunchions and fore-rigging were carried away, and her boat stove, but he did not perceive any other damage that was done to her.

(Signed) M. STOKILL.

The said Witness on interrogatories on behalf of James Arther and others, party in this cause.

To the first interrogatory he answers, that he attends as a witness in this cause by desire of Captain Ligo. He has not received or been promised any reward, gift, gratuity, or satisfaction for

giving evidence in this cause. That excepting about seven voyages of a fortnight or thereabouts each, he has been near seven years in the employ of Captain Ligo, the producent, and still continues therein.

Second.

He has not had any meeting or consultation upon the subject of this cause with any person whomsoever. He has not been taught or instructed as to the evidence he should give or avoid giving in this cause.

Third.

It was done as directed.

Fourth.

The late schooner Express was navigated by a master and four other persons, and she and the brig Ligo, proceeded against in this cause, with about twenty sail of other vessels, were off Flamborough Head on the 11th of December last, and occasionally during the day all the said vessels were reaching and lying-to under the north side of the Head for shelter, the wind then blowing hard from the south-west and south-west by south. The said schooner, between four and five o'clock in the evening of the said day, ran down to the northward, between the Ligo and the land, and then wore and stood to the southward, and in a few minutes afterwards struck the Ligo upon her starboard bow, at which time said schooner had her jib, foresail, and topsail all full, and her mainsail scandalized. Her helm was not in the lee-becket as interrogate. Respondent did not pay any attention to the schooner any more than to the other vessels, until she was running down between the Ligo and the land. Her sails were then as just described, and so they remained until she struck the Ligo. He says, that the schooner was not laid-to, but the brig was, when the former struck the latter, and instead of the brig being to windward she was to leeward of the schooner. The night was rather dark, but not hazy, and vessels could be seen pretty well at a mile's distance. He has no doubt but the land could be discerned from the deck of the schooner, and had the brig ever been between the schooner and the land, so might the said brig, but she never was so situated; instead of the brig nearing the schooner as interrogate, it was just the reverse, the schooner neared the brig, for the latter was lying-to, and had been so for an hour or so, with her larboard main-braces hauled in, and her head yards square: no person on board the schooner hailed the brig in any way whatever until the instant of their coming on board the brig, and after the brig had hailed her no person in the schooner made use of the words, "Brig, a-hoy, what do you mean to do? do you intend to come on board of us? put your helm a-starboard," nor any words to that or the like effect. When the schooner struck the Ligo, the latter's mainsail was brailed up, and to the best of his recollection her fore-topmast stay-sail was down. He believes that there were four starboard foremast shrouds on the schooner, and that the Ligo's bowsprit carried away three of them, and passed abaft the foremast, leaving one shroud standing. He says, upon his oath, that the brig was not to windward of the schooner at the time of the accident.

Fifth.

The crew of the Ligo did use their utmost exertions to separate the brig and schooner after the accident. The crew of the schooner seemed careless, and did but little towards effecting it; and the said Moses Ligo did say that unless they could be separated both vessels might be lost; and he certainly recommended James Arther, the master of the schooner, to cut away the only remaining shroud of the starboard fore-rigging of the said schooner, but whether it was cut or not respondent knows not. The said James Arther opposed its being cut, and Captain Ligo promised, whatever might be the effect, he would stay by the schooner; but whether Captain Ligo prevailed respondent knows not. That the schooner's mast stood to the time of the crew leaving the Ligo to go to the fishing smack, he knows, because he saw it. The schooner's boat was stove, respondent believes, by the Ligo's bowsprit, but he did not see it done. He does not know whether the bow of the schooner was or was not stove, and her covering-boards split and started, and the upper part of the paint-streak as far as the midships also split, or any other damage done than as he hath before deposed; and he disbelieves that there was, for he says, that when the schooner's crew were busy in putting their clothes on board the brig, upon being asked by the Ligo's mate, respondent being at the time alongside of him, what they were putting on board, they told him their clothes. He then asked them why they were doing so, and they replied, "Why, man, the ship's going down." "How do you know," says the mate, "have you sounded the pump?" They said, "No, send us your sounding-rod." The mate and Captain Ligo both refused that, but offered to lend them a marline-spike, which, with a rope's end, would answer the purpose. One of the people then took a marline-spike belonging to the Ligo, and went to sound the pump, and then returned, and said he had sounded and the ship was tight, there was no water in her.

Sixth.

When the vessels separated all the crew of the schooner were on board the brig; the brig's boat was hoisted out, and the schooner's crew returned in her to the schooner. Respondent conversed with their carpenter after they returned to the Ligo, and he told respondent that the schooner did not make any water. When the boat came back to the Ligo, there was no tow-line or warp in her: the crew came back, leaving their captain in the schooner alone. So far from Captain Ligo declining or refusing to take the schooner in tow, he, from the first to last, was anxious to do so, and urged the crew of the schooner to go and fetch a tow-line, and he would tow them into Scarborough; but they loitered about the Ligo's deck, and at last determined to go to the smack, and get them to tow the schooner to Sunderland. He believes the smack's name was the Speedwell of London: she lay-to under the Ligo's lee, until she picked the boat up. That the weather remained much the same for

some time after the schooner's crew left the brig, and certainly was not worse. What passed afterwards between the smack and the schooner and their respective crews he knows not, neither knows he further to answer to the several matters in the said interrogatory.

(Signed)

M. STOKILL.

Repeated and acknowledged before DR. BURNABY, *Surrogate*.
Present, (Signed) W. D. JENNINGS, *Examiner*.

No. 94.

COPY of DEPOSITIONS of two Witnesses examined in support of a Libel in a Cause of Damage
by Beating or Assault, taken in the High Court of Admiralty.

In the Admiralty Instance Court.

July 10th, 1824.

The Lowther Castle, Thomas Baker, Master.
(Action of Michael Comerford.)

F. Clarkson.

Bush.

} On the libel brought in by F. Clarkson,
on the 9th day of July, 1824.

1. William Gilbert, of No. 10, John Street, Cornwall's Fields, Shadwell, in the county of Middlesex, mariner, aged seventeen years, a witness produced and sworn, *de bene esse*.

The deponent saith, he was a seaman on board the ship Lowther Castle, Thomas Baker, master, for about thirteen months and a half. He entered on board some time about the 3rd or 4th of April, 1823, and quitted her on the 18th of May in the present year. The articulate, Michael Comerford, entered on board the said ship as a seaman about four or five days after the deponent did so, and served on board in that capacity from that time. The deponent was not present when Michael Comerford was hired, and knows not by whom, or upon what terms he was so hired. The ship sailed from the Downs for China, on the 18th April, 1823, having then a full cargo, and her complement of men and officers on board: she proceeded to China, and returned from thence to the port of London with a full ship: she arrived in the port of London on or about the 18th of May last, and Michael Comerford continued to serve on board during the whole of that time.

First Article.

During the whole of the time that Michael Comerford served on board the Lowther Castle, as just deposed, he well and truly performed his duty on board, and was obedient to all the lawful commands of Thomas Baker, the master, and others his superior officers. The deponent was in the same watch with him, and never knew him to neglect or refuse to do any part of his duty.

Second Article.

The deponent very well remembers Michael Comerford being put in irons by Mr. Wilkinson, the chief mate, in the course of the voyage before deposed of: it was some time in October last, but the particular day the deponent does not remember, and the ship was then lying off Wampoa, in China. The deponent was below in the forehold with Michael Comerford, handing up billet-wood, when Mr. Hawkins, the sixth officer, who was standing on the beams just above the forehold, called out to Michael Comerford, and said as how he did not work half fast enough, for that Long (meaning a seaman of the name of Robert Long, then also at work in the forehold) handed up two pieces of wood to his (Comerford's) one. Michael Comerford replied that Long was too quick to last long; that was what he said as nearly as possible. Mr. Hawkins took no notice at that time of Michael Comerford's answer, but about five minutes afterwards called him up from the hold on to the deck; and Michael Comerford went up immediately, leaving the deponent below. The deponent did not go upon deck for as much as two or three hours afterwards, nor did he see Michael Comerford for two or three days afterwards; when he did see him, he, Michael Comerford, was in the steerage in a state of confinement, and in irons. Captain Baker was on shore when Mr. Hawkins spoke to Michael Comerford about his work, as deposed, and remained on shore for about six days afterwards. He then came on board, and the deponent, who was on deck, observed Mr. Wilkinson, the chief mate, immediately go up and speak to him, the captain; what Mr. Wilkinson said the deponent did not hear, but immediately afterwards he, Mr. Wilkinson, ordered the master-at-arms to go and fetch Comerford. The master-at-arms accordingly went below, and returned immediately afterwards with Michael Comerford in irons. The Captain, Mr. Wilkinson, and another officer, then went into the poop, and Michael Comerford was taken there to them. The deponent remained at work on deck. Captain Baker appeared to him to be asking questions of Michael Comerford, which he, Michael Comerford, appeared to answer, but the deponent was not near enough to hear anything that passed. After this had continued for about a quarter of an hour, the master-at-arms again conducted Michael Comerford below, and he remained there, still in irons, for about two or three hours: the hands were then turned up, and Michael Comerford was brought without his irons to the gangway. Upon this action the deponent saith that the circumstance of Michael Comerford being taken on to the poop, and asked questions there, happened on another occasion; whereas upon that of which he is now deposing, Michael Comerford was brought to the gangway at once immediately on Captain

Third Article.

Baker returning on board and speaking to Mr. Wilkinson as deposed. On being so brought to the gangway, he asked Captain Baker if he would not hear him, and allow him to have witnesses to answer for him; but Captain Baker replied no, he would not, and ordered the quarter-master to seize him up directly. The quarter-master accordingly tied Michael Comerford up, and he was flogged; he received three dozen lashes. Whilst the punishment was being inflicted, Michael Comerford two or three times asked Captain Baker for a drink of water; he did so very civilly and humbly; the precise expressions used by him the deponent does not remember, but the purport of them was to ask if the captain would not let him have a drink of water. The boatswain's mate left off flogging Michael Comerford on his asking for the water, and Captain Baker therefore turned to the doctor, and after a few words had passed between them, which the deponent did not hear, told the boatswain's mate to go on. The boatswain's mate accordingly continued the flogging, and Captain Baker referred to the doctor and then told the boatswain's mate to go on, in the manner now deposed, every time that Michael Comerford repeated his request for some water. When the flogging was over, Captain Baker told Michael Comerford to go to his duty, and nothing further passed, that the deponent remembers. He did not hear Captain Baker direct the doctor not to give Michael Comerford any ointment or lotion for his back, nor was he present upon any occasion of Michael Comerford asking for anything of that sort. Michael Comerford appeared to suffer a great deal from the flogging; he looked very faint and ill, and appeared to be in great pain; he could hardly walk, and it was three or four days before he appeared at all to recover, and then he recovered but very slowly.

Fifth Article.

The deponent saith, that at the time when Michael Comerford was put in irons and flogged, as before deposed, the said Thomas Baker was commander of the said ship, the *Lowther Castle*; and further he cannot depose.

(Signed)

WILLIAM GILBERT.

Same day repeated and acknowledged before DR. PICKARD, *Surrogate*.

Present, (Signed) WM. PRITCHARD, *Not. Pub., Examiner*.

In the Admiralty Instance Court.

July 10th, 1824.

The *Lowther Castle*, Thomas Baker, Master.
(Action of Michael Comerford.)

F. Clarkson.

Bush. }

On the libel aforesaid given by F. Clarkson.

2. Robert Lawson, of No. 10, John Street, Ratcliff, in the county of Middlesex, mariner, aged twenty-five years, a witness produced and sworn, *de bene esse*.

First Article.

The deponent saith, he was seaman on board the ship *Lowther Castle*, Thomas Baker, master, for thirteen months and a half. He entered on board in the early part of the month of April, 1823, and was discharged in the latter part of May, in the present year, but the particular days he does not remember. The articulate, Michael Comerford, entered on board the said ship as a seaman, about a week after the deponent, and continued to serve on board in that capacity from that time. The ship was then at Gravesend, bound on a voyage to China. The deponent was not present when Michael Comerford was hired, and knows not by whom or upon what terms he was so hired. The ship sailed from Gravesend about three or four days after Michael Comerford came on board, and proceeded to China, from whence she afterwards returned, and arrived in the port of London with a full cargo some time in the latter part of May last: Michael Comerford remained on board, and in the service of the said ship during the whole of that time.

Second Article.

During the time Michael Comerford was on board the *Lowther Castle* as deposed, he well and truly performed his duty as a seaman, and was obedient to all the lawful commands of Captain Baker, and others, his superior officers. He is a very quiet civil man, and the deponent never heard him use an angry word to any one.

Third Article.

The deponent very well remembers Michael Comerford being put in irons by Mr. Wilkinson, the chief mate, in the course of the voyage before deposed of. It happened towards the latter end of last year, and whilst the ship was lying at Wampoa in China, but the time more particularly the deponent does not remember. Michael Comerford was below in the forehold handing up billet-wood, and the deponent was on the beams immediately over the forehold. Mr. Hawkins, the sixth mate, who was on those beams likewise, called down into the hold to Michael Comerford, and told him to hand up the wood quicker, adding that Long (meaning a man of the name of Robert Long, who was then in the hold employed in the same manner) handed up two pieces to his, Comerford's, one. Michael Comerford replied, that he was handing up the wood as quick as ever he could, and that Long was too quick to last long; that was the answer he made as nearly as possible. Mr. Hawkins told Comerford he would complain of him to the chief mate, and immediately went on deck as if for that purpose. A few minutes afterwards (the deponent being still on the beams over the hold) the master-at-arms came into the hold and told Michael Comerford to go on the quarter-deck to the chief mate. Michael

Comerford immediately left the hold, and the deponent saw no more of him until after the people had left off work, when he saw him below in the steerage in irons. Captain Baker was then on shore, and remained so for six days afterwards. The deponent constantly saw Michael Comerford; and he saith, that he remained in irons during the whole of that time. Soon after the captain had returned on board, he, Captain Baker, ordered the master-at-arms to go below, and bring up Comerford; the deponent was on deck and heard him do so. The master-at-arms went below and returned soon afterwards with Michael Comerford still in irons; as soon as Captain Baker saw him, he told the quarter-master to seize him, Michael Comerford, up, and give him three dozen lashes, and then to send him to his duty. Michael Comerford then asked Captain Baker if he would not let him have witnesses as well as the officers; but Captain Baker replied, No, he would not let him have any. Michael Comerford was then seized up, his irons were taken off, and he was flogged; he received three dozen lashes. Whilst he was being flogged, he asked Captain Baker if he would be so good as to allow him a drink of water; he asked for it very civilly, and in the terms first stated, as nearly as the deponent can remember, but without saying anything about his being thirsty or feverish. The boatswain's mate stopped on Comerford asking for the water, but Captain Baker immediately replied, No, he would not allow him any, and told the boatswain's mate to go on, which he accordingly did, and continued the flogging. The deponent does not remember that Captain Baker referred to the surgeon in any manner, on being asked for the water, or that the request for the water was made more than once, but the surgeon was present; when the flogging was over, Captain Baker told Michael Comerford to go to his duty, and the deponent does not remember that anything else passed. He did not hear Captain Baker direct the surgeon not to let Michael Comerford have any ointment or lotion to apply to his back, nor did he at any time hear Michael Comerford apply for anything of the sort. Michael Comerford appeared to suffer very much from the flogging; he was very faint, and much exhausted, and continued very stiff and sore for many days afterwards; he walked with great difficulty, and could not bend his back as he walked.

The deponent saith, at the time when Michael Comerford was put in irons, and when he was flogged, as before deposed, the said Thomas Baker was commander of the said ship, Lowther Castle; and further he cannot depose. Fifth Article.

The ✕ mark of ROBERT LAWSON.

Same day repeated and acknowledged before DR. HAGGARD, *Surrogate*.

Present, (Signed) WM. PRITCHARD, *Not. Pub., Examiner*.

No. 95.

COPY of DEPOSITIONS of two Witnesses examined in support of a Responsive Allegation in a Cause of Damage by Beating or Assault, taken in the High Court of Admiralty of England.

IN the Admiralty Instance Court.

The Lowther Castle.

Michael Comerford against Thomas Baker, now or late master of the said ship.

Clarkson.

Jenner.

On the allegation given by Jenner, bearing date the by-day after Trinity Term, (to wit) Tuesday the 13th day of July, in the year of our Lord, 1824.

28th December, 1824.

1. James Crawford, of No. 38, Woolner Street, Poplar, in the county of Middlesex, mariner, aged forty-one years and upwards, a witness produced and sworn.

To the first article of the said allegation this deponent says, that he was boatswain on board the Lowther Castle East-Indiaman during the time articulate, namely, in and from the month of April, 1823, until the month of June, 1824; that he well knew Michael Comerford, party in this cause, who was a foremast man on board the said ship during such period. That the deponent had frequent opportunities of seeing and knowing the conduct and behaviour of the said Michael Comerford, and he says, that he was an idle, careless fellow, and very insolent to his officers; the deponent had often reprimanded him for his idleness. It is true he was not a good seaman, but in addition to that, he was not willing to work; and when it was his watch upon deck, he would skulk and get below; and deponent often reprimanded him for his idle behaviour. The deponent cannot of his own knowledge say that the said Michael Comerford was ever disobedient to orders, though he was careless in performing them. He cannot recollect his making use of insolent and irritating language to his officers, but his conduct and manner was insolent. The deponent has several times heard the said Michael Comerford say, that he was only on board a bloody merchantman, but this was in conversation with some of the crew, and not

in answer to or in conversation with any of his officers; and further to the said article he knoweth not to depose.

Second.

To the second article he says that he had the misfortune to fall down the after-hold of the said ship, and thereby to break his left wrist, and some of the fingers of his right hand, and he was confined in consequence for some short time, and before his recovery and whilst he was below, he saw the said Michael Comerford in irons, but he did not speak to him; to the best of deponent's recollection the said Comerford was not in irons more than two nights, and he well remembers his coming below after he had received a flogging, which he did not seem to care about. The deponent's duty would have caused him to have been present, but that his illness prevented it. He says that the said Michael Comerford was a very troublesome man, and if his conduct was such as it is stated in the said article to have been, but of which for the reasons aforesaid he cannot of his own knowledge depose, the deponent thinks that the punishment of thirty-six lashes was necessarily inflicted for the sake of example and to preserve discipline on board the said ship; that the said Michael Comerford was not in a fainting or exhausted state after the said punishment, nor was he injured in consequence of the same, neither was he suffering under fever from the confinement in irons which he underwent; that Thomas Baker, the master, was on shore at the time of the said Michael Comerford being put in irons, and John Wilkinson was the first officer or chief mate, and then in command of the said ship, and Charles Hawkins was the sixth officer or mate on board; and further to the said article he knows not to depose.

(Signed)

THOS. CRAWFORD.

The said Witness on interrogatories administered for and on the part and behalf of Michael Comerford, party in this cause.

Fifth.

To the fifth interrogatory this respondent answers, that he was not present at the flogging of the said Michael Comerford, being at such time ill below.

Sixth.

The witness was strictly admonished to secrecy as required.

(Signed)

T. CRAWFORD.

Repeated and acknowledged before DR. JOHN DAUBENY, *Surrogate*.

Present, (Signed) W. J. JENNINGS, *Examiner*.

IN the Admiralty Instance Court.

31st December, 1824.

The Lowther Castle.

Michael Comerford against Thomas Baker,
now or late master of the said ship.
Clarkson. Jenner.

} On the allegation aforesaid given by Jenner.

2. John Underhill, lodging at No. 68 on the Green at Deptford, in the county of Kent mariner, aged forty-four years and upwards, a witness produced and sworn.

First.

To the first article this deponent says that he was master-at-arms on board the Lowther Castle East-Indiaman, on her late voyage from the port of London to Canton, and back to London. That she sailed from Gravesend in the month of April, 1823, and came to her moorings at Blackwall about the middle of May in the present year, 1824. He knows Michael Comerford, a sailor, who belonged to the mizen-top, and performed the voyage aforesaid in the said ship. He was a young man of about one or two and twenty years of age, not a good seaman, and very rough in his manner. He was much inclined to be idle, and when ordered to do any duty he did not like would growl and grumble about it, and do it in a sluggish way; but deponent never, to the best of his recollection, knew him positively to refuse to perform or disobey orders given to him. It was deponent's duty, when the hands were ordered upon deck, to turn them up, and the said Michael Comerford used to come up in a lounging unwilling manner, so that deponent had repeatedly to speak to him about it. That he was like sailors in general, only that he was inactive, and made use of bad language. The deponent never kept watch, and he was so much occupied by his own duty in cleaning and attending to the arms, that he did not see a great deal of the said Michael Comerford; and further to the said article he knows not to depose.

Second.

To the second article he says, that the said ship arrived at Wampoa, about sixteen or eighteen miles from Canton, in or about the month of September, 1823; and in the October or November following, deponent cannot recollect which, he was called to Mr. Wilkinson, the first officer or chief mate, he being at that time in command of the said ship, Captain Baker having gone to Canton, and ordered to put the aforesaid Michael Comerford into irons. The deponent cannot positively swear whether it was the said Mr. Wilkinson who gave the order to him or whether it was Mr. Lloyd, the second officer, but it was one of them. He says that, to the best of his present recollection, and as he verily believes, the said Michael Comerford was kept in irons five or six days. That a court of inquiry was held on board, and Mr.

Wilkinson and Mr. Lloyd, and he believes two other officers, formed the court; deponent brought up the prisoner for his trial before the said court, and remained on the outside of the cuddy door until it was finished, when he was ordered by the commanding officer to take the said Michael Comerford into custody again. That the witnesses were examined in the presence of the said Michael Comerford, but deponent was not present, as he remained on the outside. Mr. Hawkins was one of the witnesses. That the said Captain Baker, having returned on board, deponent received orders through the commanding officer to bring up the said Michael Comerford for punishment, the captain having, upon a report of the said court of inquiry, adjudged the said Michael Comerford to receive a certain number of lashes; but although deponent was present and counted the lashes as the boatswain's mate inflicted them, he does not now recollect the number that were given; but he knows that the said Michael Comerford received the whole number that was ordered. The deponent heard the said Michael Comerford, after he had received part of his punishment, ask for water to drink, and the boatswain's mate then stopped flogging. Deponent was in expectation of receiving orders to fetch some water, but the captain having said something to the doctor who attended the punishment, and having received his answer, neither of which deponent could hear, ordered the flogging to proceed, and the boatswain's mate went on until he had given the whole number of lashes; and then the said Michael Comerford was immediately discharged. That the said Michael Comerford, whilst in irons, was confined in the steerage, close to the officers' cabins, and next to them the best place in the ship; that he suffered no fever from such confinement; that the punishment he received was a very slight one: that the captain did not refuse to let deponent give the said Michael Comerford water, otherwise than as predeposed. The deponent considers, that if the said Michael Comerford so misconducted himself, as stated in the said article, that he was properly punished, and that such punishment was necessary for the sake of example and to preserve discipline on board the said ship; that the said Michael Comerford walked away after he had received such punishment, without being either in an exhausted or fainting state, and he received no permanent injury, a sore back being all he suffered; that he must have felt some degree of pain, and perhaps rather severe, but not to the extent deponent should describe by the word extreme; and further to the said article he knows not to depose.

(Signed) J. UNDERHILL.

The said Witness on interrogatories administered on the part of Michael Comerford, party in this cause.

To the fifth interrogatory this respondent answers that he was present at the flogging of the said Michael Comerford; that he did ask for water once or perhaps twice whilst he was under punishment, but respondent disbelieves that he had any fever upon him, at least before the flogging began, and respondent brought him to receive his punishment. The respondent has not the least recollection of having upon such occasion had any water in a can or in anything else, which he ran to the said Michael Comerford with, and he disbelieves that he had; for such a circumstance could not, he thinks, have escaped his recollection. The respondent swears that he has no recollection of Captain Baker having ordered him to take away the water, and he does not believe that he ever did. Respondent is certain that the said Captain Baker did not tell the boatswain's mate at the time he stopped flogging that he, the boatswain's mate, should have two dozen himself unless he instantly proceeded. The respondent says that he cannot say to a certainty that there was not one foul blow given to the said Michael Comerford, although he has no recollection of its being so; but he is certain that if there was one foul blow given, it was counted as one in the number the said Michael Comerford was ordered to receive; and that the said Thomas Baker, the master, did not order respondent not to reckon such foul blow as one of the lashes.

The witness was strictly admonished to secrecy, as directed.

(Signed) J. UNDERHILL.

Sixth.

Repeated and acknowledged before DR. JOHN DAUBENY, *Surrogate*.

Present. (Signed) W. D. JENNINGS, *Examiner*.

No. 96.

FORM of INTERROGATORIES to be administered, where necessary, to Witnesses examined in support of a Libel or Summary Petition (in which Special Matter is pleaded) in a Cause of Subtraction of Wages.

Interrogatories to be administered, on the part and behalf of _____, the master
of the said ship or vessel called the _____, one of the parties in this cause, to
the witnesses produced or to be produced, sworn and examined on the positions or
articles of a certain summary petition bearing date the _____ day of _____,
given in and admitted in this cause on the part and behalf of _____,
late a mariner on board the said ship, the other party in this cause, follow, to wit:—

Insert names of Ship and Master.

LET the nature of an oath, and the sin and danger of perjury, and the punishment due to a false First.

This Admonition and the three following general Interrogatories, may be administered in any case in which it may be deemed advisable.

- Second. witness be explained to each witness: then let him be admonished to give his evidence in this cause candidly and impartially, without favour to either party.
- Let each witness who shall be designed hereto be asked, At whose request do you attend to become a witness in this cause? Have you had any, and how many meetings or consultations with the pro- ducent or his proctor, agent or solicitor, or any other person, and whom by name, concerning your being examined? If yea, set forth what passed at such meetings or consultations.
- Third. Let each witness who shall be designed hereto be asked, Have you been taught or instructed, or have any hints been given you by any person, and whom by name, what to depose or what to avoid deposing in this cause? Set forth the instructions or hints you have received, and whether by word of mouth or in writing.
- Fourth. Let each witness who shall be designed hereto be asked, Have you received, been promised, or do you expect or hope to receive any reward, gratuity, present, or satisfaction, or to be benefited in any and what way for giving your evidence in this cause? From whom by name have you received or do you expect or hope to receive the same?
- Fifth. Let each witness who shall be designed hereto be asked, In what situation of life are you, and how do you support or maintain yourself? Were you not a seaman on board the _____, or in some way engaged on board her at the time the producent was serving on board her? If yea, For what reason have you left serving on board the said ship, and when did you leave her?
- Sixth. Let each witness who shall be designed hereto be asked, Did not _____, the producent, to your knowledge or belief, whilst on board the said ship called the _____, several times conduct himself in a disobedient and insolent manner, contrary to the good order and discipline necessary to be observed by seamen on board merchant vessels, and tending to produce insubordination in the crew? Did he not, as you know or believe, on the _____ day of _____ last, whilst the said ship was coming to an anchor in _____, leave his duty when in the act of paying out cable to bring up with? Was he not found fault with by _____, the master of the said ship, for so doing? Did he not thereupon conduct himself in a most insolent manner towards the said _____, tending thereby to produce disorder and insubordination and mutiny amongst the crew of the said ship? Will you positively swear that you did not see the said _____, the producent, on the _____ day of _____, or about that time, conduct himself as interrogate?
- Seventh. Let each witness who shall be designed hereto, be asked, Did not the said _____, the produ- cent, on or about the _____ day of _____ last, while at dinner with the rest of the crew of the said ship, take up a piece of beef, and in a most insolent and provoking manner demand of the said _____, the master of the said ship, if that was provision fit for him to eat? And did he not otherwise conduct himself in a most insubordinate manner, tending to produce discontent among the crew of the said ship? Did not the said _____, the master of the said ship, upon hearing the complaint of the said _____, in regard to the provision, appeal to the remainder of the said crew, and ask them if they were satisfied with such provision; and did not the remainder of the said crew declare that it was of the best quality, and that they were perfectly satisfied therewith? Will you posi- tively swear that you were not present at the transaction interrogate, or that the said _____, on the said occasion, did not conduct himself as interrogate?
- Eighth. Let each witness who shall be designed hereto be asked, Did not the said _____, the produ- cent, on or about the _____ day of _____ last, when the said ship _____ was close off the island of _____, in the _____, in a violent squall, refuse or neglect to do his duty in close-reefing the topsails when required so to do; and upon being remonstrated with for so neglect- ing or refusing to do his duty, did he not behave in a most insolent and unseamanlike manner, caus- ing great confusion on board the said ship and great risk of losing the said ship? Will you positively swear that you were not present at the transaction interrogate, or that the said _____, on the said occasion, did not conduct himself as interrogate?
- Ninth. Let each witness who shall be designed hereto be asked, Did not the said _____, on or about the _____ day of _____ last, without leave of any person having authority to give the same, go on shore at _____, in the said island of _____, in a boat then in charge of the second mate of the said ship? Did not the said _____, upon being required by the said second mate to return on board the said ship and to do his duty, refuse to do so, and behave in a most insolent man- ner to the said second mate?
- Tenth. Let each witness who shall be designed hereto be asked, Did not _____, the master, and _____, the mate of the said ship _____, on or about the _____ day of the said month _____ of _____ last, in consequence of the conduct of the said _____, and of his having deserted from the said ship, attend on _____, Esquire, one of his Majesty's Justices of the Peace for the said island of _____, and made complaint on oath of such the conduct and desertion of the said _____? Did not the said Justice of the Peace cause the said _____ to be brought before him? Did not the said _____, in consequence thereof, attend before the said Justice of the Peace, and upon being called upon to state the reasons for his said conduct, did he not reply to the said Justice of the Peace in a most insolent manner, and declare that he acknowledged no autho-

rity over him in that island, and that he should give no answer to the questions put to him. Was not the said _____, in consequence of his so refusing to account for his said conduct and to return on board the said ship, committed by the said _____, the Justice of the Peace, to the common jail in the said island? Will you positively swear that you were not present on the occasion interrogate? or that the said _____ did not conduct himself as interrogate? and that he was not committed by the Justice aforesaid to the common jail in the island of _____, as interrogate?

Let each witness who shall be designed hereto be asked, Did not the said _____, as you know or believe, remain in confinement in the said common jail of the island of _____, from the said day of _____, until the day of _____ following? And was he not again brought before the said _____, the Justice of the Peace aforesaid? And was he not required by the said Justice to return to his duty on board the said ship _____? Did he not refuse so to do, and was he not in consequence remanded by the said Justice to the common jail? Did not the said _____, in consequence of his persisting in not returning to his duty on board the said ship, remain in custody in the said common jail until the day of _____? Was he not then, by the order of the said Justice of the Peace, taken from the said jail and put on board the said ship, she being then about to leave the said island, and the law of the said island requiring the master to take the said _____ with him?

Let each witness who shall be designed hereto be asked, Was not the said _____, Twelfth. on or about the day of _____ last, by order of the said _____, the Justice of the Peace aforesaid, brought on board the said ship _____, from the common jail in the said island of _____? Did not the said ship shortly afterwards leave the said island, and did not the said _____ remain on board the said ship until her arrival at the port of _____, on the day of _____ last, without doing any duty.

Let each witness who shall be designed hereto be asked, Did not two more of the crew of the said ship _____ conduct themselves in an insubordinate and unseamanlike manner? Do you not believe that they were induced so to do by the example of the said _____? Were not the names of the said two mariners _____, and _____? Did they not, on the aforesaid day of _____, also desert from the said ship? Were they not taken on the day of the said month, in company with the said _____, before the said _____, the said Justice of the Peace, and was not the said _____, upon expressing his sorrow at his conduct, and promising to return to his duty, discharged? Was not the said _____, upon refusing to do so, committed to the common jail of the island of _____, and did he not remain there until the day of _____ last? Was he not then again brought before the said Justice of the Peace, and upon being required to return to his duty on board the said ship, did not the said _____ declare he would not do so unless the said _____ would? and in consequence of the said _____ refusing to do so, was not the said _____ remanded to the aforesaid jail, where he remained some time longer? Was he not at length released, upon promising to return to his duty on board the said ship? and did he not thereupon return to his duty on board the said ship? And let the said _____, and _____, be particularly examined to the facts interrogate.

Let each witness be admonished not to disclose to any person or persons the purport of these interrogatories, or of his answers given thereto, or of his evidence given upon the summary petition on behalf of the said _____

To be signed by
Counsel.

No. 97.

FORM of INTERROGATORIES to be administered, where necessary, to Witnesses examined in support of the Libel or Summary Petition in a Cause of Subtraction of Wages.

In the Vice-Admiralty Court of _____

Interrogatories to be administered on the part and behalf of _____, sole owner of the ship or vessel called the _____, (whereof _____ now is or lately was master), to the several witnesses produced or to be produced, sworn, and examined on the summary petition and schedule therein annexed, bearing date the _____ day of _____, heretofore given in and admitted on behalf of _____, late a mariner on board the said ship or vessel, follow,
to wit:—

Insert names of Ship
and Master.

Let each witness be reminded of the oath taken by him at the time of his being produced a witness in this cause, and of the sin and danger of perjury, and let him be admonished to give true answers to the several interrogatories about to be administered.

Let each witness be asked, What intimations have you, or hath either and which of your fellow witnesses, to your knowledge and belief, received, as to your or their examination on the matters it was _____

First.

Second.

expected you or they would depose to? Have not some, and what hints or observations been made or communicated to you? If yea, set forth the same.

Third. Let each witness designed hereto be asked, Were you not a seaman on board the said vessel, on her late voyage from _____ to _____, and back? Did not you, the producent, and your fellow witnesses, at the time of engaging yourself as such, or shortly and how long afterwards, and when, where, and in whose presence, sign the ship's articles for the due performance of the voyage? Are you not aware that at the time of signing such articles, you pledged yourself to fulfil the different matters and things in such articles set forth and examined? Let the original ship's articles hereto annexed, marked No. 1, be shewn to the witnesses _____, and _____, and let them be asked, are not the names _____, and _____, set and subscribed to the said ship's articles, of your handwriting and subscription? And did you not sign the same in the presence of _____, in the month of _____ last?

Fourth. Let each witness designed hereto be asked, Did not you or one or other of your fellow witnesses, or some other person or persons, and who by name, purchase a quantity of tobacco from some person or persons at or near _____, whilst the said vessel was lying there or about sailing therefrom? If yea, set forth the quantity and the name of the person or persons from whom you or either of your fellow witnesses, or who else by name, purchased such tobacco, as you know or have heard and believe? Did not the said vessel, on her arrival at _____, or shortly afterwards, lie alongside a place called _____? Were you not, whilst the said vessel was lying there, frequently in the habit of leaving the said vessel to go on shore? Did not that, or some other and what attract the attention and excite the suspicion of some persons belonging to the Customs? On your oath will you undertake to swear, that at some one or other of the times of your so going on shore, that you or one or other of your fellow witnesses, and whom by name, did not convey some, and what tobacco or contraband goods from the said vessel to the shore? What conversation had you with either of your fellow witnesses in regard thereto? when and where did the same take place, and who were present thereat?

Fifth. Let each witness designed hereto be asked, Did not an officer of the Customs, or some other person authorized so to do, go on board the said vessel whilst she was lying alongside _____, and make search or inquiry in order to ascertain if any contraband or prohibited goods were concealed on board the said vessel? Did not he or they seize some, and what quantity of tobacco in the fore-castle of the said vessel, and did not the quantity so found exceed that allowed by law to be brought on board as sea-stock? How many men were there engaged as seamen, and to whom was the fore-castle appropriated on the said voyage? Set forth their names, and the quantity of tobacco allowed each individual as sea-stock on the voyage from _____, to _____. Is not the fore-castle the place where you and your fellow witnesses sleep and victual? Was not the said tobacco, when found, in a situation evidently intended for concealment, and will you on your oath undertake to swear that you did not know of its being there concealed? Was not the said vessel detained in consequence thereof.

Sixth. Let each witness be admonished not to disclose to any person, until publication shall have passed, the purport of these interrogatories or his answers thereto; and let each witness, except the first, be asked, Has either and which of your fellow witnesses, or who else, informed you of the purport of these interrogatories, or of the answers thereto, of either and which of your fellow witnesses?

To be signed by Counsel.

No. 98.

FORM of INTERROGATORIES to be administered to Witnesses, where necessary, in support of a Libel in a Cause of Damage by Collision.

In the Vice-Admiralty Court of _____

Insert names of Ship and Master.

Interrogatories ministered and to be administered by and on the part and behalf of _____, sole owner of the said ship or vessel _____, party in this cause, to the several witnesses produced and to be produced, sworn and examined on the several positions or articles of a certain *Libel* bearing date the _____ day of _____, heretofore given in and admitted in this cause by and on the part and behalf of _____, and _____, the owners of the late ship or vessel called the _____, whereof the said _____ was master, the other parties in this cause, follow, to wit:—

Or "Allegation," as the fact may be.

First.

Let each witness be asked, At whose request do you come to be examined as a witness in this cause? Have you had any or how many meetings and consultations with the producent, his agent or solicitor, and whom by name, respecting your being so examined? Have you been taught or

instructed, or in any manner given to understand, what you should say and depose or avoid saying or deposing in this cause, and what would be for the interest and what to the prejudice of the producer? If yea, set forth the same fully and at large, and whether such instructions were verbal or in writing, and by whom given; and if the said instructions or anything in the nature of instructions were in writing, let the witness be required to produce and leave them with the examined.

Let each witness be asked, Have you or have any or either and which of your fellow witnesses, to your knowledge or belief, received, been promised, or hope to receive, or expect any and what reward, gratuity, present, or satisfaction, for giving your or their evidence in this cause? If yea, To what amount? and from whom or by whom, and when have you or they received or been promised, or do hope and expect to receive the same? Second.

Let , and , and each person that belonged to the said schooner , Third. be asked, Were you on board and in the service of the said schooner on the day of , last past? If yea, In what capacity did you serve? Did not the collision of the said two vessels take place off ? Had not the said schooner shortly before passed the brig , to windward towards the northwest, between the said brig and the land? Was the said schooner, when such collision took place, under her fore-staysail, foresail, fore-topsail and mainsail, with the fore-sail full and the mainsail scandalized? If yea, let the witness be asked, Do you not as a seaman know that a schooner cannot lie to under such sail, and that to enable a schooner to lie to with such, the mainsail must be set? On your oath, is it not the fact that the said schooner was not lying to, but had just wore round in order to make a reach from the land? Did not the said two vessels, while they were entangled, drift together towards rocks? and after they were separated, did not , the master of the said schooner, steer the for upwards of after the said schooner, which continued driving before the wind considerably beyond rocks, which brought her nearer to ? When you returned on board the said schooner, in the brig's boat, did you sound the pumps to ascertain whether she was making water? If yea, How much water had she then made? Were the pumps rigged in order to pump the said schooner? If yea, How often was the said schooner pumped? and how long each time? On your oath, is it not true, that the said schooner never was pumped at all, from the time of the collision until she was abandoned?

Let each of the said witnesses be asked, after you return on board the said schooner from the , did not the smack come up to you, and inquire whether you wanted any assistance? and did you not, all or some of you, in reply to such question, ask the master of the said smack, whether he would take the said schooner in tow ? and upon the said master expressing himself ready to take the said schooner in tow, did you not, all or some and how many of you, reply, that you must first go to the brig , and ask the master thereof his opinion or advice whether you should employ the said smack for that purpose, or be towed by the said brig? and did you not, all of you excepting the master, then proceed to the said brig and go on board her, and ask the master thereof to give you his advice or opinion thereon? and did not the said master in reply distinctly state that you ought to make up your minds, as it was not a time to hesitate, for if the vessels were driven further from the land, he would be unable to tow you to ? Was not an hour wasted before you came to any determination? Did not the said smack during such time come towards the brig? and did not the master of the said smack then distinctly call to you to make haste, as the schooner was then driving from the land, and that they should be unable to do anything with her if more time was lost? Did you not at last determine that the smack should tow you to ? and did you not leave the brig exclaiming "That is the place for us!" On your oath, was it not the anxious wish of all of you to be towed or taken to , in preference to ? and was not that the sole reason for your accepting the offer made by the smack?

Let each of the said witnesses be asked, What was the distance of the said schooner from the land when you first returned on board her from the brig? Was she not then about one mile north-east of the rocks, and about miles south-east of ? Was not the wind at such time about west-south-west, and was not that a wind on the larboard beam, and fair for proceeding to ? Do you not believe that if the said schooner had then been turned round, with her larboard side to the wind, she could, with the aid of her own sails and being towed by the brig, have got into the port of , in two or three hours with her mast standing?

Let be asked, Did not three of the crew of the schooner, one of whom was Sixth. , the master's son, on the boat reaching the smack, go on board her and remain there, instead of proceeding to their own vessel? When the mate of the smack and one of her crew got on board the schooner, did they not ask you what damage had been done? and did you not reply, Very little to the hull, for you had sounded the pumps, and the leakage was not worth mentioning? or words to that effect, or to the like effect? Was not the foremast of the said schooner at such time standing with the sail upon it, supported by the stays? and was not the forestay cut by one of the smack's men? and did not the said mast then, and not before, fall over the larboard side of the said schooner?

and was not very little damage occasioned thereby to the said schooner? Were not the whole of the said services, performed on board the said schooner, so performed by yourself and the two men belonging to the smack? and were you not very angry that you had not the aid of any of your own crew? And when you went on board the smack, after abandoning the schooner, were you not informed that the three of your men who had gone on board the smack had been below drinking, and were very indifferent and careless about the fate of their vessel, and gave very little aid in the proceedings that took place? and did you not in consequence feel and express yourself very indignant at their negligent and shameful conduct? Were not the pumps of the said schooner sounded shortly before you abandoned her, and did you not then find that she had only eighteen inches of water? Would she not have had from eight to ten inches of water, had no collision taken place?

Seventh.

Let be asked, What is your business or profession? How long have you been engaged therein? Do you profess to have a complete and perfect knowledge? How old was the schooner in question at the time of the collision? Was you present when the said schooner was purchased for the late owner? At what time was such purchase made? What was the sum agreed to be paid for the same? Was such sum actually paid by or on behalf of the said parties? Had not the said schooner performed a number of voyages between the period of such purchase and the time of her loss? let the witness state how many such voyages, as far as he knows and believes. Do you believe, and can you conscientiously swear that the said schooner was of the same value on the day of the collision as when she was so purchased? If nay, How much was she deteriorated in value? Have you not heard, do you not know, and do you not believe, that one of the owners of the said schooner, has declared that they paid for her the sum of and no more? and that her additional stores cost them and no more?

Eighth.

Let each witness be admonished not to his reveal to his fellow witnesses his deposition in chief, these interrogatories, or his answers thereto, until after the publication shall have passed.

To be signed by
Counsel.

No. 99.

FORM of INTERROGATORIES, where necessary, in a Cause of Damage by Beating.

In the Vice-Admiralty Court of

Insert names of Ship
and Master.

Interrogatories to be administered on the part and behalf of late a mariner on board the said ship one of the parties in this cause, to the witnesses produced or to be produced, sworn, and examined on the several positions or articles of a certain allegation bearing date the day of given in and admitted in this cause, on the part and behalf of the other party in this cause, follow, to wit:—

Note.—For the admonition and the general interrogatories, See No. 96.

First.

Let the chief mate, and the sixth mate, be desired to name the persons and the situations they held, who composed the pretended court for inquiring into the charge of misconduct against one of the parties in the cause, on the day of and by whose authority the same was held, and what were the special orders for holding the same; and let them be required to set forth the orders specifically and verbatim, and if in writing, to produce the same; and then let them be requested to name the persons and the situations they held who were examined as witnesses against the said and then let them be asked to name the persons and situations they hold who were examined as witnesses on behalf of the said and to state specifically and particularly all that was said by the witnesses on behalf of the said and to state specifically and particularly all that was said by the witnesses so as alleged, produced on behalf of the plaintiff in this suit. Let them be asked whether who was brought as a witness against the said did not speak in his favour; and did not the said thereupon say to him, "If that be all you can prove, you might as well not have come," or words to that effect? Let be asked, On your oath, will you deny having used words to that or the like effect? Will you deny having used any words at all? and if nay, What expressions did you make use of with regard to the evidence of the said? Let them be asked whether the said did not request permission to call some of his shipmates as his witnesses in his defence, and was he not refused permission so to do? Will you positively swear he was not refused permission to examine any witnesses in such his defence? Let them be asked, Will you swear that the said did not, in addition to his refusal to grant such request of the said say, "You are a damned rascal and deserve a good flogging, and you shall have it"? and did not the said upon that occasion express himself in words to that or the like purport, intent and meaning?

Second.

Let the said be requested to name the persons who were employed in the hold, handing up billet-wood under his superintendence, on the day of Let him be asked, Will you swear that upon the occasion on which you found fault with the said the delay was not occasioned

by the man above the said not being ready to receive the billet from him? Let him be asked, Will you swear that upon such occasion, in reply to your charge of his not working so well as a man named , the said did not reply "That the said worked too fast to last long," or that he the said did not make use of words to that or the like effect? and was it not this reply which you complain of to the said ?

Let the said be asked, Whether upon the return of the said ship to England, himself and the said were not taken under a warrant before , Esquire, one of the magistrates at , to answer for their treatment of the said at ? Let him be asked, Whether the said magistrate did not, upon hearing the whole of the circumstances on the behalf of the said , as also the defence of the said and express his regret that his jurisdiction would not permit him to interfere? Did he not also state his conviction to be, that the punishment inflicted on the said was excessive? and did he not advise the said to institute a suit for damages?

Third.

Let the surgeon be asked, Were you on board the said ship on the day of ? If nay, let him be asked, How soon after he came on board? Was not the said on shore at that time? Will you swear that the said , the master, came on board the ship prior to the day of ?

Fourth.

Let him be asked, Whether, upon the day on which the said was flogged, , the boatswain was not confined below on the sick-list, and was not below during the whole of the time he was being flogged? Let him be asked, Whether the said did not apply to him, after his flogging, to have his back dressed? Did you dress his back, or render him any medical assistance whatever? If not, why not? Will you swear that you did not decline to render him any medical assistance, from fear of the captain's displeasure? Let him be asked, Whether close confinement in irons for six days, in a hot country, is not sufficient of itself to produce fever, and impair the health? And let him be asked, Whether flogging, after such a confinement, would not greatly increase the fever? Let him be asked, Whether the said was not compelled, immediately after the said flogging, to return to his duty, without even having had his back dressed?

Let all the witnesses be asked, Were you present at the flogging of the said ? If yea, let them be asked, Did not the said repeatedly urge the said , the master, as also his shipmates, to give him a little water to allay the fever during the time he was being flogged? Let them be asked, Did not the master-at-arms, when the said had received about two dozen lashes, run to him with a can of water? Will you swear that the said , the master, who was present, did not instantly order the master-at-arms to take away the water? and did he not threaten the boatswain's mate, who had stopped the flogging, that he himself should have two dozen unless he instantly proceeded? Let them be asked, Whether during the said flogging the boatswain's mate did not unintentionally strike the said a foul blow over the head, and did not the master-at-arms, who was appointed to count the lashes, reckon that as one? and did not the said instantly order it not to be counted? and did not the said receive three dozen lashes, independent of the foul blow?

Fifth.

Let each witness be admonished not to reveal to his fellow-witnesses, or either of them, his examination in chief, these interrogatories, or his answers thereto, until after publication shall have passed in this cause.

To be signed by Counsel.

No. 100.

FORM of COMPULSORY against a Witness refusing to attend to be examined.

William the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith; To , gentleman, Marshal of our Vice-Admiralty Court of , and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of subtraction of wages, civil and maritime, moved and prosecuted before him in our aforesaid Court, on-behalf of , late mate belonging to the ship or vessel whereof now is or lately was master, against the said ship or vessel, her tackle, apparel and furniture, and also against , the owner thereof, intervening in the said cause, rightly and duly proceeding on the day of , at the petition of the Proctor of the said alleging that is a necessary witness to prove the contents of the libel or summary petition, given in and admitted on behalf of the said , but that he refuses to come and give his testimony in the said cause, although his necessary expenses have been offered to him, unless by law compelled thereto, has decreed the said to be monished, cited, and called to judgment at the time and place under-written, and to

Or as the fact may be.

The period of two hours only is to be allowed for the appearance; the particular time of day will be best determined in the Colony, whether forenoon or afternoon.

the effect hereinafter expressed (justice so requiring). We do therefore strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish and cite, or cause to be monished and cited, peremptorily and personally, the aforesaid that he appear before us, or our aforesaid Judge, or his Surrogate, in the Registry of our said Court, situated , on the third day after he shall have been served with these presents, between the hours of and in the of such day, then and there to take the oath by witnesses usually taken, and to testify the truth of what he knows in this behalf; and further to do and receive as to justice shall appertain; and that you duly certify us, or our said Judge or his Surrogate, what you shall do in the premises, together with these presents. Given at , in our aforesaid Court, under the seal thereof, the day of , in the year of our Lord , and of our reign the (Signed) (L.S.) Registrar.

No. 101.

FORM of MINUTE or Act of Court decreeing Publication of the Evidence.

Insert names of Ship and Master.
Insert the Proctor's name who has given in the Plea.
Insert adverse Proctor's name.

The Judge, at petition of , decreed publication of the evidence to pass upon the day of Present,

No. 102.

FORMS of MINUTES or Acts of Court on asserting an Allegation and bringing in the same.

Insert names of Ship and Master.
Insert Proctor's name.
Insert adverse Proctor's name.
Insert Proctor's name. Or "next adjourned Court" as the Judge may see fit.
Insert Adverse Proctor's name.

the day of , asserted an allegation. The Judge assigned him to bring in the same by Present brought in allegation, with exhibits, marked No. 1 to No. 4, annexed. The Judge assigned to hear on admission thereof the day of Present,

No. 103.

FORM of ALLEGATION, or Responsive Plea, in a Cause of Subtraction of Wages pleading Insubordination, Desertion, &c.

In the Vice-Admiralty Court of

Insert names of Ship and Master.

First.

On , the day of , in the name and as the lawful Proctor of , of , the owner of the ship called the , and under that denomination, and by all better and more effectual ways, means, and methods in the law whatsoever, which may be most beneficial for his said party, sayed, alleged, and in law articulately propounded as follows, to wit:— That , party in this cause, was, on or about the day of , shipped and hired to serve on board the said ship , on her then intended voyage from , to , and back to a port in Europe, in the capacity of a mariner, and he duly executed the usual ship's articles or mariner's contract for the performance of such voyage, by which articles (amongst other things) each and every of the mariners belonging to the said ship engaged and obliged themselves to do their duty and to obey the lawful commands of their officers on board the said ship or boats belonging thereunto, and not to neglect or refuse doing their duty, nor go out of the ship, or be on shore, under any pretence whatsoever till the voyage was ended, without leave obtained of the master or commanding officer of the said ship; and in default thereof to be liable to the penalties mentioned in certain acts of parliament in the said articles referred to, as in and by the said original articles or contract now remaining in the Registry of this Court annexed to an affidavit of , the master of the said ship, relation being thereunto had, will appear; and this was and is true, public and notorious, and so much the said doth know, and in his conscience believes, and the party proponent doth allege and propound of any other time, place, person or thing, as shall appear from the proofs to be made in this cause, and every thing in this and the subsequent articles of this allegation contained jointly and severally.

That shortly after the said ship, _____, sailed from _____, and on many occasions Second. during her aforesaid voyage, as hereinafter pleaded, the said _____ behaved and conducted himself in a disobedient and insolent manner, contrary to the good order and discipline necessary to be observed by seamen on board merchant vessels, and tending to produce insubordination in the rest of the crew. And the party proponent doth further allege, and propound, that on or about the _____ day of the said month of _____, whilst the said ship was coming to an anchor in the _____, the said _____, who was employed in paying out the cable by which the said ship was to be brought up, without any just or necessary cause, quitted such his employment, and upon being found fault with and reproved for so doing by the said _____, the master, conducted and behaved himself in a most insolent manner towards the said _____, and said, "He would be damned if he would do any duty that he did not think proper or approve of, and that he would not be controlled by the captain in what he should do, as he was not on board a damned man-of-war," and used other expressions to that or the like effect; and by such his conduct and behaviour tended to produce disorder, insubordination and mutiny amongst the rest of the crew of the said ship; and this was and is true, public and notorious, and the party proponent doth allege and propound as before.

That on or about the _____ day of _____, whilst the said _____ and the Third. rest of the crew of the said ship were at dinner, he, the said _____, took up a piece of beef, and in a most insolent manner asked the said _____, the master, if that was provision fit for him to eat, and at such time swore at the said _____, and otherwise conducted himself in a most insubordinate manner, tending to produce discontent among the crew of the said ship. And the party proponent doth further allege and propound that the said beef was of excellent quality, and that the rest of the crew declared that the provisions on board the said ship were of the best quality, and that they were perfectly satisfied therewith; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That on or about the _____ day of _____ last, when the said ship Fourth. was close off the island of _____ during a violent squall, the said _____ refused or neglected to do his duty in close-reefing the topsails, which he had been directed to do by the said master, or by one of the officers of the said ship, and which he was well able to do; that the said _____, upon being remonstrated with for such his neglect or refusal to do his duty, behaved in a most insolent and insubordinate manner, and caused great confusion on board the ship, the safety of which was much endangered by such his conduct; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That on or about the _____ day of the said month of _____ last, the said _____ Fifth. of his own will, and without applying for or having obtained the consent or permission of the master, or of any other person having authority to give the same, went on shore at _____, in the said island of _____, in a boat then in charge of the second mate of the said ship; and on being afterwards required by the second mate to return on board the said ship, and to do his duty, he refused to do so, and behaved and conducted himself towards the said second mate in a most insolent manner, to the evil example of the rest of the crew of the said ship; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That on the _____ day of the said month of _____ the said _____ Sixth. was permitted by the chief officer of the said ship to go on shore on the said island of _____ on condition that he should return on board thereof in the evening of the said day at sunset; that the said _____ did not return to the ship in the evening of the said day as he had promised to do, but without any just cause or occasion absented himself from his duty, and deserted therefrom; and the party proponent doth allege and propound that, in consequence of the said _____ having been guilty of the various acts of insubordination hereinbefore mentioned, and having so deserted from his duty on board the said ship _____, and not having returned thereto, the said _____, the master, and _____ the mate of the said ship, on the next day, to wit, the _____ day of the said month of _____, attended on _____, Esquire, one of His Majesty's Justices of the Peace, duly appointed and acting in and for the said island of _____, and made complaint on oath of such the conduct and desertion of the said _____, whereupon the said _____ caused the said _____ to be apprehended, about _____ o'clock of the said day, at the _____ about _____ miles from the said ship, where he had been and was then staying, and to be brought before him; that the said _____ was then called upon by the said Justice to state the reason for his said conduct, when he declared in a most insolent manner that he acknowledged no authority over him in that island, and that he should give no answer to the questions put to him; that in consequence of the said _____ so refusing to account for his said conduct, and to return on board the said ship, he was committed by the said _____ to the common jail in the said island, where he remained from the said _____ day of _____ until the _____ day of _____ following, when he was again brought before the said Justice

of the Peace, and required by him to return to his duty on board the said ship, but he still refused to do so, and was thereupon remanded to the said jail; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

Seventh.

That in and by a certain act made and passed on or about the _____ day of _____, in the year _____, by the Governor, Council, and Assembly of His Majesty's said Island of _____, entitled "An Act to prevent Masters of Vessels from carrying Debtors or their Effects from off this Island, and from leaving their Seamen on Shore; to oblige Persons intending to leave the Island to give security or publish their Names in the Secretary's Office, and to empower Justices of the Peace to determine Disputes between Masters and Seamen;" and to which Act, within three years from and after the passing thereof, the confirmation of His late Majesty King George the Third was obtained, pursuant to His said Majesty's order in council, dated the _____ day of _____, it is in the _____ and _____ sections or clauses thereof enacted and ordained, in the words or to the effect following, viz. :—"That on complaint being made to any Justice of the Peace of this island, by the master of any vessel, that any of his seamen or crew hath deserted or left his vessel, without leave of such master, or having come on shore with leave or on duty and refused to return on board, such Justice of the Peace is hereby authorized and required to issue his warrant, directed to any constable, to apprehend such seaman having deserted or refused to return on board the vessel to which he belongs, and to bring him before such Justice at such time and place as he shall in the said warrant appoint, to shew cause for such his behaviour; and the said Justice is hereby authorized to inquire into and determine the difference, if any there may be, between the master and seaman, and to order the seaman to return on board his said vessel, and in case of refusal, to commit such seaman to the common jail, there to remain until he consents to return on board, or until the vessel is ready to sail from this island; when, on the application of the master to any Justice of the Peace, the said seaman is to be released and delivered to such master, he the said master paying all lawful fees and expenses incurred, who is thereby authorized to charge the same against the wages due and to become due to such seaman, or so much thereof as the Justice before whom the seaman was originally carried shall direct. That if any seaman not belonging to or usually residing in this island shall be found on shore during the time the vessel to which he belongs remains in any of the roads or bays of this island, and the master of such vessel shall refuse to take him on board, on proof thereof being made on oath before one Justice of the Peace of this island, such Justice is hereby authorized to direct a constable to put the said seaman on board of the vessel at the expense of the master thereof; and if such seaman shall be sent on shore again and remain on shore after the departure of the vessel from this island, the bond entered into by the master and his sureties is hereby declared to be forfeited." And the party proponent doth allege and propound the said Act to be a public Act; and that the bond therein alluded to as aforesaid is a bond required, in virtue of the said Act, to be entered into by all masters of vessels that arrive at the said island before clearing out of their vessels, with two sufficient sureties, one of whom must be a freeholder in the said island, by which they become bound to His Majesty, his heirs, and successors, in a penalty of _____ sterling, conditioned, amongst other things, that provision be made for sailors or other persons brought in such vessels to the said island that they do not become chargeable to the public of the island, or be found destitute of support or begging therein, within _____ calendar months after the departure of the said vessel; and that such bond was accordingly entered into by the said _____ with two sureties, shortly after his arrival at the said island; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

Eighth.

That in consequence of the refusal of the said _____, to return and do his duty on board the said ship, as pleaded in the sixth article of this allegation, he was kept in custody in the said jail until the _____ day of _____, following, when the said ship being about to leave the said island, the said _____ was, by order of the said Justice, and in obedience to the laws in force in the said island, put on board the said ship, the said _____ having first paid the sum of _____, for jail fees for the said _____, demanded of him also, in obedience to the said laws; and the said ship then shortly afterwards proceeded on her return voyage to _____, where she arrived on or about the _____ day of _____ last, with the said _____ on board; that the said _____ did not at any time after he was so released from prison, and during the said homeward voyage, do any duty whatever on board the said ship; and this was and is true, public and notorious, and the party proponent doth allege and propound as before.

Ninth.

That in consequence of the evil example of the said _____, in behaving himself in the insubordinate and disorderly manner hereinbefore set forth, _____ and _____, two others of the crew of the said ship _____, who had also had permission to go on shore on the said _____ day of _____, on condition that they returned thereto the same evening, were induced to desert from the said ship; and at the same time the said _____ was taken before the aforesaid Justice of the Peace on the _____ day of the said month of _____, the said _____ and _____ having been found in his company at the said _____, were then also taken before the said Justice; that the said _____,

upon expressing sorrow for his conduct, and promising to return to his duty, was immediately discharged out of custody, and went on board the said ship; that the said , having refused to return thereto, was committed to jail, and for some time afterwards, at the instigation of the said , refused to return to his duty, but at length agreed to do so, and was thereupon released from confinement and returned to the said ship; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That in part supply of proof of the premises in the sixth and seventh articles of this allegation Tenth. pleaded and set forth, and to all other intents and purposes in the law whatsoever, the party proponent doth exhibit and hereto annex, and prays to be here read and inserted, and taken as part and parcel hereof, two paper writings marked No. 1 and No. 2, and doth allege and propound the said paper writing or exhibit, No. 1, to be and contain a certificate under the hand and seal of the aforesaid , Esquire, one of his Majesty's Justices of the Peace for the island of , lawfully appointed, as to the proceedings had before him against the said and by reason of their improper conduct and desertion from the said ship , as mentioned and set forth in the preceding articles of this allegation; and the said paper writing or exhibit, marked No. 2, to be and contain a true copy of the affidavits of the said , the master of the said ship , and of , the mate of the said ship, in the said exhibit, marked No. 1, mentioned and referred to; that all and singular the contents of the said exhibits were and are true; that all things were so had and done as therein contained, and that , mentioned in the said exhibits respectively, and , the party in this cause, was and is one and the same person, and not divers; and that , and , mentioned in the said exhibits respectively, and , the master, and , the mate of the said ship , were and are the same persons, and not divers; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

Whereas, in the first article of the summary petition given in and admitted in this cause on the part and behalf of , it is amongst other things alleged and pleaded in the words Eleventh. or to the effect following, to wit:—"That on the day of the month of following, the said came to the prison in which the said was confined, and, in a very weak state in which he then was, had him taken on board the said ship, but prohibited him from doing any duty on board during the whole of the return voyage, informing him that if he attempted to do any duty during any part of the return voyage, he the said would blow his brains out, and for which purpose he kept his pistols always loaded; and the said not having been, during any part of the return voyage, permitted (although perfectly willing) to do any duty in his power, but constantly threatened with personal violence by the said during the whole of that period, was, on the day of the said month of , duly discharged from the service of the said ship; that during all the time the said was on board the said ship or vessel when permitted by the said , he did well and truly perform his duty as a seaman, and was always obedient to all the lawful commands of the said , the master, and others his superior officers, and well deserved the wages schedulate." Now the same is therein most falsely and untruly alleged and pleaded, for the truth and fact was and is, and the party proponent doth expressly allege and propound, that during the outward voyage the said on divers occasions and without cause, conducted himself in a quarrelsome, disobedient, mutinous, violent, and insubordinate manner; and he did so more particularly on the occasions in several of the preceding articles of this allegation set forth and pleaded; and he did not obey, but frequently disobeyed or neglected to perform the orders and directions he had received from the said , the master, and others his superior officers, and at length, without leave from the said master or officers, absented himself and deserted from the said ship, as hereinbefore pleaded. That the said did not, upon the said being again brought on board the said ship when she was about to sail on her return voyage, nor at any other time during the same, prohibit him from doing any duty; and he was not prohibited or prevented by the said , nor by any of the other officers of the said ship, in any way whatever, from doing any duty on board thereof during the homeward voyage; and was never threatened with personal violence by the said if he did any duty; and the said did not threaten to blow out his the said brains, and did not keep his pistols loaded for such purpose. And the party proponent doth further allege and propound, that the said was not at any time required or directed by the said , the master, or by any other of the officers of the ship, to do any duty on board thereof during her said return voyage by reason that they considered him as not belonging thereto; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That all and singular the premises were and are true.

Twelfth.
To be signed by
Counsel.

No. 104.

FORM of ALLEGATION, or Responsive Plea, in a Cause of Subtraction of Wages pleading the Offence of Smuggling, &c.

IN the Vice-Admiralty Court of

Insert names of Ship
and Master.

On _____, the _____ day of _____, in the name and as the lawful Proctor
of _____ of _____, the sole owner of the said ship or vessel
called the _____, and under that denomination, and by all better and more
effectual ways, means, and methods that may be most beneficial for his said party,
sayed, alleged, and in law articulately propounded as follows, to wit:—

First. That some time in the month of _____ last _____, the master of the said
ship or vessel _____, then lying in _____, and designed on a voyage from
the port of _____, to _____, and back, engaged and hired _____,
the other party in this cause, to serve as a mariner on board the said ship during her then intended
voyage; that shortly afterwards the said _____ was called into the cabin for the purpose of
signing the ship's articles or mariner's contract; that previously thereto he was cautioned against
smuggling or taking on board contraband goods, and that in the event of his so doing his wages
would be forfeited; and the notice and attention of the said _____ was particularly called
to the latter part of the said articles, in which two clauses are inserted relating to a forfeiture of wages
in the event of any contraband or prohibited goods being found in the fore-castle of the said ship by
the officers of the customs; that the said two clauses were respectively read over and explained to the
said _____, and to which he agreed; and in testimony of such his agreement and
approval of the said articles and contract the said _____ set and subscribed his name
thereto, as now appears thereon in the presence of _____, the chief mate of the said ship,
whose name appears thereon as an attesting witness thereto; that at the time the said
so signed the said ship's articles he fully understood and knew the contents thereof; and that by the
said _____ subscribing his name thereto he covenanted to perform and fulfil the various
obligations contained in such ship's articles, and subjected himself to the penalties attendant thereon;
and this was and is true, public, and notorious, and so much the said _____ the
other party in this cause doth know or hath heard and in his conscience believes, and hath confessed
to be true; and the party proponent doth allege and propound of any other time, place, person, or
thing, as shall appear from the proofs to be made in this cause, and everything in this and the sub-
sequent articles of this allegation contained jointly and severally.

Second. That in part supply of proof of the premises in the next preceding article mentioned, and to all
other intents and purposes in the law whatsoever, the party proponent doth exhibit, and prays to be
here read and inserted, and taken as part and parcel hereof, the paper hereto annexed, marked No. 1;
and doth allege and propound the same to be the original ship's articles or mariner's contract, signed
by the said _____, as in the preceding article is pleaded; and that the names "
" set and subscribed thereto, were and are of the proper handwriting and subscription
of the said _____; and this was and is true, public, and notorious, and the party pro-
ponent doth allege and propound as before.

Third. That shortly after the signing of the said ship's articles or mariner's contract, as in the first article
of this allegation is pleaded, the said ship proceeded to and arrived at _____, and after-
wards sailed on her return voyage to the port of _____, where she arrived on _____,
the _____ day of the present month of _____, and she was then moored alongside
_____, and on that, or on the following day, the attention of one of the custom-house
officers was attracted and his suspicions excited by the frequency of the crew going from and to the
said ship, which induced him to suspect that some of the crew were conveying contraband goods
therefrom; and he accordingly mentioned the circumstance to a surveyor of the customs, who in the
afternoon of _____, went on board the said vessel accompanied by
a custom-house officer, and on the said _____ and _____ so going on board
they proceeded to search the said vessel, and in the fore-castle thereof, being that part of the said ship
appropriated to the said _____, and the other mariners of the said vessel, the said _____
_____, and _____, found _____ parcels of tobacco beyond the quantity
allowed for sea-stock, each parcel containing _____ pounds' weight, and being contraband or pro-
hibited goods, and which the said _____, and _____, seized as such, and
thereupon detained the said vessel; and the party proponent doth further allege and propound that
a considerable quantity of the tobacco, so found and seized in the fore-castle of the said ship beyond
the quantity allowed for sea-stock, belonged to the said _____, the other party in this cause,
and that the said tobacco could not have been so placed there without the knowledge or privity of the

said , and was so placed with the intention of all or some part thereof being clandestinely conveyed or smuggled on shore by him ; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That the said , the other party in this cause, when on shore, lodged at the house of Fourth. a person of the name of , situated at , and that on his the said returning to his lodgings from the said ship, on the evening of , the day of the present month of , the said declared to the said , with whom he so lodged, that he had landed one lot of contraband goods from the said vessel, and that there were twenty-five parcels of tobacco left behind ; and that he had gone back for another lot or freight, thereby meaning and intending some more contraband goods, for the purpose of landing the same, when he heard the custom-house officers coming ; and that he expected to be in trouble in the morning, or words to that or the like effect ; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That all and singular the premises were and are true.

Fifth.
To be signed by
Counsel.

No. 105.

FORM of ALLEGATION or Responsive Plea, on the part of a Mariner in a Cause of Subtraction of Wages.

In the Vice-Admiralty Court of

Insert names of Ship
and Master.

On , the day of , in the name and as the lawful Proctor of , late a seaman on board the said ship called the , and under that denomination, and by all better and more effectual ways, means and methods in the law whatsoever, which may be most beneficial for his said party, sayed, alleged, and in law articulately propounded as follows, to wit:—

Whereas, in the second position or article of a certain allegation given in and admitted in this cause, First. on the part and behalf of the said , the master and owner of the said ship, it is among other things alleged and pleaded in the words or to the effect following, (to wit)—“That shortly after the said ship sailed from , and on many occasions during her aforesaid voyage, as hereinafter pleaded, the said behaved and conducted himself in a disobedient and insolent manner, contrary to the good order and discipline necessary to be observed by seamen on board merchant vessels, and tending to produce insubordination in the rest of the crew. And the party proponent doth further allege and propound, that on or about the day of the said month of , whilst the said ship was coming to an anchor at the said , who was employed in paying out the cable by which the said ship was to be brought up, without any just or necessary cause quitted such his employment, and upon being found fault with and reproved for so doing by the said , the master, conducted and behaved himself in a most insolent manner towards the said , and said he would be damned if he would do any duty that he did not think proper or approve of, and that he would not be controlled by the captain in what he should do, as he was not on board a damned man-of-war ; and used other expressions to that or the like effect, and by such his conduct and behaviour tended to produce disorder, insubordination and mutiny amongst the rest of the crew of the said ship.” Now the same is therein most falsely and untruly alleged and pleaded, for the truth and fact was and is, and the party proponent doth expressly allege and propound, that at the time the said , and the rest of his shipmates signed articles at , for the performance of the voyage to the island of , upon which the said ship was then bound, the rate of wages then given to mariners in the port of for such voyages was per month. That the said , the master and owner, endeavoured to persuade the said to sign articles for per month, which the said positively refused to do, stating, that rather than do so he would not proceed on the voyage. That the rest of the crew then also refused to sign articles for less than per month ; and the said , the master, being unable to procure other mariners at a lower rate of wages, was ultimately compelled to agree to pay to the said , and the rest of his crew, the sum of per month ; and the party proponent doth further allege and propound, that in consequence of what has been by him alleged, the said was much irritated against the said , and, in conjunction with , the chief mate of the said vessel, took every opportunity, during the said voyage, of making the said uncomfortable, and upon the most frivolous occasions, and without any just cause, found fault with, swore at, and abused the said ; and the party proponent doth allege and propound, that upon the occasion of the said ship coming to an anchor at , on or about the day of , the said , upon being found

fault with and reproved by the said , did not conduct and behave himself in a most insolent manner towards the said , or say he would be damned if he would do any duty that he did not think proper or approve of, and that he would not be controlled by the captain in what he should do, as he was not on board a damned man-of-war, or use other expressions to that or the like effect, or by such his conduct and behaviour tend to produce disorder and insubordination and mutiny amongst the rest of the crew of the said ship; but, on the contrary, that at the time of paying out the cable, by which the said ship was to be brought to an anchor, there were so many of the crew employed in the said duty as to be in each other's way; and it being near breakfast time, the said quitted the said cable, and went to put the pot on the fire for making breakfast;

that as the said was proceeding so to do, he was met by the said , the master, who, immediately putting himself into a violent passion, asked the said what business he had to leave the cable? that upon the said informing him that there were so many of the men employed in that duty as to be in each other's way, and that he was therefore proceeding to put the pot on for breakfast, the said replied, "Damn you and your pot too, you damned infernal rascal, go to your work again instantly," and used many other abusive and opprobrious epithets to that or the like effect; and the party proponent doth expressly allege and propound, that the said , without making any further reply, returned to his work; and upon that, and also upon every other occasion during the voyage, behaved himself in a proper and obedient manner; and this was and is true, public, and notorious, and so much the said doth know and in his conscience believes to be true; and the party proponent doth allege and propound of any other time, place, person or thing, as shall appear from the proofs to be made in this cause, and every thing in this and the subsequent articles contained, jointly and severally.

Second.

Whereas, in the third position or article of the said allegation, it is amongst other things alleged and pleaded in the words or to the effect following, (to wit)—"That on or about the day of , whilst the said , and the rest of the crew of the said ship were at dinner, he, the said , took up a piece of beef, and in a most insolent manner asked the said , the master, if that was provision fit for him to eat, and at such time swore

at the said , and otherwise conducted himself in a most insubordinate manner, tending to produce discontent among the crew of the said ship; and the party proponent doth further allege and propound that the said beef was of excellent quality, and that the rest of the crew declared that the provisions on board the said ship were of the best quality, and that they were perfectly satisfied therewith." Now the same is therein most falsely and untruly alleged and pleaded, for the truth and fact was and is, and the party proponent doth expressly allege and propound, that it is customary when at sea to serve out to every mariner a certain quantity of peas or flour together with the salt beef; that upon various occasions during the said voyage the steward of the said ship only served out to the said and two or three others of his shipmates salt beef and biscuit, whilst the rest of the said ship's company had the usual allowance of peas and flour; that at the times the steward did not serve out the peas and flour to the said , and his two or three other shipmates, he stated to them that he acted by the captain's orders; and the party proponent doth expressly allege and propound, that upon one of the said occasions the said

took a piece of beef to the said , and humbly complained of the deprivation he suffered, and requested the master to authorize the steward to issue to him the customary allowance; that thereupon the said flew into a violent passion, called the said a damned rascal and a villain, and ordered him to go about his business, and used many other abusive epithets to the said , to that or the like effect; that thereupon the said , without making any reply at all, left the said , and instead of swearing at the said , and conducting himself in a most insubordinate manner, as falsely and untruly alleged and pleaded in the said article, he the said

behaved himself in a most orderly and obedient manner to the said , the master; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

Whereas, in the fourth position or article of the said allegation, it is amongst other things alleged and pleaded in the words or to the effect following, (to wit)—"That on or about the day of last, when the said ship was close off the island of , during a violent squall, the said refused or neglected to do his duty in close reefing the top-sails, which he had been directed to do by the said master, or by one of the officers of the said ship, and which he was well able to do; that the said , upon being remonstrated with for such his neglect or refusal to do his duty, behaved in a most insolent and insubordinate manner, and caused great confusion on board the said ship, the safety of which was much endangered by such his conduct." Now the same is therein most falsely and untruly alleged and pleaded, for the truth and fact was and is, and the party proponent doth expressly allege and propound, that on the occasion of the said ship , coming close off , as pleaded in the said article, the said was in his proper station forward; that the said , the master

called out several times to the people belonging aft to come to their station to haul down the trysail ; that the men whose duty it was, not coming quickly enough, the said , seeing the necessity, quitted his station to go aft ; and that upon coming aft the said , the master, immediately said, "You damned rascal, you have been skulking in the galley;" and upon the said , denying the same, which denial , one of his shipmates, instantly corroborated to the said master, he the said master still continued to abuse the said , called him "a damned lying rascal," and shaking his fist at him said, "Wait until I get you under the cliffs of , and I'll work you up for this;" and upon the said replying, "Sir, as it appears you cannot let me be quiet in the ship, I shall be obliged to you to give me my discharge when we get in the said ." The master rejoined again, shaking his fist at him, "No, you damned rascal, I'll work the fifty shillings out of you first." And the party proponent doth further allege and propound that the said , upon the occasion articulate, performed his duty as a good seaman on board the said ship, and was obedient to all the lawful commands of the said , the master, and did not behave either in an insolent or insubordinate manner to the said master, or to any of his superior officers, neither did he refuse or neglect to do his duty in close-reefing the topsails, nor was there any confusion caused by him on board the said ship, nor was the said ship in any manner endangered by any conduct of his; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

Whereas, in the fifth position or article of the said allegation, it is amongst other things alleged and Fourth. pleaded in the words or to the effect following, (to wit)—"That on or about the day of the said month of last, the said , of his own will and without applying for or having obtained the consent or permission of the master or of any person having authority to give the same, went on shore at , in the said , in a boat then in charge of the second mate of the said ship, and on being afterwards required by the said second mate to return on board the said ship and to do his duty, he refused to do so, and behaved and conducted himself towards the said second mate in a most insolent manner, to the evil example of the rest of the crew of the said ship." Now the same is therein falsely and untruly alleged and pleaded, for the truth and fact was and is, and the party proponent doth allege and propound, that on the day of the month of , last pleaded in the said article, the said , and others of his shipmates, went on shore at on the ship's duty to land empty casks ; that after having landed and rolled all the empty casks to the warehouse, and whilst waiting for more casks to arrive from the ship, the said , being very thirsty went to a water-pipe a few hundred yards off to obtain a draft of water ; that having obtained the same, he instantly returned to his shipmates ; that on joining his shipmates he was accosted by the second mate of the said ship as to where he had been, and upon informing him that he had only been to obtain a drink of water, the said second mate swore at and abused the said , for having gone without having first asked his permission. And the party propo- did not refuse to return on board of the said ship, or to do his duty, or behave or conduct himself towards the said second mate in a most insolent manner, to the evil example of the rest of the crew of the said ship ; on the contrary, when the said duty was performed, the said returned with his shipmates on board the said ship ; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

Whereas, in the sixth position or article of the said allegation, it is amongst other things alleged and Fifth. pleaded in the words or to the effect following, (to wit)—"That on the day of the said month of , the said was permitted by the chief mate of the said ship to go on shore on the said , on condition that he should return on board thereof in the evening of the said day at sunset ; that the said did not return on board the said ship in the evening of the said day as he had promised to do, but without any just cause or occasion absented himself from his duty, and deserted therefrom. And the party proponent doth allege and propound that in consequence of the said having been guilty of the various acts of insubordination hereinbefore mentioned, and having so deserted from his duty on board the said ship , and not having returned thereto, the said , the master, and , the mate of the said ship, on the next day, to wit, the day of the said month of , attended on , one of his Majesty's Justices of the Peace, duly appointed and acting in and for the said , and made complaint on oath of such the conduct and desertion of the said . Whereupon the said , caused the said to be apprehended about o'clock at , of the said day at the , about miles from the said ship, where he had been, and was then staying, to be brought before him ; the said was then called upon by the said Justice to state the reason for his said conduct, when he declared in a most insolent manner that he acknowledged no authority over him, and that he should give no answer to the questions put to him ; that in consequence of the said so refusing to account for his said conduct, and to return on board the said ship, he was committed by the said to the common jail in the said

, where he remained from the said day of until the day of following, when he was again brought before the said Justice of the Peace, and required by him to return to his duty on board the said ship, but he still refused to do so, and was thereupon remanded to the said jail." Now the same is for the most part falsely and untruly alleged and pleaded, for the truth and fact was and is, and the party proponent doth allege and propound, that the said did not desert from the said ship, though he did not return on the evening of the said day, but was about to do so on , when arrested. That at the time the said and his two shipmates were first taken before the said , a Justice of the Peace in the , (to wit) on the day of , the said , the master, accompanied them to the office of the said magistrate, and upon the way thither the said , the master, addressing the said , said, "Now, you damned rascal, I'll work you up for it." That upon being brought before the said magistrate several charges were read against the said , and his two shipmates; that upon the said calling upon the said to state what he had to say why he should not be committed to prison, he the said humbly but strenuously submitted that he had not been guilty of any misconduct, nor was he amenable to the laws of the said island, but contended he had a right to return on board his said ship, adding that, upon his return to , if he had been guilty of any improper conduct, the said , the master, had it in his power to make the usual deductions from his wages. That the said thereupon, at the instance of the said , notwithstanding the entreaties of the said , and , to permit them to return on board the vessel, committed them both to prison, where they were treated in the most inhuman manner, and shortly afterwards, in consequence of the confinement and the treatment they there received, they took the fever of the country and nearly lost their lives. That on or about the day of the month of following, the said , and , were again brought before the said at the instance of the said , the master, and were then asked by the said magistrate whether they would acknowledge the charges which had been made against them by the said master; that thereupon the said refused to acknowledge the truth of the said charges, and again protested against the right of the said magistrate to act towards himself and his shipmate as he had already done, and claimed his right to return on board his ship, adding that upon his return to he would seek redress for his false imprisonment against the said , the master; that thereupon the said , who was present, shook his fist at him the said , called him a damned rascal, and said if it was in his power he should never again go on board the said ship , and the said , then again, at the instance of the said master, remanded the said and his shipmate back again to prison, they the said , and , still protesting and claiming their right to return on board the said ship. That the said then continued in prison until the day of following, when he was taken out and sent on board the said ship; that during the whole time the said was in prison as aforesaid, he was several times visited by his shipmates, to whom the said constantly stated the manner in which he had been refused to return to the said ship, and expressed his anxiety to return on board the said ship, and his determination to seek redress upon his arrival in , for the unjust treatment he had received; and the party proponent doth further allege and propound that the said never declared to the said , the magistrate, in a most insolent manner that he acknowledged no authority over him in , or that he should give no answer to the questions put to him, neither was he, upon either of the said occasions of his being taken before the said magistrate, requested to return on board his said vessel, but, on the contrary, was positively refused permission so to do: and this was and is true, public and notorious, and the party proponent doth allege and propound as before.

Sixth. Whereas, in the eighth position or article of the said allegation, it is amongst other things pleaded in the words or to the effect following, to wit: "That in consequence of the refusal of the said to return and do his duty on board the said ship, as pleaded in the sixth article of this allegation, he was kept in custody in the said jail until the day of following, when the said ship being about to leave the said , the said was, by order of the said Justice, and in obedience to the laws in force in the said island, put on board the said ship, the said having first paid the sum of for jail fees, for the said , demanded in obedience to the said laws." And whereas, in the ninth position or article of the said allegation, it is amongst other things pleaded in the words or to the effect following, to wit: "That in consequence of the evil example of the said , in behaving himself in the insubordinate and disorderly manner hereinbefore set forth , and , two others of the crew of the said ship , who had also had permission to go on shore on the said day of , on condition that they returned thereto on the same day, were induced to desert from the said ship, and at the time the said was taken before the afore-

said Justice of the peace on the _____ day of the said month of _____ the said _____, and _____, having been found in company of the said _____, were then also taken before the said Justice; that the said _____, upon expressing sorrow for his conduct, and promising to return to his duty, was immediately discharged out of custody, and went on board the said ship; that the said _____, having refused to return thereto, was committed to jail, and for some time afterwards, at the instigation of the said _____, refused to return to his duty, but at length agreed to do so, and was thereupon released from confinement, and returned to the said ship." And whereas, in the eleventh position or article of the said allegation, it is alleged and pleaded in the words or to the effect following, to wit: "That during the outward voyage the said _____, on divers occasions, and without cause, conducted himself in a quarrelsome, disobedient, mutinous, violent, and insubordinate manner, and he did so more particularly on the occasions in several of the preceding articles of this allegation set forth and pleaded, and he did not obey, but frequently disobeyed and neglected to perform the orders and directions he had received from the said _____, the master, and others his superior officers, and at length, without leave from the said master or officers, absented himself and deserted from the said ship, as hereinbefore pleaded. That the said _____ did not upon the said _____, being again brought on board the said ship when she was about to sail on her return voyage, nor at any other time during the same, prohibit him from doing any duty, and he was not prohibited or prevented by the said _____, nor by any of the other officers of the said ship, in any way whatsoever, from doing any duty on board thereof during the homeward voyage, and was never threatened with personal violence by the said _____, if he did any duty, and the said _____ did not threaten to blow out his the said _____ brains, and did not keep his pistols loaded for such purpose. And the party proponent doth further allege and propound that the said _____ was not at any time required or directed by the said _____, the master, or by any other of the officers of the ship, to do any duty on board thereof during her said return voyage, by reason that they considered him as not belonging thereto." Now the same is in the said three several recited positions or articles falsely and untruly alleged and pleaded, for the truth and fact was and is, and the party proponent doth allege and propound, that the said _____ never refused to return and do his duty on board the said ship, but, on the contrary, was anxious and willing, but was refused permission so to do as pleaded in the fifth article of this allegation. That the said _____, neither directly or indirectly, during any part of the said voyage, by his example or otherwise, induced the said _____, or any others of his shipmates to desert from the said ship, or subsequently to remain in prison instead of going on board the said ship; on the contrary, the said _____ was equally willing and anxious to return on board the said ship as the said _____, but was likewise continued in prison at the instance of the said _____, the master. And the party proponent doth expressly allege and propound that the said _____, from and after his having been taken out of prison and put on board the said ship again, in order to return to _____, still continued willing to do any duty in his power on board the said ship, and to obey all lawful commands of the said _____, and his other superior officers, and so constantly expressed himself, but was prevented upon the return voyage from doing any duty whatever on board the said ship entirely through fear of his personal safety from the said _____, the master. And this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That all and singular the premises were and are true.

Seventh.
To be signed by
Counsel.

No. 106.

FORM of ALLEGATION or Responsive Plea in a Cause of Damage by Collision.

In the Vice-Admiralty Court of _____

Insert names of Ship
and Master.

On _____ the _____ day of _____, in the name and as the lawful Proctor of _____, the sole owner of the said brig or vessel, called the _____, and under that denomination, and by all better and more effectual ways, means, and methods that may be most beneficial for his said party, sayed, alleged, and in law articulately propounded as follows, to wit:—

That the said brig or vessel, called _____, whereof the said _____ was master, of _____ the burthen by admeasurement of _____ tons, or thereabouts, sailed from _____, on the _____ day of _____, with a cargo of _____, bound therewith to _____, to which port she belongs; that on the morning of the next day, to wit, about _____ o'clock of the _____, the said brig arrived off _____ head, at which time the wind blowing fresh from the west-south-west, varying to south-west, prevented the said brig from weathering the said head; that about half-past five o'clock in the evening of the said day, the said brig was off _____ about _____ miles to the north-north-west

As the facts may be.

of the said head, and was lying-to upon the larboard tack with her head to the westward towards the land, both her topsails being then a-back, and part of her crew reefing them; that the crew of the said brig then observed a loaded schooner, to wit, the _____, whereof _____ was master, pass to windward towards the north-west, and between the said brig and the land; that about a quarter of an hour afterwards, while the crew of the said brig were setting the fore-topsail, which was still a-back, the said schooner having wore in order to stand from the land, came suddenly towards the lee-bow of the said brig, whereupon the said _____, then on the main-deck, apprehending she would run foul of the said brig, called to _____, the mate of the said brig, who was forward, to hail the people on board the said schooner: that accordingly he called out loudly, "Schooner, a-loo, are you coming on board of us?" to which the persons on board the said schooner only replied, "What are you doing with the brig?" and the schooner at that instant came in contact with and struck the _____ upon her starboard bow, whereby the said vessels became completely entangled, and the said schooner turned the _____ round before the wind, when both vessels, driven by the wind and the force of an ebb tide, drifted to the north-north-east towards _____ rocks; and the party proponent doth expressly allege and propound, that at the time when the said collision took place the said schooner was not laid-to with her head to the southward, and her foresail hauled close to windward, with the bow-line fastened to the foremast shroud, and the topsail a-back, with the helm in the lee-becket, as falsely alleged in the first article of the libel or allegation heretofore given in and admitted in this cause; and this was and is true, public, and notorious, and so much the said _____, the other party in this cause, doth know, or hath heard, and in his conscience believes, and hath confessed to be true; and the party proponent doth allege and propound of any other time, place, person, or thing, as shall appear from the proofs to be made in this cause, and everything in this and the subsequent articles of this allegation, jointly and severally.

Second.

That immediately after the said collision the master and crew of the said schooner came on board the said brig, when the said master strongly urged that the bowsprit of the said brig should be cut away; but upon the said _____ representing that if such a measure were adopted he would be wholly disabled from assisting the said schooner; and upon his advising that the lanyards of the remaining shroud of the said schooner should instead thereof be cut away, the same was accordingly done; that the crew of the said brig then carried out a kedge-anchor astern, and clewed up her topsails, by which means the said brig was held fast, and the schooner continuing to drive, the said vessels were separated; and the party proponent doth further allege and propound, that after the vessels were so disentangled, the said schooner, with her helm in the weather-becket, continued to drift out to sea; and the said _____ steered the said brig in pursuit of her for upwards of a mile, when the said _____ and his crew proceeded in the jolly-boat of the said brig to the said schooner; that before they left the said brig the said _____ distinctly informed the master and crew of the said schooner that he would take the said schooner in tow to _____, if they would bring proper ropes for that purpose, to which they agreed; and the said _____ then laid his brig to under the lee of the said schooner, in order to await the return of the said boat, and receive the ropes and towing lines; but when the schooner's crew returned to the brig they did not bring any ropes or lines that could be serviceable in towing the said schooner; and the party proponent doth expressly allege and propound that the said _____ did not decline to take the said schooner in tow, alleging that they were too far off the land, and he was afraid they could not fetch it, as falsely alleged in the third article of the aforesaid libel or allegation, for the said schooner was at such time only about _____ to the north-east of _____ head, and about _____ miles to the south-east of the port of _____, with the wind on the beam, which would speedily have carried then to that port, and that the schooner's crew did not at such time request the said _____ to take the said schooner in tow, but inquired of him whether they should not take a fishing-smack which was then a short distance from them, to tow the said schooner to _____, and that the said _____ replied, that they ought to make up their minds, as it was not a time to hesitate, for if the vessels were driven farther from the land, he would be unable to tow them to _____, or any other port; that the crew of the said schooner after some hesitation determined to employ the smack to take her to _____, observing "That is the place for us," and thereupon immediately left the said brig in her boat, and proceeded towards the said smack; and this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

Third.

That shortly after the schooner's crew first returned from the said brig to their own vessel, as pleaded in the next preceding article, a fishing-smack, named the _____, whereof _____ was master, came up and inquired whether the schooner wanted any assistance; that the said _____ was asked whether he would take her in tow to _____, to which he answered, "That he was ready to take the vessel in tow," but did not say to what port, whereupon the crew of the schooner said they must first ask the captain of the brig (meaning thereby the said brig then a short distance off) his advice or opinion, whether they should employ the smack, or be towed by the brig, and thereupon they returned in the jolly-boat to the said brig, as pleaded in the last preceding article, where they remained so long that the said smack proceeded towards the

brig, and the said _____, the master of the said smack, called to them to make haste, as the schooner was driving from the land, and they would be unable to do any thing with her; that after an hour had elapsed, the said men belonging to the said schooner, who had, as before pleaded, gone on board the said brig, proceeded in the jolly-boat to the said smack, and requested the said _____ to take them in tow for _____, that the said _____ consented to tow them, but did not say to what port he intended to go into, the first he could make. That as the schooner had no lines fit for towing, the mate of the smack and one of the crew proceeded to the schooner with the smack's lines, and made one end thereof fast to her tow-line in order to get the same on board the smack, but which, after several attempts, they were unable to accomplish, as the lines, although of the best materials, and nearly new, were in consequence of the heavy sea repeatedly snapped asunder, and rendered wholly useless; that the wind continuing to increase as the vessel drove from the land, at length, between eleven and twelve o'clock that night, the said crew ascertaining that it was impossible to save the said schooner, abandoned her. And the party proponent doth expressly allege and propound that when the mate and one of the crew of the said smack went, as hereinbefore pleaded, on board the said schooner, her foremast was standing, with the sail upon it, sustained by the stays, and that if the master and crew of the said schooner had turned her larboard side to the wind when they first returned from the _____, the said schooner could have been towed without difficulty by the said brig into _____, in about two or three hours. And the party proponent doth allege and propound that by the said collision no damage whatever was done to the hull of the said schooner, except in her upper works about the gunwale, and that her bow was not stove, as falsely alleged in the third article of the aforesaid libel; that when the men of the said smack went on board the said schooner, her pumps were sounded, and she made so little water, that during the five hours they remained on board they did not pump the said schooner, nor were the pumps rigged for that purpose; that about half an hour before the crew of the smack abandoned the said schooner they again sounded the pumps and found she had eighteen inches of water in her hold, and not two feet and upwards, as is falsely pleaded in the third article of the said libel. And this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That when the boat came to the smack, as pleaded in the next preceding article, three of the schooner's crew, one of whom was _____, the master's son, went on board the said smack, and shortly afterwards went below, where they occupied themselves in drinking, and gave little or no aid to the smack's crew in their efforts to make fast a tow-line to the said schooner. And the party proponent doth expressly allege and propound that the loss of the said schooner was not occasioned by the damage she sustained in the said collision, nor by the loss of the mast, but by the negligence, hesitation, delay, and total want of exertion on the part of the said _____, and his crew, to take the said vessel to the nearest port, who seemed intent only on getting back to _____, and delayed the proper means to save the said schooner till it was too late, for they might, and ought, when they first returned on board the said schooner, to have proceeded directly to _____, or had they been prompt in determining whether to accept the aid of the brig or smack for the purpose, either of the said vessels could with ease have towed the said schooner into _____, in two or three hours; that the conduct of the said _____ and his crew throughout the whole of the said transaction was marked by the greatest negligence and incapacity. And the party proponent doth allege that the jolly-boat of _____, which had been lent to the master and crew of the said schooner, having been cut adrift, was on the _____ day of _____ found floating at sea about _____ miles from _____, a small port, _____ miles north of _____, and brought into that port; and that the said _____ has paid _____ for the salvage of the same. And this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That the said schooner _____, at the time she was damaged as aforesaid, save as to the rigging she then sustained, was not of the value of _____, or thereabouts, as untruly alleged and pleaded in the fourth article of the aforesaid libel or allegation, for the party proponent doth expressly allege and propound that _____, one of the owners thereof, did, in the presence of divers witnesses of good faith and credit, declare that they, the said owners, paid for the said schooner the sum of _____, and that the additional stores had cast them the sum of _____, and no more. And this was and is true, public and notorious, and the party proponent doth allege and propound as before.

That all and singular the premises were and are true.

Sixth.

To be signed by
Counsel.

No. 107.

FORM of RESPONSIVE PLEA or ALLEGATION in a Cause of Damage by Beating or Assault.

In the Vice-Admiralty Court of

Insert names of Ship
and Master.

On _____, the _____ day of _____, in the name and as the
lawful Proctor of the said _____, the master of the ship or vessel called
the _____, and under that denomination, and by all better and more
effectual ways, means, and methods which may be most beneficial and effectual for
his said party, sayed, alleged, and in law articulately propounded as follows, to wit:—

First. That _____, the other party in this cause, did not, during the whole time he continued
on board the said ship or vessel called the _____, that is to say, from the month of _____,
in the year _____, until the month of _____, in the year _____, well and truly perform his duty
on board the said ship or vessel, nor was he obedient to all the lawful commands of the said
the master, and others the officers on board the said ship, as in the first position or article of
the libel given in and admitted in this cause on the part and behalf of the said
is falsely alleged and pleaded; on the contrary, the party proponent doth allege and propound that
the said _____ frequently neglected to perform his duty, particularly during his watch;
that he was disobedient, and refused or neglected to obey the lawful commands of the master and
others the officers on board the said ship, and treated them with great insolence and contempt, and
was frequently reprimanded for such conduct; that on such occasions he made insolent and irritating
replies, and said, "He was only on board a bloody merchantman," and made use of many other
expressions to that or the like effect; and this was and is true, public, and notorious, and so much
the said _____, the other party in this cause, doth know or hath heard, and in his conscience
believes and hath confessed to be true; and the party proponent doth allege and propound of any
other time, place, person or thing, as shall appear from the proofs to be made in this cause, and every
thing in this and the subsequent articles of this allegation contained, jointly and severally.

Second.

That on the _____ day of _____, in the year _____, the said _____, having been
ordered to assist in handing some billet-wood from the forehold to the deck of the said ship, was
idle and inattentive in the performance of such duty, and in receiving the wood from one person and
handing it to another, and thereby greatly impeded and delayed the performance of the said duty;
that _____, the _____ officer or mate of the said ship, who was superintending the
performance of the said work, several times remonstrated with him on his conduct, and desired him
to be more diligent, but the said _____ replied with great insolence, and said that
he should take it easy, that there was plenty of time, that he should not hurry himself, or to
that effect; that the man who handed the wood to the said _____
several times complained of his indolence, by which he was frequently kept with a billet in his
hand waiting until the said _____, who had delivered the preceding billet and was
standing idle, chose to receive the billet from him; and the said _____, observing such
man standing with a large billet in his hands, and _____ standing idle, he ordered the
said _____ to take the billet from such man; to which he instantly replied, that "He
would be damned if he would," or to that effect, and made use of other violent expressions, and
treated the said _____ with great insolence and contempt; whereupon the said _____
made a faithful representation of such conduct to _____, the chief mate of the
said ship, the said _____ being then on shore at _____, on the necessary con-
cerns of the ship. That the said _____ ordered the said _____ to be confined
in irons, which was accordingly done; and he by letter informed the said _____ of the
aforesaid circumstance, who ordered a Court of Inquiry to be held, and on the next day the said
_____, and the second, third, and fourth officers of the said ship assembled, and in the
presence of the said _____ examined witnesses as to the conduct of the said _____,
and heard him in defence; and it clearly appearing from the testimony of the said witnesses
that the said _____ had refused to obey the orders of the said _____,
and had conducted himself in a mutinous manner, they were of opinion that he was deserving of
punishment, and therefore he was continued in confinement until the said _____ returned
to the said ship; and he having returned on the _____ day of the said month, and the conduct of the
said _____, and the proceedings of the said inquiry, and the evidence given, having been
represented to him, he directed that the said _____ should receive _____ lashes, as a
punishment, and the same was accordingly inflicted on the same day; that after the said
had received one or two lashes, he admitted that he had been very insolent to the said _____,
and asked to be forgiven. And the party proponent doth further allege and propound that the said
_____ did not suffer any fever from his aforesaid confinement, nor did he, at the time he
was so as aforesaid punished, faint, or urge the said _____ to let him have some water, nor
did the said _____ refuse to let the master-at-arms give him any, as in the said article of
the said libel is falsely alleged and pleaded; that the punishment of the said _____ was

necessarily inflicted for the sake of example, and to preserve discipline on board the said ship; that the said _____ did not refuse to permit the said surgeon to give the said _____ any ointment or lotion for his back, nor was the said _____ in a fainting or exhausted state, nor did he suffer extreme pain, nor was he injured in consequence of the punishment he received, as in the said libel is falsely alleged and pleaded; and this was and is true, public and notorious, and the party proponent doth allege and propound as before.

That all and singular the premises were and are true.

Third.

To be signed by
Counsel.

No. 108.

FORM of ALLEGATION pleading general Exceptions to the Credit of a Witness.

IN the Vice-Admiralty Court of _____

On the _____ day of _____ appeared personally _____, party in this cause, and without revoking the appointment of _____, as his Proctor, did say, allege, and in law articulately propound as follows, to wit:—

That no faith or credit is due or ought to be given to the sayings or depositions of _____ a witness produced, sworn and examined in this cause, on the libel given in and admitted on the part and behalf of _____, the other party in this cause: for the party proponent doth expressly allege and propound that the said _____ is a man of an infamous and abandoned character, and is not to be believed on his oath, and who, for gain, would swear falsely in this or any other cause; and for and as such a man he is commonly accounted, reputed, and taken to be by those who know him. And this was and is true public, and notorious, and the party proponent doth allege and propound, of any other time, place, person or thing as shall from the proofs to be made in this cause, and everything in this article contained, jointly and severally.

That all and singular the premises were and are true.

Insert names of Ship
and Master.

NOTE.—If there should be any objection on the part of a proctor to give in an exceptive allegation, containing libellous or actionable matter, the same may be given in by the party himself, and should be signed with his name; and this Form is prepared accordingly.

No. 109.

FORM of ALLEGATION specially exceptive to the Testimony of a Witness.

IN the Vice-Admiralty Court of _____

On the _____ the _____ day of _____, in the name and as the lawful Proctor of _____, one of the parties in this cause, and by all better and more effectual ways, means, and methods which may be most beneficial and effectual for his said party, and by way of exception, and hereby excepting to the testimony of _____, a witness, produced and examined in this cause, sayed, alleged, and in law articulately propounded as follows, to wit:—

That no faith or credit, at least none sufficient in law, is or ought to be given to the sayings or depositions of _____, a witness produced, sworn and examined on the *libel* bearing date the _____ day of _____, given in and admitted in this cause, on the part and behalf of _____, the other party in this cause, for that the said _____ hath on the examination on the article of the said *libel*, among other things, deposed in the words following: "That the said _____, the party in this cause, was much too addicted to his grog, and in fact was as drunken and skulking a vagabond as ever he had the misfortune to sail with, and was the most slovenly and negligent an officer on board." Now the party proponent doth expressly allege and propound, that he the said _____ hath therein knowingly and wilfully deposed and sworn falsely and untruly, for the truth and fact was and is, and the party proponent doth expressly allege and propound, that the said _____ hath, in the presence of divers credible witnesses, both shortly before and shortly after his examination in this cause, admitted and confessed that "He had never seen or known the said _____ drunk on board the said ship during all the time that he and the said _____ served on board the said ship together;" and that the said _____ was "as smart and active an officer as the captain himself, or any other officer on board." And this was and is true, public, and notorious, and so much the said _____ doth know or hath heard, and in his conscience believes, and hath confessed to be true; and the party proponent doth allege and propound, of any other time, place, person or thing as shall appear from the proofs to be made in this cause, and everything in this and the subsequent articles contained in this allegation, jointly and severally.

That whereas the said _____, in his afore-said examination, hath in answer to the interrogatories administered to him in the said cause, falsely and untruly answered, and said as follows: "That he attends to be examined as a witness at the request of _____, the solicitor of the said _____, who applied to the respondent for him, and told him that he must

Insert names of Ship
and Master.

First.

Or "allegation," and otherwise, as the fact may be.

Second.

come as a witness for _____, and that he must speak the truth of all that he knew between _____ and _____, the parties in this cause; and that _____ the respondent has not otherwise had any meeting or consultations with _____ or any other person concerning his being examined; and that he has not received, or been promised, nor does he expect to receive any reward, present, gratuity, or satisfaction for giving evidence in this cause." Now the party proponent doth expressly allege and propound that the said _____ hath in great part therein knowingly and wilfully deposed, and sworn falsely and untruly, for the truth and fact was and is, and the party proponent doth expressly allege and propound, that, subsequently to the examination of the said _____ in this cause, he hath, in conversation with several of his friends and acquaintances, admitted and confessed that he did receive money from _____ the solicitor of _____, the other party in this cause, in order to purchase a watch; that the said _____ hath also stated to divers persons of good credit and reputation, that in his examination, meaning his examination in this cause, he hath said that he was not bribed, and on his being asked by them how he could so say, when he knew that the said _____ had given him money to purchase a watch, he the said _____ then answered, "No, no, that would have put an end to all;" and this was and is true, public and notorious, and the party proponent doth allege and propound as before.

That all and singular the premises were and are true.

Third.
To be signed by
Counsel.

No. 110.

FORM of INTERLOCUTORY DECREE pronouncing Wages to be due in a contested Cause of Subtraction of Wages.

Insert names of Ship
and Master.
Insert name of Pro-
ctor for the Promoter.
Insert defendant's
Proctor's name.
Insert defendant's
Proctor's name.

_____ prayed the Judge to pronounce that he had fully proved the contents of the summary petition given in and admitted on behalf of _____, his party in this cause, and for the wages set forth in the schedule annexed to the said summary petition, and to condemn _____ party, and the bail given on his behalf to answer the action, in such wages and in costs. _____ prayed the Judge to pronounce that _____ had failed in proof of the said summary petition, and that he the said _____ had fully proved the contents of the allegation given in and admitted on behalf of his said party in this cause, and to dismiss his said party and the said bail from all further observance of justice in this cause, and to condemn _____ party in costs.

The Judge having heard the evidence read, and informations by counsel on both sides, by interlocutory decree pronounced that _____ had failed in proof of the allegation given in and admitted in this cause in behalf of his party, and that _____ had sufficiently proved the contents of the said summary petition given in and admitted in this cause on behalf of his party, and that the wages set forth in the schedule annexed thereto are due to _____'s said party, and condemned _____'s party and the bail given on his behalf to answer the action in such wages and in costs; and at petition of _____, decreed a monition against them for payment thereof within _____ days after the service thereof.

Note.—The costs must be regularly taxed by the Court before the monition (although decreed) can be extracted.

No. 111.

FORM of INTERLOCUTORY DECREE pronouncing against the Promoter's Claim in a contested Cause of Subtraction of Wages.

Insert names of Ship
and Master.
Insert name of Pro-
moter's Proctor.

_____ prayed the Judge to pronounce that he had fully proved the contents of the summary petition given in and admitted in this cause on behalf of _____, his party, and to pronounce the wages set forth in the schedule annexed to the said summary petition to be due to his said party, and to condemn _____'s party, the *owner* of the said ship, and the bail given on his behalf, to answer the action in such wages and costs. _____ prayed the Judge to pronounce that _____ had failed in proof of the said summary petition, to dismiss the said _____ his party, and the bail given to answer the action, from all further observance of justice in this cause, and to condemn the said _____ party in costs. The Judge having heard the proofs read, and Advocates and Proctors on both sides, by interlocutory decree pronounced that _____ had failed in proof of the said summary petition, and dismissed the said _____'s party from all further observance of justice in this cause, and the bail given on his behalf to answer the action from the recognizances by them entered into, and from all further observance of justice herein.

Insert Adverse Pro-
ctor's name.
Or as the fact may be.

No. 112.

FORM of INTERLOCUTORY DECREE pronouncing Pilotage to be due in a contested Cause.

prayed the Judge to pronounce that he had fully proved the contents of the summary petition given in and admitted on behalf of _____, his party in this cause, and for the pilotage therein pleaded to be due to him, and to condemn _____'s party, and the bail given on his behalf to answer the action in such pilotage and in costs.

prayed the Judge to pronounce that _____ had failed in proof of the said summary petition, and that he the said _____ had fully proved the contents of the allegation given in and admitted on behalf of _____, his party in this cause, and to dismiss his said party and the said bail from all further observance of justice in this cause, and to condemn _____'s party in costs.

The Judge having heard the evidence read and informations by Counsel on both sides, by interlocutory decree pronounced that _____ had failed in proof of the allegation given in and admitted in this cause on behalf of his party, and that _____ had sufficiently proved the contents of the summary petition given in and admitted in this cause on behalf of his party, and that the pilotage is due to _____'s party, as therein pleaded and condemned the said _____'s party and the bail given on his behalf to answer the action in such pilotage and in costs; and at petition of _____, decreed a monition against them for payment thereof within _____ days after the service thereof.

Note.—The costs must be regularly taxed by the Court before the monition (although decreed, can be extracted.

Insert names of Ship and Master.

Insert Defendant's Proctor's name.

Insert Defendant's Proctor's name.

If necessary. Insert a reasonable time, at the discretion of the Judge.

No. 113.

FORM of INTERLOCUTORY DECREE pronouncing against the Promoter's Claim in a contested Cause of Pilotage.

prayed the Judge to pronounce that he had fully proved the contents of the summary petition given in and admitted in this cause, on behalf of _____, his party, and to pronounce the pilotage therein set forth to be due to his said party, and to condemn _____'s party, the owner of the said ship, and the bail given on his behalf to answer the action in such pilotage and costs.

prayed the Judge to pronounce that _____ had failed in proof of the said summary petition, to dismiss the said _____ his party, and the bail given to answer the action, from all further observance of justice in this cause, and to condemn the said _____'s party in costs. The Judge having heard the proofs read, and Advocates and Proctors on both sides, by interlocutory decree pronounced that _____ had failed in proof of the said summary petition, and dismissed the said _____'s party from all further observance of justice in this cause, and the bail given on his behalf to answer the action from the recognizances by them entered into, and from all further observance of justice herein.

Insert names of Ship and Master.

Insert name of Promoter's Proctor. Or as the fact may be. Insert Adverse Proctor's name. Insert Adverse Proctor's name.

No. 114.

FORM of INTERLOCUTORY DECREE pronouncing for the Validity of a Bottomry Bond in a contested Cause.

BOTH Proctors alleged and prayed as by them alleged and prayed in the act of Court. The Judge having heard the said act and the evidence read, and Advocates and Proctors on both sides thereon, by interlocutory decree pronounced for the force and validity of the bottomry bond proceeded on in this cause, and that the sum of _____ with interest, at and after the rate of _____ per centum per annum, from the time when the said bond became due, is due thereon, and condemned _____'s parties, and the bail given on their behalf to answer the action herein and in costs.

Insert names of Ship and Master.

No. 115.

FORM of INTERLOCUTORY DECREE pronouncing against the Promoter's Claim in a contested Cause of Bottomry.

BOTH Proctors alleged and prayed as by them alleged and prayed in the act of Court. The Judge having heard the said act and the evidence read, and Advocates and Proctors on both sides thereon, by interlocutory decree pronounced against the force and validity of the bottomry bond proceeded on in this cause, dismissed _____'s party from all further observance of justice in this cause, and the bail given on his behalf to answer the action from the recognizances by them entered into, and from all further observance of justice herein.

Insert names of Ship and Master.

No. 116.

FORM of INTERLOCUTORY DECREE in a Cause of Damage by Collision, pronouncing for the Damage sustained.

Insert names of Ship and Master.

Insert name of Promoter's Proctor.

Insert names of Adverse Party and his Proctor.

Insert Adverse Proctor's name.

Insert names of Promoter and his Proctor.

prayed the Judge to pronounce that he had fully proved the contents of the libel by him given in and admitted in this cause, and to condemn _____'s party, and the bail given on his behalf to answer the action, in the damage libellate, and in costs. _____ prayed the Judge to pronounce that _____ had failed in proof of the said libel, and to dismiss _____, his party, and the bail given to answer the action from this suit, and all further observance of justice therein, and to condemn _____'s party in costs. The Judge having heard the proofs read, and Advocates and Proctors on both sides, by interlocutory decree pronounced that _____ had sufficiently proved the contents of the libel given in and admitted in this cause, and for the damage libellate, and condemned the said _____'s party, and the bail given on his behalf to answer the action, _____'s party and in costs.

To be added if the Court shall so decree.

The Judge moreover referred the amount of such damage, together with all accounts and vouchers already brought in or hereafter to be exhibited, to the Registrar and merchants to report thereon.

No. 117.

FORM of INTERLOCUTORY DECREE pronouncing against the Prayer of the Promoter in a Cause of Damage by Collision, and dismissing the Party proceeded against.

Insert names of Ship and Master.

Insert name of Promoter's Proctor.

Insert Defendant's Proctor's name.

Insert name of Defendant's Proctor.

prayed the Judge to pronounce that he had fully proved the contents of the libel by him given in and admitted in this cause, and that _____'s parties, the owners of the brig _____, are liable for the damage done to _____'s parties, the owners of the schooner _____, and to condemn _____'s said parties, and the bail given on their behalf to answer the action, in the damage libellate, and in costs. _____ prayed the Judge to pronounce that _____ had failed in proof of the said libel by him given, and to dismiss his the said _____'s parties, and the bail given on their behalf, from this suit, and from all further observance of justice therein, and to condemn _____'s parties in costs. The Judge having heard the proofs read, and Advocates and Proctors on both sides, by interlocutory decree pronounced that _____ had failed in proof of the said libel by him given, and dismissed the said _____'s parties from all further observance of justice in this cause, and the bail given on their behalf to answer the action from the recognizances by them entered into, and from all further observance of justice herein, and condemned _____'s parties in costs.

No. 118.

FORM of INTERLOCUTORY DECREE pronouncing for the Prayer of the Promoter in a Cause of Damage by Beating.

Insert names of Ship and Master.

Insert Plaintiff's

Proctor's name. Insert name of Defendant's Proctor.

Insert Defendant's name.

Insert Defendant's Proctor's name.

prayed the Judge to pronounce that he had fully proved the contents of the libel by him given in and admitted on behalf of _____, his party in this cause, and that _____ had failed in proof of the allegation by him given in and admitted on behalf of _____, the other party in this cause, and to condemn the said _____ in the sum of _____ pounds damages, or such other sum as the Court shall think adequate to the cruel beating and ill treatment inflicted on _____, his the said _____'s party, by the said _____, or by his order and direction, and in costs.

prayed the Judge to pronounce that _____ had failed in proof of the said libel, and that he the said _____ had fully proved the contents of the said allegation, by him given, to dismiss _____ his said party, and the bail given on his behalf to answer the action from this suit, and all further observance of justice therein.

The Judge having heard the evidence read and informations by Counsel on both sides, by interlocutory decree pronounced that _____ had sufficiently proved the contents of the libel given in and admitted in this cause on behalf of his party the said _____, and condemned the said _____'s party and the bail given on his behalf to answer the action, in the sum of _____ pounds, for the damage sustained by _____'s said party, as libellate, and also in the costs of suit.

No. 119.

FORM of INTERLOCUTORY DECREE pronouncing against the Prayer of the Promoter in a Cause of Damage by Beating.

prayed the Judge to pronounce that he had fully proved the contents of the libel given in and admitted in this cause on behalf of his party, and to pronounce for such damages as may appear commensurate to the assault committed upon him, and to condemn the other party in this cause, and the bail given on his behalf to answer the action, in such damages and in costs.

prayed the Judge to pronounce that had failed in proof of the said libel, to dismiss the said and the said bail to answer the action from all further observance of justice in this cause, and to condemn the said party in costs.

The Judge having heard the evidence read, and informations by Counsel on both sides, by interlocutory decree pronounced that had failed in proof of the libel given in and admitted on behalf of the said, his party, and dismissed party from all further observance of justice in this cause, and the bail given on his behalf to answer the action from the recognizances by them entered into, and from all further observance of justice herein, and condemned the said in costs.

Insert names of Ship and Master.

Insert Promoter's Proctor's name.

Insert Defendant's Proctor's name.

No. 120.

FORM of INTERLOCUTORY DECREE pronouncing a Sum to be due for Salvage.

BOTH Proctors alleged and prayed as by them alleged and prayed in the act of Court. The Judge having heard the said act and the evidence read, and Advocates and Proctors on both sides thereon, by interlocutory decree pronounced the sum of to be due to parties, the owners, master and crew of the schooner for the salvage services rendered to the ship and cargo, together with their costs, and condemned and parties, and the bail given on their behalf to answer the action, in such sum and in costs.

Insert names of Ship and Master.

Insert name of Salvor's Proctor.
Insert Defendants' names.

No. 121.

FORM of INTERLOCUTORY DECREE pronouncing a Tender to be insufficient, and a larger Sum to be due for Salvage.

BOTH Proctors alleged and prayed as by them alleged and prayed in the act of Court. The Judge having heard the said act and the evidence read, and Advocates and Proctors on both sides thereon, by interlocutory decree pronounced the tender heretofore made on behalf of parties, to be insufficient, and the sum of pounds to be due to parties, the owner, master and crew of the smack, for the services rendered to the ship and cargo, together with their costs, and condemned and parties, the owners of the said ship and cargo, and the bail given on their behalf to answer the action, in the sum of pounds, in addition to the sum of pounds heretofore tendered and left in the Registry, and in costs.

Insert names of Ship and Master.

Insert Defendant's Proctor's name.
Insert Salvor's Proctor's name.
Insert Defendants' names.

No. 122.

FORM of INTERLOCUTORY DECREE pronouncing a Proportion of the Property proceeded against to be due for Salvage.

BOTH Proctors alleged and prayed as by them alleged and prayed in the act of Court. The Judge having heard the said act and the evidence read, and Advocates and Proctors on both sides thereon, by interlocutory decree pronounced one-third part of the value of the ship and cargo, the expenses on both sides being first deducted, to be due to parties, the owner, master and crew of the brig, for salvage, together with their costs, and condemned parties, the owners of the said ship and cargo, and the bail given on their behalf to answer the action in such salvage, and in costs.

Insert names of Ship and Master.

No. 123.

FORM of INTERLOCUTORY DECREE pronouncing a TENDER to be sufficient in a Cause of Salvage.

Insert names of Ship and Master.

Both Proctors alleged and prayed as by them alleged and prayed in the act of Court.

Insert name of Defendant's Proctor.

Insert name of Salvor's Proctor.

The Judge having heard the said act and the evidence read, and Advocates and Proctors on both sides, by interlocutory decree pronounced the tender heretofore made on behalf of _____'s parties to be sufficient, and dismissed the bail given to answer the action from the recognizances by them entered into, and from all further observance of justice in this cause, and condemned _____'s parties, the master and crew of the smack _____ in costs.

No. 124.

FORM of INTERLOCUTORY DECREE pronouncing against the Prayer of the Promoter in a Cause of Salvage.

Insert names of Ship and Master.

Both Proctors alleged and prayed as by them alleged and prayed in the act of Court.

The Judge having heard the said act and the evidence read, and Advocates and Proctors on both sides thereon, by interlocutory decree pronounced salvage not to be due for the alleged services of _____'s parties, the master and crew of the brig _____, and dismissed the bail given to answer the action from the recognizances by them entered into, and from all further observance of justice in this cause, and condemned the said _____'s parties, the asserted salvors, in costs.

No. 125.

FORM of INTERLOCUTORY DECREE pronouncing for the Interest of a Party proceeding by Default (or in personam) in a Cause of Possession.

Insert names of Ship and Master.

In pain of parties cited not appearing, the Judge at petition of _____ granted the second default _____ then referred to the affidavit of _____ his party, the owner of 44—64th parts or shares of the said ship _____ heretofore by him exhibited, and now remaining in the Registry.

The Judge having heard the same read on motion of Counsel, by interlocutory decree pronounced for the interest of the said _____, and decreed possession of the said ship, her tackle, apparel, and furniture, to be delivered to him as having a majority of the legal interest therein.

No. 126.

FORM of INTERLOCUTORY DECREE pronouncing for the Interest of either Party in a contested Cause of Possession.

Insert names of Ship and Master.

Both Proctors alleged and prayed as by them alleged and prayed in the act of Court.

If necessary.

The Judge having heard the said act and the evidence read, and the Advocates and Proctors on both sides thereon, by interlocutory decree pronounced against the interest of _____ and for the interest of _____ party, the asserted sole owner of the said schooner or vessel _____ and _____'s parties, the lawful owners and proprietors thereof, and decreed possession of the said schooner to the said _____ and _____ accordingly; and at the further petition of the said _____, alleging that the said schooner's register remains in the custody or power of _____, the master of the said schooner, and exhibiting an affidavit of _____, one of his said parties in verification thereof, decreed a monition against the said _____ to deliver up the same to his said parties within three days from the service thereof.

No. 127.

FORM of INTERLOCUTORY DECREE decreeing Possession of Ship to a Majority of Owners and decreeing Monition to deliver up Ship's Register.

Insert names of Ship and Master.

In pain of parties cited not appearing, the Judge at petition of _____ granted the second default, and having heard the attestation of _____, one of his parties, read on motion of Counsel, by interlocutory decree decreed the possession of the said ship, her tackle, apparel, and furni-

ture to the said , his the said parties, together the owners of , parts or shares thereof, as having a majority of interest therein. then referring to the said affidavit alleged the register of the said ship to be in the hands, possession, or control of the said the master, and prayed; and the Judge at his petition decreed a monition against the said to deliver up the said register to his the said 's parties within three days from the service thereof.

No. 128.

FORM of INTERLOCUTORY DECREE by consent, pronouncing for Restitution of Property found Derelict, on Payment of Salvage.

THE Judge at petition of , on motion of Counsel, with consent of acting therein by advice of His Majesty's Advocate, admitted the claim of , for the said ship, by interlocutory decree pronounced the same to belong as claimed, and decreed the same to be restored, to the claimant for the use of the owner and proprietor thereof, on payment of salvage and the salvor's expenses, and the expenses on behalf of Our Sovereign Lord the King in his office of Admiralty. acknowledged the said salvage and his expenses to have been paid. acknowledged the expenses on behalf of His Majesty in his office of Admiralty to have been paid.

Insert description of property proceeded against.
Or "Surrogate."
Or "His Majesty's Advocate in his office of Admiralty."

Insert name of the Proctor for the Salvors.

No. 129.

FORM of INTERLOCUTORY DECREE by Consent, pronouncing for Restitution of Property found Derelict, and decreeing Salvage thereon.

THE Judge at petition of , on motion of Counsel, with consent of acting therein, by advice of His Majesty's Advocate, admitted the claim of , for the said ship, and the goods, wares, and merchandizes now or lately laden on board the same, by interlocutory decree pronounced the same to belong as claimed, and decreed the same to be restored to the claimant for the use of the owners and proprietors thereof, on payment of salvage and expenses, and the expenses on behalf of our Sovereign Lord the King in his office of Admiralty. , on behalf of his several parties, the salvors, prayed them to be rewarded as to the Court shall seem meet. The Judge having heard the proofs read, and Counsel on behalf of the claimant and of the salvors, by further interlocutory decree pronounced a moiety of the said ship and cargo, the expenses on all sides being first deducted, to be due for salvage to the owner, master, and crew of the brig , and the owner, master, and crew of the schooner acknowledged the said salvage and expenses to have been paid, and waived bail to answer the expenses of His Majesty in his office of Admiralty.

Insert description of property proceeded against.
Or "Surrogate," as the fact may be.
Insert name of Claimant's Proctor.
Insert name of Proctor for the Crown.
Or "His Majesty's Advocate in his office of Admiralty."

Or as the fact may be, so as to entitle the claimant to extract the Restitution.

No. 130.

FORM of INTERLOCUTORY DECREE by Consent, pronouncing for Restitution of Property found Derelict on Bail to answer Salvage.

THE Judge at petition of , on motion of Counsel, with consent of acting therein by advice of His Majesty's Advocate, admitted the claim of , for the said ship, by interlocutory decree pronounced the same to belong as claimed, and decreed the same to be restored to the claimant for the use of the owners and proprietors thereof, on payment of the expenses on behalf of our Sovereign Lord the King in his office of Admiralty, and on giving bail to our said Sovereign Lord the King, in a sufficient sum to answer salvage, and the expenses of the salvors.

Insert names of Ship and Master.
Or "Surrogate," as the fact may be.
Or "His Majesty's Advocate in his office of Admiralty."

No. 131.

FORM of MONITION for Payment of Wages pronounced for and Costs.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To , gentleman, Marshal of our Vice-Admiralty Court of , and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful , Judge and Commissary of our said Court, lawfully constituted and appointed, in a certain cause of subtraction of wages, civil and maritime, moved and prosecuted before him in our said Court, on behalf of , late mariner on board the ship or vessel called the

Insert Promoter's name.

Or "Master," as the fact may be. (whereof now is or lately was master), against the said ship, her tackle, apparel, and furniture, and against the said *owner* thereof, intervening rightly and duly proceeding on the day of , by his interlocutory decree pronounced the sum of to be due to the said , for his wages for his services on board the said ship or vessel, and condemned the said , and the bail given on his behalf, in such sum for wages, and in costs. And whereas, on the day of , the Proctor of the said , porrected a bill of expenses, and our aforesaid Judge at his petition taxed the same at the sum of , and decreed a monition to issue against the said , the party principal, and also against of , and of , the sureties bound for the said , in this behalf, to pay or cause to be paid to the said the sum of being the amount of the said wages, and the sum of to the said or his Proctor, being the amount of the costs taxed as aforesaid, besides the expense of this monition and the execution thereof (justice so requiring): We do therefore strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish or cause to be monished, peremptorily and personally, the said , and also the said and , his sureties, that they pay or cause to be paid to the said the sum of of lawful money of , being the amount of the said wages, and the sum of of like money to the said , or his Proctor, being the amount of the costs taxed as aforesaid, besides the expense of this monition and the execution thereof, within six days after service hereof, under pain of the law and the peril which will fall thereon; and that you duly certify Us or our aforesaid Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at in our aforesaid Court, under the seal thereof, the day of in the year of our Lord , and of our Reign the (Signed) (L.S.) Registrar.

No. 132.

FORM of MONITION in a Cause of Bottomry to pay Amount pronounced for and Costs.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To , gentleman, Marshal of our Vice-Admiralty Court of , and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful Judge and Commissary of our said Court, lawfully constituted and appointed, in a certain cause of bottomry, civil and maritime, promoted and brought by , the legal holder of a bottomry bond on the ship or vessel called the , whereof was master, her tackle, apparel and furniture, and the freight due for the transportation of the cargo now or lately laden on board the same, against the said ship or vessel, her tackle, apparel and furniture, and freight, and against , the owner thereof, intervening rightly and duly proceeding on the day of , by his interlocutory decree pronounced for the force and validity of the said bottomry bond, and condemned , and the bail given on his behalf to answer the action in the amount of the said bond and in costs. And whereas, on the day of the date hereof, the Proctor or the said porrected a bill of costs on behalf of the said , which the Worshipful the Judge aforesaid, on the report of , Registrar of our said Court taxed at the sum of and decreed a monition against the said , and also against of and of , the bail given on his behalf to answer the action for payment of the sum of , the amount of the said bottomry bond, and the further sum of , the amount of the said taxed costs, making together the sum of of lawful money of , besides the expense of this monition, and the execution thereof (justice so requiring); We do therefore strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish or cause to be monished, peremptorily and personally, the said , and also the said , and , the said bail on his behalf (whom also we monish by virtue of these presents), that they pay or caused to be paid to the said , the said sum of the amount of the said bottomry bond, and also to the said , Proctor for the said , the said sum of (the costs taxed as aforesaid), besides the expense of this monition and the execution thereof, within six days after they shall have been served herewith; and further to do and receive in this behalf as to justice shall appertain, under pain of the law and the peril which will fall thereon; and that you duly certify our aforesaid Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at in our aforesaid Court, under the seal thereof, the day of in the year of our Lord and of our Reign the (Signed) (L.S.) Registrar.

No. 133.

FORM of MONITION in a Cause of Damage by Collision to pay Amount pronounced for and Costs.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of damage, civil and maritime, promoted and brought by _____, of _____, the owner of the schooner or vessel called the _____, against the ship or vessel called the _____ (whereof _____ was master), her tackle, apparel and furniture, and against _____, of _____, the owner thereof, intervening rightly and duly proceeding on the _____ day of _____, by his interlocutory decree pronounced the said _____, and the bail given on his behalf to answer the action, liable for the damage sustained by the said schooner or vessel _____, and condemned them therein, and also in the costs, and referred to the Registrar of our said Court, taking to his assistance merchants to ascertain and report the amount of the said damage and costs. And whereas on the _____ day of _____, Registrar of our said Court, brought in his report on the matters referred, whereby it appears that the damage sustained amounted to the sum of _____, and whereas on the said _____ day of _____ our said Judge decreed the said report to be confirmed; and whereas on the day of the date hereof, the Proctor of the said _____ porrected a bill of costs on behalf of _____, which the Worshipful the Judge aforesaid on the report of the said _____, Registrar of our said Court, taxed at the sum of _____, and decreed a monition against the said _____, and also against _____, of _____, and _____, of _____, the bail given on his behalf to answer the action for payment of the sum of _____, the amount of the said report, and the further sum of _____, the amount of the said taxed costs, making together the sum of _____, besides the expense of this monition and the execution thereof (justice so requiring): We do therefore strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish or cause to be monished, peremptorily and personally, the said _____ and also the said _____, and _____, the said bail on his behalf (whom also we monish by virtue of these presents), that they pay or cause to be paid to the said _____ the said sum of _____, the amount of the said report, and also to the said _____, Proctor for the said _____, the said sum of _____ (the costs taxed as aforesaid), besides the expense of this monition, and the execution thereof, within six days after they shall have been served herewith; and further to do and receive in this behalf as to justice shall appertain, under pain of the law and the peril which will fall thereon; and that you duly certify our aforesaid Judge or his Surrogate what you shall do in the premises, together with these presents. Given at in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

(Signed)

(L.S.)

Registrar.

No. 134.

FORM of MONITION in a Cause of Salvage to pay Amount pronounced for and Costs.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of salvage, civil and maritime, promoted and brought by _____, the masters, owners, and crew of the smack _____, against the ship or vessel called the _____ (whereof _____ was master), her tackle, apparel and furniture, and the cargo now or lately laden on board the same; and also against _____, the owner of the said ship or vessel, intervening rightly and duly proceeding on the _____ day of _____, by his interlocutory decree pronounced the sum of _____ to be due to the said _____, the master, and the owners and crew of the said smack _____, for salvage, and condemned _____, and the bail given on his behalf to answer the action in such sum and in costs; and whereas, on the day of the date hereof, the Proctor of the said master, owners, and crew of the said smack porrected a bill of costs on their behalf, which the Worshipful the Judge aforesaid, on the report of _____, Registrar of our said Court, taxed at the sum of _____, and decreed a monition against the said _____, the owner of the said ship or vessel _____, and also against _____, of _____, and _____, of _____, the bail given on his behalf to answer the action for payment

of the sum of _____, being the amount of the said salvage, and the further sum of _____, the amount of the said taxed costs, making together the sum of _____ of lawful money of _____, besides the expense of this monition and the execution thereof (justice so requiring): We do therefore strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish or cause to be monished, peremptorily and personally, the said _____, and also the said _____, and _____, the said sureties on his behalf (whom also we monish by virtue of these presents), that they bring or cause to be brought into the Registry of our said Vice-Admiralty Court, situated _____, the sum of _____, the amount of the said salvage, and pay to the said _____, Proctor for the said _____, the said sum of _____ (the costs taxed as aforesaid), besides the expense of this monition and the execution thereof, within six days after they shall have been served herewith; and further to do and receive in this behalf as to justice shall appertain, under pain of the law and the peril which will fall thereon; and that you duly certify our aforesaid Judge or his Surrogate what you shall do in the premises, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the

(Signed)

(L.S.)

Registrar.

No. 135.

FORM of MONITION for Costs.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of _____, civil and maritime, moved and prosecuted before him in our said Court, promoted and brought by _____, against the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel and furniture, and against _____, intervening rightly and duly proceeding on the _____ day of _____, by his interlocutory decree pronounced that

Insert name and description of Parties.

Insert the substance of the Decree.

and condemned the said _____ in costs; and whereas, on the day of the date hereof, the Proctor of the said _____, corrected a bill of costs, which our Judge aforesaid, on the report of _____, Registrar of our said Court, taxed at the sum of _____, of lawful money of _____, besides the expense of this monition and the execution thereof, and decreed a monition against the said _____ for payment thereof (justice so requiring): We do therefore strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish or cause to be monished, peremptorily and personally, the said _____ (whom also we monish by virtue of these presents), that he pay or cause to be paid to the said _____, or to _____, his Proctor on his behalf, the said sum of _____, together with the expense of this monition and the execution thereof, within six days after service thereof; and further to do and receive in this behalf as to justice shall appertain, under pain of the law and the peril which will fall thereon; and that you duly certify the aforesaid Judge or his Surrogate what you shall do in the premises, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the

(Signed)

(L.S.)

Registrar.

No. 136.

FORM of MINUTE or Act of Court, decreeing a Party to be attached for Contempt, in not obeying a Monition personally served.

Insert names of Ship and Master.

_____ prayed the Judge to decree _____, the party monished, to be attached for his contempt in not obeying the monition personally served upon him, to pay the amount decreed, and costs in this cause. The Judge having heard Counsel thereon, decreed the said _____ to be attached for such his manifest contumacy and contempt.

No. 137.

FORM of MINUTE or ACT of COURT decreeing a Party to be attached for Contempt, in not obeying a Decree for Answers.

Insert names of Ship and Master.

prayed the Judge to decree _____, one of the parties in this cause to be attached for his contempt, in not having given in his answers to the libel, given in and admitted in this cause, on the part and behalf of _____, the other party in this cause, pursuant to the decree under seal of this Court, personally served upon him. The Judge having heard Counsel thereon, decreed the said _____ to be attached for such his manifest contumacy and contempt.

No. 138.

FORM of MINUTE or ACT of COURT, decreeing a Party before the Court to be attached for his Contempt, in not complying with an Assignment or Order of the Court of which he is necessarily cognizant.

Insert names of Ship and Master.

prayed the Judge to decree an attachment against _____, the owner of the said ship or vessel _____, one of the parties in this cause, for his contempt in not having complied with the order or assignation of the Court, to bring in the mariner's contract and ship's books.

Or to bring in Freight, or as the case may be.

The Judge having heard the order or assignation read, on motion of Counsel, decreed the said _____ to be attached for such his manifest contumacy and contempt.

No. 139.

FORM of MINUTE or ACT of COURT, decreeing a Party to be attached for Contempt, in not bringing in the Proceeds of a Vessel and Cargo, sold under a Commission from the Court.

Insert names of Ship and Master.

alleged that the said ship and cargo had been sold pursuant to the commission of appraisement and sale, issued under seal of this Court, directed to _____, and _____; that the time for returning the said commission had expired upwards of six weeks; and that the proceeds arising from such sale, although long since received by the said commissioners, had not been paid into the Registry of this Court, but that the same still remain in the hands of the said _____ and _____, in contempt of the order or direction of this Court; and in verification of what he so alleged, he brought in an affidavit of _____, and prayed the Judge to decree _____ and _____ the commissioners aforesaid, to be attached for such their contempt. The Judge having heard the said affidavit read, on motion of Counsel, decreed the said _____ and _____ to be attached for such their manifest contumacy and contempt.

Or as the fact may be.

No. 140.

FORM of ATTACHMENT against a Party Principal and his Bail, for Non-compliance with a Monition for Payment of Wages pronounced for and Costs.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of subtraction of wages, civil and maritime, moved and prosecuted before him in our said Court, promoted and brought by _____, late _____ on board the ship or vessel called the _____ (whereof _____ now is or lately was master), against the said ship or vessel, her tackle, apparel and furniture, and against _____, the owner thereof, intervening rightly and duly proceeding, on the _____ day of _____, pronounced the sum of _____ to be due to the said _____, for his wages for his service on board the said ship or vessel, and condemned the said _____, and the bail given on his behalf, in such sum for wages and in costs; and whereas, on the _____ day of _____, the Proctor of the said _____ porrected a bill of expenses, and our aforesaid Judge at his petition taxed the same at the sum of _____, and decreed a monition to issue against the said _____,

the party principal, and also against _____, of _____, and _____, of _____, the sureties bound for the said _____, in this behalf, to pay or cause to be paid to the said _____ the sum of _____, being the amount of the said wages, and the sum of _____ to the said _____, or his Proctor, being the amount of the costs taxed as aforesaid; and whereas such monition issued accordingly, and on the _____ day of _____, the Proctor for the said _____ returned the said monition into the Registry of our aforesaid Court, with certificate and affidavit, showing that the same had been personally served on the said _____, and whereas, on the day of the date hereof, the Proctor of the said _____ alleged that the said _____, and _____, and _____ had not, nor had any person on their behalf, obeyed the said monition, by paying the said several sums of _____ and _____ according to the tenor thereof, and he prayed them to be attached for such their manifest contempt and contumacy; whereupon our Judge aforesaid, rightly and duly proceeding, did decree the said _____, and _____, and _____ to be attached for such their manifest contempt and contumacy in not obeying the said monition (justice so requiring): We do therefore by these presents strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you attach and arrest, or cause to be attached and arrested, the said _____, and _____, and _____, and them, so attached and arrested, you keep under safe and secure arrest until they or one of them shall have obeyed the aforesaid monition, by paying or causing to be paid to the said _____ the said sum of _____, being the amount of the said wages, and to the said _____, or his Proctor, the said sum of _____, being the amount of the costs taxed as aforesaid, pursuant to the tenor of the aforesaid monition served on them, and hereof fail not. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

(Signed) _____ (L.S.) _____ Registrar.

No. 141.

FORM of ATTACHMENT for Non-payment of Costs.

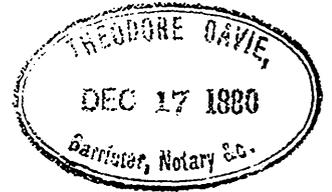
WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of _____, civil and maritime, moved and prosecuted before him in our said Court, promoted and brought by _____, against the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel and furniture, and against _____, intervening rightly and duly proceeding on the _____ day of _____, pronounced that

Insert names and descriptions of Parties.

Insert the substance of the Decree.

and condemned the said _____ in costs; and whereas, on the _____ day of _____ the Proctor of the said _____ corrected a bill of costs, which our Judge aforesaid, on the report of _____, Registrar of our said Court, taxed at the sum of _____, of lawful money of _____, besides the expense of a monition and the execution thereof, and decreed a monition against the said _____, for the payment thereof to the said _____, or _____, his Proctor on his behalf; and whereas such monition issued accordingly, and on the _____ day of _____ the Proctor for the said _____ returned the said monition with certificate and affidavit, showing that the same had been personally served on the said _____; and whereas, on the day of the date hereof, the Proctor of the said _____ alleged that the said _____ had not, nor had any person on his behalf, obeyed the said monition, and he prayed him to be attached for his manifest contempt and contumacy in not obeying the same by payment of the said sum of _____ (being the amount of the said taxed costs) to the said _____, or to _____, his Proctor aforesaid: whereupon our said Judge, rightly and duly proceeding, did decree the said _____ to be attached for such his manifest contempt and contumacy in not obeying the said monition (justice so requiring): We do therefore by these presents strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you attach and arrest, or cause to be attached and arrested, the said _____, and him, so attached and arrested, you keep under safe and secure arrest until he shall have obeyed the aforesaid monition, by paying or causing to be paid to the said _____, or to _____, his Proctor, the said sum of _____, pursuant to the tenor of the aforesaid monition, served on him, and hereof fail not. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

(Signed) _____ (L.S.) _____ Registrar.



No. 142.

FORM of ATTACHMENT against a Party in a Suit for not giving in his personal Answers.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of _____ civil and maritime, moved and prosecuted before him in our said Court, on behalf of _____, against _____ rightly and duly proceeding on the day of _____ at the petition of the Proctor of the said _____, decreed the said _____ to be monished and cited to appear before us or our aforesaid Judge or his Surrogate, in the Registry of our said Court, situated _____ on the _____ day of _____, between the hours of _____ and _____ of the said day, then and there to answer personally, by virtue of his corporal oath, to the several positions or articles of a certain *libel*, given in and admitted in the said cause, on behalf of the said _____, and further to do and receive as to justice shall appertain; and whereas a decree to the effect aforesaid issued accordingly; and whereas, on the _____ day of _____ last, the Proctor of the said _____ returned the said decree, with a certificate thereon endorsed, that the same had been duly executed on the _____ day of _____, by showing the same under seal to _____, and by leaving with him a true copy thereof; and whereas the said _____ hath not given in his said personal answers pursuant to the tenor of the said decree; and on the day of the date thereof, our aforesaid Judge, at the petition of the Proctor of the said _____, decreed the aforesaid _____ to be attached for his contempt in not giving in his answers to the said *libel*, pursuant to the said decree (justice so requiring): We do therefore strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you attach and arrest, or cause to be attached and arrested the said _____, and him, so attached and arrested, you keep under safe and secure arrest until he shall have given in his personal answers on oath to the positions or articles of the aforesaid *libel* given in and admitted in the said cause on behalf of the said _____ pursuant to the aforesaid decree. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____, and of our reign the _____

Or "allegation," as the fact may be.

Or with "certificate," and "affidavit," as the fact may be.

(Signed)

(L.S.)

Registrar.

No. 143.

FORM of ATTACHMENT against a Party before the Court for Non-compliance with an Assignment or Order made upon him.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of subtraction of wages, civil and maritime, moved and prosecuted before him in our said Court, promoted and brought by _____ against the said ship or vessel, her tackle, apparel, and furniture, and against _____ intervening rightly and duly proceeding, on the day of _____ at the petition of the Proctor of the said _____, alleging that the other party in this cause hath lawfully appeared herein by _____, his Proctor, exhibiting a proxy under his hand and seal, and hath been on the _____ day of _____ lawfully assigned by our aforesaid Judge to bring into the Registry of our said Court the mariner's contract and ship's books relating to the said ship or vessel _____; and whereas, on the day of the date hereof, the Proctor of the said _____ alleged the said assignment had not been complied with, and the said mariner's contract and ship's books had not been brought into and left in the Registry of this Court, pursuant to the tenor and effect of the said assignment, prayed the said _____ to be attached for such his manifest contempt and contumacy; whereupon our Judge aforesaid, rightly and duly proceeding, did decree the said _____ to be attached for such his manifest contempt and contumacy in not obeying the said assignment or order of our aforesaid Judge (justice so requiring): We do therefore by these presents strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you attach and arrest, or cause to be attached and arrested, the said _____, and him, so attached and arrested, you keep under safe and secure arrest until he shall have obeyed the aforesaid assignment or order of our aforesaid Judge, by bringing or causing to be brought into the Registry of our said Court the said mariner's contract and ship's books, and leaving the same therein, and hereof fail not. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

Insert name and description of Parties.

Or to bring in Freight, or as the case may be. Insert Promoter's name.

(Signed)

(L.S.)

Registrar.

No. 144.

FORM of ATTACHMENT against Commissioners appointed by the Court for not bringing in the Proceeds of Sale of Property directed to be appraised and sold.

Insert name and description of Parties.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Court of Vice-Admiralty of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of _____, civil and maritime, moved and prosecuted before him in our said Court, promoted and brought by _____ against the ship or vessel _____, her tackle, apparel, and furniture, and the goods, wares, and merchandizes now or lately laden therein, rightly and duly proceeding on the _____ day of _____, at the petition of the Proctor of the said _____, decreed a commission to issue for the appraisement and sale of the said ship and cargo; and whereas the said commission accordingly issued, directed to _____ of _____, and _____ of _____, and they were authorized and empowered, and were strictly charged and commanded to appraise and sell the said ship and cargo, and to bring the produce money arising from such sale into the Registry of our aforesaid Court, on or before the _____ day of _____, now last past; and whereas, on the day of the date hereof, the Proctor of the said _____ alleged that the said ship and cargo were sold by public auction on the _____ day of _____, and that the proceeds arising therefrom had been duly paid into the hands of the said _____, and _____ the Commissioners named in the said commission of appraisement and sale, and that they had not, nor had any person on their behalf, obeyed the said commission by returning the same, and bringing the produce money of the said sale into the Registry of our aforesaid Court; and in verification of what he so alleged, he brought into and left in the Registry of our aforesaid Court an affidavit of _____, and prayed the said _____ and _____ to be attached for such their manifest contempt and contumacy; whereupon our Judge aforesaid, rightly and duly proceeding, did decree the said _____ and _____ to be attached for such their manifest contempt and contumacy, in not having brought in the said proceeds pursuant to the said commission (justice so requiring): We do therefore by these presents strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you attach and arrest, or cause to be attached and arrested, the said _____ and _____, and them, so attached and arrested, you keep under safe and secure arrest until they shall have returned the aforesaid commission, and brought into the Registry of our aforesaid Court the produce money arising from the sale of the said ship and cargo, pursuant to the tenor of the aforesaid commission, and hereof fail not. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____, and of our reign the _____ (Signed) _____ (L.S.) _____ Registrar.

No. 145.

FORM of ATTACHMENT for Non-compliance with a Monition to bring in a Ship's Register.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Court of Vice-Admiralty of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of possession, civil and maritime, moved and prosecuted before him in our said Court, promoted and brought by _____ of _____ the true and lawful owner of _____ parts or shares of the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel, and furniture, against the said ship or vessel, her tackle, apparel, and furniture, rightly and duly proceeding on the _____ day of _____, at the petition of the Proctor of the said _____, alleging that the register of and belonging to the said ship or vessel was in the custody, possession, or power of _____, the master thereof, did decree a monition to issue against him the said _____, to appear and show cause why he should not bring into and leave in the Registry of our said Court, situate at _____, on the third day after the service of the said monition, the register of and belonging to the said ship or vessel _____; and whereas such monition accordingly issued, on the _____ day of _____, the Proctor for the said _____ returned the said monition into the Registry of our aforesaid Court, with certificate showing that the same had been personally served on the said _____; and whereas, on the day of the date hereof, the Proctor of the said _____ alleged that the said _____ had not, nor had any person on his behalf, obeyed the said monition, by bringing into, or causing to be brought into and left in the Registry of our aforesaid Court, the register of and belonging to the said ship or vessel _____, or showing cause to the contrary, according to

the tenor of the said monition; and he prayed him to be attached for such his manifest contempt and contumacy; whereupon our Judge aforesaid, rightly and duly proceeding, did decree the said to be attached for such his manifest contempt and contumacy in not obeying the said monition (justice so requiring): We do therefore by these presents strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you attach and arrest, or cause to be attached and arrested, the said , and him, so attached and arrested, you keep under safe and secure arrest, until he shall have obeyed the aforesaid monition, by bringing into and leaving or causing to be brought into and left in the Registry of our aforesaid Court, the register of and belonging to the said ship or vessel , pursuant to the tenor of the aforesaid monition served on him, and hereof fail not. Given at in our aforesaid Court, under the seal thereof, the day of , in the year of our Lord , and of our reign the

(Signed)

(L.S.)

Registrar.

No. 146.

FORM of ACT on PETITION in a Cause of Bottomry.

IN the Vice-Admiralty Court of

Insert names of Ship and Master.

Insert name of Promoter's Proctor.

On the day of exhibited for , of , and alleged that his said parties are the lawful attorneys of , of , merchants, the legal holders of a bottomry bond on the said ship, her tackle, apparel and furniture; and that the said ship, in on or about the month of , in the year of our Lord , being the property of , respectively of , merchants, and lying in the port of , was chartered by , of aforesaid, merchant on a voyage from to , and aforesaid; that the said ship arrived at aforesaid, and the master, standing in need of certain advances on account of the said ship, applied to the said to advance the necessary sum, and take his bills drawn on for the amount in repayment; that the said house of refused to comply with this request, but consented to advance the money needful, on bottomry, on the said ship. And the said further alleged, that the said , finding that he could not obtain any advance otherwise than by bottomry, did apply to borrow, and receive from the said , for the necessary service and use of the said ship, the sum of , and for securing the repayment thereof the said did, in and by a bond of hypothecation, dated at aforesaid the day of , by him duly executed, become bound unto the said in the sum of lawful money of , being the amount of the said advances, with the maritime premium or interest thereon, after the rate of per cent., making together the sum of , and for which payment he the said did bind and hypothecate the said ship, her tackle, apparel and furniture, and did covenant within one month after the arrival of the said vessel in the river , or any other port in , to pay the said sum of , with a further interest of five per cent. until sixty days after payment of the said sum. And it was further agreed that in case the said vessel did not return into the river , or any other port in , at the end of months, then, at the expiration of the said months, and the said vessel should not have been lost within that time, the said , his executors or administrators, should, within twenty days after the end and expiration of the said months, pay or cause to be paid the said sum, with the said interest to the said , in order that they, the said , might not run the hazard of the said sum upon the body of the said ship for a longer period than the said months, reckoned and accounted for as set forth in the said bond; that the said vessel then sailed on her homeward voyage, and arrived in , in the month of . And the said further alleged, that on or about the day of , they the said forwarded the said bottomry bond to of , merchant, for recovery thereof; that the said , being at the time of the arrival of the said bottomry bond in this country in pecuniary embarrassments, neither enforced the payment of the said bond on the arrival of the said ship, nor answered the letters written to him from the said house of of , who in consequence, on or about the day of , wrote a letter to the said parties' said house of trade, for them to apply to the said , and inquire into the affair, and enforce the payment of the said bottomry bond; that such letter was received by the said parties' said house of trade, on or about the day of , and on or about the day of the said month the said house made application accordingly to the said , for his reasons for not enforcing the said bond,

who then stated it was necessary for the said _____ to send over a power of attorney for the said _____, legally to represent them, before any steps could be taken to enforce the said bond, and that the said _____ had not enforced the said bond because he had not the said requisite power of attorney; that thereupon, to wit, on the _____ day of the said month of _____, the said _____ wrote a letter to the said _____, informing them thereof, and on the _____ day of _____ following the said _____ transmitted the required power of attorney, which was received by this said house of trade of _____, on the _____ day of _____ following, who thereupon immediately made application to the said _____ to deliver up the said bond, which he accordingly did, and then gave sundry explanations, which led the said house of trade of _____ to apply to the said _____ of _____, the charterer of the said vessel for the voyage, on which the said bond had been given as aforesaid, for the payment thereof, but which the said _____ refused; that on or about the month of _____, the said _____, having ascertained that _____ was the acting owner of the said vessel, applied to him for payment of the said bond, who then stated that the claim had been settled with the said _____ on the account of freight, when he the said _____ had settled his account with the owners as the charterer of the said ship, as hereinbefore alleged; that the said _____ further stated, that the said _____ engaged to surrender the said bond to the said owners, and that if the said _____ should be compelled to again pay the amount of the said bottomry bond, he would immediately arrest the said _____ for the amount. And the said _____ further alleged, that his said parties not having succeeded in obtaining the payment of the said bond, and having learnt that the said vessel _____ was in the river _____, about to proceed to sea, in order to enforce payment of the said bond, and satisfy the just claims of the said _____, in the month of _____ applied to and obtained the necessary warrant from the Vice-Admiralty Court of _____, to arrest the said vessel in a suit of bottomry, but that the owners of the said vessel or some other person interested in her escape, having obtained information of the intended arrest, caused the said vessel immediately to proceed to sea, which she actually did, and could not therefore be arrested, though the said warrant issued on the _____ day of the said month of _____. And the said _____ further alleged, that his said parties' said house of trade, having subsequently learnt that the said vessel was shortly again expected to return to this colony, obtained a further warrant to arrest the said vessel on her arrival, and the said vessel was finally arrested on the _____ day of _____ last, at the port of _____, where the said vessel had arrived; that it appears by the register of the said vessel that the lawful owners are the same at the present time as at the time the said bottomry bond was taken up upon the said vessel, as hereinafter set forth, save that the _____ shares held in the joint names of _____ and _____, were in the month of _____ transferred to the said _____ alone, since a bankrupt; also that _____ now represents _____ shares in the said vessel, which were held by _____, when the said bond was taken up. And the said _____ does expressly allege, that though application has been frequently made for payment of the said bond, yet no part thereof has been paid either to the said _____, or any person on their behalf, and that the whole amount thereof, as well principal as interest, still remains due and owing. And the said _____ lastly alleged, that on or about the _____ day of the month of _____ last, the Proctor acting on behalf of the owners, accompanied by a person alleging himself to be duly authorized, called at the office of the said _____, and stated that he was an owner, or acted on behalf of the owners, and that it was the wish of the owners of the said vessel _____ to pay immediately the said bond and expenses, and requested _____ on behalf of the owners that no further steps might be taken in order that the expenses might not be increased, as the bond would be forthwith paid; that the said _____ immediately assured the said _____, and the person who accompanied him as aforesaid, that no other step should be taken if the bond was immediately paid, but that, in order to justify him the said _____ for any delay, he requested the said _____ to write him a letter to the effect of the said verbal communication, which the said _____ promised to do, and accordingly on the _____ day of _____, being the very day on which the communication aforesaid took place, he the said _____ received a letter of the following tenor:—

That on or about the following day the bill of costs of the said _____, amounting to the sum of _____, was handed to the said _____, together with an account of the said bond and interest, as calculated by the said _____ parties' said house of trade of _____, but though the said _____ stopt proceedings in the said suit, yet the said owners subsequently have withheld payment of the said bond; and in verification of what he so alleged the said _____ prayed leave to refer to the attestations bond and proofs to be by him exhibited; wherefore he prayed the Worshipful the Judge would be pleased to pronounce, decree, and declare that the said vessel _____ was justly and lawfully hypothecated, and that the amount of the said bond may be decreed to be paid to his said parties with interest from the time the same became

due, and expenses, and that otherwise right and justice may be effectually done and administered to him and his said parties in the premises.

Reply.

In the presence of _____, denying the allegations of the said _____ to be in great part true, and alleging that at the time the then owners of the said vessel _____ entered _____ Insert name of Defendant's Proctor. into the aforesaid charter-party with the said _____ (to wit), in the month of _____ of _____, merchant, was a secret partner of him the said _____ in the adventure in which the said vessel was then to be employed, and kept the accounts thereof as between him and the said _____, that the said _____ wrote to the firm of _____ by _____, the then master of the said vessel, introducing him to them, and requesting him to supply him, the said _____, with any monies he might have occasion for, for the services of the said vessel. And the said _____ further alleged, that the said vessel on her return voyage arrived in the port of _____ on the _____ day of _____, whereupon _____ of _____, ship-brokers, who had been employed originally in chartering the vessel, were appointed agents to the owners of the said vessel to settle the amount of freight with the charterer; that in adjusting the same it appeared that the sum of _____ was the proportion of the aforesaid bottomry bond; for which as between the said owners and the said charterer the owners of the said vessel were liable, the remainder being for port charges and dues, which, by virtue of the aforesaid charter-party, were agreed to be paid by the said _____; that the said _____ having had notice from the said _____ of the particulars of the said bond, and being requested by him to deduct the amount thereof for the said freight, the said _____ claimed of the owners to deduct the said sum of _____, and the same was accordingly deducted from the amount of the said freight, and allowed to the said _____; that it was thereupon agreed between the said _____ on behalf of the owners, and the said _____, that the said _____ should state to the said _____ that the amount of the said bond had been allowed in the freight account, and request him to deliver up the said bond, and that divers applications were made for the same to the said _____ and _____ by _____, one of the said owners and others, but without effect. And the said _____ then further alleged, that subsequently and whilst the said _____ was the accredited agent of the said firm of _____, and was in the actual possession of the aforesaid bottomry bond, with instructions from them to obtain the payment thereof, the said _____ did in his account current with the said _____ actually give credit for the said sum of _____ as the agent of and for and on account of the said firm of _____ having applied the same as the said _____ having received a considerable portion of the freight, and _____ conceived in reduction of so much of the said bond as consisted of port charges and dues; that from that time, to wit, the _____ day of _____ to the month of _____, no application whatever was ever made either to the present or late owners of the said vessel _____ for payment of the said bond, but that in the said month of _____ application was made to the said _____ as set forth by the said _____, that the said _____ parties heard nothing further of the said bond, or in relation thereto, until about the _____ day of _____ last, when the said vessel being then on her homeward voyage from _____, his the said _____ parties were informed that a warrant had been extracted from this Court for the purpose of arresting the said vessel, to enforce the payment of the said bottomry bond; and the said _____ further alleged, that no actual presentation of the said bond was ever made to the said owners, nor has the same been seen by any of them. And the said _____ further alleged, that the said vessel, after her aforesaid arrival in the port of _____, on the _____ day of _____, continued therein until she sailed from thence on the _____ day of _____ for _____, that she returned to the port of _____ on the _____ day of _____, and remained there until she sailed from thence to _____ on the _____ day of _____, that she returned to the port of _____ on the _____ day of _____, and remained there until the _____ day of _____ in the same year, when she sailed from thence to _____; that she returned to the port of _____ on the _____ day of _____, and from that time until the month of _____ was employed in the coal trade from _____ to _____ and back; that on the _____ day of _____ the said vessel _____ cleared out from the port of _____, and on the _____ day of the said month left her moorings at _____, and proceeded down the river _____, and was at _____ on the _____ and in the _____ on the _____ day of _____ the said month; and that the said owners, particularly the said _____, the managing owner, was perfectly ignorant of any warrant having been obtained from the Vice-Admiralty Court of _____ to arrest the said vessel, and that neither did the said owners, nor any person interested in her escape, cause the said vessel immediately to proceed to sea to avoid an arrest; but the said vessel was sent to sea in the due prosecution of the voyage last mentioned, which was determined upon and her equipment preparing before the application before-mentioned of the said _____ to the said _____ was made. And the said _____ further alleged, that the interest which the said _____ and _____ had in the said vessel on the _____ day of _____ was assigned to the said _____ on the _____ day of _____, and was again assigned by _____

him to the said on the day of . And the said further alleged, that at the time of his attending at the office of , as stated by the said , he the said was accompanied by , an attorney at law and solicitor, who, considering himself fully authorized so to do by the owners of the said vessel, applied to the said for an account of the debt and costs, as it had been a subject of consideration with the said owners, whether it would not be advisable to pay the demand on the said bond, and put up with the loss without their incurring law charges ; and the said did request that no further expense might be incurred, but the said was then informed by the said that he understood some demand was intended to be made for insurance, and that if such was the case, the bond would be resisted altogether ; and the said further informed the said that the money must be paid on the then next morning, or the proceedings would go on. And the said further alleged, that upon the bill of costs of the said , together with an account of the said bond and interest, being delivered, there was also charged therein the sum of , for insurance paid by or on behalf of the said , that the said having sent the said bill of costs and account of charges so delivered by as aforesaid to the said , he the said subsequently instructed , that the owners of the said vessel felt much hurt at the said charge for insurance paid on the said bond, and that considering the same an unjustifiable demand, and a point not cognizable by this Court, they had determined to try the validity of the bond itself, and they accordingly instructed the said to resist the payment thereof. And the said alleged, that the full amount of the said bottomry bond and interest, to wit, the sum of , had been fully and duly paid to the said , in the way and by the means aforesaid, during the time that he was the special agent, and for the use and benefit of the said firm of , and whilst he had the said bond in his possession, and which he ought to have delivered up, and for which purpose it was sent over to him. And the said further alleged, that it was not necessary to have any special power of attorney for that purpose, the authority contained in the letter accompanying the said bond being in itself quite sufficient, as there was no opposition made to the payment of the said bond ; and the said humbly contends that it is not competent to the holders of the said bond, after having acquiesced in the payment of the said bond from the month of , notwithstanding they had the many opportunities before set forth of proceeding against the said ship for the payment thereof, to claim the payment of the said bond a second time ; and in verification of what he so alleged as aforesaid, the said referred to the affidavits to be by him exhibited in this cause, and prayed that his parties may be dismissed from this suit, and the said parties condemned in the costs thereof.

Rejoinder.

Insert name of Promoter's Proctor.

In the presence of , dissenting and denying the allegations of to be in great part true, and alleging as by him before alleged ; and further alleging that if any secret partnership did actually exist between the said and , the said were wholly ignorant thereof ; that the money lent as aforesaid was lent on bottomry, and not on any personal credit whatever ; that his the said parties could in no way be bound or prejudiced by any adjustment made between the said owners and charterers ; and the said denies that either the said or their agent ever received the amount of the said bond or any part thereof, but on the contrary the same remains still due and owing ; and the said denies that the said ever authorized or requested the said to deduct the amount thereof from the freight, as falsely and untruly alleged ; and the said admits that the said and others were desirous of obtaining possession of the said bond, and may have often applied to the said to deliver up the same, but which he the said always declined to do until he should actually receive the payment thereof ; and the said alleged that if the said did actually give credit as alleged by , he did so without any authority whatever and illegally ; and the said owners of the said vessel were thereby in nowise discharged from payment of the said bond, and of which they themselves were fully aware, as appears by their repeated applications they made to have the said bond delivered up ; and the said expressly alleged that the said owners parties have and always had their remedy at law against the said for any sum he may have surreptitiously obtained from them ; whereas the said parties resident at have only their remedy against the said ship in this Court. And the said further alleged that his said parties made every effort in their power to enforce payment of the said bond, as herein-before set forth ; that the said ship had been a considerable time engaged in the coasting trade, but so soon as the owners had intimation that the agents of the bottomry bond holder were about to take steps against the said vessel, the said vessel was hastily sent to sea ; that the said bond if not actually presented to the owners was well known to them both in tenor and in substance, and has been legally demanded both of the master and owners, but payment refused ; that the said might,

as the Proctor in the cause, have both seen and had a copy thereof had he been desirous to obtain one, and made application for such purpose; and the said _____ denies that at the time when the agent for the owners of the said ship called at his office and agreed to make payment of the said bond as before alleged, that any mention about charge of insurance was made; and the said _____ does expressly allege that at the time aforesaid, he the said _____ had not seen the accounts, and was therefore ignorant what charges might be made; but the said _____ does humbly submit that if the only disputed point was on account of a charge of insurance paid on the said bond, as alleged by _____, this Court had full power and cognizance thereof by referring such charge to the Registrar and merchants, who would, as in like cases, have reported thereon; and the said _____ denies that the full amount or any part of the said bond has been either paid to the said _____ or to their agent; but the said _____ alleges that the said _____, when he found the embarrassed state of the private affairs of the said _____, was desirous to treat the amount of the said bond as a part of the private effects of the said _____, and thereby to avail himself in part payment of his own losses, but which transaction the said _____ positively refused to sanction, as he thereby must have sacrificed the interest of the said _____, for whom he acted merely as a trustee or agent; and the said _____ expressly denies that the said _____ ever acquiesced in the alleged payment of the said bond, as falsely and untruly alleged; and the said _____ referring to his former statement and the proofs to be by him exhibited, humbly prayed as before.

In the presence of _____ dissenting, denying and alleging as before; whereupon the Conclusion
 Judge assigned to hear on petition of both Proctors, on the _____ day of _____
 (Signed)
 (Signed)

 No. 147.

Form of "ACT on PETITION" in a Cause of Salvage.

IN the Vice-Admiralty Court of _____

 Insert names of Ship
 and Master.
 Insert name of Pro-
 moter's Proctor.

On the _____ day of _____ exhibited for _____, the master, and for _____ and _____, the owners and crew of the ship, barque or vessel _____ of _____, and alleged, that the barque or vessel _____ of the burthen of _____ tons by admeasurement or thereabouts, sailed from _____, on the _____ day of _____, on her voyage to _____, that on the _____ day of _____ following it came on to blow a heavy gale of wind, which continued to increase; that on the morning of the _____ day of _____ a vessel was discovered which afterwards proved to be the _____ of _____, master, to windward, about a mile distant on the weather-quarter; that the _____ was at this time in the western ocean, in longitude _____ and latitude _____, that it was observed that the _____ had lost her bowsprit, foremast, main-topmast, and head of the mainmast; that she rolled and laboured very much; that the sea was making a clear breach over her, and that she had her colours flying lashed in the rigging; that part of her crew were standing in the rigging, and part working at the pumps, and that a man with a white hat on, who afterwards proved to be _____, the master, was standing on the quarter-deck, waving his hat as a signal for the _____, that at this time another strange sail to windward was seen bearing down upon them; that the _____ stood on till she could fetch the _____ upon the other tack, and after wearing ship stood as near as possible towards the _____, when _____ hailed her, but could not make out any answer from the noise of the wind and the sea; that the other strange sail, which proved to be the _____ of _____, was still bearing down upon them, and presently hailed the _____, and asked who she was and where bound, and being answered that she was _____, and bound to the _____, but intended to stay by the _____, the _____ then proceeded upon her voyage; that in consequence of the distressed situation of the _____, and the said _____ supposing her to be water-logged, he immediately ordered a whale-boat to be lowered, and went in her himself, taking with him _____ men, who had volunteered to accompany him, all of whom, with the said _____, notwithstanding the severity of the cold, wore only their shirts and drawers to be free to attempt to save themselves in the event of the boat capsizing, of which there was a great probability; that they pulled away towards the brig, through a tremendous sea, and at the greatest risk of their lives, the wind still blowing a heavy gale insomuch as nearly to prevent them from effecting their object altogether, but that by great perseverance and skilful steering the men succeeded in pulling up under the said brig's stern, though it was found utterly impossible to go along side her; that _____, addressing _____, the master, asked where he was from, who answered from _____, and inquired if said _____ was mate of the barque, and upon being informed he was the master of her, _____ then asked him, "What do you,

think is best to be done ; shall I stop a little longer with her or shall I leave her, and where will you land me if I leave her?" that replied, he might stay by her a little longer and see how it would be, but that if he took him and his people out he must land them at the first port, or at ; that by this time the said succeeded in boarding the brig over her stern by means of a rope and by the rising of the sea; that on getting on the brig's deck, the said , the master, took the said by the hand, and said he was glad to see him safe on board, observing that he thought him a madman for attempting to lower his boat down in such weather, and that he took the either for a man-of-war or a packet from his venturing to wear ship in such a heavy sea, and added, that he had not seen the boat until she was half way between the two vessels ; that the sea at this time breaking over the , the said proposed to get a little sail on her ; that a jib for a main-staysail, and a top-gallant-sail for a mainsail, were accordingly bent with the assistance of the said and one of his boat's crew, who had by this time also boarded the over her stern ; that the was pumped several times whilst the said was on board her, and it was found that she had made some water ; that the crew consisted of a master, mate and ten hands, five or six of whom were below sick, and the others were so worn out with fatigue as to be scarcely able to lend a hand to anything ; that it was about this time o'clock in the evening, and the said observed to the master, he must think of returning to his ship, and told him to be sure and hoist a light when it became dark, and that if the weather (which was at this time somewhat moderated) came on worse, he the said would lower his boat again and come and take his crew out ; that the said then begged the said to lay by him during the night, which he promised to do ; that then said, "If I stay by the ship, will you lie by me and take me in tow in the morning?" and the said told him he would ; that then asked the said , how he meant to get into his boat again, alluding to the difficulty of his so doing from the rolling and pitching of the brig ; to which he replied, that if he could get in in no other way, he should jump overboard and get in, but that the said and , by watching their opportunity, at last succeeded in throwing themselves into the boat over the brig's stern, when they put off and with great difficulty reached the in safety ; that by this time it had become dark, and a light was hoisted on board the , which was answered by the hoisting a light at the mast-head ; that the kept close by the all night, during which there were several squalls of wind and rain ; that the next morning, the day of , the same boat was lowered from the and the said , and the same men who had gone on the previous day, and also , the second mate, again proceeded to the , and carried with them a whale-line, made fast to a hawser, on board the , that by means of this line one end of the hawser was hauled on board the , and there made fast as a tow-rope, and that in like manner the end of another hawser was conveyed from the to the , and there made fast as a second tow-rope ; that on their all boarding the (except two hands left in the boat) the tow-rope was made fast, and the said proposed to rig a jury foremast, which was accordingly done, and that a spare main-yard was then got up, and a topsail bent for a mainsail, the whole of which was accomplished by the said and his men, and assisted by some of the crew, most of whom, however, from sickness and atigue, were very inefficient ; that while on board the second day, the said gave the said the copy of the manifest, which he said he had made out for the quarantine vessel, and in the course of conversation remarked, that he should be very glad to have he brig taken into port, as part of her belonged to his relations ; that the said , leaving , the second mate, on board the , returned to the to dinner, taking with him ; after which they again went back to the ; that about o'clock the same afternoon quitted the for the night, and returned to his own vessel, still leaving on board the former to give any assistance that might be required ; that having previously consulted with the officers and crew of the , who had all agreed to join in their endeavours to save the and her crew from destruction, and to conduct her to the first port, determined to do so, and made sale for , taking the in tow, and so proceeded during the night ; that very early the following morning, the day of aforesaid, it having come on to blow harder, they parted the tow-ropes, on which the lay by the until they could get other hawsers ready, but it blew so fresh, and with so heavy a sea running, that did not deem it safe to send a boat with them, but keeping the right in the make, he threw a life-buoy overboard, with a whale-line attached to it, and which was picked up by the , and thus two new tow-lines were made fast, and the again made sail with the in tow, and so proceeded during that day, occasionally giving

directions to _____, who remained on board the _____ (by speaking to him through a trumpet), to look after the tow-ropes, and keep them well served; that early in the morning of the _____ day of the same month of _____ they made _____, which bore south by west-half-west, distant about _____ miles; that about _____ o'clock in the forenoon of the following day there were several sail in sight, and the weather having become more moderate, _____ sent _____ his chief mate on board the _____, to ask the said _____, the master, to dinner, and which he accordingly did; that on _____ coming on board the _____ deck, he expressed himself very gratefully to _____ for the way in which he had acted towards him, observing that he (_____) had fully expected, from their being so close to the _____ coast, with the wind and sea on shore, and the _____ not lying better than E. N. E., that _____ must have been obliged to have cast the _____ adrift to save his own ship, and which must have led to the loss of the _____, that _____ also frequently said he had to thank them all for saving the lives of himself and crew, and his ship, and observed to _____, in the presence of some of the _____ officers, that if he (_____) got the whole salvage for himself alone, he would not be too well paid, and this he repeated on sitting down to dinner, adding that he should never be able to do enough to acknowledge his gratitude to _____ and his ship's company for saving their lives; that during dinner expressed a hope that they should get into port, and _____ remarked he did not care how soon, as he was losing his time and season; that it became equally squally towards the evening, and the _____ jib was thereby carried away, and _____ sent a boat with _____ on his return to the _____; that they proceeded with the _____ in tow during that night, but owing to the heavy squalls they were unable to fetch a port, though they saw the _____ light-house bearing N.N. west, distant about _____ leagues; that the next day, the _____ day of _____, the light bore N.E. by east, distant _____ miles, and at _____ o'clock in the morning of that day they took _____, a pilot, on board the _____, and tacked with the _____ still in tow, when the _____ came in contact with the _____ and stove her starboard-quarter boat, and carried away the davit; that just before noon _____ again sent his boat to ask _____ to come on board to dine with him, and the pilot and he did so; that _____ described to the pilot the danger the _____ had been in, and what _____ had done for him, expressing himself gratefully as before; that _____ returned to the _____ in the evening, and on the following morning about _____ o'clock, being then off _____, went in his boat with hands on board the _____, still in tow of the _____, in order the better to assist in getting her into the port of _____, that they took a pilot also on board the _____ off _____; that they run with a fair wind into _____, where the _____ anchored, but _____ not thinking that a safe place for the _____ to lie in the state in which she was, and with a view to save expense, told _____ he thought it would be best at once to go into the harbour of _____, to which he readily assented, and they accordingly did so, slipping the tow-ropes when inside the _____, after which, having a gentle breeze, the _____ was taken safely into _____, and brought to an anchor there, the _____ having been engaged altogether _____ days from the time of first falling in with the _____ until their arrival at _____, as aforesaid; that from the time of the _____ first falling in with the _____, until her arrival at _____, in consequence of the sickly state of several of the crew of the _____, the surgeon of the _____ constantly attended and took care of them, and thereby greatly assisted in restoring them to health. And the said _____ further alleged, that the _____ belonging to his said parties, Messrs. _____, and _____, was of the value of _____ pounds, and was insured for that sum, and that in addition to having vitiated the policies of insurance, and hazarded and ran the risk of the loss of the said ship by deviating from her voyage, in rendering assistance and preserving the said ship _____, as before set forth, his said parties will still run a great risk of losing their season in the _____, and of being superseded by other ships, and thereby suffer enormous loss; also, that in addition thereto, they have already sustained in expenses of repairs, demurrage, and other incidental charges consequent on the loss of time, and the damage sustained by their said barque _____, in rendering assistance to the said brig _____ (exclusive of the sum of _____, for which the damaged hawsers and cordage were sold), the sum of _____.

And the said _____ lastly alleged, that no boat but a whale-boat could possibly have lived in the heavy sea in which the said _____ and his crew went to the assistance of the _____, but which, for some such timely and efficient assistance, the crew, vessel, and cargo must have inevitably been lost; and in verification of what he so alleged, the said _____ prays leave to refer to the attestations and proofs to be by him exhibited, and that the Worshipful the Judge would be pleased to decree such sum of money out of the sum of _____, the agreed value of the said brig, cargo, and freight, to be due to his said parties as a compensation for the said salvage services and losses, as to him shall seem meet, together with their expenses, and also to condemn the said _____ parties, and the bail given on their behalf therein.

Reply.

Insert name of the Defendant's Proctor.

In the presence of _____, Proctor for the owner of the brig or vessel called the _____, and her cargo, dissenting and denying the allegation of _____ to be in great part true; and he alleged, that on the _____ day of _____ he brought into and left in the Registry of this Court the sum of _____, which he tendered, together with such costs as may be due by law for the services rendered by the said _____ parties, and for the expenses and further sums which may have been expended for the repair of damages actually sustained by the said barque in the performances of the said services. And the said _____ further alleged, that the said _____ sailed from _____ on the _____ day of _____, with a cargo of _____, and _____, bound therewith to _____, at which time the said _____ was tight, strong, staunch, and sea-worthy, and fit and well found, manned, tackled, provided, and in good order and condition in all respects; that on the _____ and _____ days of _____ the said _____ experienced some gales and heavy sea, whereby she sustained some damage; that on the _____ day of _____, at about _____ o'clock a. m., a sudden gust of wind split her foresail, and that the gale continued, and about _____ o'clock a. m. of the _____ day of _____ a heavy sea struck the said _____ and carried away her bowsprit, foremast, main-topmast, and the head of the mainmast, and some of her rigging; that with considerable exertion the said master and the crew of the said _____, which consisted of _____ officers and seamen, succeeded in cutting away and clearing the wreck, and having so done they set the trysail close-reefed for the purpose of keeping the vessel to the wind, but the sea broke into the said sail, and rent and tore away a considerable part thereof, and at _____ o'clock p. m. a topmast-studdingsail was set in the main-rigging to keep the vessel to the wind; that the vessel continued under sail and without sustaining any further damage; that about _____ o'clock a. m. of the _____ day of _____ the said vessel was in latitude _____ and longitude _____, and was lying-to for the purpose of rigging a jury-foremast and bowsprit in order to make sail; and whilst the said vessel was so lying-to, and about _____ o'clock a. m., a sail was discovered, which afterwards proved to be the barque _____, of _____; that at such time the sea was not making a clear breach over the said vessel, as is alleged, on the contrary the fire was burning in the galley, where the crew had just before cooked their breakfast; that the said vessel's colours were not hoisted until after the said barque _____ hove in sight, at which time they were hoisted to show the national character of the vessel (the _____ having previously done the like), and not as a signal of distress, the union on the said colours being upwards and not downwards, and some of the crew of the _____ were standing in the rigging and engaged in reefing a peak hallyard for the purpose of hoisting a trysail; that the _____ then wore ship and came to the windward of the _____, and _____ the master of the _____, by means of a speaking-trumpet, asked whether he should lower his boat down, to which the said _____ answered, "No," three times, and inquired, as is usually done when ships meet, what was his longitude; that the _____ then wore ship again, and came to the leeward of the _____ and showed his longitude chalked on a board; that the said _____, the master, then inquired from what meridian, and was answered from Greenwich; that the _____ then passed astern of the _____, and hove-to, at too great a distance for hailing, upon which the said _____, standing on the quarter-deck of the _____, waved his hat, and at the same time held up a speaking-trumpet, thereby meaning to intimate to the said _____ that he wished the _____ to come near enough to the _____ to enable him by means of his speaking-trumpet to speak to the persons on board the _____, but not as a signal for a boat to be lowered; that at this time a ship passed close under the stern of the _____, and inquired from whence she came, and when she was dismasted, upon which the said _____ answered that she came from _____, and had been dismasted the preceding morning at _____ o'clock, and the said _____ inquired what was the longitude of the _____, and the ship then sailed to the _____, and the said _____ on the next day informed the said _____ that the captain or master of the said ship did at such time inquire of him the said _____ whether he intended to stay by the _____, and that he the said _____ told him that he did intend to do so; that the ship soon after passed the _____, and the _____ then lowered her whale-boat, and the said _____, the master, and _____ of the crew of the _____, came therein to the stern of the _____, but the said _____ denies that the said _____ and the said _____ men then wore their shirts and drawers only; and he alleged that the said _____ wore blue trousers, a waiscoat, his stockings, and a cap, and that all the said _____ men wore jackets and trousers, or Guernsey frocks and caps, and were dressed as sailors usually are in boats in severe weather, and when no danger is apprehended; that although the sea was then high, it was not tremendous, nor did the wind at such time blow a heavy gale; that the men belonging to the _____, who so came on board the _____, declared that the sea through which they had passed was nothing but that in which the whaling ships sometimes lowered their boats when fishing for whales, and that they apprehended no danger; and the said _____ denied that when the said _____

so came on board the said vessel, the said had any intention whatever of leaving his said brig; and alleged that he did not consider her condition and situation was such as to render it necessary, and he further alleged that whilst the said was in the said whale-boat, at the stern of the, he, in conversation with the said, observed that the weather looked very bad to windward, and it appeared as if it would blow another gale of wind, and if so, he should not be able to take the said and his crew out of the vessel, and the said, in answer to such observation, declared that the condition of the was not such as to render it by any means necessary for himself and crew to quit her, and that without assistance she might safely be got into port; that the said then asked what he the said would do with them if the wind should blow a heavy gale, and he and the crew should be obliged to leave the vessel; whereupon the said in answer told him that he would land them at the first port he could make, or at, that the said then asked the said what he thought had best be done, to which he answered, that he would stay by the, and when the sea became moderate he would take her in tow, or a conversation to that effect then passed between them, and it was agreed that he should do so; that on the said coming on board the, the said took him by the hand and thanked him for coming on board, but did not as is alleged tell him he thought him a madman for attempting to lower his boat in such weather; that the sea did not at such time break over the, and that shortly after the said came on board it was agreed between them and the said that some sail should be got on the, and in the course of the day a jib-boom was converted into a bowsprit, and a jib-sail set thereon, and another jib was set on the mainstay as a staysail, and a topsail for a mainsail, and a damaged trysail were also set, which was effected by the joint exertions of all the crew of the who worked and exerted, with the exception of three men, viz. an ordinary seaman, the sailmaker, and the cook, who were ill below; that the crew in so doing were assisted by the said, and one of his boat's crew who also came on board the, that about o'clock in the afternoon the said and his man who had so come on board left the, and returned in the aforesaid boat to the, such boat, with the other men therein, having remained at the stern of the, that shortly before the said so quitted the, he requested the said to give him a copy of his manifest, which he accordingly did; that in the evening the sea became moderate, and continued so all night, and the weather was fine and starlight, and there was no rain until the next morning, when there was a slight shower, without any squall of wind, and that with the sails which were set the sailed during the night at the rate of about knots per hour; that the kept near the, and both vessels carried lights, and in the course of the night three sail of vessels with lights came very near the; that on the next morning, being the day of, the sea having gone down sufficiently for the purpose, the was taken in tow by the, as agreed, by means of a hawser hauled from the to the, and a jury foremast was at the suggestion of the said constructed and set up during the day, and a spare fore-topmast for a foremast, and a spare jib-boom for a bowsprit, were set up and rigged, and sails set thereon; that such work was performed by the crew of the, with the exception only of the said, who still continued ill (the said, and having recovered sufficiently to enable them to work), and with the assistance of the master and mate of the, that about o'clock that afternoon the said master and seamen of the returned on board their said vessel, leaving the said mate on board the, that the said sails which were so set at the head of the vessel, with the after-sails which were standing, caused the to steer well under command, to answer the helm, and to go with the wind a-beam at the rate of knots per hour; that the said vessel continued to tow the when the weather which was generally moderate, permitted, and that by means of sailing and towing, and with a wind generally north-westerly and without squalls, and a sea generally moderate, the said brig, with the barque, arrived in at about o'clock in the morning of the day of. And the said further alleged, that after the said day of, the did not experience any heavy squalls, and that no occurrence of any consequence happened, with the exception that the tow-ropes, one of which belonged to the, and the other to the, breaking once, each in the course of the towing; that none of the crew (with the exception of) was, after the said day of, in a sickly state, and that the surgeon of the came on board the but twice, and that the last time was on the day of, when the said vessel was off the light-house, when he came on board the and gave some advice and medicine to, and, the first having a cold, and the second a sore on his leg. And the said

further alleged, that the _____ would not have been lost if the _____ had not come to her assistance; and that the crew of the said ship would without their assistance have been enabled to set up and rig the jury-mast, and thereby the brig would in all probability have reached _____, or _____, and that the _____ did not run any risk of being lost by rendering the assistance to the _____, that the _____ remained at _____ until the _____ day of _____, notwithstanding the wind was generally from the north-west to north-east, and favourable for her to have left _____ and proceeded on her voyage. And he further alleged, that the policies of insurance of the said _____ have not become vitiated by her having deviated from her voyage; and that the said barque has pursued her fishing adventure without any additional premium having been paid for her insurance; and in verification of what he so alleged, he prayed leave to refer to the attestations to be by him exhibited, and he prayed the Worshipful the Judge would be pleased to pronounce the tender made by him the said _____ to be a sufficient compensation for the services rendered by the said _____ parties, and to condemn them in the costs of his the said _____ parties, incurred and to be incurred subsequent to such tender being made.

Rejoinder.

Insert name of Promoter's Proctor.

In the presence of _____, dissenting and denying the allegations of _____ to be true, and further alleging that the said parties, Messrs. _____, and _____, the owners of the said barque _____, having received a letter from _____ on the _____ day of _____, stating that he had just arrived at _____ with the brig _____ in tow; his said parties immediately, to wit, on the same evening, dispatched _____, the overseer of their shipping department, by the mail to _____ for the purpose of inspecting and seeing to the said _____ being immediately refitted and sent to sea again; that the said _____ arrived at _____ on the evening of the _____ day of the said month, and took every means of carrying his said instructions into execution, and that all due diligence was thereupon used, as well in refitting the said barque as in procuring the requisite survey, protest and evidence for this Court. And he further alleged, that the said barque ultimately left _____ on the _____ day of said month of _____, in the prosecution of her voyage, and not on the _____ day of the said month, as is untruly alleged by _____. And he lastly alleged, that it was impossible under the circumstances for the said barque to have proceeded to sea sooner; wherefore he alleged and prayed as before.

Conclusion.

In the presence of _____, dissenting, denying and alleging as before; whereupon the Judge assigned to hear, on petition of both Proctors, on the _____ day of _____

(Signed)
(Signed)

No. 148.

Form of "ACT on PETITION" in Objection to the Payment of the Amount of the Bond given for the safe Return of a Vessel to the Port to which she belongs.

In the Vice-Admiralty Court of _____

Insert names of Ship and Master.

It would have been equally competent and more usual for the Promoter to begin the "Act on Petition," and it is imperative in him so to do, if the Defendant require it.

On which day _____ appeared for _____ and _____, two of the parties monished in this cause, and alleged that his said parties were owners of _____ parts of the said ship _____, and that on the _____ day of _____, and _____, as sureties for his said parties, entered into a certain recognizance to _____, the party promoting this cause, the owner of the remaining _____ parts of the said ship, in the sum of _____, to answer the action brought into this Court by the said _____, to restrain the said ship from proceeding to sea until bail should be given for the safe return of the said ship to the port of _____ to the amount of the share of the said _____ therein; and the said _____ declared he objected to the payment of the said sum of _____, pursuant to the tenor of the said monition, and prayed to be heard on his petition in objection thereto, and he then brought in the said sum of _____, as being the amount of the said bail subject to the decree to be made in this cause; and the said _____ in support of such his objection further alleged that his said parties being dissatisfied with the accounts of the said _____, who was managing owner of the said vessel on a previous voyage to _____, and such accounts having been made the subject of reference, upon which reference a decision was given by the referees in favour of his said parties and against the said _____, his said parties, having a majority of interest in the said ship, determined to take upon themselves the management of her; that upon such their intention being made known to the said _____, he arrested the said ship, together with her tackle, apparel and furniture, in this Court, until bail should be given in the sum of _____, being the

alleged value of his the said _____'s share in the said ship for the safe return of the said ship to the port of _____, to which port she belonged; that such bail was accordingly given by the sureties aforesaid on behalf of his said parties on the aforesaid _____ day of _____, and the said ship was thereupon decreed to be released from the said arrest; that upon his said parties taking possession of the said ship her sails were not on board, but had been removed on shore by the said _____, and placed by him in the custody of _____, of _____, sailmaker, who refused to deliver them up without the authority of the said _____; that repeated applications were made to the said _____ to give an authority for the delivery of the said sails, with which applications he refused to comply without alleging any reason for such his refusal, nor did the said _____ claim to detain the said sails on any other ground than the want of an order from the said _____ to deliver. And the said _____ further alleged, that the said persons persisting in such refusal, the Worshipful _____, the Judge of this Court, was pleased on the _____ day of _____, to decree a monition against the said _____ and _____, monishing them to deliver up the said sails, or to appear and shew cause to the contrary, and such monition having been personally served on them, was on the _____ day of _____, returned into Court, but no appearance was given thereto. And the said _____ further alleged, that notice having been given to the Proctor of the said _____ that the said ship was expected to be in readiness to proceed to _____, on her then intended voyage on or about the _____ day of the said month of _____, and that, unless the said sails were immediately delivered up, an attachment would be prayed to issue against them on the ensuing Court day, the sails belonging to the said ship were then, and not before, put on board the said ship. And the said _____ further alleged, that immediately upon the release of the said ship from the aforesaid arrest on the aforesaid _____ day of _____, his said parties advertised for freight and passengers for the said ship upon a voyage to _____, and divers persons engaged themselves to go as passengers therein, and made deposits in advance of the amount agreed to be paid by them for their passage, and divers others engaged for freight to a considerable amount for goods agreed to be shipped by them on their account, and his said parties had well-grounded expectations that the said ship would make an advantageous voyage, and the ship's sails having as aforesaid been obtained she was about to proceed to _____, to complete her lading and receive her passengers on board, when on the said _____ day of the said month of _____, being the very day on which it was intended the said ship should proceed to _____ as aforesaid, the said _____ obtained an ex-parte injunction from the Court of Chancery, whereby the said _____ and _____, and their agents were restrained from navigating, sending, chartering, or freighting the said ship from the said port of _____, to any other port or on any voyage whatsoever, and also from contracting any debts or entering into any engagements or liabilities whatsoever as owners of the said ship; that such injunction was obtained by the said _____, upon a bill filed by him on the _____ day of the said month of _____, in which bill no mention whatever was made of the proceedings thencefore had by him against the said ship in this Court, or of his the said _____ having obtained security therein by the aforesaid bail to the full extent of his share for the safe return of the said ship as aforesaid, but such fact was entirely suppressed, nor was any notice whatever given to his said parties, or to either of them, of the intention to file such bill, notwithstanding that the said _____, one of his said parties, as well as the said _____, were carrying on business in _____. And the said _____ further alleged, that an answer having been given to such bill, and affidavits filed on both sides, the matter came on for hearing in the said Court of Chancery, the _____ day of the said month of _____, when the said injunction was dissolved; and he further alleged, that the said _____, as well previous to as during the said proceedings in the said Court of Chancery, for the very purpose, as he frequently declared, of inducing persons who had, or proposed to make shipments of goods, to withdraw or decline making the same, circulated the report that the said ship was unseaworthy and unfit for the voyage, upon which it was proposed to send her into dock for repairs; and the said _____ moreover proposed and applied to the surveyors employed by the underwriters, and endeavoured to prevail upon them to report the said ship to be unseaworthy, which they refused to do; that in consequence of the said reports and of the said proceedings in the Court of Chancery, many of the said passengers did decline sailing in the said ship, and divers others of the said persons who had engaged to make shipments of goods upon freight, also withdrew from their engagements, and made such shipments in other vessels. And the said _____ further alleged, that in consequence of the said injunction, the said ship was prevented proceeding to _____, in the prosecution of her said voyage on the said _____ day of _____, as it was proposed and intended she should have done, and by which she would have been enabled to have proceeded to sea in the further prosecution of the said voyage at the latest, but being stopped by the said injunction, she did not reach _____ until the _____ day of the month of _____ following, and did not in consequence set sail in the further prosecution of her voyage until the _____ day of the said month of _____; that on the day next following she encountered

a heavy gale of wind, and having sustained considerable damage, was, with the assistance of certain boatmen, carried into , and a sum of was awarded for salvage and paid to the said boatmen by his said parties, and in addition thereto a further considerable sum was also paid by them for repair of damage done to the said ship by the said gale; that the said ship having undergone such repair, she again proceeded in the prosecution of her said voyage, and arrived in safety at her port of destination, and was proceeding on her return to this country with a full cargo, when she was wrecked near , and totally lost. And the said further alleged and humbly submitted, that the said , having sought and obtained security in this Court to the full amount of his share and interest in the said ship for her safe return to the port of , was by law bound to abstain from all interference in the concerns of the said ship, and from any act or acts whatsoever to the prejudice of the said ship or of his the said parties as part owners thereof, and is bound to indemnify his said parties for all such loss, costs, damages, salvage, demurrage and expenses as they have been put to, or have sustained by reason of such interference of him the said in the concerns of the said ship as aforesaid, and that by such the interference of the said in the concerns of the said ship and the aforesaid injunction obtained by him, great loss, costs, damages and expenses have been sustained and incurred by his said parties, and particularly by the loss of freight and passage-money, and for demurrage and salvage, with other expenses as aforesaid; and in verification of what he so alleged, the said craved leave to refer to certain affidavits now remaining in, and to others which he will bring into and leave in the Registry of this Court, and also to the acts and records of this Court. Wherefore the said prayed that the Worshipful the Judge will be pleased to refer to the Registrar and merchants, to inquire what loss, costs, damages, salvage, demurrage and expenses have been paid, sustained and incurred by his said parties, in consequence of such the interference of the said in the concerns of the said ship, and his having by the injunction by him obtained, prevented her proceeding to sea, and to report the amount thereof to this Court, and that such amount may be deducted from the aforesaid sum of , the amount of the aforesaid bail, now remaining in the Registry of this Court, and paid out to his said parties or for their use; and that the said may be condemned in the costs of this petition.

Reply.

In the presence of , Proctor for the said , the owner of parts or shares of the said ship or vessel , the party promoting this cause, dissenting and denying the allegations of the said , in great part to be true, and alleging that in the year , the said ship , being then newly built, his said party the said became the proprietors of parts or shares thereof, and thereupon by the appointment of the other owners thereof, took the command of the said ship; that between that period and the year he continued to command the said ship, and sailed in her three voyages from this country to and back, and became thoroughly acquainted with the state and condition of the said ship, her capabilities and imperfections; that in the month of , in the said year , the said ship being then in , his said party purchased from the other owners four more parts or shares therein, which he shortly afterwards, to wit, in the same month of , resold at the same price at which he had himself purchased them to the aforesaid , described in this cause as late commander of the said ship, and thereupon resigned the command of the said ship in favour of the said , without making any additional charge for such resignation as is usually done in such cases. And he further alleged, that it was expressly agreed and understood between the said and , that his the said 's party should thenceforth be the managing owner of the said ship, and that the said , in order to secure to the said such management thereof, should retain the aforesaid shares in his own hands, but notwithstanding such agreement the said immediately sold and transferred the said shares to , of , one of the parties in this cause; that shortly after such last-mentioned transfer of the said shares, which was kept secret from the said , the said ship proceeded on her voyage to , under the command of the said , and under the management of the said , and having performed the said voyage returned to , in or about the month of . And the said further alleged, that during that voyage last-mentioned the said , having written to his said party, as managing owner, to complain of a great deficiency in some of the provisions supplied to the said ship, which provisions had been purchased by his said party of the aforesaid , one of the parties in this cause, and who was the agent of the said , his said party on the return of the said to , was desirous of instituting an inquiry into the cause of the said complaint; that the said , upon learning that the provisions so complained of had been supplied by the said , refused

to afford the said any assistance or information whereby he might claim from the said an account of, and allowance for, the deficiency in the said provisions; that his said party then for the first time discovered that the said had transferred his said shares in the said ship to the said, as before-mentioned, and that the said had afterwards, while the said ship was on her said voyage, sold and transferred one of the said shares to the said; that his said party the said, persisting in his inquiries respecting the deficiency in the provisions supplied to the said ship as aforesaid, the said and thereupon came forward in their capacity of part owners of the said ship, and made various objections to the accounts of his said party, as managing owner of the said ship, during her said voyage; and the said admitted that the said accounts of his said party, as well as all matters in dispute between him and the said Messrs. and were subsequently, by consent of all parties, referred generally to arbitration, but he denied that upon such reference the decision was given in favour of the said and, for he expressly alleged that the arbitrators to whom such matters were referred by their award in writing, made and published under their respective hands, in or about the day of, gave their decision upon the only material point at issue between his said party and the said and, which related to the kentledge on board the said ship, wholly in favour of his said party, and ordered that the whole charge and expenses of their said award should be paid and borne by the said and. And the said further alleged, that the said and, having then recently purchased one other share of the said ship, and thereby became possessed of a majority of interest in the same, his said party for the purpose of avoiding the disputes which he foresaw would probably arise between himself and the said and in respect to the conduct and management of the said ship's concerns, made proposals to the said Messrs. and for the sale of his own shares to them or for the purchase by him of the shares of the said Messrs. and, at a price to be named by either party, or on any other terms by which the transfer of the whole of the said ship to either party might be amicably arranged, but the said Messrs. and constantly refused to accede to such arrangement. And the said further alleged, that the said and having without any consultation with his said party, made preparations for sending the said ship on a voyage to, and for that purpose having ordered considerable and expensive alterations to be made therein, his said party conceiving that his interest was likely to be prejudiced by such voyage, signified his dissent to such voyage to the said Messrs. and, but no attention having been paid by them to such notification of his dissent, his said party in the month of caused the said ship, her tackle, apparel and furniture to be arrested in this Court until bail should be given for the safe return thereof to the port of, in the sum of, the value thereof, being the sum at which his said party had offered to sell his said shares, and after the same rate to purchase the shares of the said Messrs. and, that such valuation having been admitted on behalf of Messrs. and, bail was accordingly given on the day of the said month of, and the said ship, her tackle, apparel and furniture were thereupon decreed to be released from such arrest; and the said admitted that upon the said ship being released from arrest as aforesaid, her sails were not on board of her, but were then in the custody of the said, of aforesaid, sailmaker, in whose storehouse the same had, as is usual on similar occasions, been deposited immediately on the return of the said vessel from her last voyage in the month of as aforesaid, for safe custody, and not with a view of offering any obstacle to the employment of the said vessel. And the said further admitted, that the said did on the occasion aforesaid refuse to deliver up the said sails without an order from his said party, the said, and that application was made to his said party to give such order to the said, and that his said party did at first decline to comply with such application for the reasons hereinafter alleged, and that a monition to the effect alleged by the said was extracted and served on his said party and the said, and that on or about the day of in the said year, the said sails were put on board the said ship, but the said expressly alleged that the said sails were so delivered up in virtue of an agreement entered into between him the said and the Proctor of the said Messrs. and, and that all proceedings upon the said monition should be abandoned, and that the costs of the said monition should be paid by the said Messrs. and. And the said further alleged, that shortly after bail had been given for the safe return of the said ship to, as aforesaid, information was given to his said party, the said, that the said Messrs. and were causing various expensive alterations to be made in and about the said ship, particularly by the erection of a poop, and the enlargement of the top-gallant fore-castle and the scuttles, which said alterations his said party was satisfied, from his knowledge of the

said ship acquired as aforesaid, were calculated materially to weaken the said ship, if not to render her unseaworthy, and at the same time that they were neglecting to make sundry repairs, especially as to her copper and caulking, of which the said ship stood in absolute need; that his said party did in consequence from time to time during the course of such alterations, and previous to the completing thereof, represent to the said Messrs. and , and to their agents, his objections to, and his apprehension of danger from the measures they were taking in respect to the said ship, and particularly by a letter bearing date on or about the day of , addressed to the said Messrs and , the said pointed out fully and specifically his objections to the same; that the said Messrs. and , having paid no attention whatever to such remonstrances of his said party, but on the contrary persisting in their intention of sending the said ship to sea with the alterations and without the repairs aforesaid, and consequently as his said party conceived in an unseaworthy state and condition, his said party in order to protect himself, as well from the legal liabilities which would attach to him as the registered owner of a vessel proceeding to sea in that condition, as from the charges and expenses incurred in and about the alterations made in the said ship, and from which he had dissented as aforesaid (against which liabilities and charges or expenses the security given to his said party in this Court aforesaid for the safe return of the said ship, afforded him no protection or indemnity whatsoever), did file his bill in the Court of Chancery against the said Messrs. and , wherein after setting forth the facts hereinbefore alleged on behalf of his said party, his said party prayed, "That the said and might answer the said bill, and that an account might be taken of the costs, charges and expenses incurred and sustained in the said alterations in the said ship, so done by the directions of the said and , and that they might be decreed to bear, pay, and sustain the whole of such costs, charges and expenses, and that an account might be taken of all others the debts, liabilities and engagements, which, under the circumstances in the said bill (and hereinbefore mentioned), were incurred, entered into, or contracted by the said and , as part owners of the said ship, and that they might be decreed to pay and discharge the whole of such debts, liabilities or engagements, or indemnify the said therefrom; and that in the mean time the said and , their agents and servants, might be restrained by the injunction of that Court from navigating, sending, chartering or freighting the said ship, from the port of to any other port or on any voyage whatsoever; and that they might also be restrained, as such part owners of the said ship, from contracting any debts or entering into any engagements or liabilities whatsoever." And the said further alleged that while his said party was preparing for such application to the Court of Chancery, he was required by the said Messrs. and to give an order to the said for the delivery of the sails of the said ship as aforesaid, and that his said party did, under the advice of Counsel, decline at such time to give such order, or personally to interfere in any manner between the said Messrs. and , and the said denied that any delay whatsoever was occasioned in the preparation of the said ship for her said intended voyage by the said refusing to deliver up the sails of the said ship as aforesaid; for he alleged that the said sails were put on board the said ship long before she was in readiness to proceed to sea, and that the said ship did not in fact get out of the into the river , until some time after the delivery of the said sails, to wit, on or about the day of following. And the said further alleged and admitted, that his said party having filed affidavits in support of the allegations contained in his said bill in the said Court of Chancery, in order to expedite the hearing of his complaint, and according to the practice of the said Court of Chancery, but in nowise irregularly, did on or about the day of apply for an injunction from the said Court, in the terms of the prayer of his aforesaid bill, and that the Court having heard the aforesaid affidavits and matters in the said bill, granted the said injunction. And the said further alleged, that the said injunction was thereupon served on the parties against whom the said was granted, with all possible expedition; and that he expressly denies that there was any unnecessary delay either in the application for a service of the said injunction, or that his said party had any other motive in the obtaining and serving the said injunction, than a due regard for the protection of his own interest; and the said admitted that on the of the said month of , the said Court, having heard affidavits on both sides and Counsel thereon, dissolved the said injunction. And the said further alleged, that the proceedings thenceforth had in this Court, and the security obtained thereon to the amount of his said party's interest in the said ship for her safe return as aforesaid, were, under the advice of Counsel, omitted to be stated as irrelevant to the said question in the said Court of Chancery, the proceedings therein having been instituted solely for the protection of his said party against the liabilities to which he might be exposed by sending the said ship to sea in the condition, and under the circumstances hereinbefore stated. against which the security given in this Court would afford no protection whatever, but he denies that the facts of such proceedings were suppressed in the said Court of Chancery, for he expressly alleged

that such facts were fully stated in the instructions given to his said party's Counsel in the said Court, and were repeatedly and distinctly stated and commented on in argument by the said Counsel, and were also frequently alluded to by the Court in the course of the said proceedings; and the said denied that his said party either previous to or during the said proceedings in the said Court of Chancery, or at any other time, circulated any report or made any representation that the said ship was unseaworthy and unfit for the voyage on which it was proposed to send her, for the purpose of inducing persons who had engaged for their passage not to sail in the said ship, or of inducing persons who had proposed to make shipments of goods by the said ship to withdraw or decline making the same, or that his said party gave any publicity whatever to the proceedings which he had so adopted in the said Court of Chancery; on the contrary, the said alleged, that in consequence of certain erroneous reports and misstatements appearing in the public newspapers, relative to the said proceedings in the Court of Chancery, his said party was applied to by various persons in respect to the condition and seaworthiness of the said ship, upon all which occasions his said party most studiously forebore any expression whatever of his opinion, as to the condition of the said ship; and the said admitted that his said party, after the said ship had left the dock-yard in which she had been altered as aforesaid, to wit, on or about the day of aforesaid, did apply to two surveyors in the employ of the underwriters at , as the most competent persons for that purpose, to inspect the said ship, and to report to his said party her state and condition; but the said denied that his said party ever proposed to, or endeavoured to prevail on the said surveyors, or any other surveyors, or persons, to report the said ship, contrary to their real opinion, to be unseaworthy. And the said further expressly alleged, that the said surveyors having inspected the said ship, did make a verbal report to his said party, and frequently repeated the same in the presence of other persons, that the said ship was not in a proper state to proceed upon the said intended voyage; but the said admitted that, upon his said party applying to the said two surveyors, while the proceedings in the said Court of Chancery were pending, to verify such their report by affidavit, the said surveyors did decline so to do, but alleged as their reason for so declining, that it was not consistent with their official situations to give such evidence until required so to do by some Court of competent jurisdiction; and the said denied that his said party was, save as aforesaid, ever refused such report by such surveyors. And the said further alleged, that the said ship sailed from on or about the day of , in the said year , in the prosecution of her said intended voyage, and on the day next following, having sustained some damage, she put back into to repair; and he expressly alleged, that on the said ship being examined for the purpose of such repair, the very repairs to the copper and caulking of the said ship, the omission of which formed one of the principal grounds of his said party's objections to the said ship proceeding to sea, and of the aforesaid application to the Court of Chancery consequent thereon, were found absolutely necessary to be done before the said ship could safely proceed further on her said voyage, and that such repairs were made accordingly, and formed by far the greater part of the expense of repairing the said ship. And the said further alleged, that the said ship having received such repairs, duly completed her said voyage outward, but on her return voyage, she on the day of in the last year went on shore off , where she shortly afterwards went to pieces and was entirely lost. And the said further alleged, that upon the said and giving the security in this Court for the amount of his said party's shares in the said ship as aforesaid, or previous to the said ship proceeding to sea on her last-mentioned voyage, the said and caused an insurance to be effected upon the said ship to the full value of his said party's shares therein. And the said further alleged, that shortly after the intelligence of the loss of the said ship had been received in , to wit, in the month of last, his said party made application by letter, and by his agent to the said , (the said being then in ,) on the subject of the money which had become payable under the security granted to his said party by this Court; that on such application being so made to the said , he the said never objected to any of the proceedings taken by his said party in the Court of Chancery as aforesaid, nor complained of any loss sustained in consequence thereof, but on the contrary fully recognized and admitted the liability of himself and the said in respect to the said security, and merely requested his said party to refrain from urging immediate payment of the said money, at one time alleging that the said was absent in , and at another time that the said had not yet arrived from , but promised that as soon as the said and had arrived, and the said Messrs. and had settled with the underwriters for their insurances on the said ship, the claim of his said party in respect to the said security should be immediately discharged. And the said further alleged, that his said party in consequence of such the request and promise of the said refrained at such time from taking any proceedings in this Court to enforce the payment of the sum for which security had been given as aforesaid, but finding in the month of following that the

and had then been respectively for some time in this country, and that no steps were taken or proposed by the said and for the settlement of his said claim, and the said further alleged that the said and not having named any time when they would come to a settlement with his said party, his said party did at length, on or about the day of last, move this Court to grant its monition against the said Messrs. and given as aforesaid or to show cause to the contrary, which monition the Worshipful the Judge of this Court having been pleased to grant, the same was extracted and duly served on the said and on and the sureties of the said Messrs. and in the recognizance aforesaid; and the said further alleged that the said Messrs. and have since the issuing of the said monition received from the underwriters with whom they effected their insurance as aforesaid the sum insured on account of his said party's shares in the said ship, but notwithstanding their repeated promises as aforesaid to settle with his said party so soon as the insurance should be received by them, they now refuse to pay to his said party the amount of the security into which they had entered and which has become due as aforesaid, on the grounds hereinbefore alleged by the said. And the said further alleged, that shortly after the passengers who had taken their passage homeward on board the said ship had arrived in this country after the loss of the said ship as aforesaid, to wit, on or about the day of last, an action was commenced in His Majesty's Court of against the said's party and the said, as two of the owners of the said ship, for the purpose of recovering from them the sum of, as the amount of certain expenses which the said had incurred at, and for passage from thence to, in consequence of the loss of the said ship through the negligence and improper conduct of her captain the said, and the said action having come on to be tried on the day of last, before the Chief Justice of the said Court of, a verdict was found for the said for the sum of and costs, which costs have since been taxed at the sum of. And the said further alleged, that after the verdict in the action last mentioned, to wit, on or about the day of last, actions were commenced against his said party the said, jointly with the said and, by seven other persons who had been also passengers on board the said ship from, to this country for the purpose of recovering from his said party and the said Messrs. and the amount of the expenses which they respectively incurred at, and in their passage home from thence, in consequence of the said ship having been so lost as aforesaid, and such actions are respectively now pending, and many other persons have threatened to bring actions of a similar nature against his said party; and the said further alleged that it is competent for the said, and also for the said other persons, should they recover verdicts in their said actions, to sue out and proceed to levy execution against his the said's party alone, if they should think proper so to do, by reason whereof his said party is now exposed to considerable danger both in property and person. And the said further alleged and humbly submitted, that his said party was under the circumstances fully justified in instituting the aforesaid proceedings in the Court of Chancery for his protection against liabilities to which the security granted by this Court did not extend; and that his said party ought not to be denied the benefit of such security on the grounds alleged and submitted by the said; and the said denied that the said and have sustained any such loss, costs, damages, salvage, demurrage and expenses as are alleged by the said to have been sustained by them by reason of any interference of his said party in the concerns of the said ship, or by the proceedings adopted by his said party or the injunction obtained by him in the Court of Chancery as aforesaid, but the said submitted that if the said and have sustained any loss or expense by the interference of his said party, they the said and have a full and adequate remedy against his said party in His Majesty's Courts of Common Law, to which Courts and not to this Court they ought to apply, and in which Court the said expressly alleged that the said and did in fact through their solicitor, on or about the day of, shortly after the dissolution of the injunction obtained by his said party in the Court of Chancery as aforesaid, threaten to bring an action against his said party; and in verification of what he so alleged, the said craved leave to refer to certain affidavits and exhibits to be brought into and left in the Registry of this Court, and also to the acts and records of this Court; wherefore the said prayed that the Right Honourable the Judge would be pleased to overrule the objections of the to reject the said petition and to decree the said sum of pounds by the said brought into and now remaining in the

Registry of this Court as the amount or value of the shares of his said party in the said ship, in respect of which the said bail was given in this Court as aforesaid, to be paid out to his the said party or for his use, and that the said , and , may be condemned in the costs of this petition and of the monition served upon them and upon the said and their sureties as aforesaid.

Rejoinder.

In the presence of , dissenting and denying the allegations of , in great part, to be true or relevant, and further alleging that in the month of in the year , when the said purchased parts or shares of the said ship from the said , his the said party, it was known to him the said , that such shares were to be paid for by the said , one of his said parties, and that they were in fact purchased for him; neither was there any stipulation or understanding whatever between the said party and the said , that the said should retain the said shares in his own name, but it was understood and agreed that the said should continue the management of the said ship. And the said further alleged, that the statement of the said , as to the complaints respecting the supply of provisions, is not true, and wholly irrelevant to this proceeding, and therefore he declines to answer the same in detail; and the said expressly denied that the arbitrators to whom the accounts of the said were referred, by their award, dated the day of , gave their decision in favour of the said , or that the question of the , on board the said ship, was the only material point at issue so referred, as alleged by , for, on the contrary, the whole of the accounts of the said were so referred, and the said arbitrators, by such their award, found that there was due to the owners of the said ship, from the said , a sum of pounds and upwards, besides a further sum to the said , and a proportionate part of which sum he actually paid to his the said parties, and such further sum to the said , beside a moiety of the costs of the said award, the said arbitrators awarding only to the said a sum of money for the hire of the kentledge on board the said ship. And the said further alleged, that although his said parties for the reasons aforesaid determined to take to themselves the management of the said ship, they proposed only employing her in the same service in which she had been employed under the command and management of the said ; and his said parties had therefore good reason for believing that the objections urged by him were not to the voyage upon which they proposed to send the said ship, but to her proceeding under the management of his said parties upon any voyage whatever; and the said admitted that his said parties did not alter the destination of the said ship in consequence of representations of the said , from a conviction that such representations were unfounded, and in consequence of such refusal the said sought and obtained the protection of this Court to the full amount of his share and interest in the said ship by the bail aforesaid. And the said further alleged, that from the time when his said parties so took upon themselves the management of the said ship, and notwithstanding the said had obtained security to the full extent of his interest in the said ship, he the said proceeded to harass his said parties, and to use every possible means to prevent them from employing the said ship beneficially; and they were as aforesaid obliged to apply to this Court to compel the delivery of the sails unlawfully withheld, in contempt of the decree of this Court for the release of the said ship, her tackle, apparel, and furniture, from her arrest by the said party; and they the said parties not having received any information whatever that any further proceeding was then actually in progress against the said ship in any other Court, to prevent her proceeding to sea, did by their Proctor consent to receive the said sails without insisting upon an appearance to the said monition, and paying costs against the said . And the said further alleged, that in order to render the said ship in a fit state to undertake the voyage aforesaid, various repairs were necessary to be done; and for the purpose of such repairs she was placed in the dock of , of ship-builders, and a minute inspection and examination of the said ship, and particularly of her bottom, were made, and the repairs found necessary were done and performed by them; and no repairs were made or undertaken but such as were essential and necessary to enable her to perform the voyage upon which she was then about to proceed. And the said further alleged, that certain alterations having been recommended by experienced ship-builders to be made to the said ship, the old fore-castle was taken away and replaced by another of a size usual for ships of the same class, and a poop was also added, such alterations contributing not only to the comfort of the passengers, but to the security of the ship; that the scuttles were also enlarged, but to the size only of those usually made in ships of her class, which, so far from injuring the said ship, was of benefit to her, and did not in any degree whatever diminish her strength or security; and that the so placing a poop on the said ship was an alteration originally suggested by his the said party himself, as being one

that would be of great advantage to her, and which she was perfectly competent to bear, as he several times declared. And the said expressly alleged, that when the said ship left the dock-yard of the said she was in the best condition, and fit for a voyage to any part of the world; that in the examination which as aforesaid took place previous to the said ship's undergoing the said repairs, the condition of her bottom was more particularly, strictly, and minutely ascertained under the personal inspection of, one of the partners in the said dock-yard, and the same was found to be perfectly sound and good. And the said further alleged, that the repairs which were found necessary and done to the said ship, after she had suffered damage at sea on the day next following that on which she sailed from, as aforesaid, were solely in consequence of the damage she then sustained by striking upon when heavily laden, whereby she made much water; and it was found necessary, in order to ascertain the extent of the damage, to strip off the copper, when it appeared that the said ship's bottom was in a perfectly sound state and condition, save so far as it had received injury by striking the ground as aforesaid. And the said expressly denied that on the arrival of the intelligence of the loss of the said ship, his party the said, proposed or promised to discharge the said bond without seeking to obtain from the said indemnity for the loss and damage himself and the said had sustained by his unlawfully interfering with the said ship, and restraining her from proceeding to sea as aforesaid, but on the contrary stated by his Proctor to the Proctor of the said, that his parties did consider themselves so entitled, but would be willing to refer their claims to the arbitration of indifferent persons to be chosen for that purpose, and which proposal was not accepted by the said, and the said denied that the said, one of his said parties, was in in the month of, as alleged by, for on the contrary, he the said, at the time when the intelligence of the loss of the said ship first reached this country, was in, and proceeded from thence direct to, from whence he did not return to, until early in the month of, last, until which time the said, by reason of such his absence, had not the means of conferring with him the said with respect to the claim of the said party; that very soon after the arrival of the said in he, together with the said, advised with Counsel respecting the adjustment of the claim of the said's party, and the indemnity to which they were entitled, and thereupon a letter to that effect was written to the Proctor of the said, that the proposition contained in the said letter was rejected by or on behalf of the said, and accordingly the sum of pounds, the amount of the said bail, was on the day of the said month of paid into the Registry of this Court, subject to the decree or order to be made in this cause. And the said further alleged and humbly submitted, that from the time when the said declared in this Court that he objected to the employment of the said ship by his the said parties, and obtained security as aforesaid, he was thereby, and from that time discharged from all responsibility whatever touching the said ship on the acts of his said parties, or from any debts incurred by them on account of the said ship upon the voyage upon which she was then about to proceed, and from all losses and damages which might or have arisen in consequence of the loss of the said ship, and has at his own desire (although the same was not necessary to his protection and security) been fully and amply indemnified therefrom by his the said parties; and the said further humbly submitted, that until his the said party was legally called upon to discharge any debt or debts incurred for the outfit of the said ship, he was not justified in doing any act whatever to the prejudice of his said parties in the concerns of the said ship, or to interfere therein, or prevent the said ship proceeding to sea as aforesaid; and the said lastly alleged and humbly submitted, that as against the said party, his said parties as part owners of the said ship were and are without relief at law or otherwise touching the injury aforesaid done to them by the said by such his interference in the concerns of the said ship, and the losses they have sustained thereby, save in this Court; wherefore the said alleged and prayed as before.

Conclusion.

In the presence of, dissenting and alleging and praying as before; whereupon the Right Honourable the Judge assigned to hear on Petition of both Proctors whensoever.

(Signed)
(Signed)

No. 149.

FORM of MINUTE or Act of Court assigning Defendant to bring in Mariner's Contract and Ship's Books, and the Plaintiff to Libel, in a Cause of Subtraction of Wages.

THE Judge at petition of _____, assigned _____ day of _____, present _____'s party, to bring in the mariner's contract and ship's books by the _____ day of _____, present _____, to libel by the same time. _____

Insert names of Ship and Master.
Insert name of Promoter's Proctor.
Insert Defendant's Proctor's name.

No. 150.

FORM of AFFIDAVIT to precede Warrant of Arrest against the Master of a Ship for Contempt in not striking Topsails to His Majesty's Ship of War, in breach of the Regulations and Instructions relating to His Majesty's Service at Sea.

In the Vice-Admiralty Court of _____

Appeared personally _____ senior lieutenant and _____ midshipman of His Majesty's ship _____, commander, and made oath, that on the evening of the _____ day of _____, the deponents being on board His Majesty's said ship _____, then in the harbour of _____, observed a merchant schooner fast approaching His Majesty's said ship without lowering or striking her royal, being the uppermost sail which the said schooner was then carrying, and which it was her duty to have done; that the deponent, the said _____, agreeably to the regulations and instructions relating to His Majesty's service at sea, hailed the said schooner, and ordered the master or commander thereof to lower her royal, but such orders were not complied with, and the said schooner passed by His Majesty's said ship without lowering or striking her royal; and he further saith, that in consequence of such the conduct of the said schooner he ordered his fellow deponent _____ to go on board the said schooner, and require her to heave-to, in order that he might ascertain the name of the said schooner, the name of her master, the port to which she belonged, and the voyage on which she was bound, that the conduct of the said master might be reported as required by the aforesaid regulations; and the deponent, the said _____, for himself saith, that in obedience to the above deposed orders of the said _____, he proceeded in a boat to the said schooner and ordered her to heave-to, but the master thereof refused to comply, and instead of obeying the order of the deponent said, that if the admiral himself was on board His Majesty's said ship he would not heave-to, and made all sail to get out of the harbour; that the deponent ascertained and verily believes that the name of the said schooner was the _____, of _____, and the deponents, the said _____, and _____, jointly make oath and say, that the said schooner sailed out of the said harbour, and that the name of the said master is _____, who was on board the said schooner at the time, and that _____, of _____, is the owner of the said schooner, and that she was bound from _____, to _____.

Insert names of Ship and Master.

Or as the facts may be

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

No. 151.

FORM of ARTICLES or LIBEL against the Master of a Ship for Contempt in not striking Topsails when passing any one or more of His Majesty's Ships of War, in breach of the Regulations and Instructions relating to His Majesty's Service at Sea.

In the Vice-Admiralty Court of _____

We _____, Judge and Commissary of His Majesty's Vice-Admiralty Court of _____, lawfully constituted and appointed, do, by virtue of our office, article _____ and object to you _____, now or late master of the merchant ship or vessel called the _____, of _____, all and singular the articles, charges, and interrogatories following, concerning your offences, crimes, and delicts hereafter particularly set forth, to wit :—

Insert date.

First. We article and object that you the said _____, being a subject of the Crown of the United Kingdom of Great Britain and Ireland, were in the month of _____ master or commander of a certain merchant ship called _____, of _____, then belonging to and in the service of a person or divers persons, a subject or subjects of our Sovereign Lord the King, and that by the laws and constitution of the said United Kingdom you do as such owe allegiance to our Sovereign Lord William the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and so forth, and all duty and obedience to his said Majesty, and to the laws and usages of the said United Kingdom, and to all such regulations and instructions as are or shall be made and established by His Majesty in Council, and more especially to all such as relate to His Majesty's service at sea; and this was and is true, public, and notorious, and was and is well known to you the said _____, and so much you have often publicly declared and confessed to be true, and we do article and object everything herein contained, jointly and severally.

Second. We article and object that by the laws and usages of the said United Kingdom all merchant ships or vessels, when in the presence of or passing any of His Majesty's ships or vessels, are bound to strike their topsails or the loftiest or uppermost sail they are then carrying, and that in and by the 25th article of the regulations and instructions relating to His Majesty's service at sea, under the title or head of Salutes, established by His Majesty in Council, it is contained and ordered as follows, to wit—"If any of His Majesty's subjects shall so far forget their duty as to attempt to pass any of His Majesty's ships without striking their topsails, the names of the ship and the master, the port to which they belong, the place from which they came, and that to which they are bound, together with affidavits of the fact, are to be sent to the Secretary of the Admiralty, in order to their being proceeded against in the Admiralty Court." And this was and is true, public, and notorious, and we article and object as before.

Third. We article and object that on or about the _____ day of _____, in the year of our Lord _____, you the said _____, being in and with your said ship the _____, of _____, and your officers and mariners in the same, in or near the road or harbour of _____, and upon the high and open sea, and within the jurisdiction of the Vice-Admiralty Court of _____, near unto and within sight of His Majesty's ship of war called _____, whereof _____ Esquire, then was and now is commander, you the said _____ did in open and manifest violation of the laws and usages of the said United Kingdom, and of His Majesty's said regulations and instructions, and in great contempt of His Majesty's authority, and of the right of sovereignty of the King, his Crown and Dignity, presume to pass and actually did pass His Majesty's said ship _____ without lowering or striking the topsail or uppermost or loftiest sail, which the said ship or vessel was then carrying; and this was and is true, public, and notorious, and we article and object as before.

Fourth. We article and object that all and singular the premises were and are true, and of which legal proof being made, you the said _____ ought for such your offences to be punished or corrected by this Court, and condemned in the costs of this suit.

To be signed by
Counsel.

No. 152.

FORM of MINUTE or Act of Court as to alleging and agreeing value of Property proceeded against in a Cause of Salvage when Bail has been given to the Action.

Insert names of Ship
and Master.

BOTH Proctors alleged and admitted the ship to be of the value of _____, and the cargo to be of the value of _____

No. 153.

FORM of DECREE of Appraisement.

Or as the fact may be. WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____ Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of salvage, civil and maritime, moved and prosecuted before him in our said Court, on behalf of _____, the master, and the owners and crew of the smack _____, of _____, against the ship or vessel called the _____, (whereof _____ now is or lately was master), her tackle, apparel, and furniture, and the cargo laden on board the same, rightly and duly proceeding on the day of the date hereof, at the petition of the Proctor of the said _____, directed a decree to issue for the appraisement of the said ship, her tackle, apparel, and furniture, and the goods, wares and merchandizes laden on board the same (justice so requiring); We do

therefore, by these presents, authorize and empower you, jointly and severally, and do strictly charge and command you that you fail not to reduce into writing a full, true, and perfect inventory of the said ship or vessel, her tackle, apparel, and furniture, and the goods, wares, and merchandizes laden on board the same, and that you choose *one* good and lawful person, well experienced in such affairs, and swear him faithfully and justly to appraise the same according to their true values, and that you so appraise and value or cause the same to be so appraised and valued, and the appraisement being taken, that you duly transmit the same subscribed by you and the said appraiser to our aforesaid Judge of our said Court or his Surrogate, together with these presents. Given at in our aforesaid Court, under the seal thereof, the day of in the year of our Lord, and of our reign the

Or two if necessary.

(Signed)

(L.S.)

Registrar.

No. 154.

FORM of AFFIDAVIT to precede Warrant of Arrest in a cause of Possession.

In the Vice-Admiralty Court of

Appeared personally, of, and made oath that he is the true and lawful owner and proprietor of parts or shares of the said ship or vessel called the, whereof is at present master; that, of, is the owner of the remaining parts or shares of the said ship or vessel, and now holds the possession thereof; that he this deponent is much *dissatisfied* with the present control and management of the said ship by the said, and is desirous of obtaining possession thereof by the authority of this Court; and he further made oath that the register of, and belonging to the said ship, is in the hands, possession, or control of
On the day of the said } (Signed)
was duly sworn to the truth of this affidavit.
Before me,
(Signed)

Insert names of Ship and Master.

Insert number of shares, which must be a majority.
Insert number of shares.
If the fact be so.

No. 155.

FORM of MINUTE decreeing Warrant of Arrest in a Cause of Possession.

exhibited for, and alleged him to be the owner of parts or shares of the said ship or vessel, and brought in attestation in verification thereof, and prayed, and the Judge at his petition, having heard the said attestation read on motion of Counsel, decreed the usual warrant to arrest the said ship or vessel in a cause of possession, civil and maritime; then alleged the register of, and belonging to the said ship, to be in the hands, possession or control of, of, and prayed, and the Judge at his further petition decreed a monition against the said to bring into the Registry of this Court the said ship's register within six days after service thereof.

Insert names of Ship and Master.
Insert Proctor's name.

Or "Surrogate," as the fact may be.

No. 156.

FORM of DECREE of Possession of a Ship.

WILLIAM the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To, gentleman, Marshal of our Vice-Admiralty Court of, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause or business, civil and maritime, moved and prosecuted before him in our said Court, on behalf of, the owner of parts or shares of the ship or vessel called the, against the said ship, her tackle, apparel, and furniture, and against, the owner of parts or shares of the said ship or vessel, in special and all others in general, rightly and duly proceeding on the day of the date hereof, by his interlocutory decree, at the petition of the Proctor of the said, and on motion of Counsel, decreed the possession of the said ship or vessel the to be delivered to the said, owner of parts or shares thereof, and having the majority of interest therein, or to his lawful attorney for his use; and at the further petition of the Proctor of the said, alleging that is in possession of the register of and belonging to the said ship or vessel the, decreed a monition to issue against him, to deliver up the same unto

Insert Promoter's name.
Insert Defendant's name.

the said (justice so requiring); We do therefore by these presents authorize and empower you, jointly and severally, and do strictly charge and command you to release the said ship or vessel the , her tackle, apparel, and furniture from the arrest made in this behalf, and to deliver the possession thereof to the said , owner of parts or shares thereof, and having the majority of interest therein, or to his lawful attorney for his use, and hereof fail not. Given at in our aforesaid Court, under the seal thereof, the day of , in the year of our Lord , and of our reign the

(Signed) (L.S.) Registrar.

No. 157.

FORM of MONITION in a Cause of Possession to bring into the Registry of the Court the Register of a Ship.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To , gentleman, Marshal of our Vice-Admiralty Court of , and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful , Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause of possession, civil and maritime, moved and prosecuted before him in our said Court, on behalf of of , the owner of parts or shares of the ship or vessel called the (whereof now is or lately was master), against the said ship or vessel, her tackle, apparel and furniture, and also against all persons in general, having or pretending to have any right, title, or interest therein, rightly and duly proceeding on the day of the date hereof, at the petition of the Proctor of the said alleging the register of and belonging to the said ship or vessel to be in the custody, possession or power of , of , decreed a monition to issue against the said to the effect and in manner and form hereinafter expressed (justice so requiring); We do therefore strictly charge and command you, jointly and severally, that you admit not by reason of any liberty or franchise, but that you monish and cite or cause to be monished and cited, peremptorily and personally, the said , whom also we monish and cite, by virtue of these presents, to appear before Us or our aforesaid Judge, or his Surrogate, in the Registry of our said Court, situated , on the sixth day after he shall have been served with these presents, between the hours of and in the of such day, then and there to shew good and sufficient cause (if he have or know any) concludent in law, why he should not bring into and leave, or cause to be brought into and left in the Registry of our aforesaid Court, the register of and belonging to the said ship or vessel , and further to do and receive in this behalf as to justice shall appertain, under pain of the law and the peril which will fall thereon; and that you duly certify our aforesaid Judge or his Surrogate what you shall do in the premises, together with these presents. Given at in our aforesaid Court, under the seal thereof, the day of in the year of our Lord , and of our reign the

(Signed) (L.S.) Registrar.

No. 158.

FORM of MONITION in a Cause of Possession to deliver up Ship's Registers.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To , gentleman, Marshal of our Vice-Admiralty Court of , and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful , Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause or business, civil and maritime, moved and prosecuted before him in our said Court, on behalf of , owner of parts or shares of the ship or vessel called the , against the said ship, her tackle, apparel and furniture, and against , the owner parts or shares of the said ship or vessel , in special and all others in general, rightly and duly proceeding on the day of the date hereof, by his interlocutory decree, at the petition of the Proctor of the said , and on motion of Counsel, decreed the possession of the said ship to be delivered up to the said owner of parts or shares thereof, as having the majority of interest therein, or to his lawful attorney, for his use; and at the further petition of the Proctor of the said alleging that the said and , the said master, or one of them, are in possession of the register of and belonging to the ship or vessel , and exhibiting an attestation of in verification of what he so alleged, decreed a monition to issue against them, to deliver up the same to the said , or to his said attorney; We do therefore by these presents authorize and empower you, jointly and severally, and do strictly

charge and command you, that you omit not by reason of any liberty or franchise, but that you monish or cause to be monished, peremptorily and personally, the said , and to deliver up the register of and belonging to the said ship or vessel unto the said , or to his lawful attorney, immediately after the execution of these presents upon them the said , and , under pain of the law and the peril which will fall thereon; and that you duly certify Us or our aforesaid Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at , in our aforesaid Court, under the seal thereof, the day of , in the year of our Lord , and of our reign the

(Signed) (L.S.) Registrar.

No. 159.

FORM of AFFIDAVIT to lead Warrant for the Arrest of a Ship, in order to obtain Bail for the safe Return thereof.

IN the Vice-Admiralty Court of

Insert names of Ship and Master.

Appeared personally of , and made oath that he is the lawful owner of twenty-two sixty-fourth parts or shares of or in the said ship or vessel called the , belonging to the port of , whereof the said is master, her tackle, apparel and furniture, and that , of , is the owner of the remaining forty-two sixty-fourth parts or shares of the said ship or vessel; that the said has taken upon himself the control and management of the said ship, and has employed her greatly to the detriment and disadvantage of the interest which this deponent hath therein; and the said further made oath that the twenty-two sixty-fourth parts or shares of the said ship or vessel belonging to this deponent are, as he believes, of the value of , or thereabouts, and that for the security of such this deponent's interest he is desirous that the said ship should be restrained from proceeding to sea until good and sufficient security be first given by and on behalf of the said , for the safe return of the said ship to the said port of , being the port to which she belongs, to the amount of the value or interest which this deponent hath therein, and that the aid and process of this Court is required to enforce the same.

The Bail may be given to return to a port, not the port of Registry, if so agreed on between the parties, or in case of dispute, if so ordered by the Judge.

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

No. 160.

FORM of MINUTE or Act of Court decreeing Warrant for the Arrest of a Ship to obtain Bail for the safe Return thereof.

Insert names of Ship and Master.
 Insert Proctor's name.

exhibited for and brought in attestation of , ship-owner; and alleged him to be the owner of parts or shares of the said ship or vessel, and prayed; and the Judge at his petition, having heard the said attestation read on motion of Counsel, decreed the usual warrant to arrest the said ship or vessel until bail shall have been given for the safe return thereof to the port of , being the port to which the same belongs, to the full amount of the value of parties' interest therein.

Or "Surrogate."
 Insert Proctor's name.

No. 161.

FORM of BAIL BOND to answer the safe Return of a Ship.

ON , the day of , before the Worshipful , Judge of the Vice-Admiralty Court of , in his chambers, situated Present, (Signed) Registrar.

Insert names of Ship and Master.
 Insert Proctor's name.

appeared to the action for , of , owner of forty-two sixty-fourth parts or shares of the said ship or vessel , and produced as sureties , of , and , who submitting themselves to the jurisdiction of the Vice-Admiralty Court of , bound themselves, their heirs, executors, and administrators for the said , in the sum of of lawful money of , unto owner of twenty-two sixty-fourth parts or shares of the said

Or "Surrogate," as
the fact may be.

Registrar to insert
name of Proctor of the
Promoter.

ship or vessel, her tackle, apparel and furniture, for the safe return thereof to the port of _____, being the port to which the same belongs, to the full amount of the value of the shares or interest of the said _____ therein, and likewise to pay what shall be adjudged, with expenses; and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of _____, before-mentioned; which caution the said *Judge* received on the report of _____, Marshal of this Court, as to the sufficiency of the said sureties.

Present,

(Signed)

(Signed)

No. 162.

FORM of MONITION against the Part Owner of a Ship and his Bail to bring in the Amount of the Bond given for the safe Return thereof.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas the Worshipful Judge and Commissary of our said Court, lawfully constituted and appointed, rightly and duly proceeding in a certain cause or business, civil and maritime, promoted and brought by _____ of _____, the owner of _____ parts or shares of the ship or vessel called the _____ (whereof _____ then or late was master), against the said ship or vessel, her tackle, apparel, and furniture, and also against _____, the owner of _____ parts or shares of the said ship or vessel, intervening and giving bail for the safe return of the said ship or vessel to the port of _____; and whereas, by certain attestations brought into and now remaining in the Registry of our said Court, it appears that the said ship or vessel was on the _____ day of _____ lost at sea, and hath not returned to the port of _____, according to the tenor of the said bail, hath at the petition of the Proctor of the said _____ decreed _____, the owner of the said _____ parts or shares of the said ship or vessel; and also _____ of _____, and _____, of _____, the said bail given on his behalf, to be monished to the effect, and in manner and form hereinafter mentioned (justice so requiring): We do therefore strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish or cause to be monished, peremptorily and personally, the said _____, and _____, and _____, whom also we monish by virtue of these presents, that they appear in the Registry of our said Court, situated _____, on the sixth day after they shall have been served with these presents, between the hours of _____ and _____, then and there to show good and sufficient cause, if they have or know any, concludent in law why they should not bring into the Registry of our said Vice-Admiralty Court, the sum of _____ of lawful money of _____, the amount of the bail so given; and further to do and receive as unto justice shall appertain in this behalf, under pain of the law and the peril which will fall thereon; and that you duly certify our aforesaid Judge or his Surrogate what you shall do in the premises, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

(Signed) (L.S.) Registrar.

No. 163.

FORM of MINUTE of Court decreeing Monition to shew Cause why Property proceeded against as Derelict should not be condemned.

OUR Sovereign Lord the King in his office of Admiralty against

Insert description of
property proceeded
against.

In pain of parties cited and not appearing, _____ alleged the warrant to have been returned upwards of three months, whereupon the Judge at his petition decreed a monition to issue against all persons in general to appear and show cause why the said ship and goods should not, at the expiration of a year and a day from the return of the said warrant, be condemned as droits and perquisites of Hi Majesty in his office of Admiralty.



No. 164.

FORM of MONITION against all Persons in general to show Cause why Property proceeded against as Derelict should not be condemned to His Majesty in his Office of Admiralty.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain business, moved and prosecuted before him in our said Court on our behalf, in our office of Admiralty, against _____, found upon the high sea, and since brought to within the jurisdiction of our said Court, as being goods derelict, flotzon, jetzon or lagon, and against all persons in general who have or pretend to have any right, title or interest therein, rightly and duly proceeding at the petition of the Proctor on our behalf, in our office of Admiralty, alleging that the said _____ were some time since found and taken upon the high and open sea, and since brought to _____, aforesaid, within the jurisdiction of our said Court, and that the same have been arrested by virtue of a warrant issued under seal of our said Court as being goods derelict, flotzon, jetzon or lagon, and as such droits and perquisites of Us in our office of Admiralty, and that all persons in general who have or pretend to have any right, title or interest in the said _____ have been cited by virtue of the said warrant, to appear and intervene for their interest therein, and that the said warrant was on the _____ day of _____ duly returned into the Registry of our said Court, with a certificate of the service thereof endorsed thereon, and that notwithstanding the lapse of upwards of three months from the period of such return of the said warrant no person hath yet appeared to claim the said _____, and further alleging, that by law all goods found derelict, flotzon, jetzon or lagon by our subjects in or upon the high sea, do of right appertain to Us in our said office of Admiralty; and moreover, that the said _____ were found and taken floating in and upon the high sea, and since brought to _____ aforesaid, within the jurisdiction of our said Vice-Admiralty Court, did decree all persons in general who have or pretend to have any right, title, or interest in the said _____, to be monished, cited and called to judgment at the time and place underwritten, and to the effect hereinafter mentioned (justice so requiring); We do therefore hereby strictly charge and command you, jointly and severally, that you omit not, but that by affixing these presents upon some conspicuous part of the Exchange (or place of common resort of merchants), in the town of _____, in our colony of _____, at the usual time of public resort thither you do monish and cite, or cause to be monished and cited peremptorily, all persons in general who have or pretend to have any right, title, or interest in the said _____, to appear before Us or our aforesaid Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated _____, within the hours of _____ and _____ of any day after service of these presents, within a year and a day from the _____ day of _____, being the date of the return of the said warrant, then and there to shew and allege, in due form of law, a reasonable and lawful cause, if any they have, why the said _____ should not be adjudged and condemned to us as goods flotzon, jetzon, lagon or derelict, and taken for derelict and found upon the high sea, and as such rights and perquisites of Us in our said office of Admiralty, and to be accounted among the said rights and perquisites, and further to do in this behalf as to justice shall appertain; and that you intimate moreover, or cause to be intimated peremptorily unto all persons in general aforesaid, to whom we, by the tenor of these presents intimate, that if they do not appear at the time and place above-mentioned, or appearing, do not shew a reasonable and lawful cause to the contrary, our aforesaid Judge or his Surrogate doth intend, and will proceed to the adjudging and condemning the said _____, to Us as goods flotzon, jetzon, lagon or derelict, and found upon the high sea, and as such rights and perquisites of Us in our office of Admiralty, and to be accounted among other the said rights, the absence or rather contumacy of the persons so cited and intimated in any wise notwithstanding; and that you duly certify Us, or our aforesaid Judge or his Surrogate, what you shall do in the premises, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

(Signed)

(L.S.)

Registrar.

Describe the Ship and Goods proceeded against.

Describe Ship and Goods proceeded against.

Add "Or the proceeds thereof," if sold.

Or "Court-House of oursaid Vice-Admiralty Court," or other place according to the usage of the Colony.

Add "Or the proceeds thereof," if sold.

Add "Or the proceeds thereof," if sold.

Add "Or the proceeds thereof," if sold.

No. 165.

FORM of SENTENCE of Condemnation of Property proceeded against as Derelict to Our Sovereign Lord the King in his Office of Admiralty.

OUR Sovereign Lord the King in his office of Admiralty against a ship or vessel name unknown, supposed to be called the _____, her tackle, apparel, and furniture, and the goods, wares and merchandizes therein laden, found on the high sea and since brought to _____, within the jurisdiction of the Vice-Admiralty Court of _____, as being a ship and goods derelict, flotzon, jetzon or lagon, and as such rights and perquisites of our Sovereign Lord the King in his office of Admiralty, and against all persons in general having or pretending to have any right, title, or interest therein.

In pain of parties cited not appearing, we _____, Judge and Commissary of His Majesty's Vice-admiralty Court of _____, lawfully constituted and appointed, rightly and duly proceeding in a cause prosecuted before us in the said Court, on behalf of our Sovereign Lord the King in his office of Admiralty, against the ship or vessel, name unknown, supposed to be called the _____, her tackle, apparel and furniture, and the goods, wares and merchandizes therein laden, found on the high sea derelict and since brought to _____, within the jurisdiction of the said Vice-Admiralty Court, as being a ship and goods flotzon, jetzon or lagon, and against _____, the master, owners, and crew of the brig or vessel _____, the salvors of the said ship and goods lawfully intervening and appearing before us in judgment, and also against all persons in general who have or pretend to have any right, title, or interest therein; and in which said cause the affidavits of two credible persons having been exhibited to us as to the perishable state and condition of the said ship and goods, we did decree the same to be appraised and sold, and the same were accordingly so appraised and sold, and the proceeds thereof brought into the Registry of the said Court; and whereas we did further, at petition of the Proctor of the said master, owners, and crew, by our interlocutory decree, on the _____ day of _____ last, pronounce and decree a moiety of the sum of _____, brought into the Registry as the nett proceeds of the sale of the said ship and cargo to be due to the said salvors for salvage; and the Proctor on behalf of our Sovereign Lord the King in his office of Admiralty praying sentence to be given for our said Sovereign Lord the King in his office of Admiralty, and all and singular persons having or pretending to have any right, title or interest in the said ship and goods, having been duly cited and intimated in this behalf and not appearing, have determined to proceed to the giving our definitive sentence or final decree in this cause, to wit—Forasmuch as, from the proceedings therein, we have found that the aforesaid ship and goods were in and upon the high sea found flotzon, jetzon, lagon or derelict, and since brought to _____, within the jurisdiction of the said Vice-Admiralty Court, and that all persons in general, who have or pretend to have any right, title or interest in the aforesaid ship and goods or the proceeds thereof, have been by a warrant heretofore issued in this behalf duly served and executed, as also by a mandate or monition since decreed by us in this cause and issued under seal of the said Court, and affixed upon some conspicuous part of the Exchange (or place of common resort of merchants) in the town of _____, in the colony of _____, at the time of public resort thither, duly and respectively cited to appear according to the tenor and effect of the said mandate or monition, but that they have not appeared, and having found that the Proctor on behalf of our Sovereign Lord the King in his office of Admiralty aforesaid hath fully proved the necessary facts for the adjudging and condemning the said ship and goods or the proceeds thereof to our said Sovereign Lord the King in his office of Admiralty as being a ship and goods flotzon, jetzon, lagon or derelict, for us to pronounce as hereafter pronounced, and that nothing (at least nothing effectual in law) hath on the part and behalf of any person or persons been proved in the said cause which ought to prevent or delay condemnation of the said ship and goods; therefore, we _____, the Judge aforesaid, having heard Counsel learned in the law, do pronounce, decree and declare that the said ship and goods were in and upon the high sea found flotzon, jetzon, lagon or derelict, and since brought to _____, within the jurisdiction of the said Vice-Admiralty Court, and therefore we do pronounce, decree and declare that the said ship and goods so found as aforesaid, or the proceeds thereof, ought by law to be adjudged and condemned to our Sovereign Lord the King in his office of Admiralty, as being a ship and goods waving flotzon, jetzon, lagon or derelict, and as such rights and perquisites of His Majesty in his office of Admiralty aforesaid; and we do accordingly adjudge and condemn the same subject to the salvage aforesaid by this our definitive sentence or final decree which we give and promulge by these presents.

(Signed)

This sentence was read, signed and promulged by the Worshipful _____, the Judge aforesaid, in the Court-House of the said Vice-Admiralty Court upon _____ the _____ day of _____, in the year of our Lord

Which I attest

(Signed)

Regista.

To be inserted if salvors before the Court at the time of giving sentence.

To be inserted if property sold and salvage decreed.

If the fact be so.

Or Court-House of our said Vice-Admiralty Court, or other place according to the usage of the Colony.

No. 166.

FORM of MINUTE or Act of Court on signing Sentence in a Derelict Cause.

Our Sovereign Lord the King in his office of Admiralty, against

Insert description of property proceeded against.

In pain of parties cited not appearing, , on behalf of His Majesty in his office of Admiralty, porrected a definitive sentence in writing; the Judge, at his petition, having heard the proofs read, on motion of Counsel, signed, promulged, and gave the said definitive sentence, pronouncing, decreeing, and declaring as therein contained.

No. 167.

FORM of CLAIM for Property proceeded against as Derelict.

In the Vice-Admiralty Court of

Our Sovereign Lord the King in his office of Admiralty, against

Insert description of property proceeded against.

The claim of of for the brig or vessel called the , on behalf of himself, the true, lawful, and sole owner and proprietor thereof, and for the cargo laden on board the said ship or vessel on behalf of of , the true, lawful, and sole owner and proprietor thereof, at the time when the said ship or vessel, after meeting with very tempestuous weather, got on a sand off the coast of , and for the preservation of the lives of the persons on board, and then and there quitted by the said master and the crew, and was afterwards got off the said sand, and brought to , and which said ship and cargo have been proceeded against in this Court as derelict, flotzon, jetzon, or lagon, and as such droits and perquisites of our Sovereign Lord the King in his office of Admiralty; for the said ship as the true, lawful, and sole property of him the said , and also for the said cargo as the true, lawful, and sole property of the said

(Signed)

To be signed by Counsel.

No. 168.

FORM of AFFIDAVIT in support of a Claim for Property proceeded against as Derelict.

In the Vice-Admiralty Court of

Our Sovereign Lord the King in his office of Admiralty, against

Insert description of property proceeded against.

Appeared personally of , and made oath that he was and is the true, lawful, and sole owner and proprietor of the brig or vessel called the of , whereof now is or lately was master; that the said brig, after taking in a cargo consisting of and , sailed from on the day of , bound for , and when in the prosecution of the said voyage, and after meeting, as this deponent has been informed and believes, with very tempestuous weather, got on a sand-bank off on the coast of , and was there quitted by her master and crew for the preservation of their lives; that the said brig was afterwards got off the said bank and brought into the port of , and proceeded against in this cause as a ship and goods derelict, flotzon, jetzon, or lagon, and as such droits and perquisites of His Majesty in his office of Admiralty; and he further made oath, that he is duly authorized to make the claim hereto annexed for and on behalf of of , merchant, the sole owner and proprietor of the cargo laden on board the said brig or vessel; that the bill of lading hereunto annexed, marked No. 1, is the bill of lading for the cargo shipped on board the said brig at aforesaid; and he further made oath, that he verily believes that the brig and cargo hereinbefore mentioned, and the brig and cargo claimed in the annexed claim, are the same vessel and cargo, and not divers; and he lastly made oath that he verily believes the claim annexed to be true and just, and that he shall be able to make due proof and specification thereof.

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

No. 169.

FORM of WRIT or Instrument of Restitution of Property proceeded against as Derelict.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, and to all others in whose custody or possession the under-mentioned ship, her tackle, apparel, and furniture, and the goods, wares, and merchandize now or lately laden therein, or any part or parcel thereof, be or remain, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Vice-Admiralty Court of _____, lawfully constituted and appointed, in a certain business moved and prosecuted before him in our said Court, on our behalf in our office of Admiralty, against all and every part of a certain ship or vessel called the _____, of _____, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein found derelict, and brought to _____ as droits and perquisites of us in our said office of Admiralty, and against _____ intervening and claiming the said ship, her tackle, apparel, and furniture, and the said cargo now or lately on board the same, as his *own property*, and also against _____, the master, and the owners and crew of the schooner _____, also intervening as salvors of the said ship and cargo, rightly and duly proceeding on the day of the date hereof, at the petition of the Proctor for the said _____, and with the consent of the Proctor on our behalf in our said office of Admiralty, admitted the claim of the said _____ for the said ship and cargo, and by interlocutory decree pronounced the same to have belonged as claimed, and decreed the same to be restored to the said claimant upon payment of salvage and the expenses incurred on our behalf in our said office of Admiralty: and whereas the Proctor on our behalf in our said office of Admiralty acknowledged the receipt of the expenses incurred on our behalf, and the Proctor for the said salvors alleged the salvage and expenses to have been paid (justice so requiring); We do therefore by these presents authorise and empower you, jointly and severally, and do strictly charge and command you, to release the said ship or vessel, her tackle, apparel, and furniture, and the goods, wares, and merchandizes laden therein, from the arrest made in this behalf, and to deliver and restore the same unto the said _____, the owners and proprietors thereof; and hereof fail not. Given at _____ in our aforesaid Court, under the seal thereof, the day of _____, in the year of our Lord _____, and of our reign the _____ (Signed) _____ (L.S.) *Registrar.*

Or "on behalf of _____," as the fact may be.

Or "the Claimant for the use of the Owner, &c.," as the fact may be.

No. 170.

FORM of BAIL BOND to our Sovereign Lord the King to answer Salvage on Property proceeded against as Derelict where the Salvors are not before the Court.

On _____ the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, in his chambers situated _____ Present, _____ *Registrar.*

Our Sovereign Lord the King in his office of Admiralty, against

Insert the description of property proceeded against.
Insert name of Claimant's Proctor.

_____ produced as sureties _____ of _____, and _____ of _____, who, submitting themselves to the jurisdiction of His Majesty's Vice-Admiralty Court of _____, bound themselves, their heirs, executors, and administrators, for the claimant of the ship or vessel proceeded against in this cause, called the _____ of _____, and the cargo on board the same, in the sum of _____ of lawful money of _____, unto our Sovereign Lord the King in his office of Admiralty, to answer such salvage and expenses as may hereafter be decreed to be due on the said ship and cargo restored to the said _____, the claimant thereof, pursuant to decree of this Court, of the _____ day of _____ last; and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of _____ before-mentioned; which caution the said *Judge* _____, the Marshal of the said Court, as to the sufficiency of the said _____ *Proctor for the Crown.*

Or "Surrogate," as the fact may be.

(Signed)
(Signed)

No. 171.

FORM of AFFIDAVIT to precede Warrant of Arrest against the Ships and Goods of Pirates.

In the Vice-Admiralty Court of

Insert names of Ship
and Master.

Appeared personally _____, captain in His Majesty's navy, and being duly sworn to depose the truth, made oath that, in the months of _____ and _____, in the year _____, he commanded His Majesty's ship _____, at that time employed under the orders of Rear-Admiral _____, Commander-in-chief of His Majesty's ships and vessels on the _____ station; that in consequence of various acts of piracy having been committed by vessels harbouring in the numerous creeks and bays in the island of _____, and other adjoining places, His Majesty's said ship _____ was despatched under the command of the appearer, with directions from the said rear-admiral to use his utmost endeavours for the capture or destruction of all vessels which should be found to be so piratically engaged; that Lieutenant _____, of His Majesty's said ship, had in the course of a former cruise, and whilst commanding a tender belonging to the said ship, been captured by some piratical vessels, together with his crew, and after having been plundered of every thing belonging to them were again put in possession of their tender and sent adrift without provisions or sails, and without a rudder, and in that state was fallen in with by His Majesty's said ship _____; that with the view of more effectually carrying into execution the aforesaid service, the appearer caused the _____, a tender belonging to His Majesty's ship _____, a captured pirate felucca, and the pinnace and first cutter of the _____, to be manned with _____ officers and men from His Majesty's said ship, and on the _____ of the said month of _____ the said force, under the immediate command of the appearer, left _____ and proceeded in search of the said piratical vessels; that the appearer continued examining the several places on the coast which were likely to be the resort of piratical vessels, until the _____ day of the following month of _____, without meeting any such piratical vessels; that on the evening of the said day, being off _____, two suspicious schooners were descried in-shore, which were soon afterwards recognized by the said Lieutenant _____, then on board, to be the very vessels which had as aforesaid piratically captured the tender under his command; that chase was immediately given to the said schooners, but from the shoalness of the water the _____ was obliged to anchor, when the appearer with the felucca and boats pushed forward and continued the pursuit until dark, when the said schooners were lost sight of; that at sunrise on the following morning they were discovered at anchor close to the shore in a bay not far from the town of _____; that the appearer immediately proceeded towards them, but before the boats reached within gun-shot distance of the said schooners the appearer ordered the colours to be shown, to which no attention was paid, for as soon as the boats were within the range of their long guns they opened their fire, hoisting colours; that when the appearer got within range of grape he ordered the fire to be returned, which was kept up with such effect that as the boats closed the persons in the said schooners abandoned their vessels and made every endeavour to escape; that the said schooners proved to be the _____ of _____ guns, and _____ of _____ guns, being the vessels which had so as aforesaid captured the said _____; that _____ of the said pirates were killed in the said attack; that _____ others were made prisoners, viz. _____ by the boats under the charge of the appearer, and _____ by the _____ on shore; that the remainder of the pirates effected their escape; that the appearer ascertained, in communication with the pirates so made prisoners, that the crews of the said schooners at the commencement of the engagement amounted together to _____ men; that no papers whatever were found on board either of the said schooners; that the said schooner _____ was lost on her passage to this island; that the said schooner _____ and the _____ prisoners, so as aforesaid taken by the boats, were sent by the directions of the appearer to this island, in order that the said prisoners might be put on their trial as pirates, and the said schooner brought to adjudication in this Court; that the said schooner and the said prisoners have since arrived in this island; and the appearer lastly made oath, that he verily believes the said schooner _____ was a pirate vessel, and was manned by pirates, or persons engaged in acts of piracy.

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

No. 172.

FORM of MONITION against all Persons in general, to show cause why Property proceeded against as the Goods of Pirates should not be condemned to His Majesty in his Office of Admiralty.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain business, moved and prosecuted before him in our said Court on our behalf, in our office of Admiralty, against _____, being the goods of pirates seized and taken by our ship-of-war _____, commander, upon the high sea, and since brought to _____, within the jurisdiction of our said Vice-Admiralty Court, and against all persons in general who have or pretend to have any right, title, or interest therein, rightly and duly proceeding at the petition of the Proctor on our behalf, in our office of Admiralty, alleging that the said _____ were some time since seized as aforesaid upon the high sea, and have since been brought to _____, within the jurisdiction of our said Vice-Admiralty Court, and that the same have been arrested by virtue of a warrant issued under seal of our said Court, as being the goods of pirates, and as such droits and perquisites of us in our office of Admiralty; and that all persons in general who have or pretend to have any right, title, or interest in the said _____ have been cited, by virtue of the said warrant, to appear and intervene for their interest therein, and that the said warrant was on the _____ day of _____ duly returned into the Registry of our said Court, with a certificate of the service thereof endorsed thereon, and that notwithstanding the lapse of upwards of three months from the period of such return of the said warrant, no person hath yet appeared to claim the said _____; and further alleging, that by law all ships and goods of pirates seized and taken by our subjects do of right appertain to us in our said office of Admiralty; and moreover that the said _____ were so seized and taken by His Majesty's said ship _____, commander, in and upon the high sea, and since brought to _____, within the jurisdiction of our said Vice-Admiralty Court, did decree all persons in general, who have or pretend to have any right, title, or interest in the said _____ to be monished, cited, and called to judgment at the time and place under-written, and to the effect hereinafter mentioned (justice so requiring); We do therefore strictly charge and command you, jointly and severally, that you omit not, but that by affixing these presents upon some conspicuous part of the Exchange (or place of common resort of merchants), in the town of _____, in our colony of _____, at the usual time of public resort thither, you do monish and cite or cause to be monished and cited peremptorily all persons in general, who have or pretend to have any right or title in the said _____ to appear before us or our aforesaid Judge of our said Vice-Admiralty Court, or his Surrogate, in the Registry of our said Court, situated _____, within the hours of _____ and _____ of any day within a year and a day from the _____ day of _____, being the date of the return of the said warrant, then and there to show and allege, in due form of law, a reasonable and lawful cause, if any they have, why the said _____ should not be adjudged and condemned to us in our office of Admiralty, as the goods of pirates seized and taken as aforesaid, and further to do in this behalf as to justice shall appertain; and that you intimate moreover, or cause to be intimated peremptorily, unto all persons in general aforesaid, to whom we by the tenor of these presents intimate, that if they do not appear at the time and place above-mentioned, or appearing do not show a reasonable and lawful cause to the contrary, our aforesaid Judge or his Surrogate doth intend and will proceed to the adjudging and condemning the said _____ to us as the goods of pirates, seized and taken as aforesaid, and as rights and perquisites of us in our office of Admiralty, the absence or rather contumacy of the persons so cited and intimated in any wise notwithstanding; and that you duly certify Us or our aforesaid Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year of our Lord _____ and of our reign the _____

Describe the Ship and Goods proceeded against.

Add "Or the proceeds thereof," if sold.

Or "Court-House of our said Vice-Admiralty Court," or other place according to the usage of the Colony.
Add "Or the proceeds thereof," if sold.

Add "Or the proceeds thereof," if sold.

Add "Or the proceeds thereof," if sold.

(Signed)

(L.S.)

Registrar.

No. 173.

FORM of SENTENCE of Condemnation of Property proceeded against as the Goods of Pirates, to our Sovereign Lord the King in his Office of Admiralty.

Our Sovereign Lord the King in his office of Admiralty against a ship or vessel called the _____, her tackle, apparel, and furniture, and the goods, wares, and merchandizes therein laden, seized and taken by His Majesty's ship _____, commander, to _____ as being the goods of pirates, and as such rights and perquisites of our Sovereign Lord the King in his office of Admiralty, and against all persons in general having or pretending to have any right, title, or interest therein.

In pain of parties cited not appearing, we _____, Judge and Commissary of His Majesty's Vice-Admiralty Court of _____, lawfully constituted and appointed, rightly and duly proceeding in a cause prosecuted before us in the said Court on behalf of our Sovereign Lord the King in his office of Admiralty, against the ship or vessel called the _____, her tackle, apparel, and furniture, and the goods, wares, and merchandizes therein laden, seized and taken by His Majesty's ship _____, commander, upon the high sea, as being the goods of pirates, and since brought to _____, within the jurisdiction of the said Court, and the Proctor on behalf of our Sovereign Lord the King in his office of Admiralty, praying sentence to be given for our said Sovereign Lord the King in his office of Admiralty, and all and singular persons having or pretending to have any right, title, or interest in the said ship and goods, having been duly cited and intimated in this behalf, and not appearing, have determined to proceed to the giving our definitive sentence or final decree in this cause, to wit,—Forasmuch as, from the proceedings therein, we have found that the aforesaid ship and goods were, in and upon the high sea, seized and taken by His Majesty's said ship _____, commander, and since brought to _____, within the jurisdiction of the said Court, and that all persons in general who have any right, title, or interest in the aforesaid ship and goods, have been, by a warrant heretofore issued in this behalf, and duly served and executed, as also by a mandate or monition since decreed by us in this cause, and issued under seal of the said Court, and affixed upon some conspicuous part of the Exchange (or place of common resort of merchants), in the town of _____, in the colony of _____, at the time of public resort thither, duly and respectively cited to appear, but that they have not appeared; and having found that the Proctor on behalf of our Sovereign Lord the King in his office of Admiralty hath fully proved the necessary facts for the adjudging and condemning the said ship and goods to our said Sovereign Lord the King in his office of Admiralty, as being the goods of pirates, seized and taken as aforesaid, and for us to pronounce as hereafter pronounced, and that nothing (at least nothing effectual in law) hath on the part and behalf of any person or persons been proved in the said cause, which ought to prevent or delay condemnation of the said ship and goods to our Sovereign Lord the King in his office of Admiralty; therefore we, _____, the Judge aforesaid, having heard Counsel learned in the law, do pronounce, decree, and declare that the said ship and goods were, in and upon the high sea, seized and taken by His Majesty's said ship _____, commander, and since brought to _____, within the jurisdiction of the said Court, as the goods of pirates, and therefore we do pronounce, decree, and declare, that the said ship and goods ought by law to be adjudged and condemned to our Sovereign Lord the King in his office of Admiralty, as being the goods of pirates, and as such rights and perquisites of His Majesty in his office of Admiralty aforesaid; and we do accordingly adjudge and condemn the same by this our definitive sentence or final decree, which we give and promulge by these presents.

(Signed)

This sentence was read, signed, and promulged by the Worshipful _____, the Judge aforesaid, in the Court-House of the said Vice-Admiralty Court, on _____, the _____ day of _____, in the year of our Lord _____,

Which I attest,

Registrar.

No. 174.

FORM of INTERLOCUTORY DECREE pronouncing for Restitution of Property taken from the Possession of Pirates on payment of Salvage.

THE Judge, at petition of _____, on motion of Counsel, with consent of _____, acting therein by advice of His Majesty's Advocate, admitted the claim of _____, for the said ship, by interlocutory decree pronounced the same to belong as claimed, and decreed the same to

Insert description of property proceeded against.

Or "Surrogate."
Or "His Majesty's Advocate in his office of Admiralty."

Add "Or the proceeds thereof," if sold.

Or "House of our said Vice-Admiralty Court," or other place according to the usage of the Colony.

Add "Or the proceeds thereof," if sold.

Add "Or the proceeds thereof," if sold.

Insert name of the
Proctor for the Salvors.

be restored to the claimant for the use of the owner and proprietor thereof on payment of salvage and the salvors' expenses, and the expenses on behalf of our Sovereign Lord the King in his office of Admiralty, acknowledged the said salvage and his expenses to have been paid, acknowledged the expenses on behalf of His Majesty in his office of Admiralty to have been paid.

No. 175.

FORM of AFFIDAVIT to found Application for Bounty Money for the Capture or Destruction of Piratical Vessels.

In the Vice-Admiralty Court of

Insert name of Ship
seized.

Appeared personally, captain in the royal navy, and, commander in the royal navy; and first, the said, for himself made oath, that in the month of, in the year, he commanded His Majesty's ship, at that time employed under the orders of Vice-Admiral, commander-in-chief of His Majesty's ships and vessels on the station, the said appearer, being then a lieutenant on board His Majesty's said ship; that on the day of the said month, whilst His Majesty's ship was at, the appearer received information from that two piratical vessels, well armed, had been committing various acts of piracy on the opposite shore, near, and that the persons on board them had plundered two small vessels belonging to, and had beaten and ill-treated the crews; that the appearer determined to send a force in search of the said piratical vessels, and accordingly at sunset on the said day two barges belonging to His Majesty's said ship, armed and manned, were despatched under the command of the appearer, with orders to proceed in pursuit of the said piratical vessels, and to capture or destroy them; that the said, with the officers and men under his command, accordingly proceeded in execution of the said service. And the appearer, for himself made oath, that at midnight the said two barges under his command came up with the said pirates, whose vessels were found to be close in-shore, near, in very shoal water, and apparently well prepared for resistance; that as the barges advanced the persons therein were hailed by the pirates, who, finding that they were Englishmen, instantly opened a destructive fire of grape shot and musketry upon the barges; that an engagement then ensued, which was obstinately contested; that as the barges closed with the pirate vessels they grounded from the shoalness of the water, when the appearer, and the officers and men under his command, succeeded in boarding the said pirate vessels, and after a desperate resistance, which was maintained for some time sword in hand on deck, the pirates gave way in all directions, the greater part of them jumping overboard, and endeavouring to make their escape to the shore; that of the said pirates were made prisoners, that about more of them were killed and desperately wounded; that the said piratical vessels were respectively armed with guns, besides small arms, and were otherwise fitted out for committing piratical depredations; that from the size of the said piratical vessels, and the prolonged resistance maintained by their crews, the appearer was induced to believe that they were manned with at least men, and he reported the same to his commanding officer accordingly. And both the said appearers further made oath, that the said pirates, so as aforesaid made prisoners, were sent to for confinement, and to be dealt with according to law; that the said pirate vessels, having been found unfit for the purposes of commerce, were broken up and converted into fire-wood; that one man belonging to His Majesty's said ship was killed, and four men wounded, in the said engagement; that the appearer, and also, the senior master's-mate belonging to His Majesty's said ship, were promoted, the appearer to the rank of commander, and the said to that of lieutenant, for their conduct in the said attack; that the appearer, reported the capture of the said piratical vessels, in a letter dated on the day of the said month of, addressed and sent to the said Vice-Admiral, by whom the same was transmitted to the Lords Commissioners of the Admiralty, and the said letter is now deposited amongst the records in the office of the said Lords Commissioners; and both the said appearers lastly made oath, that the said piratical vessels were, as they verily believe, manned by pirates, or persons engaged in acts of piracy, whereof were killed or taken and secured, and made their escape.

Insert the name of the
Officer in command of
the Boats.

On the day of
the said and were duly } (Signed)
sworn to the truth of this affidavit, at } (Signed)
Before me,
(Signed)

No. 176.

FORM of PETITION to obtain Bounty Money for the Capture or Destruction of Piratical Vessels.

To the Worshipful _____, Judge of the Vice-Admiralty Court of _____

The humble Petition of _____

Showeth—

That on the _____ day of _____ the boats of His Majesty's ship _____, and after a desperate resistance succeeded in capturing her; that the said piratical vessel was found to be armed with _____ guns and _____ swivels, and manned with _____ men, pirates, or persons engaged in acts of piracy; that _____ of the said pirates were killed during the attack, and that the remaining _____ made their escape on shore before possession could be taken of the said piratical vessel.

Your Petitioner therefore hereto annexes an original affidavit of _____, and prays that you will be pleased to receive the same as evidence, and pronounce that the said vessel, at the beginning of the attack which led to the capture thereof, was manned with _____ pirates or persons engaged in acts of piracy, whereof _____ were killed and _____ made their escape.

(Signed)

Insert name of the Proctor making the application.
Insert the name of the capturing Ship and her Commander.
Insert name and description of Pirate Vessel.
As the facts may be.

Or "destruction."

Insert date.

No. 177.

FORM of INTERLOCUTORY DECREE pronouncing Bounty Money to be due for the Seizure or Destruction of a Piratical Vessel.

_____ exhibited a petition of himself with affidavit of _____ and _____ annexed. The Judge, having heard the same read on motion of His Majesty's Advocate, by interlocutory decree pronounced the said ship or vessel _____ to have been at the time of the seizure thereof manned and navigated by pirates or persons engaged in acts of piracy, to have been taken by His Majesty's ship _____, Esquire, commander, and that there were alive and on board the same at the commencement of the engagement in which the said ship or vessel was so taken _____ men, pirates or persons engaged in acts of piracy, of whom _____ were killed or taken, and secured.

Insert name of Piratical Ship.
Insert name of Proctor for the Crown.

Or "destruction," as the fact may be.

Or "destroyed," as the fact may be.

No. 178.

FORM of AFFIDAVIT to precede Motion against a Ship and Slaves seized for Breach of the Abolition Laws.

In the Vice-Admiralty Court of _____

Our Sovereign Lord the King against the ship or vessel called the _____, whereof _____ was master, her tackle, apparel, and furniture, and also against five male slaves, called _____, and _____, and two female slaves called _____, and _____, seized by _____

_____ Esquire, commander of His Majesty's ship _____, and _____, he fell in with the said ship or vessel _____, and sent a boat with _____, his first lieutenant, to examine her; that upon the return of the said boat, the said _____ informed the deponent that there were on board five male slaves, called _____, and _____, belonging to _____ of _____, and two female slaves, called _____ and _____, belonging to _____ of _____, that the names and occupation of the said slaves were not inserted in or indorsed upon the clearance or permit of the said vessel to depart from the port of _____, as required by law, whereupon this deponent seized the said ship and slaves as liable to forfeiture to His Majesty, and brought the same into the port of _____, and he further made oath that the paper writings and documents hereunto annexed, marked No. 1 to No. _____, are the whole of the paper writings and documents which were found on board or delivered up relative to the said ship and slaves, and that they are now in the

Or as the fact may be.
The Affidavit must always contain a full and specific account of the facts constituting the breach of the law.

same plight and condition as when received by the deponent, saving the numbering thereof, without any fraud, addition, or subduction whatever; lastly, this deponent made oath that it appears by the said ship's papers that _____ and _____, of _____, are the owners of the said ship or vessel.

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

No. 179.

FORM of AFFIDAVIT to precede Motion against a Slave or Slaves seized on Shore, the Owner thereof being known.

IN the Vice-Admiralty Court of

Our Sovereign Lord the King against a certain male slave called _____, seized by _____,

One or more, as the fact may be.

Or as the fact may be. "As this deponent has been informed and believes," if he does not know the fact of his own knowledge. Or as the fact may be. The affidavit must always contain a full and specific account of the facts constituting the breach of the law.

_____ Appeared personally _____, Collector of His Majesty's Customs for the port of _____, in the island of _____, and made oath that on or about the _____ day of _____ a certain male slave called _____ was imported into the said island in the ship or vessel _____, from the island of _____, as a domestic slave, by _____ of _____, the owner thereof; that this deponent having been informed, and which information he believes to be true, that the said slave had since been sold to _____ of _____, and was actually employed by him as a field slave, he, this deponent, on the _____ day of _____ instant, proceeded to _____ for the purpose of ascertaining the correctness of such information; that upon his arrival there he saw the said slave called _____ employed in cutting canes amongst a gang of other field slaves, and on questioning him was informed, that the day after he was landed in the said island as a domestic slave he was sold to the said _____, his present owner, and that he had been ever since employed by him as a field slave; whereupon he, this deponent, immediately seized the said slave as liable to forfeiture to His Majesty; lastly, this deponent made oath that the said _____, the present owner of the said slave, was a passenger on board the said ship _____, in which ship the said slave was imported as a domestic slave as aforesaid, and well knew such the occupation of the said slave at the time of the purchase thereof.

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

No. 180.

FORM of AFFIDAVIT to precede Motion against Slaves seized on Shore, the Owner thereof not being known.

IN the Vice-Admiralty Court of

Our Sovereign Lord the King against three female slaves called _____, _____, and _____, seized by _____,

Or as the fact may be.

Or as the facts may be. The affidavit must always contain a full and specific account of the facts constituting the breach of the law.

_____ Appeared personally _____, Comptroller of His Majesty's Customs at the port of _____, in the island of _____, and made oath that in consequence of information received by him on the _____ day of _____, that several slaves had been illegally put on shore at _____ during the previous night, from a boat belonging to a ship which had been standing off and on during the evening of the preceding day, he, this deponent, proceeded in search of the slaves so stated to have been illegally landed; that upon proceeding thither, he found concealed in an out-house three female slaves called _____, _____, and _____, and upon interrogating them they respectively confessed to this deponent, that they had on the previous night been landed from a boat belonging to a ship with the name of _____ which they were unacquainted; that immediately after they had been so landed the boat returned, and the said ship sailed that morning at day-break; that thereupon this deponent seized the said slaves as liable to forfeiture to His Majesty; and he lastly made oath that he has been unable to ascertain the name of the said ship, or the parties implicated in landing the said slaves.

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

No. 181.

FORM of MINUTE or Act of Court on decreeing a Monition against a Ship and Slaves seized at Sea.

Insert description of cause and name of Seizor.

Insert name of Proctor for the Crown.

marked No. 1, to No. _____, Esquire, commander of his Majesty's ship _____, which ship's papers inclusive annexed, and prayed, and the Judge at his petition decreed the usual monition.

No. 182.

FORM of MINUTE or Act of Court decreeing a Monition against a Slave or Slaves seized on Shore.

Insert description of cause and name of Seizor.

Insert name of Proctor for the Crown.

Collector of the Customs for the port of _____, exhibited for our Sovereign Lord the King, and brought in affidavit of _____, and prayed, and the Judge at his petition decreed the usual monition.

No. 183.

FORM of MINUTE or Act of Court decreeing a Monition against sundry Slaves seized on Shore by different Seizors.

Insert description of cause and names of Seizors.

Insert name of Proctor for the Crown.

_____ exhibited for our Sovereign Lord the King, and brought in affidavit of _____, Collector of His Majesty's Customs for the port of _____, the seizor of three male slaves called _____, _____, and _____; also affidavit of _____, Comptroller of His Majesty's Customs for the port of _____, the seizor of two male slaves called _____, and _____; and also affidavit of _____, Waiter and Searcher of His Majesty's Customs for the port of _____, the seizor of three female slaves called _____, _____, and _____, and prayed, and the Judge at petition of the said _____ directed the said several seizures to be consolidated in one and the same proceeding, and decreed the usual monition.

No. 184.

FORM of MONITION to shew Cause why a Ship and Slaves should not be forfeited to His Majesty, and why the Penalties due by Law should not be pronounced for.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause or business of forfeiture, moved and prosecuted before him in our said Court on our behalf, against a ship or vessel called the _____, (whereof _____ was master), her tackle, apparel and furniture, and five male slaves called _____, _____, _____, _____, and _____, and two female slaves called _____, _____, now or lately on board the same, taken and seized by His Majesty's ship _____, _____, commander, and brought to _____, and against all persons in general having or pretending to have any right, title or interest therein, rightly and duly proceeding at the petition of the Proctor on our behalf, hath decreed _____, the master of the said ship _____, and _____, the owners thereof, _____, the owner of the said _____, five male slaves called _____, _____, _____, _____, and _____, and _____, the owner of the said two female slaves called _____, _____, and _____, in special, and all persons in general who have or pretend to have any right, title or interest in the said ship or vessel, her tackle, apparel and furniture, and the said five male slaves and two female slaves, to be monished, cited and called to judgment at the time and place hereunder written and to the effect hereafter expressed (justice so requiring); We do therefore charge and command you, jointly and severally, that you omit not, by reason of any liberty or franchise, but

"Importer," or other person implicated, as the fact may be.

and cited, peremptorily, all persons in general who have or pretend to have any right, title or interest in the said male slave called _____, whom also we monish by virtue of these presents, that he and they appear before Us or our said Judge, or his Surrogate in the Registry of our said Court, situated _____ on the fourteenth day after service of these presents, between the hours of _____ and _____ in the _____ of such day, then and there to show and allege, in due form of law, a reasonable and lawful cause, if he or they have or know any, why the said male slave called _____ should not be pronounced to have been, at the time of the seizure aforesaid, illegally kept and detained in slavery contrary to the provisions of the statutes in such case made and provided, and as such or otherwise subject and liable to forfeiture and condemnation, and to be adjudged and condemned as forfeited to Us, our heirs and successors accordingly, and why the penalties due by law should not be pronounced for, and further to do and receive in this behalf as unto law and justice shall appertain; and that you duly intimate or cause to be intimated, peremptorily and personally, to the said _____, in special, and that you also duly intimate or cause to be intimated, peremptorily, to all persons in general, all of whom by the tenor of these presents we do also respectively intimate, that if he or they shall not appear at the time and place above-mentioned, or appearing shall not shew a reasonable and lawful cause to the contrary, our said Judge or his Surrogate doth intend to proceed and will proceed to adjudication on the said seizure, and will pronounce the said male slave called _____ to have been at the time of the seizure aforesaid illegally kept and detained in slavery, contrary to the provisions of the statutes in such case made and provided, and as such or otherwise subject and liable to forfeiture and condemnation, and will adjudge and condemn the same as forfeited to Us, our heirs and successors; and doth further intend to proceed and will proceed to pronounce for the penalties due by law, the absence or rather contumacy of the parties so cited and intimated in anywise notwithstanding; and that you duly certify our said Judge or his Surrogate what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____ in the year _____ of our Lord _____, and of our reign the _____

(Signed)

(L.S.)

Registrar.

No. 186.

FORM of MONITION to shew Cause why a Slave or Slaves seized on Shore (the Owner thereof not being known) should not be forfeited, and why the Penalties due by Law should not be pronounced for.

WILLIAM the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause or business of forfeiture, moved and prosecuted before him in our said Court on our behalf, against a certain female slave called _____, seized by _____, captain in our royal regiment of artillery, and against all persons in general having or pretending to have any right, title or interest therein, rightly and duly proceeding at the petition of the Proctor on our behalf, hath decreed all persons in general who have or pretend to have any right, title or interest in the said female slave called _____, to be monished, cited and called to judgment at the time and place hereunder written, and to the effect hereafter expressed (justice so requiring); We do therefore charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that by affixing these presents on some conspicuous part of the Exchange (or place of common resort of merchants) in our town of _____, in our said colony of _____, at the usual time of public resort thither, and by leaving there affixed a true copy thereof, you do also monish and cite or cause to be monished and cited, peremptorily, all persons in general who have or pretend to have any right, title or interest in the said female slave called _____, whom also we monish by virtue of these presents, that they appear before Us or our said Judge, or his Surrogate, in the Registry of our said Court, situated _____, on the fourteenth day after service of these presents, between the hours of _____ and _____ in the _____ of such day, then and there to shew and allege in due form of law a reasonable and lawful cause, if they have or know any, why the said female slave called _____ should not be pronounced to have been, at the time of the seizure aforesaid, illegally kept and detained in slavery, contrary to the provisions of the statutes in such case made and provided, and as such or otherwise subject and liable to forfeiture and condemnation, and to be adjudged and condemned as forfeited to Us, our heirs and successors accordingly, and why the penalties due by law should not be pronounced for, and further to do and receive in this behalf as unto law and justice shall appertain; and that you duly intimate or cause to be intimated, peremptorily, to all persons in general, whom by the tenor of these presents we do also intimate, that if they shall not appear at the time and place above-mentioned, or appearing shall not shew a reasonable and lawful cause to the contrary, our said Judge or his Surrogate doth intend to proceed and will pro-

Or two or more, as the fact may be.

Or "Court-House of our said Vice-Admiralty Court," or other place, as the usage of the Colony may be.

ceed to adjudication on the said seizure, and will pronounce the said female slave called to have been, at the time of the seizure aforesaid, illegally kept and detained in slavery, contrary to the provisions of the statutes in such case made and provided, and as such or otherwise subject and liable to forfeiture and condemnation, and will adjudge and condemn the same as forfeited to us, our heirs and successors, and doth further intend to proceed and will proceed to pronounce for the penalties due by law, the absence or rather contumacy of the parties so cited and intimated in anywise notwithstanding; and that you duly certify our said Judge or his Surrogate what you shall do in the premises, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____ (Signed) _____ (L.S.) Registrar.

No. 187.

FORM of MONITION to shew Cause why sundry Slaves seized on Shore by different Seizors should not be forfeited to His Majesty, and why the Penalties due by Law should not be pronounced for.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause or business of forfeiture, moved and prosecuted before him in our said Court on our behalf, against three male slaves, called _____, _____, and _____, seized by _____, Collector of our Customs for the port of _____, and against two male slaves called _____, and _____, seized by _____, Comptroller of our Customs for the port of _____, and also against three female slaves called _____, _____, and _____, seized by _____, Waiter and Searcher of our Customs for the port of _____, and also against all persons in general having or pretending to have any right, title or interest therein, rightly and duly proceeding at the petition of the Proctor on our behalf, hath decreed _____, the owner of the said three male slaves, _____, the owner of the said two male slaves, and _____, the owner of the said three female slaves in special, and all persons in general who have or pretend to have any right, title or interest in the said three male slaves, two male slaves, and three female slaves respectively, to be monished, cited and called to judgment at the time and place hereunder-written, and to the effect hereafter expressed (justice so requiring): We do therefore charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish or cause to be monished, peremptorily and personally, the said _____, and _____, whom also we monish by virtue of these presents, and that by affixing these presents on some conspicuous part of the Exchange (or place of common resort of merchants) in our town of _____, in our said island of _____, at the usual time of public resort thither, and by leaving there affixed a true copy thereof, you also monish and cite or cause to be monished and cited, peremptorily, all persons in general who have or pretend to have any right, title or interest in the said three male slaves, two male slaves, and three female slaves, whom also we monish by virtue of these presents, that they appear before Us or our said Judge, or his Surrogate, in the Registry of our said Court, situated _____, on the fourteenth day after service of these presents, between the hours of _____ and _____ in the _____ of such day, then and there to shew and allege, in due form of law, a reasonable and lawful cause, if they have or know any, why the said three male slaves, two male slaves, and three female slaves respectively should not be pronounced to have been, at the time of the seizure thereof, illegally kept and detained in slavery, contrary to the provisions of the statutes in such case made and provided, and as such or otherwise subject and liable to forfeiture and condemnation, and to be adjudged and condemned as forfeited to Us, our heirs and successors accordingly, and why the penalties due by law should not be pronounced for, and further to do and receive in this behalf as unto law and justice shall appertain; and that you duly intimate or cause to be intimated, peremptorily and personally, to the said _____, and _____, in special, and that you also duly intimate or cause to be intimated, peremptorily, to all persons in general, all of whom by the tenor of these presents we do also respectively intimate, that if they shall not appear at the time and place above-mentioned, or appearing shall not shew a reasonable and lawful cause to the contrary, our said Judge or his Surrogate doth intend to proceed and will proceed to adjudication on the said seizures, and will pronounce the said three male slaves, called _____, _____, and _____, two male slaves called _____, _____, and _____, and three female slaves called _____, _____, and _____, respectively, to have been at the time of the seizure aforesaid illegally kept and detained in slavery, contrary to the provisions of the statutes in such case made and provided, and as such or otherwise subject and liable to forfeiture and condemnation, and will adjudge and condemn the same as forfeited to Us, our heirs and successors; and doth further intend to proceed and will proceed to pronounce for

"Importer," or other person implicated, as the fact may be.

Or "Court-House of our said Vice-Admiralty Court," or other place, as the usage of the Colony may be.

the penalties due by law, the absence or rather contumacy of the parties so cited and intimated in any-wise notwithstanding; and that you duly certify our said Judge or his Surrogate what you shall do in the premises, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

(Signed) _____ (L.S.) _____ Registrar.

No. 188.

FORM of INTERLOCUTORY DECREE condemning a Slave seized on Shore, and pronouncing Penalties to be due in a Suit where the Owner is known, but for whom no Appearance has been given.

Our Sovereign Lord the King against a male slave called _____, seized _____, Or two or more, as the fact may be.
by _____, Collector of His Majesty's Customs for the port of _____,
as liable to forfeiture, and against all persons in general having or pretending to have any right, title or interest therein.

In pain of parties cited not appearing _____ returned monition duly executed and referred to the affidavit of _____, the seizor, heretofore exhibited and remaining in the Registry of this Court. Insert name of Proctor for the Crown.

The Judge, at his petition, having heard the said affidavit read on motion of Counsel on behalf of His Majesty, by interlocutory decree pronounced the said male slave called _____ to have been illegally imported into the colony of _____, contrary to the provisions of the Act of the 5 Geo. IV. cap. 113, and as such or otherwise subject and liable to forfeiture, and condemned the said male slave called _____ as forfeited to our Sovereign Lord the King, his heirs and successors accordingly.

The Judge moreover pronounced for the penalty due under the provisions of the said Act, that is to say, that the sum of one hundred pounds is due by _____, the owner of the said male slave, and condemned the said _____ in such penalty of one hundred pounds accordingly.

No. 189.

FORM of INTERLOCUTORY DECREE, condemning a Slave or Slaves seized on Shore, in a Suit where the Owner is not known.

Our Sovereign Lord the King against a male slave called _____, seized by _____ as liable to forfeiture, and against all persons in general having or pretending to have any right, title or interest therein.

In pain of parties cited not appearing _____ returned monition duly executed and referred to the affidavit of _____, the seizor, heretofore exhibited and remaining in the Registry of this Court. Insert name of Proctor for the Crown.

The Judge, at his petition, having heard the said affidavit read on motion of Counsel on behalf of His Majesty, by interlocutory decree pronounced the said male slave called _____ to have been illegally imported into the colony of _____, contrary to the provisions of the Act of 5 Geo. IV. cap. 113, and as such or otherwise subject and liable to forfeiture, and condemned the said male slave called _____ as forfeited to our Sovereign Lord the King, his heirs and successors, accordingly.

No. 190.

FORM of CLAIM for a Ship and Slaves seized for a Breach of the Slave Trade Abolition Laws.

IN the Vice-Admiralty Court of _____

Our Sovereign Lord the King against the ship or vessel called the _____, (whereof _____, was master), her tackle, apparel and furniture, and two male slaves called _____, and _____, seized by _____

The claim of _____, the master of the said ship or vessel _____, on behalf of himself and of _____, of _____, the true, lawful and sole owners and proprietors of said ship or vessel, her tackle, apparel and furniture, and on behalf of _____, of _____, Insert date.

the sole owner and proprietor of the said slave called _____, and also on behalf of _____, of _____, the sole owner and proprietor of the said slave called _____, at the time of the seizure, of the said ship and slaves by _____, Collector of His Majesty's Customs for the port of _____, for the said ship _____, her tackle, apparel and furniture, and the said two male slaves called _____, and _____, and for all such costs, charges, demurrage and expenses as have arisen or shall or may arise by reason of the seizure and detention of the said ship and slaves.

(Signed)

To be signed by
Counsel.

No. 191.

FORM of AFFIDAVIT in support of Claim for a Ship and Slaves.

In the Vice-Admiralty Court of

Our Sovereign Lord the King against the ship or vessel called the _____ (whereof _____ was master), her tackle, apparel and furniture, and two male slaves called _____, and _____, seized by _____,

Or as the fact may be, according to the special circumstances of each case.

Appared personally _____, and made oath that he was master of the said ship or vessel _____, at the time of the seizure thereof by _____, Collector of His Majesty's Customs for the port of _____, and that he and _____, of _____, were at the time of the said seizure and now are the sole owners and proprietors of the said ship or vessel; that this deponent cleared out the said ship from _____, for the island of _____, and sailed on or about the _____ day of _____; that at the time of her so sailing she had on board two male slaves, viz., one called _____, belonging to _____, of _____, and the other called _____, belonging to _____, of _____, respectively, passengers on board the said ship destined for the said island of _____, that this deponent had every reason to believe and did then and still does believe that the said slaves were really and truly the domestic servants of the said _____, and _____, and did during all the time they were so on board the said ship attend upon their persons; that the said _____ and _____ duly furnished the deponent with certificates of registration of the said slaves; that previous to the sailing of the said ship as aforesaid, the names and occupations of the said two slaves were endorsed on the clearance of the said ship from the said island of _____, that during the progress of the said voyage this deponent called off the island of _____, for the purpose of landing _____, one other of the passengers thereat, and anchored about three o'clock in the afternoon of the _____ day of _____, at a considerable distance outside the harbour of _____, that shortly afterwards a shore-boat came alongside, in which the last-mentioned passenger went without taking any part of his luggage with him, for the purpose of informing the revenue officers that the ship had come to an anchor, and that he was desirous of obtaining the necessary permits for landing the luggage of the said passenger; that some of the other passengers on board were very desirous of landing, which this deponent objected to on the ground that it was not his intention to remain longer than to land the luggage of the aforesaid passenger, and that he was anxious to be under way again and clear of the reefs before dark; that when the said boat was about half way between the ship and the land, the said boat was met by the custom-house boat approaching the vessel, on board of which was _____, the Collector of the Customs for the said port, in consequence of which the aforesaid shore-boat returned to the ship with the custom-house boat: that immediately upon the Collector's coming on board, he inquired where the vessel was from, and this deponent replied from _____, that the said Collector then asked for the papers, upon which this deponent went below into the cabin and brought up the register and other papers belonging to the said ship, with the exception of the said certificates of registration and clearance, which the deponent was unable then to find, although he diligently searched for the same; that the said Collector then examined the said two slaves, and asked this deponent to shew the requisite documents of their registration and clearance; that the deponent informed him that he had unfortunately mislaid the same, but that he had no doubt he should find them, as they were on board.

That the said Collector, notwithstanding the declaration of the deponent, seized the said ship or vessel and the said two slaves, as liable to forfeiture; that on or about the _____ day of _____, whilst this deponent was searching for the said certificates of registration and clearance, he at length discovered the same in a cupboard in the mate's cabin, and he now brings in the same annexed to this affidavit, marked from No. 1 to No. 3, inclusive; that the said certificate and clearance are in all respects true and genuine, and are now delivered up in the same plight and condition, save the num-

Insert name of the
Proctor for the
Crown.

returned monition duly executed, and prayed the Judge to reject the claim of
for the two male slaves called , and , being two
of the slaves proceeded against in this cause, and to pronounce the same to be subject and liable to
forfeiture to our Sovereign Lord the King, and to condemn the same accordingly; and further to
pronounce for the penalties due by law, and to condemn , the owner thereof, in such
penalties, and to condemn the claimant in costs.

prayed the Judge to admit the said claim, and to restore the said slaves, and to
condemn , the seizer, in costs.

Insert Claimant's
Proctor's name.

The Judge, having heard the proofs read, and Advocates and Proctors on both sides, admitted the
said claim, and by interlocutory decree decreed the said two male slaves , and
, to be restored to the said claimant for the use of the owner and proprietor
thereof.

Insert the name of
the Proctor for the
Crown.

In pain of parties cited not appearing referred to the affidavit of
the seizer, heretofore exhibited and remaining in the Registry of this Court. The Judge, at his petition,
having heard the said affidavit read on motion of Counsel, on behalf of His Majesty, by interlocutory
decree pronounced the said four female slaves called
and , being the remainder of the slaves proceeded against in this cause, to have been
illegally imported into the island of , contrary to the provisions of the Act of the
5th Geo. IV. cap 113, and as such or otherwise subject and liable to forfeiture, and condemned the
said four female slaves as forfeited to our Sovereign Lord the King, his heirs and successors
accordingly. The Judge moreover pronounced for the penalties due under the provisions of the said
act, that is to say, that the sum of £400 is due by , the owner of the said four
female slaves, to wit, the sum of £100 for each of the said slaves, and condemned the said
in such penalties accordingly.

No. 195.

*FORM of LIBEL or Information in a Suit instituted for the Forfeiture of a Ship and Slaves, and
for Penalties under the Acts for the Abolition of the Slave Trade.*

In the Vice-Admiralty Court of

Insert names of Ship
and Master.

On the day of , in the year of our Lord
before you the Worshipful , Judge and Commissary of His
Majesty's Vice-Admiralty Court of , lawfully constituted and
appointed the Proctor on behalf of our Sovereign Lord the King, as well for our
said Sovereign Lord the King, as for , Esquire, commander of His
Majesty's ship , against the ship or vessel called the
(whereof lately was master), her tackle, apparel and furniture, and
five male slaves called
and , and two female slaves called , and
seized as liable to forfeiture by the said , and against
of , intervening and claiming the said ship or vessel as the lawful
owner and proprietor thereof, and against , of
intervening and claiming the said five male slaves as the lawful owner and pro-
prietor thereof, and also against , of , intervening
and claiming the said two female slaves as the lawful owner and proprietor thereof
in special, and against all persons in general having or pretending to have any right,
title or interest therein, doth by way of complaint, and hereby complaining unto you,
say, allege and in law articulately propound as follows, to wit:—

First.

That a certain Act of Parliament was made and passed in the fifth year of the reign of His late
Majesty King George the Fourth, to wit, on the 24th day of June, in the year of our Lord 1824, inti-
tuled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade;" and
this was and is true, and the party proponent doth allege and propound every thing in this and the
subsequent articles of this libel or information contained, jointly and severally.

Second.

That on the day of , the said ship or vessel called the , whereof
, a subject of our Sovereign Lord the King, was master, being the lawful property of
of , also a subject of our Sovereign Lord the King, was, whilst pro-
ceeding on a voyage from Barbadoes to Trinidad, off Cape , between the Islands of
and , seized by , Esquire, commander of His Majesty's
ship , the said ship or vessel being at the time of the said seizure engaged in the illegal
carrying away or removing of slaves or other persons as or in order to their being dealt with as slaves,

and having on board five male slaves called , and , belonging to of , also a subject of our Sovereign Lord the King, and two female slaves, called , and belonging to of , also a subject of our Sovereign Lord the King, but that neither the names or occupations of the said slaves, nor either of them were inserted in or indorsed upon the clearance or permit to depart of the said ship or vessel from the port from which the same cleared outwards on her said voyage; that , the owner of the said ship or vessel, and , the owner of the said five male slaves, and also , the owner of the said two female slaves, were on board the said ship or vessel at the time of the seizure thereof, and were fully cognizant of and were aiding and assisting the said , the master, in the illegally carrying away or removing the said slaves; that the acts, matters, and things hereinbefore set forth were had and done in violation of the provisions of the Statute before pleaded; and this was and is true, and the party proponent doth allege and propound as before.

That in part supply of proof of the premises, and to all other intents and purposes in the law whatsoever, the party proponent doth hereto annex, and prays to be here read and inserted, and taken as part and parcel thereof, a certain paper writing, heretofore brought into the Registry of this Court, annexed to an affidavit of , and marked No. 1, and doth allege and propound the same to be and contain the original clearance or permit to depart from the port of , that the same was delivered by the said , the master, to , one of the officers of His Majesty's said ship , and is now in all respects in the same plight and condition as when so delivered up, save the marking and numbering thereof; and this was and is true, and the party proponent doth allege and propound as before.

That the said , the master of the said ship or vessel , and , the owner thereof, the owner of the said five male slaves called , and , the owner of the said two female slaves called , and , were at the time aforesaid, and now are subjects of the Crown of the United Kingdom of Great Britain and Ireland, and therefore and by reason of the premises subject and liable to the jurisdiction of this Court; and this was and is true, and the party proponent doth allege and propound as before.

That all and singular the premises were and are true, whereof legal proof being given, the party proponent prays that the said ship or vessel, her tackle, apparel and furniture, may be pronounced by you, the Judge aforesaid, to have been employed in the illegal transporting, removing, carrying or conveying the said five male slaves, called , and , and the two female slaves called , and , and that the said slaves were at the time of the seizure aforesaid illegally kept and detained in slavery, contrary to the provisions contained in the before-mentioned Act of Parliament, and as such or otherwise to be subject and liable to forfeiture to our Sovereign Lord the King, his heirs and successors, and that the penalties due by law may be pronounced for, that is to say, that the sum of seven hundred pounds is due from the said , the master of the said ship or vessel , to wit, the sum of one hundred pounds for each of the said slaves; that a like sum and sums is and are due from the owner of the said ship or vessel; that the sum of five hundred pounds is due from the said , the owner of the said five male slaves, to wit, the sum of one hundred pounds for each of the said five male slaves; and that the sum of two hundred pounds is due from the said , the owner of the said two female slaves, to wit, the sum of one hundred pounds for each of the said two female slaves, and that they may be condemned in the said sums respectively; and that the said may be condemned in the costs made and to be made in this cause on the part and behalf of our Sovereign Lord the King, by your definitive sentence or final interlocutory decree to be made and given in this behalf.

Third.

Fourth.

Fifth.

To be signed by
Counsel.

No. 196.

FORM of INTERLOCUTORY DECREE condemning a Ship and Slaves seized at Sea in a Suit conducted by Libel and pronouncing for Penalties.

OUR Sovereign Lord the King against the ship or vessel called the (whereof was master), her tackle, apparel and furniture, and also against five male slaves, called , and , and two female slaves called , and , seized as liable to forfeiture by , Esquire, the commander of His Majesty's ship , and against and intervening and claiming the said ship or vessel and slaves.

T

Insert name of Proctor for the Crown.

prayed the Judge to reject the claim of (given on his own behalf) for the said ship or vessel, and the claim of for the said five male slaves, and also the claim of for the said two female slaves on their own behalf and as their respective property, and to pronounce that he the said had fully proved the contents of the libel and the exhibit thereto annexed, bearing date , by him given in and admitted in this cause on behalf of our Sovereign Lord the King, and the said ship or vessel to have been, at the time of the seizure thereof, engaged in the illegal transporting, removing, carrying or conveying slaves or persons, as or in order to their being dealt with as slaves, and that there were on board the said ship or vessel five male slaves and two female slaves, the property of British subjects at the time of the seizure thereof, and that the said ship or vessel, her tackle, apparel and furniture, and slaves are subject and liable to forfeiture to our Sovereign Lord the King, and to condemn the same accordingly, and further to pronounce for the penalties due by law, and to condemn the said the master of the said ship or vessel, and the said , the owner thereof, and also the said

Insert name of Claimant's Proctor.

and , the owners of the said slaves, in such penalties and in costs. on behalf of the said , prayed the said claims by them respectively given to be admitted, and the said ship and slaves to be restored as claimed, and on their behalf and on behalf of the said the master of the said ship or vessel, prayed the Judge to pronounce that had failed in proof of the said libel and exhibit, and that he the said had fully proved the contents of the allegation bearing date , by him given in and admitted in this cause on behalf of his said parties, and to dismiss his said parties from the motion served upon them and from all further observance of justice in this cause, and to condemn , the commander of His Majesty's said ship , the seizer, in all costs, losses, damages, demurrage and expenses as have arisen or shall or may arise by reason of the said seizure, and in the costs of suit.

The Judge, having heard the proofs read and Advocates and Proctors on both sides, rejected the said claims of , and by interlocutory decree pronounced that had sufficiently proved the contents of the said libel and exhibit given in and admitted in this cause on behalf of our Sovereign Lord the King, and the said ship or vessel to have been at the time of the seizure thereof engaged in the illegal transporting, removing, carrying or conveying slaves, or persons as or in order to their being dealt with as slaves, and that there were on board the said ship or vessel at the time of the seizure thereof, five male slaves the property of the said , and two female slaves the property of the said , respectively, British subjects, and the said ship or vessel, her tackle, apparel and furniture, and the said slaves to be subject and liable to forfeiture to our Sovereign Lord the King, his heirs and successors, and condemned the same accordingly. The Judge moreover pronounced for the penalties due by law as libellate, that is to say, that the sum of seven hundred pounds is due from the said , the master of the said ship or vessel, to wit, the sum of one hundred pounds for each of the said seven slaves, that the like sum of seven hundred pounds is due from the said , the owner of the said ship or vessel, that the sum of five hundred pounds is due from the said , the owner of the said five male slaves, to wit, the sum of one hundred pounds for each of the said five male slaves, and that the sum of two hundred pounds is due from the said , the owner of the said two female slaves, to wit, the sum of one hundred pounds for each of the said female slaves, and condemned the said , and , respectively in the said penalties and in costs.

No. 197.

FORM of INTERLOCUTORY DECREE restoring Ship and Slaves in a Suit conducted by Libel.

OUR Sovereign Lord the King against the ship or vessel called the (whereof was master, her tackle, apparel and furniture, and against five male slaves, called , and and , and also against two female slaves, called , and , seized by , Esq., commander of His Majesty's ship , as liable to forfeiture, and against and , intervening and claiming the said ship and slaves.

Insert name of Proctor for the Crown.

prayed the Judge to reject the claim of (given on his own behalf) for the said ship or vessel, and the claim of for the said five male slaves, and also the claim of for the said two female slaves on their own behalf, and as their respective property, and to pronounce that he the said had fully proved the contents of the libel, and the exhibit annexed thereto bearing date by him given in and admitted in this cause on behalf of our Sovereign Lord the King, and the said ship or vessel to have been at the time of the seizure thereof engaged in the illegal carrying away or removing slaves, or persons as or in order to

their being dealt with as slaves, and that there were on board the said ship or vessel five male slaves and two female slaves, the property of British subjects at the time of the seizure thereof, and that the said ship or vessel, her tackle, apparel and furniture, and slaves, are subject and liable to forfeiture to our Sovereign Lord the King, and to condemn the same accordingly; and further to pronounce for the penalties due by law, and to condemn the said , the master of the said ship or vessel, and the said , the owner thereof, and also the said , and , owners of the said slaves, in such penalties and in costs. , on behalf of the said , and prayed the said claims by them respectively given to be admitted, and the said ship and slaves to be restored as claimed; and on their behalf, and on behalf of the said , the master of the said ship or vessel, prayed the Judge to pronounce that had failed in proof of the said libel and exhibit, and that the said had fully proved the contents of the allegation bearing date If the fact be so. by him given in and admitted in this cause, on behalf of his said parties, and to dismiss his said parties from the monition served upon them, and from all further observance of justice in this cause, and to condemn , Esq., the commander of His Majesty's said ship , the seizer, in all costs, losses, damages, demurrage and expenses as have arisen or shall or may arise by reason of the said seizure, and in the costs of suit.

The Judge having heard the proofs read and Advocates and Proctors on both sides, admitted the said claims of , and pronounced that had failed in proof of the contents of the said libel and exhibit given in and admitted in this cause on behalf of our Sovereign Lord the King, and by interlocutory decree decreed the said ship and slaves to be restored to the said claimants for their use and benefit, and condemned the said , the seizer, in costs and damages.

No. 198.

FORM of INTERLOCUTORY DECREE directing further proof to be made in a Suit against Ship and Slaves seized at Sea, conducted by Libel, and decreeing the Delivery over of the Slaves.

OUR Sovereign Lord the King against the ship or vessel called the (whereof was master), her tackle, apparel and furniture, and against five male slaves, called , and ; and also against two female slaves, called , and , seized by , Esq., commander of His Majesty's ship , as liable to forfeiture, and against , and , intervening and claiming the said ship and slaves.

prayed the Judge to reject the claim of (given on his own behalf) for the said ship or vessel, and the claim of for the said five male slaves, and also the claim of for the said two female slaves, on their own behalf, and as their respective property, and to pronounce that the said had fully proved the contents of the libel and the exhibit thereto annexed, bearing date , by him given in and admitted in this cause on behalf of our Sovereign Lord the King, and the said ship or vessel to have been, at the time of the seizure thereof, engaged in the illegal carrying away or removing slaves, or persons as or in order to their being dealt with as slaves, and that there were on board the said ship or vessel five male slaves and two female slaves, the property of British subjects, at the time of the seizure thereof, and that the said ship or vessel, her tackle, apparel and furniture and slaves, are subject and liable to forfeiture to our Sovereign Lord the King, and to condemn the same accordingly; and further to pronounce for the penalties due by law, and to condemn the said , the master of the said ship or vessel, and the said , the owner thereof, and also the said , and , the owners of the said slaves, in such penalties and in costs. Insert name of Claimant's Proctor.

, on behalf of the said , and , prayed the said claims by them respectively given to be admitted, and the said ship and slaves to be restored as claimed on their behalf; and on behalf of the said , the master of the said ship or vessel, prayed the Judge to pronounce that had failed in proof of the said libel and exhibit, and that he the said had fully proved the contents of the allegation, bearing date , by him given in and admitted in this cause on behalf of the said parties, and to dismiss his said parties from the monition served upon them, and from all further observance of justice in this cause, and to condemn , Esq., the commander of His Majesty's ship , the seizer, in all the costs, losses, damages, demurrage and expenses, as have arisen, or shall or may arise, by reason of the said seizure, and in the costs of suit.

The Judge having heard the proofs read and Advocates and Proctors on both sides, admitted the claim of the said , and , for the said ship and

slaves, and by interlocutory decree directed further proof to be made respecting the occupation of the said slaves as domestics; and the said _____ then alleged that the said claimants had refused or neglected to supply proper food and necessaries for the said slaves pending the proceedings in this cause, whereupon the Judge decreed the said five male slaves, called _____, and _____, and the said two female slaves, called _____, and _____, to be valued and appraised according to the provisions of the statute in that case made and provided, and to be delivered over to the person appointed to receive, protect and provide for slaves condemned or forfeited to the use of His Majesty.

No. 199.

FORM of DECREE for the Appraisement and Valuation of a Slave or Slaves proceeded against.

Or "Two," or more,
as the fact may be.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain business of forfeiture, moved and prosecuted before him in our said Court on our behalf, against a certain female slave called _____, seized by _____, Collector of our Customs for our port of _____, in our said island of _____, and against _____ of _____, intervening and claiming the said female slave, rightly and duly proceeding on the day of the date hereof, admitted the claim of the said _____ for the said slave, and by interlocutory decree directed further proof to be made respecting the occupation of the said slave as a domestic; and the said claimant having refused or neglected to supply proper food and necessaries for the said slave, pending the proceedings in the said cause or business, decreed the said slave to be valued and appraised according to the provisions of the statute in that case made and provided (justice so requiring): We do therefore by these presents authorize and empower you, and do strictly charge and command you, that you forthwith choose one good and lawful person well experienced in such affairs and swear him faithfully and justly to appraise and value the said female slave called _____, according to her true value; and that you so appraise and value or cause the said slave to be so appraised and valued, and that you duly transmit the said appraisement subscribed by you and the said appraiser to our aforesaid Judge of our said Court, or his Surrogate, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, this _____ day of _____, in the year of our Lord _____, and of our reign the _____

(Signed) _____ (L S.) _____ Registrar.

No. 200.

FORM of MARSHAL and Appraiser's Return to Decree for the Appraisement and Valuation of a Slave or Slaves.

I HEREBY certify that in pursuance of the annexed decree of appraisement, I appointed _____ of _____, being a good and lawful person, and well experienced in the value of slaves, and did duly administer to him the necessary oath that he would faithfully and justly appraise the within slave called _____

(Signed)

Marshal of the Vice-Admiralty Court of _____

In pursuance of the decree of appraisement hereunto annexed, and in virtue of the oath taken by me _____, the undersigned, I have, at the desire of _____, gentleman, Marshal of the said Court, seen and examined the within-named female slave called _____, and after due consideration, I do according to the best of my skill and judgement, value and appraise the said slave at the sum of _____, lawful money of _____

Witness my hand, this _____ day of _____

(Signed)

No. 201.

FORM of MINUTE or Act of Court decreeing a Monition against a Seizor of Ship and Slaves to proceed to the Adjudication thereof.

Insert names of Ship
and Master.

_____ exhibited as Proctor for _____, of _____, and brought in a claim of the said _____, for the said ship or vessel and for two male slaves on board her, called _____, and _____, together with an affidavit in support of the said claim,

and he alleged that the said ship and slaves were, on the _____ day of _____, ultimo, seized by _____, Esquire, commander of His Majesty's ship _____, and brought to the port of _____, that notwithstanding the said seizure no proceedings have been instituted in this Court, by or on behalf of the said _____, wherefore he prayed, and the Judge, at his petition, decreed a monition against the said _____, the seizor, to proceed to the adjudication of the said ship and slaves.

No. 202.

FORM of MONITION against the Seizor of a Ship and Slaves to proceed to the Adjudication thereof.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain business moved and prosecuted before him in our said Court on behalf of _____, claimant of the ship or vessel called the _____, (whereof _____ now is or lately was master), her tackle, apparel and furniture, and the slaves on board the same, for and on behalf of _____, of _____, the true, lawful, and sole owner and proprietor thereof at the time the said ship or vessel and the slaves on board the same were taken and seized by _____, against the said _____, the seizor, rightly and duly proceeding at the petition of the Proctor of the said claimant, alleging that the said ship and slaves were seized on the _____ day of _____, that notwithstanding such seizure no proceedings whatever have been had to bring the said ship and slaves to adjudication, —hath decreed the said _____, the seizor aforesaid, to be monished, cited and called to judgment at the time and place under-written and to the effect hereafter expressed (justice so requiring); We do therefore strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish and cite or cause to be monished and cited peremptorily the said _____, the seizor aforesaid, that he appear before Us or our aforesaid Judge of our said Court, or his Surrogate, in the Registry of our said Court, situated _____, on the third day after he shall have been served herewith, between the hours of _____ and _____, in the _____ of such day, then and there to proceed in our said Court to the legal adjudication of the said ship, her tackle, apparel and furniture, and the slaves on board the same seized as aforesaid, whether good and lawful forfeiture or not, or to show and allege in due form of law a reasonable and lawful cause (if any he has) why the said ship, her tackle, apparel, and furniture, and the said slaves, should not be decreed to be released from the aforesaid seizure and restored and delivered to the said _____, the claimant, for the use of the owner and proprietor thereof, together with all such costs, losses, charges, damages and expenses arising or to arise from or by means of the said seizure, and further to do and receive as to justice shall appertain; and that you intimate moreover or cause to be intimated peremptorily to the said _____ (to whom, by the tenor of these presents, we also do intimate) that if he shall not appear at the time and place above-mentioned, or appearing shall not show a reasonable and lawful cause to the contrary, our said Judge or his Surrogate doth intend and will proceed to the decreeing the said ship or vessel _____, her tackle, apparel and furniture, and the slaves on board the same, to be released from the seizure aforesaid, and to be restored and delivered to the said _____, the claimant, for the use of the owner and proprietor thereof, together with all such costs, losses, charges, damages and expenses, arising or to arise from or by means of the said seizure, their absence or rather contumacy in anywise notwithstanding; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

(Signed)

(L.S.)

Registrar.

No. 203.

FORM of AFFIDAVIT to precede Monition against a Ship and Goods seized for Breach of the Revenue or Navigation Laws.

In the Vice-Admiralty Court of

Our Sovereign Lord the King against the ship or vessel called the _____
(whereof _____, was master, her tackle, apparel or furniture, and
seized by _____

Set forth the Goods seized as liable to forfeiture, and the name and description of Seizor.

Insert name and description of Seizor.

The Affidavit must always contain a full and specific account of the facts constituting the breach of the law.

Appeared personally _____, and made oath, that on or about the _____ day of _____ the said ship or vessel _____ arrived at the port of _____, and that immediately on such arrival the said _____, the master, attended at the custom-house, and made his report of the entry of the said vessel and cargo, as required by law; that in such report it was declared that the cargo of the said ship consisted of _____, that subsequently to such report being so made, and whilst the said ship was lying in the said port, the appearer was informed that there had been clandestinely landed from the said vessel the following goods, to wit, _____ And this deponent further maketh oath, that no part of such goods were comprised in the report so aforesaid made at the custom-house by the said master; that thereupon the appearer proceeded to the store of _____, and there found the said goods so clandestinely landed, and seized the same, and also the said ship, by reason that such ship and goods were liable to forfeiture under the Act of 6th Geo. IV. cap. 114.

And this deponent further made oath, that the paper writings and documents hereunto annexed, marked No. 1. to No. _____, are the whole of the paper writings and documents which were found on board or delivered up relative to the said ship and goods, and that they are now in the same plight and condition, saving the numbering thereof, as when received by this deponent, without any fraud, addition or subduction whatever.

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

No. 404.

FORM of AFFIDAVIT to precede Monition against Goods seized on Shore, for Breach of the Revenue or Navigation Laws, the Owner thereof not being known.

IN the Vice-Admiralty Court of

Our Sovereign Lord the King against
 seized by _____

Set forth the Goods seized, and name and description of Seizor.

Insert name and description of Seizor. The Affidavit must always contain a full and specific account of the facts constituting the breach of the law.

Appeared personally _____, of His Majesty's Customs at the port of _____, in the island of _____, and made oath, that in consequence of information received by him that a vessel had in the night of the _____ day of the present month of _____ been hovering off the coast of _____, and that sundry goods had been landed therefrom without the payment of the duties chargeable thereon, the appearer proceeded immediately to _____, in the custom-house boat, and on his going round the point of _____, he perceived a vessel about _____ miles distant, and a boat proceeding towards her from the shore; that immediately upon the said boat reaching the said vessel all sail was hoisted, and the wind being fresh the said vessel proceeded out to sea; that upon his arrival at the place from whence it appeared the said boat had left he discovered on the beach the said _____

Set forth the Goods.

which he thereupon seized as forfeited to His Majesty. Lastly, this deponent made oath, that he has not been able to ascertain the name of the said vessel, or any of the parties concerned in so clandestinely landing the said goods, although he has made diligent inquiry to ascertain the same.

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

No. 205.

FORM of MINUTE or Act of Court on decreeing a Monition against a Ship and Goods seized for a Breach of the Revenue or Navigation Laws.

Insert description of Cause and name of Seizor.

Insert name of Proctor for the Crown.

_____ exhibited for our Sovereign Lord the King, and brought in affidavit of _____, with ship's papers annexed, marked No. 1 to No. _____, inclusive, and prayed, and the Judge at his petition decreed the usual monition.

No. 206.

FORM of MINUTE or Act of Court decreeing a Monition against Goods seized on shore for Breach of the Revenue or Navigation Laws.

exhibited for our Sovereign Lord the King, and brought in affidavit of and prayed, and the Judge at his petition decreed the usual monition.

Insert description of Cause and name of Seizor.
Insert name of Proctor for the Crown.

No. 207.

FORM of MINUTE or Act of Court decreeing a Monition against sundry Goods seized by different Seizors on Shore for Breach of the Revenue or Navigation Laws.

OUR Sovereign Lord the King against five cases containing gin seized by five cases containing claret seized by , and ten cases containing brandy seized by ; and also against all persons in general having or pretending to have any right, title or interest therein.

Insert names and description of Seizors.

exhibited for our Sovereign Lord the King, and brought in affidavits of Collector of His Majesty's Customs for the port of , the seizor of five cases containing gin, of , Comptroller of His Majesty's Customs for the port of , the seizor of five cases containing claret, and of , Landing Waiter and Searcher of His Majesty's Customs for the port of , the seizor of ten cases containing brandy, and alleged that it appears by the said affidavits that the value of the said five cases of gin does not exceed the sum of , that the value of the said five cases of claret does not exceed the sum of , and that the value of the said ten cases of brandy does not exceed the sum of , and prayed, and the Judge at his petition directed the said several seizures to be consolidated in one and the same proceeding, and decreed the usual monition.

Insert name of Proctor for the Crown.

Care should be taken to insert the value of the Goods seized, where separate seizures are to be combined in one proceeding.

No. 208.

FORM of MONITION to shew Cause why a Ship and Goods should not be pronounced to be forfeited for Breach of the Revenue or Navigation Laws, and why the Penalties due by Law should not be pronounced for.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To , gentleman, Marshal of our Vice-Admiralty Court of , and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful , Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause or business of forfeiture moved and prosecuted before him in our said Court on our behalf, against the ship or vessel called the (whereof now is or lately was master), her tackle, apparel and furniture, and taken and seized by , now or lately laden therein, for breach of , rightly and duly proceeding at the petition of the Proctor on our behalf, hath decreed , of , the owner of the said ship or vessel, and the goods before enumerated in special, and all persons in general who have or pretend to have any right, title or interest in the said ship or vessel, her tackle, apparel and furniture, and the said goods, to be monished, cited and called to judgment, at the time and place hereunder written, and to the effect hereafter expressed (justice so requiring): We do therefore charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish or cause to be monished, peremptorily and personally, the said , whom also we monish by virtue of these presents, and that by affixing these presents on some conspicuous part of the Exchange (or place of common resort of merchants) in our town of , in our said island of , at the usual time of public resort thither, and by leaving there affixed a true copy thereof, you monish and cite or cause to be monished and cited peremptorily, all persons in general who have or pretend to have any right, title or interest, in the said ship or vessel, her tackle, apparel, and furniture, and in the said goods, whom also we monish by virtue of these presents, that he and they appear before Us or our said Judge, or his Surrogate, in the Registry of our said Court, situated , on the fourteenth day after service of these presents, between the hours of and in the of such day, then and there to shew and allege, in due form of law, a reasonable and lawful cause, if he or they have or know any, why the said ship or vessel, her tackle, apparel and furniture, and the aforesaid goods, should not be pronounced to have been, at the time of the seizure thereof, subject and liable to forfeiture and condemnation, and to be adjudged and condemned as forfeited to Us, our heirs and successors, accordingly, and why the penalties due by law

Set forth the goods seized, the name and description of seizor, and the statute under which the forfeiture is contended for.

Or "Court-House of our said Vice-Admiralty Court," or other place, as the usage of the Colony may be.

should not be pronounced for, and further to do and receive in this behalf as unto law and justice shall appertain; and that you duly intimate or cause to be intimated peremptorily and personally to the said in special, and that you also duly intimate or cause to be intimated peremptorily to all persons in general, all of whom by the tenor of these presents we do also respectively intimate, that if he or they shall not appear at the time and place above-mentioned, or appearing shall not shew a reasonable and lawful cause to the contrary, our said Judge or his Surrogate doth intend to proceed and will proceed to adjudication on the said seizure, and will pronounce the said ship or vessel, her tackle, apparel and furniture, and the said goods, to have been, at the time of the seizure aforesaid, subject and liable to forfeiture and condemnation, and will adjudge and condemn the same as forfeited to Us, our heirs and successors, and doth further intend to proceed and will proceed to pronounce for the penalties due by law, the absence or rather contumacy of the parties so cited and intimated in anywise notwithstanding; and that you duly certify our said Judge or his Surrogate what you shall do in the premises, together with these presents. Given at , in our aforesaid Court, under the seal thereof, the day of , in the year of our Lord , and of our reign the

(Signed

(L.S.)

Registrar.

 No. 209.

FORM of MONITION to shew Cause why Goods seized on Shore (the Owner being known) should not be pronounced to be forfeited for Breach of the Revenue or Navigation Laws, and why the Penalties due by Law should not be pronounced for.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To , gentleman, Marshal of our Vice-Admiralty Court of , and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful , Judge and Commissary of our said Court, lawfully constituted and appointed in a

Set forth the goods seized, the name and description of seizure, and statute under which the forfeiture is contended for. Here describe the goods.

Or "Court-House of our Vice-Admiralty Court," or other place, as the usage of the Colony may be.

certain cause or business of forfeiture, moved and prosecuted before him in our said Court on our behalf against , seized by , for breach of , rightly and duly proceeding at the petition of the Proctor on our behalf, hath decreed of the owner of the said goods in special, and all persons in general who have or pretend to have any right, title or interest in the said , to be monished, cited and called to judgment, at the time and place hereunder written, and to the effect hereafter expressed (justice so requiring): We do therefore charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish or cause to be monished, peremptorily and personally, the said , whom also we monish by virtue of these presents, and that by affixing these presents on some conspicuous part of the Exchange (or place of common resort of merchants) in our town of , in our said island of , at the usual time of public resort thither, and by leaving there affixed a true copy thereof, you monish and cite, or cause to be monished and cited peremptorily, all persons in general who have or pretend to have any right, title or interest in the said , whom also we monish by virtue of these presents, that he and they appear before Us or our said Judge, or his Surrogate, in the Registry of our said Court, situated at , on the fourteenth day after service of these presents, between the hours of and in the of such day, then and there to shew and allege in due form of law a reasonable and lawful cause, if he or they have or know any, why the said should not be pronounced to have been at the time of the seizure thereof subject and liable to forfeiture and condemnation, and to be adjudged and condemned as forfeited to Us, our heirs and successors accordingly, and why the penalties due by law should not be pronounced for, and further to do and receive in this behalf as to law and justice shall appertain; and that you duly intimate or cause to be intimated peremptorily and personally to the said in special, and that you also duly intimate or cause to be intimated peremptorily to all persons in general, all of whom by the tenor of these presents we do also respectively intimate, that if he or they shall not appear at the time and place above-mentioned, or appearing shall not shew a reasonable and lawful cause to the contrary, our said Judge or his Surrogate doth intend to proceed and will proceed to adjudication on the said seizure, and will pronounce the said to have been at the time of the seizure aforesaid subject and liable to forfeiture and condemnation, and will adjudge and condemn the same as forfeited to Us, our heirs and successors, and doth further intend to proceed and will proceed to pronounce for the penalties due by law, the absence or rather contumacy of the parties so cited and intimated in anywise notwithstanding, and that you duly certify our said Judge or his Surrogate what you shall do in the premises, together with these presents. Given at in our aforesaid Court, under the seal thereof, the day of , in the year of our Lord , and of our reign the

(Signed

(L.S.)

Registrar.

No. 210.

FORM of MONITION to shew Cause why sundry Goods seized on Shore (the Owners thereof not being known) should not be pronounced to be forfeited for Breach of the Revenue or Navigation Laws, and why the Penalties due by Law should not be pronounced for.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted, and appointed in a certain cause or business of forfeiture moved and prosecuted before him in our said Court on our behalf against _____, seized by _____, for breach of _____, rightly and duly proceeding at the petition of the Proctor on our behalf, hath decreed all persons in general who have or pretend to have any right, title or interest in the said _____, to be monished, cited and called to judgment at the time and place hereunder written, and to the effect hereafter expressed (justice so requiring): We do therefore charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that by affixing these presents on some conspicuous part of the Exchange (or place of common resort of merchants) in our town of _____, in our said island of _____, at the usual time of public resort thither, and by leaving there affixed a true copy thereof you monish and cite, or cause to be monished and cited peremptorily, all persons in general who have or pretend to have any right, title or interest in the said _____, whom also we monish by virtue of these presents, that they appear before Us or our said Judge, or his Surrogate, in the Registry of our said Court situated at _____, on the fourteenth day after service of these presents, between the hours of _____, and _____, in the _____ of such day, then and there to shew and allege in due form of law a reasonable and lawful cause, if they have or know any, why the said _____ should not be pronounced to have been at the time of the seizure thereof subject and liable to forfeiture and condemnation, and to be adjudged and condemned as forfeited to Us, our heirs and successors, accordingly, and why the penalties due by law should not be pronounced for, and further to do and receive in this behalf as unto law and justice shall appertain; and that you duly intimate or cause to be intimated peremptorily to all persons in general, whom by the tenor of these presents we do also intimate, that if they shall not appear at the time and place above-mentioned, or appearing shall not shew a reasonable and lawful cause to the contrary, our said Judge or his Surrogate doth intend to proceed and will proceed to adjudication on the said seizure, and will pronounce the said _____ to have been, at the time of the seizure aforesaid, subject and liable to forfeiture and condemnation, and will adjudge and condemn the same as forfeited to Us, our heirs and successors, and doth further intend to proceed and will proceed to pronounce for the penalties due by law, the absence or rather contumacy of the parties so cited and intimated in anywise notwithstanding; and that you duly certify our said Judge or his Surrogate what you shall do in the premises, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year _____ of our Lord _____, and of our Reign the _____

Set forth the Goods seized, the name and description of the Seizor, and the Statute under which the seizure is contended for.

Here describe the Goods.

Or "House of our said Vice-Admiralty Court," or other place according as the usage of the Colony may be.

(Signed)

(L.S.)

Registrar.

No. 211.

FORM of MONITION to shew Cause why sundry Goods seized on Shore for Breach of the Revenue or Navigation Laws by different Seizors should not be pronounced to be forfeited, and why the Penalties due by Law should not be pronounced for.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, and to his deputy whomsoever, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed, in a certain cause or business of forfeiture moved and prosecuted before him in our said Court on our behalf, against five cases containing gin, seized by _____, Collector of our Customs for the port of _____, for breach of _____, and against five cases containing claret, seized by _____, Comptroller of our Customs at the port of _____, for a like breach, and also against ten cases containing brandy, seized by _____, Waiter and Searcher of our Customs at the port of _____, also for a like breach, rightly and duly proceeding at the petition of the Proctor on our behalf, hath decreed all persons in general who have or pretend to have any right, title or interest in the said five cases containing gin, five cases containing claret, and ten cases containing brandy, to be monished, cited and called to judgment, at the time and place hereunder-written, and to the effect hereafter expressed (justice so requiring); We do therefore charge and command you jointly and severally, that you omit not by reason of any liberty or franchise, but that by

Set forth the Statute under which the Forfeiture is contended for. To be made conformably to the facts.

Or "Court-House of our said Vice-Admiralty Court," or other place as the usage of the Colony may be.

affixing these presents on some conspicuous part of the Exchange (or place of common resort of merchants) in our town of _____, in our said island of _____, at the usual time of public resort thither, and by leaving there affixed a true copy thereof you monish and cite, or cause to be monished and cited peremptorily, all persons in general who have or pretend to have any right, title or interest in the said five cases containing gin, five cases containing claret, and ten cases containing brandy, whom also we monish by virtue of these presents, that they appear before Us or our said Judge, or his Surrogate, in the Registry of our said Court, situated _____ on the fourteenth day after service of these presents, between the hours of _____ and _____ in the _____ of such day, then and there to shew and allege in due form of law a reasonable and lawful cause, if they have or know any, why the said five cases containing gin, five cases containing claret, and ten cases containing brandy, should not be pronounced to have been, at the time of the seizure thereof, subject and liable to forfeiture and condemnation, and to be adjudged and condemned as forfeited to Us, our heirs and successors accordingly, and why the penalties due by law should not be pronounced for, and further to do and receive in this behalf as unto law and justice shall appertain; and that you duly intimate, or cause to be intimated peremptorily to all persons in general, whom by the tenor of these presents we do also intimate, that if they shall not appear at the time and place above-mentioned, or appearing shall not shew a reasonable and lawful cause to the contrary, our said Judge or his Surrogate doth intend to proceed and will proceed to adjudication on the said seizure, and will pronounce the said five cases containing gin, five cases containing claret, and ten cases containing brandy, to have been, at the time of the seizure aforesaid, subject and liable to forfeiture and condemnation, and will adjudge and condemn the same as forfeited to Us, our heirs and successors, and doth further intend to proceed and will proceed to pronounce for the penalties due by law, the absence or rather contumacy of the parties so cited and intimated in anywise notwithstanding; and that you duly certify our said Judge or his Surrogate what you shall do in the premises, together with these presents. Given at _____, in our aforesaid Court under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

(Signed)

(L.S.)

Registrar.

No. 212.

FORM of INTERLOCUTORY DECREE condemning Goods seized for Breach of the Revenue or Navigation Laws (the Owner being known), and pronouncing the Penalties due by Law.

OUR Sovereign Lord the King against

seized by _____, and against all persons in general having or pretending to have any right, title or interest therein.

In pain of parties cited not appearing, _____ returned monition duly executed and referred to the affidavit of _____, the seizor, heretofore exhibited and now remaining in the Registry of this Court. The Judge, at his petition, having heard the said affidavit read on motion of Counsel, on behalf of His Majesty, by interlocutory decree pronounced the said

to have been illegally landed _____, contrary to the provisions of the act of the _____, and as such or otherwise subject and liable to forfeiture and condemnation, and condemned the same as forfeited to our Sovereign Lord the King accordingly. The Judge moreover pronounced for the penalty due under the provisions of the said Act, that is to say, that the sum of _____ is due by _____, the owner of the said goods, and condemned him in such penalty of _____ accordingly.

No. 213.

FORM of INTERLOCUTORY DECREE condemning Goods seized for Breach of the Revenue or Navigation Laws, where the Owners are not known.

OUR Sovereign Lord the King against

seized by _____, and against all persons having or pretending to have any right, title, or interest therein.

In pain of parties cited not appearing, _____ returned monition duly executed and referred to the affidavit of _____, the seizor, heretofore exhibited and remaining in the Registry of this Court. The Judge, at his petition, having heard the said affidavit read, on motion of

Set forth the Goods seized, and the name and description of Seizor.

Insert name of Proctor for the Crown.

Set forth the Goods seized.

Or, as the fact may be. Insert the specific cause of Forfeiture, and also the Statute affecting it. :

Set forth the Goods seized, and the name and description of Seizor.

Insert name of Proctor for the Crown.

Counsel on behalf of His Majesty, by interlocutory decree pronounced the said to have been illegally, contrary to the provisions of the Act of the and as such or otherwise subject and liable to forfeiture and condemnation, and condemned the same as forfeited to our Sovereign Lord the King.

Set forth the Goods seized. Insert the specific cause of Forfeiture, and also the Statute affecting it.

No. 214.

FORM of CLAIM for Ship and Goods proceeded against for Breach of the Revenue or Navigation Laws.

In the Vice-Admiralty Court of

The claim of, of, the true lawful, and sole owner and proprietor of the said ship or vessel, her tackle, apparel and furniture, and, now or lately laden therein, taken and seized by, for the said ship and goods, and for all costs, charges, damages and expenses as have arisen or shall or may arise by reason of the seizure and detention of the said ship and goods.

Insert date and description of Cause. Insert description of Goods. Insert name of Seizor.

(Signed)

To be signed by Counsel.

No. 215.

FORM of AFFIDAVIT in support of Claim for Ship and Goods proceeded against for Breach of the Revenue or Navigation Laws.

In the Vice-Admiralty Court of

Appeared personally, of, and made oath that

And the deponent lastly made oath, that the claim hereunto annexed is a true and just claim, and that he shall be able to make due proof thereof.

Insert description of Cause. With reference to the present Form, see Affidavit No. 191, annexed to the Claim for Ship and Slaves, and insert the Special Matter upon which the Claimant relies for restitution.

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

Before me, (Signed)

No. 216.

FORM of BAIL BOND on giving Claim for a Seizure under the Revenue or Navigation Laws.

ON the day of before the Worshipful Judge of His Majesty's Vice-Admiralty Court of, in his chambers, situated Present, (Signed) Registrar.

Or "Surrogate," as the fact may be.

appeared for, of, claimant and owner of

Insert description of Cause. Insert name of Claimant's Proctor. Insert description of property proceeded against.

and produced as surety, of, who, submitting himself to the jurisdiction of His Majesty's Vice-Admiralty Court of, bound himself, his heirs, executors and administrators for the said, in the sum of sixty pounds of lawful money of Great Britain, unto, the seizer of the said, to pay all such costs in the above suit as shall be adjudged by the said Court; and unless he shall so do, he doth hereby consent that execution shall issue forth against him, his heirs, executors and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of sixty pounds before-mentioned; which caution the said Judge received on the report of, Marshal of the said Court, as to the sufficiency of the said surety.

Or "Surrogate" as the fact may be.

(Signed)

No. 217.

FORM of INTERLOCUTORY DECREE condemning Goods seized for Breach of the Revenue or Navigation Laws, when claimed and no Libel given.

Set forth the Goods seized and name and description of Seizor.

OUR Sovereign Lord the King against

, seized by _____, and against _____, intervening and claiming the said goods.

Insert name of Proctor for the Crown.

_____ prayed the Judge to reject the claim of _____, for the said _____ proceeded against in this cause, and to pronounce the same to be subject and liable to forfeiture and condemnation, and to condemn the same as forfeited to OUR Sovereign Lord the King; and further to pronounce for the penalty due by law, and to condemn _____ in such penalty and in costs.

Insert Claimant's Proctor's name.

_____ prayed the Judge to admit the said claim, to restore the said goods, and to condemn _____, the seisor, in costs.

Insert the specific cause of Forfeiture, and also the Statute affecting it.

The Judge, having heard the proofs read, and Advocates and Proctors on both sides, rejected the said claim, and by interlocutory decree pronounced the said _____ to have been illegally _____, contrary to the provisions of the Act of the _____, and as such or otherwise subject and liable to forfeiture and condemnation, and condemned the same as forfeited to our Sovereign Lord the King accordingly. The Judge, moreover, pronounced for the penalty due under the provisions of the said Act, (that is to say) that the sum of _____ is due by _____, and condemned the said _____ in such penalty of _____ accordingly, and in costs.

No. 218.

FORM of INTERLOCUTORY DECREE pronouncing Restitution of Goods proceeded against for Breach of the Revenue or Navigation Laws, when claimed and no Libel given.

Set forth the Goods seized, and the name and description of Seizor.

OUR Sovereign Lord the King against

seized by _____, and against _____, intervening and claiming the said goods.

Insert name of Proctor for the Crown.

_____ prayed the Judge to reject the claim of _____, for the said _____, proceeded against in this cause, and to pronounce the same to be subject and liable to forfeiture and condemnation, and to condemn the same as forfeited to our Sovereign Lord the King, and further to pronounce for the penalties due by law, and to condemn _____, the claimant and owner thereof, in such penalties and costs.

Insert Claimant's Proctor's name.

_____ prayed the Judge to admit the said claim, to restore the said goods, and to condemn _____, the seisor, in costs.

The Judge, having heard the proofs read, and Advocates and Proctors on both sides, admitted the said claim, by interlocutory decree decreed the said _____ to be restored to the said claimant for his use and benefit.

No. 219.

FORM of LIBEL or INFORMATION in a Suit instituted for the Forfeiture of a Ship and Goods for Breach of the Revenue or Navigation Laws, and for Penalties.

Insert names of Ship and Master.

In the Vice-Admiralty Court of

On _____ the _____ day of _____, in the year of our Lord _____, before you the Worshipful _____, Judge and Commissary of His Majesty's Vice-Admiralty Court of _____, lawfully constituted and appointed the Proctor on behalf of our Sovereign Lord the King, as well for our said Sovereign Lord the King as for _____, against the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel and furniture, and _____, and also against the said _____, the master, intervening and claiming the said ship and goods in special, and against all persons in general having or pretending to have any right, title or interest therein, doth by way of complaint, and hereby complaining unto you, say, allege, and in law articulately propound as follows, to wit:—

Set forth the Goods seized.

That a certain Act of Parliament was made and passed in the sixth year of the reign of His late Majesty King George IV., to wit, on the fifth day of July, in the year of our Lord one thousand eight hundred and twenty-five, intituled, "An Act to regulate the Trade of the British Possessions abroad;" and this was and is true, and the party proponent doth allege and propound everything in this and the subsequent articles of this libel or information contained jointly and severally.

That on or about the _____ day of _____, the ship or vessel called the _____ (whereof _____ now is or lately was master), being the ship or vessel proceeded against in this cause, arrived at _____ from _____; that immediately on such arrival the said _____ the master thereof, attended at the Custom-house of the said _____, and made his report of the entry of the said ship and cargo as required by law; that in such report it was declared that the cargo of the said ship consisted of _____

that subsequently to such report being so made, and whilst the said ship was lying in the said port, there were clandestinely landed from her by _____, the following goods, to wit—

_____ ; that no part of the said goods were comprised or set forth in the report so as aforesaid made of the cargo of the said ship or vessel; that such goods, after they had been so landed, were deposited in a store belonging to _____, situated at _____, at which place they were seized as being liable to forfeiture for a breach of some or one of the provisions of the statute hereinbefore pleaded; and this was and is true, and the party proponent doth allege and propound as before.

That in part supply of proof of the premises, and to all other intents and purposes in the law whatsoever, the party proponent doth hereto annex, and prays to be here read and inserted and taken as part and parcel hereof, a certain paper-writing marked No. 1, and doth allege and propound the same to be and contain the original report made at the said Custom-house by the said _____, the master, on the arrival of the said ship or vessel at the said island of _____; that the same is now in all respects in the same plight and condition as when the same was so made by the said _____, save and except the numbering thereof; and this was and is true, and the party proponent doth allege and propound as before.

That all and singular the premises were and are true, of which legal proof being made, the party proponent prays that the said ship or vessel _____, her tackle, apparel and furniture, and _____, may be pronounced by you, the Judge aforesaid, to

have been, at the time of the seizure thereof, subject and liable to forfeiture and condemnation, and to condemn the same as forfeited to our Sovereign Lord the King, his heirs and successors accordingly; and moreover that the penalties due by law may be pronounced for, that is to say, that the sum of one hundred pounds is due from the said _____, the master of the said ship or vessel, for having made an untrue report of the goods on board the said ship or vessel and that the sum of _____, being treble the value of the said _____, is due from _____, for

having clandestinely landed the said goods, and to condemn the said parties respectively in such penalties, and in the costs made and to be made in this cause, on the part and behalf of our Sovereign Lord the King, by your definitive sentence or final interlocutory decree to be made and given in this behalf.

No. 220.

FORM of INTERLOCUTORY DECREE condemning Ship and Cargo seized for Breach of the Revenue or Navigation Laws in a Suit conducted by Libel.

Our Sovereign Lord the King against the ship or vessel called the _____, (whereof _____ was master), her tackle, apparel and furniture, and the goods, wares and merchandizes laden therein, seized by _____, and against _____, intervening and claiming the said ship and cargo.

_____ prayed the Judge to reject the claim of _____ for the said ship and cargo, and to pronounce that he the said _____ had fully proved the contents of the libel and exhibit thereto annexed, by him given in and admitted in this cause, on behalf of our Sovereign Lord the King, and the said ship and cargo to have been, at the time of the seizure thereof, subject and liable to forfeiture and condemnation, and to condemn the same as forfeited to our Sovereign Lord the King; and further to pronounce for the penalties due by law, and to condemn the said _____ in such penalties and in costs.

_____ prayed the Judge to admit the said claim, to pronounce that _____ had failed, in proof of the said libel and exhibit, to restore the said ship and cargo as claimed, and to condemn the seizor, in all costs, losses, damages, demurrage and expenses as have arisen, or shall or may arise, by reason of the said seizure.

The Judge having heard the proofs read, and Advocates and Proctors on both sides, rejected the said

First.

Or such other Act or Acts as may be necessary to be pleaded.

Second.

Third.

Fourth.

To be signed by Counsel.

Insert name of Proctor for the Crown.

Insert name of Claimant's Proctor.

Insert name of Proctor for the Crown.

Insert the specific cause of Forfeiture, also the statute affecting it.

claim of _____ for the said ship and cargo, by interlocutory decree pronounced that _____ had sufficiently proved the contents of the said libel and exhibit given in and admitted in this cause on behalf of our Sovereign Lord the King, and the said ship and cargo to have been illegally engaged or employed in _____ contrary to the provisions of the act of the _____, and as such or otherwise subject and liable to forfeiture and condemnation, and condemned the same as forfeited to our Sovereign Lord the King accordingly. The Judge, moreover, pronounced for the penalties due by law as libellate, that is to say, that the sum of _____ is due by the said _____, and condemned the said _____ in the said penalties and in costs.

No. 221.

FORM of INTERLOCUTORY DECREE pronouncing Restitution of Ship and Cargo seized for Breach of the Revenue or Navigation Laws in a Suit conducted by Libel.

OUR Sovereign Lord the King against the ship or vessel called the _____ (whereof _____ was master), her tackle, apparel and furniture, and the goods, wares and merchandizes laden therein, seized by _____ and against _____ intervening and claiming the said ship and cargo.

Insert name of Proctor for the Crown.

_____ prayed the Judge to reject the claim of _____ for the said ship and cargo, and to pronounce that he the said _____ had fully proved the contents of the libel and the exhibit thereto annexed, by him given in and admitted in this cause on behalf of our Sovereign Lord the King, and the said ship and cargo to have been, at the time of the seizure thereof, subject and liable to forfeiture and condemnation, and to condemn the same as forfeited to our Sovereign Lord the King, and further to pronounce for the penalties due by law, and to condemn the said _____ in such penalties and in costs. _____ on behalf of the said _____

Insert name of Claimant's Proctor.

_____ prayed the Judge to admit the said claim, to pronounce that _____ had failed in proof of the said libel and exhibit, to restore the said ship and cargo as claimed, and to condemn _____, the seizer, in all costs, losses, damages, demurrage and expenses as have arisen or shall or may arise by reason of the said seizure.

The Judge having heard the proofs read, and Advocates and Proctors on both sides, admitted the said claim, pronounced that the said _____ had failed in proof of the said libel and exhibit, and by interlocutory decree decreed the said ship and cargo to be restored to the said claimant for the use of the owner and proprietor thereof, and condemned _____, the seizer, in costs.

No. 222.

FORM of MINUTE or Act of Court, decreeing a Monition against the Seizer of Ship and Goods seized for Breach of the Revenue or Navigation Laws to proceed to the Adjudication thereof.

Insert names of Ship and Master.
Insert name of Claimant's Proctor.

_____ exhibited as Proctor for _____, of _____, and brought in a claim of the said _____ for the said ship or vessel, and the cargo laden therein, together with an affidavit in support of the said claim, and he alleged that the said ship and cargo were, on the _____ day of _____, seized by _____; that notwithstanding the said seizure no proceedings have been instituted in this Court by or on behalf of the said _____, wherefore he prayed, and the Judge, at his petition, decreed a monition against the said _____, the seizer, to proceed to the adjudication of the said ship and cargo.

No. 223.

FORM of MONITION against the Seizer to proceed to the Adjudication of a Ship and Cargo seized for Breach of the Revenue or Navigation Laws.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, gentleman, Marshal of our Vice-Admiralty Court of _____, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain business, moved and prosecuted before him in our said Court on behalf of _____, claimant of the ship or vessel called the _____, whereof _____ now is or lately

was master), her tackle, apparel and furniture, and the goods, wares and merchandizes now or lately laden therein for and on behalf of _____, of _____, the true, lawful and sole owners and proprietors thereof at the time the said ship and cargo were seized by _____ against the said _____, the seisor, rightly and duly proceeding at the petition of the Proctor of the said claimant, alleging that the said ship and cargo were seized on the _____ day of _____, that notwithstanding such seizure no proceedings whatever have been had to bring the said ship and cargo to adjudication, hath decreed the said _____ to be monished, cited and called to judgment at the time and place underwritten and to the effect hereafter expressed (justice so requiring); We do therefore strictly charge and command you, jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish and cite, or cause to be monished and cited peremptorily, the said _____, the seisor aforesaid, that he appear before Us or our aforesaid Judge of our said Court, or his Surrogate, in the Registry of our said Court, situated _____ on the third day after he shall have been served herewith, between the hours of _____ and _____, in the _____ of such day, then and there to proceed in our said Court to the legal adjudication of the said ship, her tackle, apparel and furniture, and the goods, wares and merchandizes laden therein, seized as aforesaid, whether good and lawful forfeiture or not, or to show and allege in due form of law a reasonable and lawful cause (if any he has) why the said ship, her tackle, apparel and furniture, and the goods, wares and merchandizes laden therein, should not be decreed to be released from the aforesaid seizure, and restored and delivered to the said _____, the claimant, for the use of the owners and proprietors thereof, together with all such costs, losses, charges, damages and expenses arising or to arise from or by means of the said seizure, and further to do and receive as to justice shall appertain; and that you intimate moreover, or cause to be intimated peremptorily to the said _____ (to whom by the tenor of these presents we do also intimate), that if he shall not appear at the time and place above-mentioned, or appearing shall not shew a reasonable and lawful cause to the contrary, our said Judge or his Surrogate doth intend to proceed and will proceed to the decreeing of the said ship or vessel _____, her tackle, apparel and furniture, and the goods, wares and merchandizes laden therein, to be released from the seizure aforesaid and to be restored and delivered to the said _____, the claimant, for the use of the owners and proprietors thereof, together with all such costs, losses, charges, damages, and expenses arising or to arise from or by means of the said seizure, their absence or rather contumacy in anywise notwithstanding; and that you duly certify Us or our said Judge, or his Surrogate, what you shall do in the premises, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____ (Signed) _____ (L.S.) Registrar.

No. 224.

FORM of MINUTE or Act of Court on making a Tender.

brought into and left in the Registry the sum of _____, which he tendered to _____'s parties, together with such costs as may be due by law, in full for the salvage services by them rendered to the ship and cargo. Present, _____, Proctor for the salvors, who is assigned to declare whether he will accept the said tender or not by the _____ day of _____.

Insert names of Ship and Master.
Insert name of Defendant's Proctor.
Or "Wages" or "the amount of the Bot-tomy bond proceeded on in this cause."

No. 225.

FORM of REPORT in a Cause of Damage by Collision.

In the Vice-Admiralty Court of _____

Insert names of Ship and Master.

To the Worshipful _____, Judge and Commissary of the Vice-Admiralty Court of _____

Whereas by your decree of the _____ day of _____, you pronounced that the owner of the said ship _____ was liable for the damage sustained by _____, the owner of the smack _____, of _____, and condemned _____, and the bail on his behalf, to answer the action in such damage, and in the costs of suit, and moreover referred the proofs, with such accounts and vouchers as should be exhibited to your Registrar and merchants, to ascertain and report the amount of such damage; and whereas on the _____ day of _____, the Proctor for the owners of the said smack _____, brought in an account of damage, loss and expenses sustained by his parties, with affidavits, accounts and vouchers in support thereof: Now I do most humbly report that, having been assisted by Messrs. _____, and _____, of _____, merchants,

and having laid before them the several papers, and also the said affidavits, accounts and vouchers and the proceedings in the said cause, we took the same, together with what was urged by the parties, their agents and Proctors on both sides, into consideration, and are of opinion that the said owner of the said smack, is entitled under the aforesaid decree to the several sums stated in the schedule hereunto annexed, together with his Proctor's bill of costs.

Insert date.

All which is humbly submitted by
(Signed)

Registrar.

Insert names of Ship and Master.

SCHEDULE referred to by the annexed Report.

	Sums claimed.	Sums allowed.
Value of ship and materials	£	
Less some materials saved		£
Value of provisions on board		
Cash on board		
Amount of freight		
Value of clothes and property belonging to the master and crew	}	
Mr. expenses to Executing warrant of arrest		
Fees for appraising ship and cargo		
Expenses of crew at Mr. expenses to	}	
and		
Expenses of witnesses to Notaries' bill for protest		
Interest from to &c. &c. &c. as the fact may be		£

Add further interest from date of report until payment shall be made
Add also Proctor's bill not yet taxed
On the day of , the Judge referred the report back to the Registrar and merchants, to report what further interest is due under said report.

They are of opinion to allow as follows:—
Interest from , being days after the date of the report, until , at 4 per cent. per annum £
Also interest on paid in advance for costs by the claimant to his Proctor from to }

Proctor's bill as taxed	£
Due	
And further interest from that date until paid, together with any further costs which may have been incurred since the taxation.	

Insert date.

No. 226.

FORM of MINUTE of Court bringing in Registrar's Report.

Insert names of Ship and Master.

THE Registrar brought in his report on the matters referred; the Judge directed the same to be confirmed unless objected to by the day of

No. 227.

FORM of MINUTE of Court objecting to the Registrar's Report.

Insert names of Ship and Master.

, declared that he objected to the Registrar's report. Present, , at whose petition the Judge assigned to deliver an act setting forth his objections thereto to , by the day of

No. 228.

FORM of MINUTE of Court on taxing a Bill of Costs.

Insert names of Ship and Master.

corrected a bill of costs on behalf of his party; the Judge on report of the Registrar taxed the same at the sum of

No. 229.

FORM of MINUTE of Court objecting to the Report of a Bill of Costs.

Insert names of Ship and Master.

corrected a bill of costs on behalf of his party; the Registrar reported the same at the sum of ; present , who objected to the amount reported; the Judge, at petition of , assigned the said to deliver to him an act setting forth his objections thereto by the day of

Insert name of Adverse Proctor.

No. 230.

FORM of COMMISSION to take Bail.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To , of , and , of , greeting: Whereas our beloved the Worshipful , Judge and Commissary of our Vice-Admiralty Court of , lawfully constituted and appointed in a certain cause of salvage, civil and maritime, moved and prosecuted before him in our said Court on behalf of , against , rightly and duly proceeding on the day of the date hereof, at the petition of the Proctor of the said , decreed a commission to issue unto you for taking sureties for the said in manner and form underwritten (justice so requiring); We do therefore by these presents give power and authority unto you, jointly and severally, and strictly charge and command you, that you do take security for the said from two sufficient sureties in the sum and to the effect mentioned in the schedule hereto annexed, and that you insert in the same the Christian and surnames of the said sureties, and the places of their abode, and their several occupations, and also that you swear the said sureties to the truth of the attestation hereto annexed as to their sufficiency; and the caution being taken and subscribed by them, you do immediately transmit the same to our aforesaid Judge or his Surrogate in the Registry of our aforesaid Court, duly attested by you, together with these presents. Given at , in our aforesaid Court, under the seal thereof, the day of , in the year of our Lord , and of our reign the

Insert names and description of the Commissioners.

Or "Subtraction of Wages", or "Bottomry," or as the fact may be. Insert name and description of Plaintiff. Insert the ship's name and Party proceeded against. Insert name of Party at whose Petition the Commission was decreed.

(Signed) (L.S.) Registrar.

The Form of the Oath to be administered to the Sureties.

You swear that the contents of the affidavit to which you have severally subscribed your names were and are true.

"So help you God."

Form of Affidavit of Sureties to be annexed to a Commission to take Bail.

In the Vice-Admiralty Court of

Insert names of Ship and Master.

Appeared personally of , and of , the proposed bail and security for , and severally made oath, each for himself, that at the present time of being sworn he is worth more than the sum of of lawful money of , over and above the payment of all his just debts.

On the day of the said and were duly sworn to the truth of this affidavit by virtue of the commission hereunto annexed. (Signed) (Signed)

Before me, (Signed) Commissioner.

No. 231.

FORM of BAIL BOND to be taken by Commission.

On the day of , before , one of the Commissioners named in the commission hereunto annexed at

Insert names of Ship and Master.

Insert the names and descriptions of Sureties.

Insert the name and description of the Party for whom the Bail is given. Insert the amount of the Action.

Insert name of Party prosecuting the Suit. Insert Detendant's name.

Appared personally of , and of , who produced themselves for sureties, and submitting themselves to the jurisdiction of His Majesty's Vice-Admiralty Court of , bound themselves, their heirs, executors and administrators, for of , the owner of the said ship or vessel and her cargo in the sum of of lawful money of , unto , the master, and the owner and crew of the smack , the asserted salvors of the said ship and cargo, to answer the action commenced in this behalf, and to bring forth the said into judgment to abide the hearing of this cause whenever it shall be assigned, and likewise to pay what shall be adjudged with expenses, and unless they shall so do, they do hereby severally consent that execution shall issue forth against them, their heirs, executors and administrators, goods and chattels wheresoever the same shall be found to the value of the sum of above-mentioned.

(Signed)
(Signed)

Taken and acknowledged before me,
(Signed)

Commissioner.

In the presence of
(Signed)

No. 232.

FORM of COMMISSION for Examination of Witnesses.

Insert names and descriptions of the Commissioners.

Insert name and description of Parties. Or "Allegation," as the fact may be.

Insert name of Adverse Party in the Suit. The Oaths are to be administered to the Witnesses by one of the Commissioners, but the Evidence is to be taken by the Registrar or Actuary alone and in private.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To of , and of , greeting: Whereas our beloved the Worshipful Vice-Admiralty Court of , Judge and Commissary of our , lawfully constituted and appointed in a certain cause of , civil and maritime, moved and prosecuted before him in our said Court, on behalf of , rightly and duly proceeding on the day of the date hereof, at the petition of the Proctor of the said , alleging that his said party hath several witnesses residing in or near , very necessary to prove the contents of the libel given in and admitted in the said cause on his behalf, hath decreed a commission to issue unto you for the receiving, admitting, swearing, and examining the said witnesses, and hath committed his power and authority unto you in that behalf, in the manner and form following (justice so requiring); We do therefore authorize and empower you jointly and severally, and do hereby will and require you, that you cause to come and appear before you such witnesses as shall be named unto you on behalf of the said on any days within the month of (Sundays excepted), in the town-hall of or other place of judicature there, and that on the said days, or one of them, in the presence of , the Proctor of , the other party in the said cause, who hath been judicially monished by our aforesaid Judge, to be then and there personally present if he shall think himself concerned therein, or otherwise, notwithstanding his absence or contumacy, you do receive, admit, and administer an oath upon the Holy Evangelists in [due form of law unto the witnesses to speak the truth in this behalf, and such witnesses, named as aforesaid, who refuse to come and appear, to compel by due process of law (with power also of prorogation of the said days and place if it be requisite), and that in like manner you faithfully, carefully and secretly examine and interrogate the said witnesses, as well upon the articles of the said libel hereto annexed, as upon the interrogatories administered by the Proctor of the said , either annexed to these presents or delivered to you sealed up to be administered at the time of their examination, and cause their sayings and depositions to be faithfully reduced into writing, assuming for your Registrar or Actuary therein , Registrar of our aforesaid Court, or in his absence , being a person indifferent to the parties concerned, further requiring you that having finished the said business of examination, you do, on or before the day of next ensuing, transmit to Us, or the aforesaid Judge of our said Court, or his Surrogate, the sayings and depositions of the aforesaid witnesses, and the whole proceedings had and done before you reduced into a proper form, authentically and closely sealed up lest they should be opened or perused, together with these presents, that thereupon justice may be immediately administered to the parties. Given at , in our aforesaid Court, under the seal thereof, the day of , in the year of our Lord and of our reign the

(Signed)

(L.S.)

Registrar.

No. 233.

FORM of COMMISSION of Unlivery of a Cargo.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To all and singular our Officers and Ministers, and to all others in whose custody, power or possession the under-mentioned ship and goods or any part or parcel thereof be or remain, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our Vice-Admiralty Court of _____, lawfully constituted and appointed in a certain cause of _____, civil and maritime, moved and prosecuted before him in our said Court on behalf of _____, against the ship or vessel _____, and the goods, wares, and merchandizes on board the same, rightly and duly proceeding on the day of the date hereof, at the petition of the Proctor of the said _____, alleging the cargo of the said ship to be in a perishable condition by reason of the ship having been found to be full of water, and now to be lying in a hazardous situation, and exhibiting an affidavit in verification of what he so alleged, and shewing the necessity of the said cargo being unlivered, hath decreed a commission for the unlivery of the said cargo (justice so requiring); We do therefore strictly charge and command you, jointly and severally, that you forthwith unlade or cause to be unladen, the goods, wares and merchandizes from on board the said ship or vessel _____, and put or cause the same to be put into safe and secure warehouses in our port of _____, under the locks of our Collector and Comptroller of our Customs, or our chief Naval Officer of our said port of _____, and the same so unladen you safely and securely keep in the said warehouses until you shall receive further orders from Us herein, and that you make or cause to be made a true and perfect inventory of the goods you shall so unlade, and certify the same to Us or our said Judge, or his Surrogate, under your hands, together with what you shall do in the premises, and hereof fail not. Given at _____, in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

Insert description of Suit.
Insert Promoter's name.
Insert name of the Promoter, or as the fact may be.

(Signed)

(L.S.)

Registrar.

No. 234.

FORM of COMMISSION of Appraisalment.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, of _____, and _____, of _____, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our Vice-Admiralty Court of _____, lawfully constituted and appointed in a certain cause of *salvage*, civil and maritime, moved and prosecuted before him in our said Court on behalf of _____, the master and the owners and crew of the smack _____, of _____, against the ship or vessel called the _____ (whereof _____ now is or lately was master), her tackle, apparel and furniture, and the cargo laden on board the same, rightly and duly proceeding on the day of the date hereof, at the petition of the Proctor of the said _____, directed a commission to issue for the appraisalment of the said ship, her tackle, apparel and furniture, and the goods, wares and merchandizes laden on board the same (justice so requiring): We do therefore by these presents authorise and empower you, jointly and severally, and do strictly charge and command you that you fail not to reduce into writing a full, true and perfect inventory of the said ship or vessel _____, her tackle, apparel and furniture, and the goods, wares and merchandizes laden on board the same, and that you choose *one* good and lawful person well experienced in such affairs, and swear him, faithfully and justly, to appraise the same according to their true values, and that you so appraise and value or cause the same to be so appraised and valued, and the appraisalment being taken, that you duly transmit the same subscribed by you and the said appraiser to our aforesaid Judge of our said Court or his Surrogate, together with these presents. Given at _____ in our aforesaid Court, under the seal thereof, the _____ day of _____, in the year of our Lord _____, and of our reign the _____

Insert names and descriptions of the Commissioners.

Or as the fact may be.

Or two if necessary.

(Signed)

(L.S.)

Registrar.

No. 235.

FORM of COMMISSION of Appraisalment and Sale of Ship and Cargo.

WILLIAM the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To _____, of _____, and _____, of _____, greeting: Whereas our beloved the Worshipful _____, Judge and Commissary of our Vice-Admiralty Court of _____, lawfully constituted and appointed in a certain cause of _____, _____

Insert names and descriptions of the Commissioners.

Insert description of Suit.

Insert Promoter's name and description. civil and maritime, moved and prosecuted before him in our said Court on behalf of _____, against the ship or vessel called the _____, whereof _____ now is or lately was master, her tackle, apparel and furniture, and the goods, wares and merchandizes now or lately laden therein, rightly and duly proceeding on the day of the date hereof, at the petition of the Proctor of the said _____, decreed a commission to issue for the appraisalment and sale of the said ship and cargo (justice so requiring); We do therefore by these presents authorize and empower you, and do strictly charge and command you that you fail not to reduce into writing a full, true and perfect inventory of the said ship or vessel _____, her tackle, apparel and furniture, and the goods, wares and merchandizes now or lately laden therein, and that you choose *one* good and lawful person well experienced in such affairs, and swear him faithfully and justly to appraise the same according to their true values, and the appraisalment being so taken, that you expose or cause the said ship or vessel, and the goods, wares and merchandizes now or lately laden therein, to be exposed for public sale, and that you sell or cause the same to be sold to the best bidder, but not under the appraised value thereof without the special leave and authority of our said Judge first obtained, and that you bring or cause to be brought the produce money arising from such sale into the Registry of our aforesaid Court, on or before the _____ day of _____, next ensuing, to be there kept for the use of the persons who shall be entitled thereto, and that at the same time you duly transmit the said appraisalment subscribed by you and the said appraisers, together with the account of such sale also subscribed by you to our Judge of our aforesaid Court or his Surrogate, together with these presents. Given at _____, in our aforesaid Court, under the seal thereof, this _____ day of _____, in the year of our Lord _____, and of our reign the _____.

Insert the Promoter's name.

Or two if necessary.

(Signed) (L.S.) Registrar.

No. 236.

FORM of BAIL BOND, to answer Costs on Appeal.

Or "Surrogate," as the case may be. On the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, in his chambers, situated _____, Present, (Signed) Registrar.

Insert names of Ship and Master. On which day _____, produced as sureties _____, of _____, and _____, of _____, who submitting themselves to the jurisdiction of His Majesty's Vice-Admiralty Court of _____, bound themselves, their heirs, executors and administrators for _____, in the sum of _____, of lawful money of _____, unto _____, effectually to prosecute the appeal asserted in this behalf, and to pay such costs as shall be awarded in case the sentence or decree of the Judge of the said Vice-Admiralty Court of the _____ day of _____ shall be affirmed; and unless they shall so do, they do hereby consent that execution shall issue forth against them, their heirs, executors and administrators, goods and chattels, wheresoever the same shall be bound, to the value of the sum of _____, afore-mentioned, which caution the said Judge received upon the report of _____, Marshal of the said Court, as to the sufficiency of the said sureties. Present, _____, _____

Insert Appellant's name.

Insert Respondent's name.

Or "Surrogate," as the fact may be.

Insert Respondent's Proctor's name.

(Signed)
(Signed)

No. 237.

FORM of BAIL BOND to answer Appeal and Costs.

Or "Surrogate," as the case may be. On the _____ day of _____, before the Worshipful _____, Judge of the Vice-Admiralty Court of _____, in his chambers, situated _____, Present, (Signed) Registrar.

Insert names of Ship and Master. On which day _____, produced as sureties _____, of _____, and _____, of _____, who submitting themselves to the jurisdiction of His Majesty's Vice-Admiralty Court of _____, bound themselves, their heirs, executors and administrators for _____, in the sum of _____, of lawful money of _____, unto _____, to abide the event of the appeal asserted in this behalf, and to pay what shall be adjudged with expenses in case the decree or sentence of the Judge of the said Court of the _____ day of _____ shall be reversed; and unless they shall so do they do hereby severally consent that execution shall

Insert Respondent's name.

Insert Appellant's name.

issue forth against them, their heirs, executors and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of _____, afore-mentioned, which caution the said Judge received on the report of _____, Marshal of this Court, as to the sufficiency of the said sureties. Present,

Or "Surrogate" as the fact may be. Insert Appellant's Proctor's name.

(Signed)
(Signed)

No. 238.

FORMS of CERTIFICATES and Affidavit of Service of an Instrument when not executed by the Marshal.

Forms of Certificates.

THIS Monition was duly executed, and the within-named _____, was duly served by shewing to him the original under seal, and by leaving with him a true copy thereof, this _____ day of _____, By me, (Signed)

Or "Decree," as the fact may be.

This Monition was duly executed by affixing this original, under seal, for a short time on the _____, and by leaving there affixed a true copy thereof, this _____ day of _____, By me, (Signed)

Place of Service.

Form of Affidavit.

Appeared personally _____, of _____, and made oath that the contents of the preceding Certificate to which he hath subscribed his name were and are true. On the _____ day of _____, the said _____ was duly sworn to the truth of this affidavit at _____ } (Signed) Before me, (Signed) _____ Magistrate.

Or other competent local authority.

No. 239.

FORM of PROXY, where necessary from a Party in a Suit.

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

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 His 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 in virtue 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 _____

This clause is to empower any other Proctor to do any act in the unavoidable absence of the Proctor appointed.

(Signed) (L.S.)

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

No. 240.

FORM of AFFIDAVIT of Sureties justifying to their sufficiency as Bail.

IN the Vice-Admiralty Court of

Insert names of Ship and Master.
Insert names and descriptions of Sureties.
Insert the sum in which the Parties are bound.

Appeared personally _____, of _____, and _____, of _____, the proposed bail and security for _____, and severally made oath each for himself, that at the present time of being sworn he is worth more than the sum of _____ of lawful money of _____, over and above the payment of all his just debts.

On the _____ day of _____, the said _____ } (Signed)
and _____ were duly sworn to the truth of } (Signed)
this affidavit.

Before me,
(Signed)

Approved,

HERBERT JENNER, JAMES FARQUHAR, }
JOHN DODSON, H. B. SWABEY, } REFEREES.
STEPHEN LUSHINGTON, WM. ROTHERY, }

LONDON :

Printed by WILLIAM CLOWES and Sons, 14, Charing Cross.