the Purpose of signifying Her Majesty's Approbation or Consent to any Appointment or Removal to or from any such Office, or for any other Purpose whatsoever relating to *India*, such Warrant or Writing shall be countersigned by the President of the said Board, and by no other Person; and every such Warrant or Writing as aforesaid under Her Majesty's Royal Sign Manual which may have been heretofore countersigned by such President shall not be deemed to have required any other Counter-signature or Verification.

If Office of President vacant, then by Secretary of State.

II. During any Vacancy in the Office of President of the Board or Commissioners for the Affairs of *India*, any Warrant or Writing required under this Act or otherwise to be countersigned by such President shall be countersigned by One of Her Majesty's Principal Secretaries of State.

The immediate Government of any Part of the Indian Territories may be vested in the Governor General of India in Council.

III. It shall be lawful for the Governor General of *India* in Council, with the Sanction and Approbation of the Court of Directors of the *East India* Company, acting under the Control and Direction of the Board of Commissioners for the Affairs of *India*, from Time to Time, by Proclamation duly published, to take under the immediate Authority and Management of the said Governor General of *India* in Council any Part or Parts of the Territories for the Time being in the Possession or under the Government of the said Company, and thereupon to give all necessary Orders and Directions respecting the Administration of such Part or Parts of the said Territories or otherwise to provide for the Administration thereof: Provided always, that no Law or Regulation in force at any such Time as regards any such Portion of Territory shall be altered or repealed except by Law or Regulation made by the Governor General of *India* in Council.

Governor General may limit the Powers of Governors herein named.

IV. It shall be lawful for the said Governor General of *India* in Council, with the like Sanction and Approbation, from Time to Time to declare and limit the Extent of the Authority of the Governor in Council, Governor, or Lieutenant Governor of *Bengal*, or of *Agra*, or the North-west Provinces, who is now or may be hereafter appointed.

Powers of Governor General as Governor of Bengal transferred to the Governor of India in Council.

V. All Powers now or at any Time vested in or exercised by the Governor in Council, or Governor of the Presidency of *Fort William* in *Bengal*, or in or by the Governor General of *India* in Council in respect of such Presidency, and which for the Time being shall not have been transferred to the Governor in Council, Governor, or Lieutenant Governor of *Bengal*, or of *Agra*, or the North-west Provinces, shall be vested in and may be exercised by the Governor General of *India* in Council, and the Governor General of *India* shall no longer be the Governor of the said Presidency of *Fort William* in *Bengal*.

Past Acts declared valid.

VI. All Acts of the Governor General of *India*, or of the Governor General of *India* in Council, done before the Commencement of this Act, in respect to the Presidency of *Fort William* in *Bengal*, shall be as good and valid and of the same Force and Effect as if done by the Governor of the said Presidency.

Interpretation.

VII. In the Construction of this Act "*India*" shall be construed to mean the Territories for the Time being in the Possession and under the Government of the *East India Company*.

Act to be construed with 16 & 17 Vict. c. 95.

VIII. This Act shall be read and construed as Part of the Act of the last Session of Parliament, Chapter Ninety-five.

CAP. LXXVIII.

An Act to appoint Persons to administer Oaths, and to substitute Stamps in lieu of Fees, and for other Purposes, in the High Court of Admiralty of *England*. [7th *August* 1854.]

'WHEREAS Doubts have arisen whether the "Commissioners to administer Oaths in "Chancery" may lawfully administer Oaths, or take Declarations, Affirmations, or 'Attestations, in the High Court of Admiralty of *England*: And whereas it is expedient 'that fit and proper Persons should be forthwith appointed for such Purposes; and it is also 'expedient to provide for the Collection of the Fees payable in relation to Proceedings in

'the said Court by means of Stamps to be provided and used for the Purpose:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may for all Purposes be cited as the "Admiralty Court Act, 1854."

Commencement of Act.

II. This Act shall come into operation on the First Day of *August* One thousand eight hundred and fifty-four.

Judge of Admiralty may appoint Solicitors and Notaries to administer Oaths, &c.

III. It shall be lawful for the Judge of the High Court of Admiralty of *England*, and he is hereby empowered, from Time to Time and as and when he may think fit, to appoint any Person practising as a Proctor, Solicitor, or Notary Public in any Part of *England* and *Wales* to administer Oaths and take Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the High Court of Admiralty of *England;* and such Persons shall be styled "Commissioners to administer Oaths in Admiralty," and shall be entitled to charge and take a Fee of One Shilling and Sixpence for every Oath administered by them, and for every Declaration, Affirmation, and Attestation taken by them, subject to any Order of the Judge of the said Court varying or annulling the same.

Commissioner's Appointment to bear a Stamp of One Pound.

IV. The Fiat or Document by which any such Commissioner shall be appointed shall bear a Stamp of One Pound, and it shall not be necessary that any such Appointment should be published in the *London Gazette.*

Personal Answers may be taken without a Commission.

V. It shall not be necessary to sue out any Commission to take the personal Answers of any Party in any Matter, Suit, or Proceeding in the said Court; and any such Answers may be filed without any further or other Formality than is required in the swearing and filing of an Affidavit.

Commission dispensed with, and Examiners empowered to administer Oaths.

VI. It shall not be necessary to sue out any Commission for the Examination of any Witnesses in any Matter, Suit, or Proceeding in the said Court; and any Examiner appointed by any Order of the said Court shall have the like Power of administering Oaths as Commissioners now have under the Commissions issued by the Court for the Examination of Witnesses.

Answers, Affidavits, &c., how to be sworn and taken in England and Wales.

VII. All Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the said High Court of Admiralty shall and may be sworn and taken in *England* and *Wales* before any such Commissioner appointed as aforesaid, or before any Magistrate or Justice of the Peace, or before any Commissioner to administer Oaths in Chancery.

Answers, Affidavits, &c., how to be sworn and taken out of England and Wales.

VIII. All Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the said High Court of Admiralty of *England* shall and may be sworn and taken in *Scotland* or *Ireland*, or the *Isle of Man*, or the *Channel Islands*, or any of them, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Judge, Court, Magistrate, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Island, or Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice Consuls in any Foreign Parts out of Her Majesty's Dominions; and the Judge and other Officers of the said High Court of Admiralty shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Judge, Court, Magistrate, Notary Public, Person, Consul, or Vice Consul attached, appended, or subscribed to any such Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations, or the Documents to be used in the said Court.

Penalty for false swearing, &c.

IX. All Persons swearing, declaring, affirming, or attesting before any Person authorized by this Act to administer Oaths and take Declarations, Affirmations, and Attestations, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the Matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before any Court or Person now by Law authorized to administer Oaths and take Declarations, Affirmations, and Attestations.

X. If

X. If any Person shall forge the Signature or the Official Seal of any such Commissioner, Judge, Court, Magistrate, Notary Public, or other Person lawfully authorized to administer Oaths and take Declarations, Affirmations, or Attestations under this Act, or shall tender in Evidence any Answers, Examination, Deposition on Oath, Declaration, Affirmation, Attestation, or other Judicial or Official Document, with a false or counterfeit Signature or Seal of any such Commissioner, Judge, Court, Magistrate, Notary Public, or other Person authorized as aforesaid, attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain official and other Documents.*

Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act.

XI. The Judge of the High Court of Admiralty of *England* may, whenever it shall appear to him necessary so to do, authorize any Person to administer Oaths and to take Affidavits, Depositions on Oaths, Declarations, Affirmations, and Attestations during the Time such Person shall be on the High Seas, or in any Place not within Her Majesty's Dominions, in or relating to Prize Proceedings in the said Court, and it shall not be necessary to affix any Stamp to the Fiat or Document by which any such Person shall be appointed.

Power to appoint Persons under special Circumstances to administer Oaths, &c.

XII. Nothing herein contained shall abridge or lessen the Power of the Judge of the said High Court of Admiralty of *England* as it now exists to issue Commissions as heretofore, and to appoint fit Persons to administer Oaths, take affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations, and generally to execute any Commissions, nor shall affect in any Manner the Power of the Judge or Surrogates of the said Court to administer Oaths and take Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations as heretofore, in or relating to any Matter, Suit, or Proceeding in the said Court.

Power of Judge to issue Commissions as heretofore, to administer Oaths, &c.

XIII. In all Cases in which a Party has a Cause or Right of Action in the High Court of Admiralty of *England* against any Ship or Freight, Goods, or other Effects whatever, it shall not be necessary to the Institution of the Suit for such Person to sue out a Warrant for the Arrest thereof, but it shall be competent to him to proceed by way of Monition, citing the Owner or Owners of such Ship, Freight, Goods, or other Effects to appear and defend the Suit, and upon satisfactory Proof being given that the said Monition has been personally served upon such Owner or Owners, the said Court may proceed to hear and determine the Suit, and may make such Order in the Premises as to it shall seem right.

Power to Court to proceed by way of Monition.

XIV. Her Majesty may by Order in Council from Time to Time vary, alter, or abolish all or any of the Fees payable in relation to Proceedings in the High Court of Admiralty of *England*, and may substitute One or more Fee or Fees in lieu thereof, and may direct that all or any of such Fees shall, from a Day to be named in such Order and thenceforth, be collected by means of Stamps, to be provided and used in manner herein-after mentioned.

Her Majesty may by Order in Council vary, alter, or abolish Fees, &c.

XV. From and after the Day named in such Order the Fees directed by such Order to be received by Stamps shall not be received in Money, but by a Stamp denoting the Amount of the Fee which otherwise would be payable; and where any Fee shall be payable in respect of any Document, such Stamp shall, at the Expense of the Party liable to pay, and in such Manner and under such Regulations as shall by any Order of the Judge of the said Court be directed, be stamped or affixed on the Vellum, Parchment, or Paper on which the Proceeding in respect whereof such Fee is payable is written, printed, or engrossed, or which may be otherwise used in reference to such Proceeding.

After such Order Fees not to be received in Money, but by means of Stamps.

XVI. The Commissioners of Inland Revenue shall from Time to Time and as Occasion shall require give the necessary Directions for carrying the same into effect, and shall provide everything that is requisite for that Purpose, and shall do or cause to be done everything that is necessary for the Receipt and Collection of the Money to be paid for such Stamps, and the said Commissioners shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them in respect of the Sale of such Stamps, and of all Costs, Charges, and Expenses incurred by them, or by their Direction, in carrying the same into effect.

Commissioners of Inland Revenue to give the necessary Directions as to the Stamps, and to keep separate Accounts.

XVII. The

Provision for Sale of Stamps.

XVII. The Commissioners of Inland Revenue may, if they think it necessary to do so, authorize proper Persons for the Sale and Distribution of all or any of the Stamps to be used under this Act, and may allow to such Persons the usual or customary Discount or Poundage thereon.

Commissioners of Inland Revenue may make Regulations as to Allowance for spoiled Stamps.

XVIII. The Commissioners of Inland Revenue shall from Time to Time make such Regulations as they shall think fit for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage (if any) allowed on Stamps of the like Kind.

Provisions of former Acts relating to Stamps to be applicable to Stamps under this Act.

XIX. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on or to which the same Stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

No Document to be received or used unless stamped.

XX. No Document which by any Order as aforesaid ought to have had a Stamp impressed thereon or affixed thereto shall be received or filed or be used in relation to any Proceeding in the High Court of Admiralty, or be of any Validity for any Purpose whatsoever, unless or until the same shall have a Stamp impressed thereon or affixed thereto in the Manner directed by such Order: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon or affixed thereto has, through Mistake or Inadvertence, been received or filed or used without having such Stamp impressed thereon or affixed thereto, the Judge of the said Court may, if he shall think fit, order that a Stamp, not exceeding in Value Four Times the Amount of such original Stamp, shall be impressed thereon or affixed thereto; and thereupon, when the proper Stamp shall, in compliance with such Order, have been impressed on such Document or affixed thereto, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

Officers guilty of Fraud or wilful Neglect in relation to Stamps liable to be dismissed.

XXI. If any Officer of the High Court of Admiralty, or other Person, shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected or which ought to be collected by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission in relation to any such Stamp or Fee as aforesaid, whereby any Fee or Sum of Money which ought to be collected shall be lost, or the Payment thereof evaded, every such Officer or Person so offending may be dismissed from his Office or Employment by the Judge of the said Court.

Power to Treasury to order Pensions for retiring Officers.

XXII. It shall be lawful for the Commissioners of Her Majesty's Treasury, on the Recommendation of the Judge of the High Court of Admiralty, to order to be paid to any Person now or hereafter holding any Office or Employment in the said Court, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, or shall be desirous of resigning the same, a Superannuation or Allowance; and in ascertaining and awarding the Amount of such Superannuation or Allowance the said Commissioners shall proceed according to the Principles laid down in the Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four.

Provisions to extend to Instance, Prize, and other Matters.

XXIII. Except where it shall be otherwise expressed, the Provisions of this Act shall apply to all Instance, Prize, and other Matters, Suits, and Proceedings of which the High Court of Admiralty may legally take cognizance.