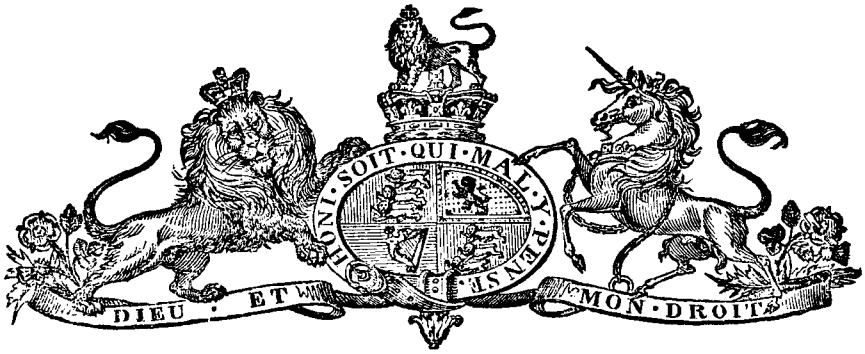


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. CXIV.

An Act to extend the Jurisdiction, alter and amend the Procedure and Practice, and to regulate the Establishment of the Court of Admiralty in *Ireland*. [20th *August* 1867.]

WHEREAS it is expedient to extend the Jurisdiction and alter and amend the Procedure and Practice of the High Court of Admiralty of *Ireland*; to alter the Mode of appealing therefrom; to regulate the Establishment of the Court, and to substitute Stamps for Court Fees therein:

Be it therefore 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:

Preliminary.

1. This Act may be cited as "The Court of Admiralty (*Ireland*) Act, 1867." Short Title.

2. In the Interpretation and for the Purposes of this Act (if not inconsistent with the Context or Subject) the following Terms shall have Interpretation of Terms.

have the respective Meanings herein-after assigned to them; that is to say,

"Ship" shall include any Description of Vessel used in Navigation not exclusively propelled by Oars:

"Cause" shall include any Cause, Suit, Action, Matter, or other Proceeding in the Court of Admiralty of *Ireland:*

"The Court of Admiralty" shall mean the Court of Admiralty of *Ireland:*

"The Judge" shall mean the Judge of the said Court of Admiralty for the Time being:

"Her Majesty in Council" shall mean Her present Majesty, Her Heirs or Successors, in the Privy Council in *England:*

"The Lord Chancellor" shall mean and include the Lord High Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being:

"Local Court" shall mean and include the Court of the Recorder of the Borough of *Cork*, the Court of the Recorder of the Borough of *Belfast*, and the Court of any other Recorder, or of any Chairman of Quarter Sessions in *Ireland*, to whom Jurisdiction in Admiralty Cases shall be given by virtue of this Act.

Commencement of Act.

3. Except with respect to the Appointment of Officers, in which respect this Act shall take effect from its passing, this Act shall take effect from and immediately after the Second Day of *November* One thousand eight hundred and sixty-seven (which Time is in this Act referred to as the Commencement of this Act).

Sects. 1., 2., and 3. of 23 & 24 G. 3. c. 14. (Irish), and so much of Sect. 1. of 2 & 3 W. 4. c. 116. as relates to the Salary of the Judge of the Admiralty Court of Ireland, and Sect. 14. of 20 & 21 Vict. c. 79., repealed.

4. From and after the Commencement of this Act, the First, Second, and Third Sections of the Act passed by the Parliament of *Ireland* of the Twenty-third and Twenty-fourth Years of the Reign of King *George* the Third, Chapter Fourteen, and so much of the First Section of the Act of the Second and Third Years of the Reign of King *William* the Fourth, Chapter One hundred and sixteen, as relates to the Salary of the Judge of the Admiralty Court in *Ireland*, and the Fourteenth Section of "The Probates and Letters of Administration Act (*Ireland*), 1857," shall be and the same are respectively hereby repealed.

Cesser of Offices.

5. From and after the Commencement of this Act, the present Judge, Registrar (if any), Marshal, and Seal Keeper of the High Court of Admiralty of *Ireland* shall cease to hold their respective Offices.

PART I.—COURT AND OFFICERS.

6. There shall be One Judge of the High Court of Admiralty of *Ireland*, and One Registrar, who shall also act as Seal Keeper and Secretary of the Judge, and One Marshal of the said Court. One Judge and One Registrar of Court.

7. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, by Letters Patent under the Great Seal of *Ireland*, to appoint a Person, being or having been an Advocate of the Court of Admiralty of *Ireland* or a Barrister-at-Law of not less than Fifteen Years Standing, to be such Judge; and the said Judge shall hold his Office during good Behaviour, but may be removed by Her Majesty, Her Heirs or Successors, on an Address of both Houses of Parliament; and the said Judge shall have full Power and Authority to hear and determine all manner of Civil, Maritime, and other Causes to the Jurisdiction of the said Court now belonging, and shall also have such Jurisdiction as is herein-after by this Act given to the said Court of Admiralty. Appointment of Judge.

8. Every Judge of the Court of Admiralty shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer: Judge before acting to take the following Oath.

'I *A.B.* do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of the High Court of Admiralty of Ireland.

'So help me GOD.'

9. No Judge appointed under this Act shall during his Continuance in such Office be capable of being elected or sitting as a Member of the House of Commons, nor shall he during such Period practise as an Advocate or Barrister-at-Law. Judge not to sit in Parliament or practise as an Advocate or Barrister.

10. The Lord Lieutenant or other Chief Governor or Governors of *Ireland* may from Time to Time, by Warrant under his Hand, appoint a fit Person, being an Advocate, Barrister-at-Law, Proctor, Attorney, or Solicitor of Ten Years Standing, to be the Registrar of said Court, and also One other fit Person to be the Marshal of said Court; and the Persons so appointed shall hold their respective Offices by the same Tenure as Officers serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by the Order of the Lord Chancellor, at the Instance of the Power to Lord Lieutenant to appoint Registrar and Marshal.

the Judge of the said Court of Admiralty, for some reasonable Cause to be expressed in the said Order.

Registrar to attend the Court of Appeal in Chancery.

11. The Registrar of the said Court of Admiralty shall attend the Hearing by the Court of Appeal in Chancery of all Appeals preferred thereto by virtue of this Act, and (subject to any Order of the said Court of Appeal in Chancery) shall transact and do all such Acts and Things as have heretofore been done by the Registrar of Appeals and Provocations Spiritual in the High Court of Delegates in *Ireland* in Cases of Appeal to that Court from the said Court of Admiralty.

Officers not to execute their Duties by Deputy, except in case of Illness, &c.

12. From and after the Commencement of this Act, the Registrar and all other Officers of the said Court of Admiralty shall perform their Duties in Person, and not by Deputy, except in case of temporary Illness or other reasonable Cause allowed by the Judge: Provided always, that in case any Officer of the said Court of Admiralty shall be prevented by temporary Illness or other reasonable Cause allowed as aforesaid from attending to his Duties, the Judge may appoint a fit and proper Person to act as the Deputy of such Officer; and no such Deputy shall continue to act for any longer Time than shall be allowed and specified in and by the Order to be made on each such Occasion by the Judge; and all the Powers and Authorities of the Officer in whose Place any such Deputy shall be appointed may be exercised by such Deputy during the Time while he shall be so authorized to act as aforesaid.

No Officer of the Court to practise therein.

13. No Registrar or other Officer of the said High Court of Admiralty, save the Marshal, nor any Clerk of said Court, shall, during the Time of his holding such Office, directly or indirectly, practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or as Clerk to any Proctor, Solicitor, or Attorney, or participate in the Fees of any other Person so practising; and the Marshal of said Court shall not, directly or indirectly, practise therein, or participate in the Fees of any other Person so practising.

Power to Judge to appoint Chief Clerk to Registrar and other Clerks.

14. It shall be lawful for the Judge of the said Court of Admiralty, with the Approval of the Commissioners of Her Majesty's Treasury, to appoint a Chief Clerk to assist in the Duties of the Registrar's Office, and such other Clerk or Clerks as may be necessary for the Business of the said Court, and such Chief Clerk, Clerk or Clerks, shall hold their respective Offices by the same Tenure as Officers serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by the Order of the Judge of the said

said Court, with the Concurrence of the Lord Chancellor, for some reasonable Cause to be stated in the said Order.

Crier, Tipstaff, and Servants.

15. It shall be lawful for the Judge of the said Court of Admiralty from Time to Time to appoint a Crier and Tipstaff to be attached to the said Court, and, with the Approval of the Commissioners of Her Majesty's Treasury, such Servants as may be required for the said Court; and such Crier, Tipstaff, and Servants shall hold their respective Offices and Situations during the Pleasure of the said Judge.

Salaries of Judge and Officers.

16. The Salaries of the Judge and Officers of the said Court of Admiralty shall be as follows; namely,—

Of the Judge Twelve hundred Pounds a Year;

Of the Registrar Five hundred Pounds a Year;

Of the Marshal Four hundred Pounds a Year; besides such travelling and other Expenses necessarily incurred in the Execution of his Duty as the Judge, with the Approval of the Commissioners of Her Majesty's Treasury, shall allow.

Of the Chief Clerk in the Registrar's Office and the Clerks of the said Court, and of the Crier, Tipstaff, and Servants of the said Court, such Salaries respectively as the Judge, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint.

Retiring Pension to Judge.

17. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Judge in pursuance of this Act an Annuity not exceeding Eight hundred Pounds, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to the Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall not exceed in the whole the said Sum of Eight hundred Pounds; provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act shall be valid unless such Person shall have continued in the said Office, or in such Office and in the Office of Judge of the present Court of Admiralty or some other Judicial Office, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmity disabling

him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Compensation to Judge and any Officer of present Court of Admiralty not re-appointed under this Act.

18. In case the present Judge of the Court of Admiralty be not appointed to the Office of Judge of the said Court under this Act, he shall be entitled to receive by way of Compensation during his Life an Annuity equal to his Salary at the Commencement of this Act; and such Annuity shall be charged on and payable out of the Consolidated Fund of the United Kingdom; and in case any other Person who shall cease by the Provisions of this Act to hold any Office in the said Court be not appointed to some Office of not less Emolument under this Act, it shall be lawful for the Commissioners of Her Majesty's Treasury to grant to such Person such special annual Allowance and in such Manner as by the Seventh Section of "The Superannuation Act, 1859," is provided in case of Persons whose Offices have been abolished.

Power to Judge to appoint Superannuation of Officers.

19. Any Officer of the said Court of Admiralty who shall resign his Office shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the said Office or in any other Public Office, and shall proceed according to the Principles laid down by "The Superannuation Act, 1859."

Salary of Judge and Compensations to be charged on Consolidated Fund; other Salaries, &c. out of Monies to be provided by Parliament.

20. The Salary of the Judge of the said Court of Admiralty, and any retiring Annuity granted to a Judge of the said Court under this Act, shall be charged on and payable out of the Consolidated Fund of the United Kingdom; and the Salaries of all Officers or Servants of the said Court, and any Superannuation Allowance which may be granted to any such Officer or Servant under this Act, shall be paid out of such Funds as Parliament shall from Time to Time provide for that Purpose.

Court to be a Court of Record.

21. The Court of Admiralty shall be a Court of Record for all Intents and Purposes.

Protection of the Judge of Court of Admiralty.

22. No Action shall lie against the Judge of the said Court of Admiralty for Error in Judgment, and the Judge shall be entitled to and have all the Privileges and Protection in the Exercise of his Jurisdiction as Judge of the said Court which by Law appertain to the

the Judges of Her Majesty's Superior Courts of Common Law in the Exercise of their several Jurisdictions.

Power to the Judge to appoint a Surrogate.

23. The Judge of the said Court of Admiralty shall be entitled, as heretofore, to appoint, with the Consent of the Lord Chancellor of *Ireland*, a Surrogate, being an Advocate or Barrister of not less than Ten Years Standing, who, in case of the Illness or Absence of the Judge, or in any Cause in which the Judge, his Wife or Child, or any Member of his Family, shall have an Interest, and also during any Period which shall be specified by any General Order of the Court, may sit for the Judge, and exercise all his Powers.

Power to Judge to appoint "Clerk in Court."

24. It shall be lawful for the Judge of the said Court of Admiralty, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time to appoint a competent Writer of Shorthand to attend the Court for the Purpose of taking down and transcribing all such Evidence, Statements, and Matters as the Judge shall direct; and any Person so appointed shall hold Office during the Pleasure of the said Judge, and shall be paid such annual Salary as the Commissioners of Her Majesty's Treasury, on the Recommendation of the Judge, shall appoint; and there shall be charged, as Part of the Costs in any Cause in the said Court, such Fees for Copies of the Minutes of any Evidence taken down by such Shorthand Writer during the Progress of such Cause as shall be appointed by General Orders and sanctioned by the Commissioners of Her Majesty's Treasury; and there shall be One such Copy made in every Cause for the Use of the Court, and certified as true and correct by such Shorthand Writer, and filed as a Record of the Court; and the Fees payable therefor shall be charged as Court Fees, and be paid for by such Party in the first instance, and in such Manner as shall be directed by General Orders, and shall be deemed to be Part of such Party's Costs in the Cause.

Barristers-at-Law, Attorneys-at-Law, and Solicitors to be at liberty to practise in High Court of Admiralty.

25. All Barristers-at-Law, and all Attorneys-at-Law and Solicitors, shall, from and after the Time when this Act shall come into operation, be entitled to practise as Barristers, Attorneys, and Solicitors respectively in all Matters and Causes whatsoever in the said Court of Admiralty; and the said Barristers-at-Law shall and may have and exercise the same Rights and Privileges of practising in the said Court of Admiralty as Advocates now have and enjoy in the said Court, and the said Attorneys and Solicitors shall and may have and exercise the same Rights and Privileges of practising in the said Court of Admiralty as Proctors now have and enjoy in the said Court; and the said Advocates and Barristers-at-Law shall have respectively the same Rank and Precedence in the

the said Court of Admiralty which they now have in the Superior Courts of Common Law, unless and until Her Majesty shall otherwise order: Provided always, that all Attorneys-at-Law and Solicitors practising in the Court of Admiralty shall be subject to the Authority of the Judge in the like Manner as Attorneys of the Queen's Bench are subject to the Authority of that Court: Provided also, that the Queen's Advocate General in the Court of Admiralty for the Time being shall have and retain the same Rights, Rank, and Precedence in that Court as he now has therein by virtue of his said Office.

Admission of Wm. Russell Kelly and of Articled Apprentices as Attorneys and Solicitors.

26. Whereas *William Russell Kelly* has been lately admitted a Proctor of the said Court of Admiralty, and *Charles Taylor*, *John Chambers Hamerton*, *Henry Albert Lee*, and *John Mallins* have been duly articled as Apprentices to Proctors of the said Court of Admiralty: It is hereby enacted, That the said *William Russell Kelly* may, within Six Months from the coming of this Act into operation, and that each of them the said *Charles Taylor*, *John Chambers Hamerton*, *Henry Albert Lee*, and *John Mallins*, who shall complete the full Term of Service for which he has been bound as such Apprentice, may, within Six Months thereafter, be admitted, without any further Apprenticeship, and without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery in *Ireland*; and upon the Production of an official Certificate of his being admitted or qualified to be admitted as a Proctor of the said Court of Admiralty, and upon signing the Roll of Solicitors of the said Court of Chancery, each of the Persons in this Clause above named shall respectively be entitled to be admitted as a Solicitor of that Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts of Law in *Ireland*.

Part II.—Jurisdiction of the Court.

Jurisdiction in Cases of Salvage.

27. Subject to the Provisions of "The Merchant Shipping Act, 1854," and "The Merchant Shipping Amendment Act, 1862," the Court of Admiralty shall have Jurisdiction to decide upon all Claims whatsoever relating to Salvage, and to enforce the Payment thereof, whether the Service in respect of which Salvage is claimed were performed upon the High Seas or within the Body of any County, or partly in the one Place and partly in the other, and whether the Wreck is found at Sea or cast upon the Land, or partly in the Sea and partly on Land.

28. The

28. The Court of Admiralty shall have Jurisdiction to decide all Claims and Demands in the Nature of Towage, and to enforce the Payment thereof, whether such Towage was performed within the Body of a County or upon the High Seas. Jurisdiction in Cases of Towage.

29. The Court of Admiralty shall have Jurisdiction over any Claims for Damage received or done by any Ship, whether within the Body of a County or not. Jurisdiction in Cases of Damage.

30. The Court of Admiralty shall have Jurisdiction over any Claim for the building, equipping, or repairing of any Ship. As to Claims for building, &c. of Ships.

31. The Court of Admiralty shall have Jurisdiction over any Claim for Necessaries supplied to any Ship elsewhere than in the Port to which the Ship belongs. Jurisdiction of the Court in Claims for Necessaries.

32. The Court of Admiralty shall have Jurisdiction to decide all Questions arising between the Co-Owners or any of them touching the Title to or the Ownership, Possession, Employment, and Earnings of any Ship registered at any Port in *Ireland*, or any Share thereof, and may settle all Accounts outstanding and unsettled between the Parties in relation thereto, and may direct the said Ship or any Share thereof to be sold, and may make such Order in the Premises as to it shall seem fit. Court of Admiralty to decide Questions as to Ownership, &c. of Ships.

33. The Court of Admiralty shall have Jurisdiction over any Claim by a Seaman of any Ship for Wages earned by him on board the Ship, whether the same be due under a special Contract or otherwise, and also over any Claim by the Master of any Ship for Wages earned by him on board the Ship, and for Disbursements made by him on account of the Ship. As to Claims for Wages and for Disbursements by Master of a Ship.

34. The Court of Admiralty shall have Jurisdiction over any Claim in respect of any Mortgage duly registered according to the Provisions of "The Merchant Shipping Act, 1854," whether the Ship or the Proceeds thereof be under Arrest of the said Court or not. Provisions of 3 & 4 Vict. c. 65. in regard to Mortgages extended to Court.

35. The Court of Admiralty shall have the same Powers over any *British* Ship, or any Share therein, as are conferred upon the High Court of Chancery in *Ireland* by the Sixty-second, Sixty-third, Sixty-fourth, and Sixty-fifth Sections of "The Merchant Shipping Act, 1854." Sections 62 to 65 of 17 & 18 Vict. c. 104. extended to Court.

36. The

Part 9 of 17 & 18 Vict. c. 104. extended to Court.

36. The Court of Admiralty shall have the same Powers as are conferred upon the High Court of Chancery in *Ireland* by the Ninth Part of "The Merchant Shipping Act, 1854."

Extension of Jurisdiction of Court of Admiralty over Ships and Goods.

37. The Court of Admiralty shall have Jurisdiction over any Claim by the Owner or Consignee or Assignee of any Bill of Lading of any Goods carried into any Port in *Ireland* in any Ship for Damage done to the Goods, or any Part thereof, by the Negligence or Misconduct of, or for any Breach of Duty or Breach of Contract on the Part of, the Owner, Master, or Crew of the Ship.

Court may exercise Jurisdiction in rem or in personam.

38. The Jurisdiction conferred by this Act may be exercised either by Proceedings *in rem* or by Proceedings *in personam*.

Practice, &c. to be regulated by General Orders.

39. General Orders shall be from Time to Time made under this Act for the Purposes in this Act directed, and for regulating the Practice and Procedure of the High Court of Admiralty and of the Local Courts, and the Forms of Writs, Warrants, Summonses, Processes, and Proceedings therein or issuing therefrom, and the Duties of the Judges and Officers thereof, and the Fees to be taken therein.

Authority for making General Orders.

40. General Orders under this Act shall be made by the Judge of the Court of Admiralty, with the Approval of the Lord Chancellor, and, as far as they relate to Fees, or Receipt and Expenditure of and accounting for Money, with the Approval of the Commissioners of Her Majesty's Treasury; and any General Orders under this Act may be made at any Time after the passing of this Act.

Certain Powers of Superior Courts extended to Court.

41. The Judge of the Court of Admiralty shall have all such Powers as are possessed by any of the Superior Courts of Common Law in *Ireland*, or any Judge thereof, to compel either Party in any Cause or Matter to answer Interrogatories, and to enforce the Production, Inspection, and Delivery of Copies of any Document in his Possession or Power.

Gaolers to receive Prisoners committed by Court of Admiralty.

42. The Keeper for the Time being of any Common Gaol or Prison shall be bound to receive or take into his Custody all Persons who shall be committed thereunto by the said Court of Admiralty; and every Keeper of any Gaol or Prison who shall refuse to receive into his Custody any Person so committed, or wilfully or negligently suffer such Person to escape or go at large without lawful Warrant, shall be liable to the like Penalties and Consequences as if such Person

Person had been committed to his Custody by any other lawful Authority.

Prisoners in Contempt may be discharged.

43. It shall be lawful for the Judge to order the Discharge of any Person who shall be in Custody for Contempt of the said Court, or for any other Cause other than Nonpayment of Money, on such Conditions as to the Judge shall seem just: Provided always, that the Order for such Discharge shall not be deemed to have purged the original Contempt in case the Conditions on which such Order shall be made be not fulfilled.

Judge and Registrar to have same Power as to Arbitration as Judges and Masters at Common Law.

44. All the Powers possessed by any of the Superior Courts of Common Law, or any Judge thereof, under "The Common Law Procedure Act, 1856," and otherwise with regard to References to Arbitration, Proceedings thereon, and the enforcing of Awards of Arbitrators, shall be possessed by the Judge of the Court of Admiralty in all Cases and Matters depending in the said Court; and the Registrar of the said Court of Admiralty shall possess as to such Matters the same Powers as are possessed by the Masters of the said Superior Courts of Common Law in relation thereto.

Section 15 of 17 & 18 Vict. c. 104. extended to Registrar of Court of Admiralty.

45. The Registrar of the Court of Admiralty shall have the same Powers under the Fifteenth Section of "The Merchant Shipping Act, 1854," as are by the said Section conferred on the Masters of Her Majesty's Court of Queen's Bench in *England* and *Ireland*.

Registrar to have Power to administer Oaths.

46. The Registrar of the said Court of Admiralty shall have Power to administer Oaths in relation to any Cause or Matter depending in the said Court, and shall have also such other Powers as may be given him for the Discharge of his Functions as Registrar by any Rule, Order, or Regulation to be made in pursuance of this Act.

Restriction on Arrest of Property.

47. The Party at whose Instance any Property is arrested under a Warrant of the High Court of Admiralty shall be liable to be condemned in all Costs and Expenses occasioned thereby, and in Damages for the Detention of the Property, unless he shows to the Satisfaction of the Court that he could not, without such Arrest, have obtained Bail or other Security for the Sum in which the Cause is instituted, or that he had otherwise good and sufficient Reason for having caused the Issue and Execution of the Warrant of Arrest.

PART III.—PRACTICE AND PROCEDURE.

1.—*Payment of Money into Court, &c.*

Money payable into Court to be lodged in the Bank of Ireland.

48. All Money payable into the Court of Admiralty under any Order of the Court shall be lodged, under Orders of the Court, to be made from Time to Time, in the Bank of *Ireland*, to an Account there to be opened in the Name of the Registrar of the High Court of Admiralty of *Ireland*, to the Credit of the Cause in which such Order may be made, and the same shall not be drawn out therefrom save in pursuance of an Order of the Court, by the Cheque or Draft of the said Registrar, countersigned by the Judge.

2.—*Evidence.*

Rules of Evidence in Common Law Courts to be observed.

49. The Rules of Evidence observed in the Superior Courts of Common Law shall be applicable to and observed in the Trial of all Matters and Facts in the Court of Admiralty.

Power to examine vivâ voce in open Court.

50. In any Cause depending in the Court of Admiralty, the Court, if it shall think fit, may summon before it and examine or cause to be examined Witnesses by Word of Mouth, and either before or after Examination by Deposition or before a Commissioner, as hereafter mentioned, and Notes of such Evidence shall be taken down in Writing by the Judge or Registrar, or by such other Person or Persons and in such Manner as the Judge of the said Court shall direct.

Evidence may be taken vivâ voce before a Commissioner.

51. The Court may, if it shall think fit, by Order in any such Suit, appoint some Person, being a Barrister-at-Law of not less than Seven Years Standing, an Examiner to take Evidence in such Suit by Word of Mouth upon Oath, which every such Examiner is hereby empowered to administer, at such Time or Times, Place or Places, and as to such Fact or Facts, and in such Manner, Order, and Course, and under such Limitations and Restrictions, and to transmit the same to the Registry of the said Court in such Form and Manner, as in and by the said Order shall be directed; and such Examiner shall be attended, and the Witnesses shall be examined, cross-examined, and re-examined, by the Parties, their Counsel, Solicitors, Attorneys, or Agents, if such Parties or either of them shall think fit so to do; and such Examiner shall, if need be, make a special Report to the Court touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the said Court of Admiralty is hereby authorized to institute such Proceedings and make such Order or Orders

Orders upon such Report as Justice may require and as may be instituted or made in any Case of Contempt of the said Court.

Attendance of Witnesses and Production of Books, &c. may be compelled by Subpœna.

52. It shall be lawful in any Suit depending in the said Court of Admiralty for the Judge or for any such Examiner appointed in pursuance of this Act to require the Attendance of any Witness, and the Production of any Deeds, Evidences, Books, or Writings, by Writ to be issued by such Judge or Examiner in such Form as shall be directed by the General Orders to be made under this Act or as nearly thereto as may be, and every Person disobeying any such Writ so to be issued by the said Judge or Examiner shall be considered as in Contempt of the said Court of Admiralty, and may be punished for such Contempt in the said Court.

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

53. The Judge of the Court of Admiralty may and he is hereby empowered, from Time to Time and as and when he may think fit, to appoint any Person practising as a Solicitor, Attorney, or Notary Public in any Part of *Ireland* to administer Oaths, and take Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the Court of Admiralty; 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.

54. 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 shall be published in the *Dublin Gazette*.

Personal Answers may be taken without a Commission.

55. It shall not be necessary to sue out any Commission to take the personal Answer of any Party in any Cause in the Court of Admiralty; and any such Answer may be filed without any further or other Formality than is required in the swearing and filing of an Affidavit.

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

56. All Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the said Court of Admiralty may be sworn and taken in *Ireland* before any Commissioner appointed as aforesaid, or before any Commissioner to administer Oaths in Chancery.

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

57. All Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations in or relating to any Cause in the said Court of Admiralty may be sworn and taken in *England*, *Scotland*, 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, Commissioner, 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 Court of Admiralty shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Judge, Court, Commissioner, 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.

Penalties for false swearing.

58. 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 before any Court or Person now by Law authorized to administer Oaths and take Declarations, Affirmations, and Attestations.

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

59. If any Person shall forge the Signature or the official Seal of any such Judge, Commissioner, Court, Notary Public, Consul or Vice-Consul, 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, Notary Public, Consul or Vice-Consul, 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.*

8 & 9 Vict. c. 113.

Power of Judge to issue Com-

60. Nothing herein contained shall abridge or lessen the Power of the Judge of the said Court of Admiralty, as it now exists, to issue

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 to administer Oaths, and take Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations, as heretofore, in or relating to any Cause in the said Court.

missions as heretofore, to administer Oaths, &c.

3.—*Issues and New Trials.*

61. In any contested Cause depending in the said Court of Admiralty the said Court shall have Power, if it shall think fit, to direct a Trial by Jury of any Issue or Issues on any Question or Questions of Fact arising in any such Cause, and the Substance and Form of such Issue or Issues shall be specified by the Judge at the Time of directing the same; and if the Parties differ in drawing such Issue or Issues, it shall be referred to the Judge to settle the same, and such Trial shall be held before the Judge himself, or before some Judge of Assize at Nisi Prius, as to the Judge shall seem meet.

Power to direct Issues.

62. The Costs of such Issues as the Judge shall under this Act direct shall be paid by such Party or Parties, Person or Persons, and be taxed by the Registrar of the said Court of Admiralty in such Manner as the said Judge shall direct, and Payment of such Costs shall be enforced in the same Manner as Costs between Party and Party may be enforced in other Proceedings in the said Court.

Costs of Issues in Discretion of Court.

63. The said Court of Admiralty, upon Application to be made within Three Calendar Months after the Trial of any such Issue, by any Party concerned, may grant and direct One or more new Trials of any such Issue, and may order such new Trial to take place in the Manner herein-before directed with regard to the First Trial of such Issue, and may, by Order of the same Court, direct such Costs to be paid as to the said Court shall seem fit, upon any Application for a new Trial or upon any new Trial or Second or other new Trial, and may direct by whom, and to whom, and at what Times and in what Manner such Costs shall be paid.

Power to direct new Trials.

64. The granting or refusing to grant an Issue or a new Trial of any such Issue may be Matter of Appeal to the Court of Appeal in Chancery in *Ireland*.

Granting or refusing new Trials Matter of Appeal.

65. The Record of each such Issue and of the Verdict therein shall be transmitted by the proper Officer to the Registrar of the said Court

Record of the Issue to be lodged

with the Registrar.

Court of Admiralty; and the Verdict of the Jury upon any such Issue (unless the same shall be set aside) shall be conclusive upon the said Court and upon the Parties, and in all further Proceedings in the Cause in which such Fact is found the said Court shall assume such Fact to be as found by the Jury.

Party in Court may apply for an Order for Inspection by Jurors.

66. Any Party in a Cause in the Court of Admiralty shall be at liberty to apply to the said Court for an Order for the Inspection by the Nautical Assessors or others appointed for the Trial of any Cause, or by the Party himself or his Witnesses, of any Ship or other Personal or Real Property the Inspection of which may be material to the Issue of the Cause, and the Court may make such Order in respect of the Costs arising thereout as to it shall seem fit.

Admission of Documents.

67. Any Party in a Cause in the Court of Admiralty may call on any other Party in the Cause by Notice in Writing to admit any Document, saving all just Exceptions; and in case of Refusal or Neglect so to admit same the Costs of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the Cause may be, unless at the Trial the Judge shall certify that the Refusal to admit was reasonable.

4.—*Other Branches of Practice and Procedure.*

Power of Court, when personal Service of Citation has not been effected, to order Parties to proceed.

68. Whenever it shall be made to appear to the Judge that reasonable Efforts have been made to effect personal Service of any Citation, Monition, or other Process issued under Seal of the said Court of Admiralty, and either that the same has come to the Knowledge of the Party thereby cited or monished, or that he wilfully evades Service of the same and has not appeared thereto, the said Judge may order that the Party on whose Behalf the Citation, Monition, or other Process was issued be at liberty to proceed as if personal Service had been effected, subject to such Conditions as to the Judge may seem fit, and all Proceedings thereon shall be as effectual as if personal Service of such Citation, Monition, or other Process had been effected.

As to Services out of Ireland.

69. The Service in any Part of the United Kingdom of any Writ of Subpœna ad testificandum or Subpœna duces tecum, issued under Seal of the Court of Admiralty, shall be as effectual as if the same had been served in *Ireland*.

Decrees and Orders of Court of Admiralty

70. All Decrees and Orders of the Court of Admiralty, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable to any Person, shall have the same Effect as Judgments in the

the Superior Courts of Common Law; and the Persons to whom any such Monies, or Costs, Charges, or Expenses shall be payable, shall be deemed Judgment Creditors, and all Powers of enforcing Judgments possessed by the Superior Courts of Common Law or any Judge thereof, with respect to Matters depending in the same Courts, as well against the Ships and Goods arrested as against the Person of the Judgment Debtor, shall be possessed by the said Court of Admiralty with respect to Causes therein depending; and all Remedies at Common Law possessed by Judgment Creditors shall be in like Manner possessed by Persons to whom any Monies, Costs, Charges, or Expenses are by such Orders or Decrees of the said Court of Admiralty directed to be paid.

to have Effect of Judgments at Common Law.

71. If any Claim shall be made to any Goods or Chattels taken in Execution under any Process of the Court of Admiralty, or in respect of the Seizure thereof, or any Act or Matter connected therewith, or in respect of the Proceeds or Value of any such Goods or Chattels by any Landlord for Rent, or by any Person not being the Party against whom the Process has issued, the Registrar of the said Court may, upon Application of the Officer charged with the Execution of the Process, whether before or after any Action brought against such Officer, issue a Summons calling before the said Court both the Party issuing such Process and the Party making the Claim; and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or in any local or inferior Court, in respect of such Claim, Seizure, Act, or Matter as aforesaid, shall be stayed, and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing the Action to pay the Costs of all Proceedings had upon the Action after Issue of the Summons out of the said Court of Admiralty, and the Judge of the said Court of Admiralty shall adjudicate upon the Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit; and such Order shall be enforced in like Manner as any Order made in any Suit brought in the said Court. Where any such Claim shall be made as aforesaid the Claimant may deposit with the Officer charged with the Execution of the Process either the Amount or Value of the Goods claimed, the Value to be fixed by Appraisement in case of Dispute, to be by the Officer paid into Court to abide the Decision of the Judge upon the Claim, or the Sum which the Officer shall be allowed to charge as Costs for keeping Possession of the Goods until such Decision can be obtained; and in default of the Claimant so doing the Officer may sell the Goods as if no such Claim had been made, and shall pay into

As to Claims to Goods taken in Execution.

into Court the Proceeds of the Sale to abide the Decision of the Judge.

As to the Hearing of Causes and cross Causes.

72. The Court of Admiralty may, on the Application of the Defendant in any Cause of Damage, and on his instituting a cross Cause for the Damage sustained by him in respect of the same Collision, direct that the principal Cause and the cross Cause be heard at the same Time and upon the same Evidence; and if in the principal Cause the Ship of the Defendant has been arrested, or Security given by him to answer Judgment, and in the cross Cause the Ship of the Plaintiff in the principal Cause cannot be arrested, and Security has not been given to answer Judgment therein, the Court may, if it think fit, suspend the Proceedings in the principal Cause until Security has been given to answer Judgment in the cross Cause.

5.—Assessors.

List of Assessors.

73. General Orders may from Time to Time provide for the framing of Lists of Persons of mercantile or nautical Skill and Experience to act as Assessors in the High Court of Admiralty and in the local Courts, and for the Publication of the Lists, and for the Ascertainment of the Cases in which Assessors are to be summoned, and the Mode in which, in each Case, they are to be selected, and their Functions, and the Proceedings in the Cases in which they sit, and their Remuneration; and every Person for the Time being named in any such List shall give his Attendance according to General Orders.

PART IV.—JURISDICTION OF LOCAL COURTS.

Admiralty Jurisdiction of local Courts.

74. The local Courts shall, in the Cases following, have all the like Civil and Maritime Jurisdiction (with all Powers and Authorities relative thereto) as for the Time being belongs to the Court of Admiralty (otherwise than by way of Appeal); that is to say,

(1.) Where the Amount or Value of the Money or Thing in dispute does not exceed Two hundred Pounds:

(2.) Where the Amount or Value of the Money or Thing in dispute exceeds Two hundred Pounds, but the Parties agree by a Memorandum signed by them, or by their Attorneys or Agents, that a local Court or Courts specified in the Memorandum shall have Jurisdiction:

(3.) Where this Act provides for the Retention or Prosecution of a Cause in a local Court:

A Cause

A Cause in which Jurisdiction is by this Act given to the local Courts is in this Act referred to as an Admiralty Cause.

Local Court for Commencement of Cause.

75. Subject to General Orders, Proceedings in an Admiralty Cause in a local Court shall be commenced as follows:—

(1.) In the local Court within the Jurisdiction whereof the Ship or Goods to which the Cause relates is or are at the Commencement of the Proceedings:

(2.) If the foregoing Rule is not applicable, then in the local Court in the District whereof an Action should or might be commenced under the ordinary Jurisdiction of the Court:

(3.) In any Case in the local Court, or One of the local Courts, which the Parties by a Memorandum signed by them, or by their Attorneys or Agents, agree shall have Jurisdiction.

Transfer from local Court by Order of the Court of Admiralty.

76. The Court of Admiralty, on Motion by any Party to an Admiralty Cause pending in a local Court, may, if it thinks fit, (with or without Service and Hearing of a Summons to the other Party, as it thinks fit,) transfer the Cause to the Court of Admiralty, on such Terms (if any) as to Security for Costs or other Things as the Court thinks fit.

Transfer by Order of County Court.

77. If during the Progress of an Admiralty Cause in a local Court it appears to the Court that the Subject Matter exceeds the Limit in respect of Amount of the Admiralty Jurisdiction of the Court, the Validity of any Order or Decree theretofore made by the Court shall not be thereby affected, but (unless the Parties agree by a Memorandum signed by them or their Attorneys or Agents that the Court shall retain Jurisdiction) the Court shall, by Order, transfer the Cause to the Court of Admiralty, which Court may nevertheless order that the Cause shall be prosecuted in the local Court in which it was commenced, and it shall be thereupon remitted to such local Court and proceeded with therein.

Transfer to other local Court or Court of Admiralty.

78. If during the Progress of an Admiralty Cause in a local Court it appears to the Court that the Cause could be more conveniently prosecuted in some other local Court or in the Court of Admiralty, the Court may, by Order, transfer it to such other local Court or to the Court of Admiralty (as the Case may be), and it shall be thereupon prosecuted accordingly.

Costs of Proceedings in Court of Admiralty.

79. If any Person takes Proceedings in the High Court of Admiralty which he might (without Agreement) have taken in a local Court, he shall not be entitled to receive Costs in the High Court

Court of Admiralty in any Event unless the Judge shall otherwise direct, and shall be liable to be condemned in Costs, if the Judge shall so think fit.

Powers and Authorities of Judges of local Courts.

80. In an Admiralty Cause in a local Court the Judge of such Court shall (in addition to his other Powers and Authorities) have all the like Powers and Authorities as the Judge of the High Court of Admiralty.

Marshal, &c. to act for local Courts.

81. The Marshal of the Court of Admiralty shall be deemed an Officer of all and every the local Courts in Admiralty Causes pending in any of those Courts; and it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall think fit, on the Application of the Judge, to award to the said Marshal by way of Remuneration for the Duties by this Section imposed upon him such annual or other Sum as they shall deem reasonable, and such Sum shall be paid out of the Funds which Parliament shall provide for that Purpose.

Scale of Costs in local Courts.

82. A Scale of Costs and Charges in Admiralty Causes in the local Courts shall be prescribed by General Orders.

Execution of Decrees, &c.

83. For the Execution of any Decree or Order of a local Court in an Admiralty Cause the Court may order, and the Clerk of the Peace on such Order may issue, and any Officer of the said Court may execute, any Writ or Warrant of Arrest, Possession, or Execution, or other Process.

Appointment of special Courts of Quarter Sessions for Admiralty Jurisdiction.

84. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, from Time to Time, by Order in Council, made at any Time after the passing of this Act, to declare that the Recorder of any Borough Court, or the Chairman of any Court of any Quarter Sessions therein, and not herein-before specified, shall have Jurisdiction in Admiralty Causes, which Recorder or Chairman shall have Jurisdiction accordingly, and to assign to each such Court as its District for Admiralty Causes any Part or Parts of any One or more District or Districts in which such Court shall (independently of this Act) have Jurisdiction, and in any such Case to prescribe the Places and Times at which local Courts for Admiralty Causes shall be holden.

Remuneration to Recorders of Cork and Belfast.

85. It shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall think fit, with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to award

award to the Recorders of the Boroughs of *Cork* and *Belfast*, as Remuneration for the additional Duty which they may respectively have to perform by virtue of this Act, such annual or other Sums as they shall deem reasonable; such Sums shall be paid out of the Funds which Parliament shall provide for the Purpose.

Provision for Remuneration of other Recorders and Chairmen.

86. When, under any such Order in Council as aforesaid, Jurisdiction in Admiralty Causes shall be given to any Recorder of a Borough or Chairman of a County, it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall think fit, with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to award such annual or other Sum as they shall deem reasonable to such Recorder or Chairman by way of Remuneration for the additional Duty which he may have to perform in consequence of such Order, and such Sum shall be paid out of the Funds which Parliament shall provide for that Purpose.

PART V.—APPEALS.

Appeal from County Court to Court of Admiralty.

87. An Appeal shall lie to the High Court of Admiralty from the final Decree, Order, or Decision of a local Court in an Admiralty Cause, and, by Permission of the Judge of the local Court, from any interlocutory Decree, Order, or Decision therein, subject to such Provisions respecting Notice of Appeal, Deposit or other Security for Costs, and other Matters, as General Orders shall direct.

Time for Appeal from County Court.

88. The Time for so appealing shall be limited to Fourteen Days from the Date of the Decree, Order, or Decision appealed from; and an Appeal shall not be allowed unless the Appeal is lodged in the Registry of the High Court of Admiralty within that Time, subject to this Provision,—that the Judge of the High Court of Admiralty may, if he think fit, allow an Appeal to be prosecuted notwithstanding that the Appeal has not been lodged within that Time.

Agreement not to appeal.

89. Provided, That such an Appeal shall not lie if before or after the Decree, Order, or Decision is made or given the Parties agree, by a Memorandum signed by them or by their Attorneys or Agents, that the Decree, Order, or Decision shall be final; and any such Agreement need not be stamped, except in respect of any Fee imposed by General Orders.

Appeal to the Court of Delegates abolished.

90. From and after the Commencement of this Act no Appeal shall be brought from the Court of Admiralty to Her Majesty's Delegates

Delegates in the Court of Chancery in *Ireland*, commonly called the High Court of Delegates in *Ireland*.

Appeal given to Court of Appeal in Chancery and Privy Council.

91. Any Person considering himself aggrieved by any final or interlocutory Sentence, Decree, or Order of the Court of Admiralty, except a Sentence, Decree, or Order made by the Judge upon an Appeal from a local Court, may appeal therefrom to the Court of Appeal in Chancery in *Ireland*, and from thence to Her Majesty in Council: Provided nevertheless, that any such Appeal from the Court of Admiralty may be brought to Her Majesty in Council in the first instance without interposing any Appeal to the said Court of Appeal in Chancery; and provided always, that no Appeal from any interlocutory Order of the Court of Admiralty shall be made without Leave of the Court of Admiralty first obtained, but on the Hearing of an Appeal from any final Sentence or Decree all interlocutory Orders complained of shall be considered as under Appeal as well as the final Decree.

Powers and Jurisdiction of the Court of Appeal.

92. From and after the Commencement of this Act, save as to any Appeal that shall be then pending, all the Jurisdiction which is now possessed and exercised by the High Court of Delegates in *Ireland*, or which, but for the passing of this Act, would be possessed and exercised by that Court, in respect of Appeals from the said Court of Admiralty, and all Powers and Authorities incident to such Jurisdiction, now exercised and performed by the said High Court of Delegates, shall, subject to the Provisions of this Act, be exercised and performed by the said Court of Appeal in Chancery in relation to Appeals under this Act.

Power to the Court of Appeal in Chancery to make Rules.

93. The Lord Chancellor and Lord Justice of Appeal in *Ireland* for the Time being may from Time to Time make, rescind, and vary General Orders for regulating the Form and Mode of Procedure on Appeals from the Court of Admiralty to the said Court of Appeal in Chancery, and for regulating the Costs, Fees, and Allowances to be paid or allowed to Solicitors or other Persons respecting such Appeals; and such Orders shall take effect at such Times as may be therein specified, or in default of such Specification from the Time of making thereof.

Power to the Court of Appeal in Chancery to call in Nautical Assessors.

94. The said Court of Appeal in Chancery shall, on the Hearing of any Appeal from the Court of Admiralty, have Power to call to its Assistance One or more Nautical Assessors, to be selected by the said Court of Appeal; and the Advice and Opinion of such Nautical Assessor or Assessors may be taken by the said Court in the same Manner, upon such Questions, and for such Objects as the Advice

Advice and Opinion of any Nautical Assessor now is or may be taken by the Judicial Committee of the Privy Council in Appeals brought from the High Court of Admiralty of *England;* and the said Court of Appeal in Chancery shall have Power to direct what Remuneration shall be paid to each such Assessor for his Attendance on the Hearing of any such Appeal, and such Remuneration shall be paid accordingly by such of the Parties to the Appeal as the said Court of Appeal shall in that Behalf direct.

Evidence in the Court of Appeal in Chancery may be taken vivâ voce or upon written Depositions.

95. In any Appeal which shall come before the said Court of Appeal in Chancery by virtue of this Act the said Court may examine Witnesses by Word of Mouth (and either before or after Examination by Deposition), or direct that the Depositions of any Witness shall be taken in Writing by the Registrar, or by such other Person or Persons and in such Manner as the said Court shall direct.

Court of Appeal in Chancery may order any particular Witness to be examined, and as to any particular Facts, and may remit the Cause for Re-hearing.

96. In any Appeal which shall come before the said Court of Appeal in Chancery by virtue of this Act the said Court may direct that such Witnesses shall be examined or re-examined, and as to such Facts, as to the said Court shall seem fit, notwithstanding any such Witness may not have been examined, or no Evidence may have been given on any such Facts in a previous Stage of the Matter, and may remit the Cause to the Court of Admiralty, and at the same Time direct that the said Court of Admiralty shall re-hear such Cause, in such Form, and either generally or upon certain Points only, and upon such Re-hearing take such additional Evidence, though before rejected, or reject such Evidence before admitted, as the Court of Appeal in Chancery shall direct; and further, on any such remitting or otherwise, the Court of Appeal in Chancery may direct One or more Issue or Issues to be tried in any Court in any of Her Majesty's Dominions abroad for any Purpose for which such Issue or Issues shall to the said Court of Appeal in Chancery seem proper.

Witnesses to be examined on Oath, and to be liable to Punishment for Perjury.

97. Every Witness who shall be so examined in pursuance of this Act shall give his or her Evidence upon Oath, or, in Cases in which an Affirmation is allowed by Law to be substituted for an Oath, upon solemn Affirmation, which Oath and Affirmation respectively shall be administered by the Court of Appeal in Chancery, and the Registrar thereof, or such other Person and Persons as the said Court shall direct; and every such Witness who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury, and shall be punished accordingly.

98. The

Court of Appeal in Chancery may direct an Issue to try any Fact.

98. The said Court of Appeal in Chancery may direct One or more Issue or Issues to be tried in any Court of Common Law, and either before a Judge of Assize, or at the Sittings for the Trial of Issues in *Dublin*, and either by a Special or Common Jury, in like Manner and for the same Purpose as is now done by the High Court of Chancery of *Ireland*.

Court of Appeal in Chancery may direct Depositions to be read at Trial of the Issue;

99. It shall be in the Discretion of the said Court of Appeal in Chancery to direct that on the Trial of any Issue directed by it as aforesaid the Depositions already taken of any Witness who shall have died, or who shall be incapable to give oral Testimony, shall be received in Evidence; and further, that such Deeds, Evidences, and Writings shall be produced, and that such Facts shall be admitted, as to the said Court of Appeal in Chancery shall seem fit.

may make such Orders as to Admission of Evidence as are made by Court of Chancery;

100. The said Court of Appeal in Chancery may make such and the like Orders respecting the Admission of Persons, whether Parties or others, to be examined as Witnesses upon the Trial of any such Issue directed by it as aforesaid, as the Lord Chancellor or the Court of Chancery of *Ireland* has been used to make respecting the Admission of Witnesses upon the Trial of Issues directed by the Lord Chancellor or the Court of Chancery in *Ireland*.

and may direct new Trials of Issues.

101. The said Court of Appeal in Chancery may direct One or more new Trial or Trials of any Issue, either generally or upon certain Points only; and in case any Witness examined at a former Trial of the same Issue shall have died, or have become incapable to repeat his Testimony, the said Court of Appeal in Chancery may direct that parol Evidence of the Testimony of such Witness shall be received.

Powers, &c. of 13 G. 3. c. 63. and 1 W. 4. c. 22. as to Examination of Witnesses extended to Court of Appeal in Chancery.

102. All the Powers and Provisions contained in the Thirteenth of *George* the Third, Chapter Sixty-three, and First of *William* the Fourth, Chapter Twenty-two, for the Examination of Witnesses, shall, with reference to Cases of Appeal from the said Court of Admiralty, extend to and be exercised by the said Court of Appeal in Chancery, as if that Court had been therein named as One of His Majesty's Courts of Law at *Westminster*.

Costs to be in the Discretion of Court of Appeal in Chancery.

103. The Costs incurred in the Prosecution of any Appeal preferred to the said Court of Appeal in Chancery, under the Provisions of this Act, and of such Issues as the same Court shall under this Act direct, shall be paid by such Party or Parties, Person or Persons, and be taxed by the Registrar, or such other Person or Persons to be appointed

appointed by the same Court, and in such Manner as the said Court shall direct.

Attendance of Witnesses and Production of Papers may be enforced by Subpœna.

104. The Court of Appeal in Chancery may require the Attendance of any Witnesses, and the Production of any Deeds, Evidences, or Writings, by Writ, to be issued by the said Court, in such and the same Form, or as nearly thereto as may be, as that in which a Writ of Subpœna ad testificandum or of Subpœna duces tecum is now issued by Her Majesty's Court of Queen's Bench at *Dublin;* and every Person disobeying any such Writ so to be issued by the said Court of Appeal in Chancery shall be considered as in Contempt of the same Court, and shall also be liable to such and the same Penalties and Consequences as if such Writ had issued out of the said Court of Queen's Bench, and may be sued for such Penalties in the same Court.

The Privy Council empowered to determine Appeals under this Act.

105. All the Provisions contained in the several Acts for the Time being in force relating to the Appellate Jurisdiction of Her Majesty's Privy Council in *England*, and the Administration of Justice therein, shall, so far as the same shall be applicable and consistent with the Provisions of this Act, be deemed to extend to Appeals preferred to Her Majesty in Council by virtue of the Provisions of this Act; and the Proceedings on all such Appeals shall, so far as practicable, and consistent with the Provisions of this Act, be proceeded with in the same Manner as Appeals from the High Court of Admiralty of *England*.

Bail given in the Court of Admiralty good in the Court of Appeal.

106. In any Cause in the said Court of Admiralty Bail may be taken to answer the Judgment as well of the said Court as of the Court of Appeal, and the said Court of Admiralty may withhold the Release of any Property under its Arrest until such Bail has been given; and in any Appeal from any Decree or Order of the Court of Admiralty, or of the said Court of Appeal in Chancery in any Appeal thereto, preferred by virtue of this Act, the Court to which such Appeal shall be brought may make and enforce its Order against the Surety or Sureties who may have signed any such Bail Bond, in the same Manner as if the Bail had been given in the Court of Appeal.

Certified Notes of Evidence may be admitted on Appeal.

107. In any Appeal preferred by virtue of this Act the Notes of Evidence taken, as herein-before provided, by or under the Direction of the Judge of the Court of Admiralty, shall be certified by the Judge to the Court to which such Appeal is preferred, and shall be admitted to prove the oral Evidence given in the Court of Admiralty; and no Evidence shall be admitted on such Appeal to contradict the

Notes of Evidence so taken and certified as aforesaid: Provided always, that nothing herein contained shall enure to prevent the Court of Appeal in Chancery or the Judicial Committee of the Privy Council from directing Witnesses to be examined and re-examined upon such Facts as to the said Court of Appeal in Chancery or the Judicial Committee shall seem fit.

Notes of Evidence on Appeal to Court of Appeal in Chancery to be certified to the Privy Council.

108. In any Appeal preferred by virtue of this Act from the said Court of Appeal in Chancery, the Notes of Evidence (if any) taken by or under the Direction of that Court shall be certified by the Lord Chancellor to the said Judicial Committee of the Privy Council, and no Evidence shall be admitted on such Appeal to contradict the Notes of Evidence so taken and certified as last aforesaid; but nothing herein contained shall enure to prevent the said Judicial Committee from directing Witnesses to be examined and re-examined upon such Facts as to the said Judicial Committee shall seem fit.

Appeal from an Order, &c. of the Court made on an Appeal to it.

109. An Appeal shall lie from a Decree, Order, or Decision of the High Court of Admiralty made or given on Appeal from a local Court, in like Cases and in like Manner as Appeals lie from the High Court of Admiralty in Causes originally instituted therein.

Costs of Appeal.

110. Where in an Appeal under this Act the Appellant is unsuccessful, he shall pay the Costs of the Appeal, unless the Appellate Court shall otherwise direct.

Limit of Time for all Appeals from Court of Admiralty.

111. The Time for appealing from any Decree or Order of the Court of Admiralty in any Cause instituted after the passing of this Act (under this Act or otherwise) shall be limited to Two Months from the Date of the Decree or Order appealed from, and an Appeal shall not be allowed unless the Petition of Appeal is lodged in the Registry of the Court of Admiralty and the Court of Appeal within that Time; subject to the Provision, that it shall be lawful for the Court of Appeal to which such Appeal shall be made to allow, under special Circumstances, the Appeal to be prosecuted notwithstanding that the Petition of Appeal has not been lodged within that Time.

PART VI.—STAMPS SUBSTITUTED INSTEAD OF FEES.

From Commencement of Act, Judge, Registrar, &c. not to receive Fees on their own Account.

112. The Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, may by Order from Time to Time increase, diminish, alter, or abolish all or any of the Fees payable in relation to Proceedings in the Court of Admiralty, and may substitute One or more Fee or Fees in lieu thereof.

Lord Chancellor may, with Consent of the Treasury, vary, alter, or abolish Fees.

113. From and after the Commencement of this Act, no Officer of the said Court of Admiralty shall be entitled to or take for his own Use or Benefit, directly or indirectly, any Fee or Emolument whatsoever, save the Salary to which he shall be entitled by virtue of this Act.

From Commencement of Act Fees to be collected by Stamps.

114. From and after the Commencement of this Act, the Fees payable in relation to Proceedings in the Court of Admiralty and the local Courts aforesaid shall not be received in Money, but shall be collected by means of Stamps.

Such Fees to be Stamp Duties.

115. The Fees to be collected by means of Stamps under this Act shall be deemed Stamp Duties, and shall be under the Management of the Commissioners of Inland Revenue, and the Money received for such Stamps shall, under the Direction of the Commissioners of Her Majesty's Treasury, be carried into and shall form Part of the Consolidated Fund.

Stamps to be impressed or adhesive, as the Treasury shall direct.

116. The Stamps to be used under this Act shall be impressed or adhesive, as the Commissioners of Her Majesty's Treasury shall from Time to Time direct.

The Treasury, with Concurrence of Judge, may make Rules regulating the Use of Stamps and Cancellation of adhesive Stamps.

117. The Commissioners of Her Majesty's Treasury, with the Concurrence of the Judge of the Court of Admiralty, may from Time to Time make such Rules as may seem fit for regulating the Use of Stamps under this Act, and particularly for prescribing the Application thereof to Documents from Time to Time in use or required to be used for the Purposes of such Stamps, and for ensuring the proper Cancellation of adhesive Stamps.

No Document to be received or used unless stamped.

118. 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 Court of Admiralty, or be of any Validity for any Purpose whatsoever,

soever, 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 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.

119. If any Officer of the 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, any such Officer or Person so offending may be dismissed from his Office or Employment by the Judge of the said Court of Admiralty.

Compensation to the Registrar of the Court of Delegates.

120. And whereas *Joseph Hamilton* Esquire, the present Registrar of Appeals and Provocations Spiritual in *Ireland*, will suffer Loss in his said Office by the Abolition of Appeals from the Court of Admiralty to the High Court of Delegates in *Ireland*, and the said *Joseph Hamilton* has held his said Office for upwards of Forty-three Years: There shall be paid to the said *Joseph Hamilton* by way of Compensation such Annuity as the Commissioners of Her Majesty's Treasury may deem just and proper, not exceeding the Average of the net Profits of his said Office from Admiralty Appeals on an Average for the Five Years ending Thirty-first *December* One thousand eight hundred and sixty-five, to commence from the Day when this Act shall come into operation, and to continue during his Life.

Compensation to Proctors.

121. Whereas the Number of Persons entitled to practise as Proctors of the said Court of Admiralty does not exceed Six, and the

the Fees or Emoluments of the said Proctors may be damaged by the Abolition of the exclusive Rights and Privileges which they have hitherto enjoyed as such Proctors in the said Court: Be it enacted, That the Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they are hereby authorized to administer, may inquire into, and may, by the Production of such Evidence as they shall think fit to require, including the Returns for the Assessment of Income Tax made by such Proctors before the passing of this Act, and the Receipts for Payment of such Tax, ascertain and absolutely determine the net annual Amount of the Profits arising from the Transaction of Business by Proctors on Matters and Causes in such Admiralty Court on an Average of Five Years immediately preceding the Commencement of this Act, and shall award to each and every such Proctor a Sum of Money or annual Payment during the Term of his natural Life, not exceeding in Value One Half of the net Profits derived by such Proctor in respect of Matters and Causes in the said Court of Admiralty, upon the said Average of Five Years immediately preceding the Commencement of this Act: Provided, that if any such Person shall be at any Time appointed to any Office under this Act, or any other Office of Profit of a like Nature, or any other Employment as an established Civil Servant of the State, he shall during his Continuance in any such Office or Employment be entitled to receive such Part only, if any, of the annual Sum awarded to him under this Clause as shall with the Salary and Profits of such Office or Employment make an annual Sum equal to the annual Sum so awarded to him: Provided also, that the Portion of the Business of the Queen's Proctor which he discharges for Her Majesty shall not be taken into account in estimating his Compensation under this Clause.

Compensation to Proctors in Partnership.

122. And whereas divers Proctors practising in the said Court of Admiralty now are or may at the Commencement of this Act be associated together in Partnership: Be it therefore enacted, That in all such Cases the Commissioners of Her Majesty's Treasury shall inquire into and ascertain the Terms or Conditions of such Partnerships, and shall absolutely determine and award Compensation in respect thereof, as herein-before provided, to each of such Partnerships, in like Manner as if all the Emoluments thereof had been derived by One Individual, and shall apportion such Compensation among the Members of each such Partnership, with or without Benefit of Survivorship, regard being had to the existing Terms and Conditions of the same.

123. Except

Retiring Pensions, &c. to be paid out of Monies provided by Parliament.

123. Except as is herein-before expressly provided, the several Retiring Pensions and Compensations granted by this Act shall be paid by the Commissioners of Her Majesty's Treasury out of such Funds as may be provided by Parliament for that Purpose.

Extent of Act.

124. This Act shall apply to *Ireland* only.

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