

(c) The additional rules and regulations for the several courts of Vice-Admiralty abroad, established by an Order in Council of the 6th July 1859.

(d) Any of the above-mentioned Rules and Regulations, as extended by subsequent Orders in Council to other Vice-Admiralty Courts.

CASES NOT PROVIDED FOR

207. In all cases not provided for by these Rules the practice of the Admiralty Division of the High Court of Justice of England shall be followed.

COMMENCEMENT OF RULES.

208. These rules shall come into operation on the 1st day of January 1884, and shall apply to all actions commenced on or after that day. Actions commenced before that day may, by consent of parties and with permission of the judge, be continued under these rules on such terms as to the judge shall seem fit.

R. & Co. Ltd.

APPENDIX.

I. FORMS.

Rule 109

No. 1.

TITLE OF ACTION IN REM.

Rule 4.

No. [here insert the number of the action]

A.B., Plaintiff,
against

- (a.) The Ship _____ her cargo and freight.
- or (b.) The Ship _____ and freight.
- or (c.) The Ship _____ her cargo and freight.
- or (d.) The cargo on the Ship [state name of ship on board of which the cargo now is or lately was taken].
- or (e.) The proceeds of the Ship _____
- or (f.) The proceeds of the cargo on the Ship _____

[or as the case may be.]
Action for [state nature of action, whether for damage by collision, wages, bottomry, &c., as the case may be].

No. 2.

TITLE OF ACTION IN PERSONAL.

Rule 4.

No. [here insert the number of the action].

A.B., Plaintiff,
against

The Owners of the Ship _____, [or as the case may be].

Action for [state nature of action as in preceding form.]

TITLE OF ACTION IN THE NAME OF THE CROWN.

No. [insert number of action].

Our Sovereign Lady the Queen.

[add, where necessary, in Her Office of Admiralty].

against

(a.) The Ship _____, [or as the case may be],

or,

(b.) A.B., &c. [the person or persons proceeded against].

Action for [state nature of action].

No. 4.

WRIT OF SUMMONS IN REM.

In the Vice-Admiralty Court of _____

(L.S.) [Here insert title of action.]

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India,

To the owners and all others interested in the Ship _____ [her cargo and freight, &c., or as the case may be].

WE command you that, within one week after the service of this writ, exclusive of the day of such service, you do cause an appearance to be entered for you in Our Vice-Admiralty Court of _____ in the above-named action; and take notice that in default of your so doing the said action may proceed, and judgment may be given in your absence.

Given at _____ in Our said Court, under the seal thereof, this _____ day of _____ 18 _____

Memorandum to be subscribed on the Writ.

This writ may be served within six months from the date thereof, exclusive of the day of such date, but not afterwards.

The Defendant (or Defendants) may appear hereto by entering an appearance (or appearances) either personally or by solicitor at the registry of the said court situated _____

WRIT OF SUMMONS IN PERSONAM

In the Vice-Admiralty Court of _____

(L.S.) [Here insert title of action.]

VICTORIA, by the grace of God, &c.

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

WE command you that, within one week after the service of this writ, exclusive of the day of such service, you do cause an appearance to be entered for you in our Vice-Admiralty Court of _____ in the above-named action; and take notice that in default of your so doing the said action may proceed, and judgment may be given in your absence.

Given at _____ in Our said Court, under the seal thereof, this _____ day of _____ 18 _____

Memorandum to be subscribed on the Writ.

This writ may be served within six months from the date thereof, exclusive of the day of such date, but not afterwards.

The Defendant (or Defendants) may appear hereto by entering an appearance (or appearances) either personally or by solicitor at the registry of the said court, situate at _____

No. 6.

INDORSEMENTS TO BE MADE ON THE WRIT BEFORE ISSUE THEREOF.

(1) The Plaintiff claims [insert description of claim as given in Form No. 7.]

(2) This writ was issued by the Plaintiff in person, who resides at [state Plaintiff's place of residence, with name of street and number of house, if any].

or,

This writ was issued by C.D., of [state place of business] solicitor for the Plaintiff.

(3) All documents required to be served upon the said Plaintiff in the action may be left for him at [insert address for service within three miles of the registry].

or,

Where the action is in the name of the Crown,

(1) A.B., &c., claims [insert description of claim as given in Form No. 7.]

(2.) This writ was issued by A. [state name and address of person prosecuting in the name of the Crown, or his solicitor, as the case may be].

(3.) All documents required to be served upon the Crown in this action may be left at [insert address for service within three miles of the registry].

No. 7.

INDORSEMENTS OF CLAIM.

(1.) *Damage by collision:*

The Plaintiff as owners of the Ship "Mary" [her cargo and freight, &c., or as the case may be] claim the sum of £. against the Ship "Jane" for damage occasioned by a collision which took place [state where] on the _____ day of _____; and for costs.

(2.) *Salvage.*

The Plaintiffs, as the owners, master, and crew of the Ship "Mary," claim the sum of £. for salvage services rendered by them to the Ship "Jane" [her cargo and freight, &c., or as the case may be] on the _____ day of _____, in or near [state where the services were rendered]; and for costs.

(3.) *Pilotage:*

The Plaintiff claims the sum of £. for pilotage of the Ship "Jane" on the _____ day of _____, from [state where pilotage commenced] to [state where pilotage ended]; and for costs.

(4.) *Towage:*

The Plaintiffs, as owners of the Ship "Mary," claim the sum of £. for towage services rendered by the said Ship to the Ship "Jane" [her cargo and freight, &c., or as the case may be], on the _____ day of _____, at or near [state where the services were rendered]; and for costs.

(5.) *Master's wages and disbursements:*

The Plaintiff claims the sum of £. for his wages and disbursements as master of the Ship "Mary," and to have an account taken thereof; and for costs.

(6.) *Seamen's wages:*

The Plaintiffs, as seamen on board the Ship "Mary," claim the sum of £. for wages due to them, as follows; and for costs:

to A. B., the mate, £30 for two months wages from the _____ day of _____ of _____

to C. D., able seaman £. &c., &c.;

[read the Plaintiffs claim to have an account taken thereof]

(7.) *Necessaries, repairs, &c.:*

The Plaintiffs claim the sum of £. for necessaries supplied (or repairs done, &c., as the case may be) to the Ship "Mary" at the port of _____ on the _____ day of _____ and for costs [and the Plaintiffs claim to have an account taken thereof].

(8.) *Possession:*

(a.) The Plaintiff, as sole owner of the Ship "Mary," of the port of _____, claims possession of the said Ship.

(b.) The Plaintiff, as owner of 48-114 shares of the Ship "Mary" of the port of _____, claims possession of the said Ship as against C. D., owner of 10-64th shares of the same Ship.

(9.) *Mortgage:*

The Plaintiff, under a mortgage dated the _____ day of _____, claims against the proceeds of the Ship "Mary" the sum of £., as the amount due to him for principal and interest, and for costs.

(10.) *Claims between Co-Owners:*

(a.) The Plaintiff, as part owner of the Ship "Mary," claims against C. D., part owner of the same Ship, the sum of £. as part of the earnings of the said Ship due to the Plaintiff, and for costs; and to have an account taken thereof.

(b.) The Plaintiff, as owner of 24-64th shares of the Ship "Mary," being disaffected with the management of the said Ship by his co-owners, claims that his co-owners shall give him in the sum of £., the value of his said shares, for the safe return of the Ship to this colony [or possession].

(11.) *Bottomry:*

The Plaintiff, as assignee of a bottomry bond, dated the _____ day of _____, and granted by C. D., as master of the Ship "Mary" of _____, to A. B. at the port of _____, claims the sum of £. against the Ship "Mary" [her cargo and freight, &c., or as the case may be] as the amount due to him under the said bond, and for costs.

(12.) *Detrit:*

A. B. claims to have the Derelict Ship "Mary" [or cargo, &c., or as the case may be,] condemned as forfeited to Her Majesty in Her Office of Admiralty.

(13.) *Piracy:*

A. B., Commander of H.M.S. "Torch," claims to have the Chinese junk "Tecumseh" and her cargo condemned as forfeited to Her Majesty as having been captured from pirates.

(14.) *Slave Trade:*

A. B., Commander of H.M.S. "London" claims to have the vessel, name unknown [together with her cargo and 12 slaves],

seized by him on the _____ day of _____ 18____, condemned as forfeited to Her Majesty, on the ground that the said vessel was at the time of her seizure engaged in or fitted out for the Slave Trade, in violation of existing treaties between Great Britain and Zanzibar (or of the Act 5 Geo. IV. c. 113, or as the case may be).

or
C.D., the owner of the _____ vessel _____ [and cargo, or as the case may be] captured by H.M.S. "London" on the _____ day of _____ 18____, claims to have the said vessel [and cargo, or as the case may be] restored to him [together with costs and damages for the seizure thereof].

(15.) Under Pacific Islanders Protection Acts:

A.B., as Commander of H.M.S. "Lynx," claims to have the British Ship "Mary" and her cargo condemned as forfeited to Her Majesty, for violation of the Pacific Islanders Protection Acts, 1872 and 1875.

(16.) Under Foreign Enlistment Act:

A.B. claims to have the British Ship "Mary," together with the arms and munitions of war on board thereof, condemned as forfeited to Her Majesty for violation of the Foreign Enlistment Act, 1870.

(17.) Under Customs Acts:

A.B. claims to have the Ship "Mary" [or as the case may be] condemned as forfeited to Her Majesty for violation of [state Act under which forfeiture is claimed].

(18.) Recovery of pecuniary forfeiture or penalty:

A.B. claims judgment against the Defendant for penalties for violation of [state Act under which penalties are claimed].

No. 8.

CERTIFICATE OF SERVICE TO BE INDORSED ON THE WRIT AFTER SERVICE THEREOF.

This writ was served by X.Y. [here state the mode in which the service was effected, whether on the owner, or on the ship, cargo, or freight, &c., as the case may be] on _____ day of _____ 18____

(Signed) X.Y.

Rule 12

No. 9.

APPEARANCE.

(1.) By Defendant in person.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that I appear in this action.

Dated this _____ day of _____ 18____

My address is _____ (Signed) C.D., Defendant.

My address for service is _____

APPEARANCE

(2.) By Solicitor for Defendant.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that I appear for C.D. of [insert address of C.D.] in this action.

Dated this _____ day of _____ 18____

My place of business is _____ (Signed) X.Y., Solicitor for C.D.

My address for service is _____

No. 10.

INDORSEMENT OF SET-OFF OR COUNTER-CLAIM

Rule 13.

The Defendant [or, if he be one of several Defendants, the Defendant C.D.] owner of the ship "Mary" [or as the case may be] claims from the Plaintiff [or claims to set-off against the Plaintiff's claim] the sum of _____ for [state the nature of the set-off or counter-claim and the relief or remedy required as in Form No. 7, mutatis mutandis] and for costs.

the same under safe arrest, until you shall receive further orders from Us.

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

Warrant Taken out by _____ (Signed) E.F., Registrar

No. 13.

CERTIFICATE OF SERVICE TO BE INDROSSED ON THE WARRANT AFTER SERVICE THEREOF.

This warrant was served by [state by whom and in what mode] on _____ the _____ day of _____ 18__

(Signed) G.H., Marshal.

No. 14.

BAIL BOND.

In the Vice-Admiralty Court of _____

[Title of Action.]

Know all men by these presents that we [insert names, addresses, and descriptions of the sureties in full] hereby jointly and severally submit ourselves to the jurisdiction of the said Court, and consent that if the said [insert name of party for whom bail is to be given, and state whether Plaintiff or Defendant] shall not pay what may be adjudged against him in the above-named action, with costs [or, for costs, if bail is to be given only for costs], execution may issue against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding [state sum in letters] pounds.

This Bail Bond was signed by _____ the said _____ and _____ the sureties, the _____ day of _____ 18__, in the registry of the Vice-Admiralty Court of _____ [or as the case may be.]

Signatures of sureties.

Before me,

E.F., Registrar.

[or clerk in the registry, or Commissioner to take bail, as the case may be.]

No. 1

AFFIDAVIT TO HEAD WARRANT.

In the Vice Admiralty Court of _____

[Title of Action.]

I, A.B., [state name and address] make oath and say that I have a claim against the Ship "Mary" for [state nature of claim].

And I further make oath and say that the said claim has not been satisfied, and that the aid of this Court is required to enforce it.

On the _____ day of _____ 18__ the said A.B. was duly sworn to the truth of this affidavit at _____ (Signed) A.B.

Before me, E.F., &c.

or,

Where the action is in the name of the Crown,

I, A.B., &c. [state name and address of person suing in the name of the Crown] make oath and say that I claim to have the Ship "Mary" and her cargo [or the vessel, name unknown, or the cargo of the Ship "Mary," &c., or as the case may be] condemned to Her Majesty—

(a) as having been fitted out for or engaged in the Slave Trade in violation of [state Act or Treaty alleged to have been violated];

or (b) as having been captured from pirates;

or (c) as having been found Derelict;

or (d) for violation of [state Act alleged to have been violated] or as the case may be.

I further make oath and say that the aid of this Court is required to enforce the said claim.

On the _____ day of _____ 18__ the said A.B. was duly sworn to the truth of this affidavit at _____ (Signed) A.B.

Before me, E.F., &c.

No. 12.

WARRANT.

In the Vice-Admiralty Court of _____

[Title of Action.]

(L.S.) Victoria, &c.

To the marshal of our Vice-Admiralty Court of _____ We hereby command you to arrest the ship [her cargo and freight, &c., or as the case may be], and to keep

R 3946.

COMMISSION TO TAKE BAIL

In the Vice-Admiralty Court of

[Title of Action.]

VICTORIA, &c.

To [state name and description of Commissioner], greeting.

Whereas in the above-named action bail is required to be taken on behalf of [state name of party for whom bail is to be given, and whether Plaintiff or Defendant] in the sum of [state sum in letters] pounds, to answer judgment in the said action.

We therefore hereby authorize you to take such bail on behalf of the said [state name] from two sufficient sureties, upon the bail bond hereto annexed, and to swear the said sureties to the truth of the annexed affidavits as to their sufficiency, in the form indorsed hereon.

And we command you, that upon the said bond and affidavits being duly executed and signed by the said sureties, you do transmit the same, attested by you, to the registry of our said court.

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

(Signed) E.F.,

Registrar.

Commission to take bail
Taken out by _____

Form of Oath to be administered to each surety.

You swear that the contents of the affidavit, to which you have subscribed your name, are true.

So help you God.

NOTICE OF BAIL

In the Vice-Admiralty Court of

[Title of Action.]

Take notice that I tender the under-mentioned persons as bail on behalf of [state name, address, and description of party for whom bail is to be given, and whether Plaintiff or Defendant] in the sum of [state sum in letters and figures] to answer judgment in this action [or judgment and costs, or costs only, or as the case may be].

Names, addresses, and descriptions of

SURETIES.

- (1) _____
- (2) _____

REFERENCES.

Dated this _____ day of _____ 18__
(Signed) X.Y.

NOTICE TO JUSTIFY.

In the Vice-Admiralty Court of

[Title of Action.]

Take notice that I require [state name, address, and description of surety or sureties required to justify] to justify by affidavit his [or their] sufficiency as a surety [or sureties] in the above-named action.

Dated the _____ day of _____ 18__
(Signed) A.B.

AFFIDAVIT OF JUSTIFICATION.

In the Vice-Admiralty Court of

[Title of Action.]

I [state name, address, and description of surety], one of the proposed sureties for [state name, address, and description of person for whom bail is to be given] make oath and say that I am worth more than the sum of [state in letters the sum in which bail is to be given] pounds after the payment of all my debts.

On the _____ day of _____ 18__, the said _____ was duly sworn to the truth of this affidavit at _____

Before me,

E.F., Registrar.

[or Commissioner, as the case may be.]

Signature of surety.

NOTICE OF OBJECTION TO BAIL.

In the Vice-Admiralty Court of

[Title of Action.]

Take notice that I object to the bail proposed to be given by [state name, address, and description of surety or sureties objected to] in the above-named action.

Dated the _____ day of _____ 18__
(Signed) A.B.

and proceeding through the water at the rate of about five knots per hour. Her proper regulation side sailing lights were duly placed and exhibited and burning brightly, and a good look-out was being kept on board of her.

3. At that time those on board the "Anthes" observed the red light of a sailing vessel, which proved to be the "Atlantic," at the distance of about one mile and a half to two miles from the "Anthes," and bearing about one point on her port bow. The "Anthes" was kept close hauled by the wind on the port tack. The "Atlantic" exhibited her green light and shut in her red light, and drew a little on to the starboard bow of the "Anthes," and she was then seen to be approaching and causing immediate danger of collision. The helm of the "Anthes" was thereupon put hard down, but the "Atlantic," although loudly hailed from the "Anthes," ran against and with her stem and starboard bow struck the starboard quarter of the "Anthes" abait the main rigging, and did her so much damage that the "Anthes" soon afterwards sank, and was with her cargo wholly lost, and four of her hands were drowned.

4. There was no proper look-out kept on board the "Atlantic."
5. Those on board the "Atlantic" improperly neglected to take in due time proper measures for avoiding a collision with the "Anthes."
6. The helm of the "Atlantic" was ported at an improper time.
7. The said collision, and the damages and losses consequent thereon, were occasioned by the negligent and improper navigation of those on board the "Atlantic."

The Plaintiff claims—

1. A declaration that he is entitled to the damage proceeded for.
2. The condemnation of the Defendants [and their bail] in such damage and in costs.
3. To have an account taken of such damage with the assistance of merchants.
4. Such further or other relief as the nature of the case may require.

Dated the ___ day of ___ 18__ (Signed) A.B., Plaintiff.

ANSWER AND COUNTER-CLAIM.

In the Vice-Admiralty Court of

[Title of Action.]

1. The Defendants are the owners of the Swedish barque "Atlantic," of 988 tons register, carrying a crew of nineteen hands

No. 1.
RELEASE

In the Vice-Admiralty Court of

[Title of Action.]

VICTORIA, &c. *Vice-Admiralty Court of*
To the Marshal of our Vice-Admiralty Court of
greeting. Whereas by our warrant issued in the above-named action on the ___ day of ___ 18__, we did command you to arrest [state name and nature of property arrested] and to keep the same under safe arrest until you should receive further orders from us. We do hereby command you to release the said [state name and nature of property to be released] from the said arrest upon payment being made to you of all fees due to and charges incurred by you in respect of the arrest and custody thereof.

Given at ___ in Our said court, under the seal thereof, ___ day of ___ 18__

Release

Taken out by ___ (Signed) E.F. Registrar.

No. 21.
PLEADINGS.

(1) In an Action for damage by collision:
v. (The "Atlantic.")

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued: ___ 18__

1. Shortly before 7 p.m. on the 31st of January 1876, the brig "Anthes," of 234 tons register, of which the Plaintiff, George De Garis, was then owner, whilst on a voyage from Cardiff to Granville, in France, laden with coals, and manned with a crew of nine hands, all told, was about fifteen miles S.E. & E. from the Lizard Light.

2. The wind at that time was about E.N.E. a moderate breeze, the weather was fine, but slightly hazy, and the tide was about slack water, and of little force. The "Anthes" was sailing under all plain sail, close hauled on the port tack, heading about S.E.

all told, and at the time of the circumstances herein-after stated bound on a voyage to Cardiff.

2. A little before 6.30 p.m., of the 31st of January 1878, the "Atlantic" was about fifteen miles S.E. by S. of the Lizard. The wind was E.N.E. The weather was hazy. The "Atlantic," under foresail, fore and main topsails, main topgallant sail, and jib, was heading about W.S.W., making from five to six knots an hour with her regulations light duly exhibited and burning, and a good look-out being kept on board her.

3. In these circumstances, the red lights of two vessels were observed pretty close together, about half mile off, and from two to three points on the starboard bow. The helm of the "Atlantic" was put to port in order to pass on the port sides of these vessels. One, however, of the vessels, which was the "Anthes," altered her course, and exhibited her green light, and caused danger of collision. The helm of the "Atlantic" was then ordered to be steadied, but before this order could be completed was put hard-a-port. The "Anthes" with her starboard side by the main rigging, struck the stem of the "Atlantic" and shortly afterwards sunk, her master and four of her crew being saved by the "Atlantic."

4. Save as is herein-before admitted, the several statements in the Petition are denied.

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

6. The helm of the "Anthes" was inproperly starboarded.

7. The collision was caused by one or both of the things stated in the fifth and sixth paragraphs hercof, or otherwise by the negligence of the Plaintiffs, or of those on board the "Anthes."

8. The collision was not caused or contributed to by the Defendants, or by any of those on board the "Atlantic."

And by way of Counter-claim, the Defendants say—
They have suffered great damage by reason of the collision.

And they claim as follows—

1. Judgment against the Plaintiff [and his bail] for the damage occasioned to the Defendants by the collision, and for the costs of this action.

2. To have an account taken of such damage with the assistance of merchants.

3. Such further and other relief as the nature of the case may require.

Dated the _____ day of _____ 18____
(Signed) C.D. &c, Defendants.

REPLY.

In the Vice-Admiralty Court of _____

[Title of Action.]

The Plaintiff denies the several statements contained in the Answer and Counter-claim, [or admits the several statements contained in paragraphs _____ and _____ of the Answer and Counter-claim, but denies the other statements contained therein].

Dated the _____ day of _____ 18____
(Signed) A.B., Plaintiff.

b. (The "Julia David.")

PETITION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Writ issued _____ 18____

1. At about 2 a.m. on the 4th day of September 1876, the steamship "Sarpedon," of 1,556 tons register, and 225 horse power, of which the Plaintiffs were owners, whilst on a voyage from Shanghai, and other ports to London, with a cargo of tea and other goods, was about eighty miles south west of Ushant.

2. The wind at such time was about south-west, the weather was a little hazy and occasionally slightly thick, and the "Sarpedon" was under steam and sail, steering north-east, and proceeding at the rate of about ten knots per hour. Her proper regulation masthead and side lights were duly exhibited and burning brightly, and a good look-out was being kept.

3. At such time the masthead and red lights of a steam vessel, which proved to be the above-named vessel "Julia David," were seen at the distance of about two miles from and ahead of the "Sarpedon," but a little on her port bow. The helm of the "Sarpedon" was ported and hard a-ported, but the "Julia David" opened her green light to the "Sarpedon," and although the engines of the "Sarpedon" were immediately stopped, and her steam whistle blown, the "Julia David" with her steam struck the "Sarpedon" on her port side, abreast of her red light, and did her so much damage that her master and crew were compelled to abandon her, and she was lost with her cargo. The "Julia David" went away without rendering assistance to those on board the "Sarpedon," and without answering signals which were made by them for assistance.

4. Those on board the "Julia David" neglected to keep a proper look-out.
5. Those on board the "Julia David" neglected to duly port the helm of the "Julia David."
6. The helm of the "Julia David" was improperly starboarded.
7. The "Julia David" did not duly observe and comply with the provisions of Article 16 of the "Regulations for preventing collisions at sea."
8. The said collision was occasioned by the improper and negligent navigation of the "Julia David."

The Plaintiffs claim—

1. A declaration that they are entitled to the damage proceeded for, and the condemnation of the said steamship "Julia David," and the Defendants therein, and in costs.
2. To have an account taken of such damage with the assistance of merchants.
3. Such further and other relief as the nature of the case may require.

Dated the _____ day of _____ 18__.

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

ANSWER AND COUNTER-CLAIM.

In the Vice-Admiralty Court of _____

[Title of Action.]

1. The Defendants are the owners of the Belgian screw steamship "Julia David," of about 1,27½ tons register, and worked by engines of 140 horse power nominal, with a crew of thirty hands, which left Havre on the 2nd of September 1876, with a general cargo, bound to Alicante and other ports in the Mediterranean.
2. About 2.45 a.m. of the 4th of September 1876, the "Julia David," in the course of her said voyage, was in the Bay of Biscay. The weather was thick with a drizzling rain, and banks of fog and a stiff breeze blowing from S.S.W., with a good deal of sea. The "Julia David," under steam alone, was steering S.S.W. ¼ W. by bridge steering compass, or S.W. ¼ W. magnetic, and was making about five knots an hour. Her regulation lights were duly exhibited and burning brightly, and a good look-out was being kept on board her.
3. In the circumstances aforesaid those on board the "Julia David" saw the green and masthead lights of a steamship, the "Sarpedon," about two miles off, and about two points

on the starboard bow. The "Julia David" was kept on her course. But after a short time the "Sarpedon" opened her red light and caused danger of collision. The helm of the "Julia David" was thereupon put hard a-port, and her engines stopped and almost immediately reversed full speed, but, nevertheless, the "Sarpedon" came into collision with the "Julia David," striking with the port side her stem and port bow, and doing her considerable damage.

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

5. Save as herein-before appears, the several statements contained in the Petition are denied.

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

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

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

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

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

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

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

And they claim—

- (1.) The condemnation of the Plaintiffs [and their bail] in the damage caused to the "Julia David" and in the costs of this action.
- (2.) To have an account taken of such damage with the assistance of merchants.
- (3.) Such further and other relief as the nature of the case may require.

Dated the _____ day of _____ 18__.

(Signed)

C.D. &c., Defendants.

ANSWER.

In the Vice-Admiralty Court of _____
[Title of Action.]

1. The Defendants admit that the statement of facts contained in the Petition is substantially correct, except that the reshipment of the cargo on board the "Crosby" was completed by 4 a.m. on the 30th April.
2. The Defendants submit to the judgment of the Court to award such a moderate amount of salvage to the Plaintiffs under the circumstances aforesaid as to the said court shall seem meet.

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

REPLY.

In the Vice-Admiralty Court of _____
[Title of Action.]

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

Dated the _____ day of _____ 18____.
(Signed) A.B. &c. Plaintiffs.

b. (The "Newcastle")

PETITION.

In the Vice-Admiralty Court of _____
[Title of Action.]

Writ issued _____ 18____.

1. The "Emu" is a steam tug belonging to the Whitby Steam Boat Company, of six tons register, with engines of 40 horse-power nominal, and was at the time of the circumstances herein-after stated manned by a crew of five hands.
2. Just before midnight on the 22nd of July 1876, when the "Emu" was lying in Whitby harbour, her master was informed that a screw steamship was ashore on Kettleess Point. He at once got up steam, but was not able, owing to the tide, to leave the harbour till about 1.45 a.m. of the 23rd.

3. About 2 a.m. the "Emu" reached the screw steamship, which was the "Newcastle," which was fast upon the rocks, with a kedger and warp out. The wind was about N., blowing fresh; the sea was smooth, but rising; the tide was flood.

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

5. About 3 a.m. those on board the Emu got a rope from the "Newcastle" on board, and began to tow. After some towing this rope broke. The tow line of the "Newcastle" was then got on board the "Emu," and the "Emu" kept towing and twisting the "Newcastle," but was unable to get her off till about 5 a.m., when it was near high water. The master of the "Emu" then saw that it was necessary to try a click or jerk in order to get the "Newcastle" off, and accordingly, at the risk of straining his vessel, he gave a strong click in a northerly direction, and got the "Newcastle" off.

6. The master of the "Emu" then asked if the "Newcastle" was making water, and was told a little only, but as he saw that the hands were at the pumps he kept the "Emu" by the "Newcastle" until she was abreast of Whitby. He then inquired again if any assistance was wanted, and being told that the "Newcastle" was all right, and should proceed on her voyage, he steamed the "Emu" back into Whitby-harbour about 7 a.m.

7. About 8 a.m. a gale from N.E. which continued all that day and the next, came on to blow with a high sea. If the "Newcastle" had not been got off before the gale came on she would have gone to pieces on the rocks.

8. By the services aforesaid the "Newcastle" and her cargo and the lives of those on board her were saved from total loss.

9. The "Newcastle" is a screw steamship of 211 tons register, and was bound from Newcastle to Hull with a general cargo and 19 passengers. The value of the "Newcastle," her cargo and freight, including passage money, are as follows:—
The "Newcastle," £3,000; her cargo, £1,500; freight and passage money, £65;—in all, £4,565.

The Plaintiffs claim—

1. The condemnation of the Defendants [and their land] in such an amount of salvage remuneration as to the Court may seem just, and in the costs of this action.
2. Such further and other relief as the nature of the case may require.

Dated the _____ day of _____ 18____.

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

In the Vice-Admiralty Court of _____

[Title of Action.]

1. At about 6.45 p.m. on the 22nd of July 1876, the iron screw steamship "Newcastle," of 211 tons register, propelled by engines of 45 horse-power, and manned by 12 hands, her master included, whilst proceeding on a voyage from Newcastle to Hull with cargo and passengers, ran aground off Kettlewell Point, on the coast of Yorkshire.
2. The tide at this time was the first quarter ebb, the weather was calm, and the sea was smooth, and the "Newcastle," after grounding as aforesaid, saw upright and lay quite still, heading about E.S.E. Efforts were then made to get the "Newcastle" again afloat by working her engines, but it was found that this could not be done in the then state of the tide.
3. At about 10 p.m. of the said day a kedge, with a warp attached to it, was carried out from the "Newcastle" by one of her own boats and dropped to seaward, and such warp was afterwards hove taut and secured on board the "Newcastle" with the view of its being hove upon when the flood tide made. Several cables came to the "Newcastle" from Runswick, and the men in them offered their assistance, but their services, not being required, were declined.
4. At about 2 a.m. of the following morning the steam tug "Emu," whose owners, master, and crew are the Plaintiffs in this action, came to the "Newcastle" and offered assistance, which was also declined.
5. The flood tide was then making, and by about 2.45 a.m. the "Newcastle" had floated forward, and attempts were made to get the stern of the "Newcastle" also afloat, and the warp attached to the aforesaid kedge was attempted to be hove in, but the said warp having parted, the master of the "Newcastle" endeavoured ineffectually to make an agreement with the master of the "Emu" to assist in getting the "Newcastle" afloat, and at about 3 a.m. a rope was given to the "Emu" from the port bow of the "Newcastle," and directions were given to the "Emu" to keep the head of the "Newcastle" to the eastward in the same way as it had been kept by the aforesaid kedge anchor and warp. The "Emu" then set ahead and almost immediately the said rope was broken. A coir hawser was thereupon given to the "Emu," and those on board her were directed not to put any strain on it, but to keep the "Emu" paddling ahead sufficiently to steady the head of the "Newcastle," and to keep her head to the eastward. This the "Emu" did and continued to do until about 4.45 a.m., when the "Newcastle," by means of her own engines, was moved off from the ground, and the "Emu" was brought broad on the port bow of the "Newcastle," and the "Emu" had to stop towing and to shift the rope from her port bollard, where it was fast to her towing hook, but the

"Newcastle" continuing to go ahead, the said rope had to be let go on board the "Emu," and it was then hauled in on board the "Newcastle." The "Newcastle," under her own steam, then commenced proceeding south, the wind at the time being N.W., and light, and the weather fine. It was afterwards ascertained that the "Newcastle" was making a little water in her after-hold, and her hand pumps were then worked, and they kept the "Newcastle" free.

6. The "Emu" proceeded back with the "Newcastle" as far as Whitby, and the "Newcastle" then continued on her voyage and arrived in the Humber at about 2.45 p.m. of the same day.

7. During the time aforesaid the master, crew, and passengers of the "Newcastle" remained on board the "Newcastle," and no danger was incurred in their so doing.

8. Save as herein appears the Defendants deny the truth of the several statements contained in the Petition.

9. The Defendants have paid into Court and tendered to the Plaintiffs for their services the sum of £100, and have offered to pay their costs, and the Defendants submit that such tender is sufficient.

Dated _____ day of _____ 18__

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

(3.) In an Action for distribution of salvage:

PETITION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Writ issued _____ 18__

1. Describe briefly the salvage services, stating the part taken in them by the Plaintiffs, and the capacity in which they were serving.

2. The sum of £_____ has been paid by the owners of the ship, &c. [state name of ship or other property sold] to the Defendants, as owners of the ship [state name of sailing ship], and has been accepted by them in satisfaction of their claim for salvage, but the said Defendants have not paid and refuse to pay any part of that sum to the Plaintiffs for their share in the said salvage services.

The Plaintiffs claim—

1. An equitable share of the said sum of £_____, to be apportioned among them as the Court shall think fit and the costs of this action.
2. Such other relief as the nature of the case may require.

Dated the _____ day of _____ 18__

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

(A) In an Action for master's wages and disbursements:

a. ("The Princess.")

PETITION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Writ issued _____ 18__.

1. The Plaintiff, on the 10th day of February 1877, was appointed by the owner of the British barque "Princess," proceeded against in this action, master of the said barque, and it was agreed between the Plaintiff and the said owner that the wages of the Plaintiff as master should be £10 per month.

2. The Plaintiff acted as master of the said barque from the said 10th day of February until the 25th day of October 1877, and there is now due to him for his wages as master during that time the sum of £85.

3. The Plaintiff as master of the said barque expended various sums of money for necessary disbursements on account of the said barque; and there is now due to him in respect of the same a balance of £35. 7s.

The Plaintiff claims—

1. A decree pronouncing the said sums, amounting in the whole to £120. 7s., to be due to him for wages and disbursements, and directing the said vessel to be sold and the amount due to him to be paid to him out of the proceeds.

2. Such further and other relief as the nature of the case may require.

Dated the _____ day of _____ 18__
(Signed) A.B., Plaintiff.

b. ("The "Northumbria.")

PETITION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Writ issued _____ 18__.

1. In or about the month of July 1873 the Plaintiff was engaged by the owners of the British ship "Northumbria" to serve on board her as her master, at wages after the rate of £13 per month, and he entered into the service of the said ship as her master accordingly, and thenceforward served on board her in that capacity and at that rate of wages until he was discharged as herein-after stated.

2. The Plaintiff so entered into the service of the said ship she was lying at the port of North Shields in the county of Northumberland, and she thence sailed to Point de Galle, and thence to divers other ports abroad, and returned home to Cardiff, where she arrived on the 1st day of October 1873.

3. The "Northumbria," after having received divers repairs at Cardiff, left that port on the 5th day of November 1873 under command of the Plaintiff on a voyage, which is thus described in the ship's articles signed by the Plaintiff and her crew before commencing the same: viz., "A voyage from Cardiff to Bahia or Pernambuco, and any ports or places in the Brazils, or North or South America, United States of America, Indian, Pacific, or Atlantic Oceans, China or Eastern Seas, Cape of Good Hope, West Indies, or Continent of Europe, including the Mediterranean Sea or Seas adjacent, to and fro if required for any period not exceeding three years, but finally to a port of discharge in the United Kingdom or Continent of Europe."

4. The "Northumbria," after so leaving Cardiff, met with bad weather and suffered damage, and was compelled to put back to Fairmouth for repairs before again proceeding on her voyage.

5. The Plaintiff was ready and willing to continue in the service of the "Northumbria," and to perform his duty as her master on and during the said voyage, but the Defendants, the owners of the "Northumbria," wrongfully and without reasonable cause discharged the Plaintiff on the 23rd day of November from his employment as master, and appointed another person as master of the "Northumbria" on the said voyage in the place of the Plaintiff, and thereby heavy damage and loss have been sustained by the Plaintiff.

6. The Plaintiff, whilst he acted as master of the "Northumbria," earned his wages at the rate aforesaid; and he also, as such master, made divers disbursements on account of the "Northumbria"; and there was due and owing to the Plaintiff in respect of such his wages and disbursements at the time of his discharge a balance of £108. 12s. 9d., which sum the Defendants without sufficient cause have neglected and refused to pay to the Plaintiff.

The Plaintiff claims—

1. Payment of the sum of £108. 12s. 9d., the balance due to the Plaintiff for his wages and disbursements, with interest thereon.

2. Ten days double pay, according to the provisions of section 187 of "The Merchant Shipping Act, 1854."

3. Damages in respect of his wrongful discharge by the Defendants.

4. The condemnation of the Defendants [and their bail] in the amounts claimed by or for [and due to the Plaintiff].

5. To have an account taken [with the assistance of merchants] of the amount due to the Plaintiff in respect of his said wages and disbursements, and for damages in respect of such wrongful discharge.

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E.

6. Such further and other relief as the nature of the case may require.

Dated the _____ day of _____ 18____
(Signed) A.B., Plaintiff.

ANSWER.

In the Vice-Admiralty Court of _____
[Title of Action.]

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

2. Whilst the "Northumbria" was upon her voyage in the said 3rd article mentioned, and before and until she put into Falmouth, as in the said 4th article mentioned, the Plaintiff was frequently under the influence of drink.

3. During the night of the 10th November 1875 and the morning of the 11th November 1875, whilst a violent gale was blowing and the ship was in danger, the Plaintiff was wholly drunk and was incapable of attending to his duty as master of the said ship; and in consequence of the condition of the Plaintiff much damage was done to the said ship, and the said ship was almost put ashore.

4. The damage in the 4th article of the Petition mentioned was wholly or in part occasioned by the drunken condition of the Plaintiff during the said voyage from Cardiff to Falmouth.

5. The Defendants having received information of the above facts on the arrival of the said ship at Falmouth, and having made due inquiries concerning the same, had reasonable and probable cause to and did discharge the Plaintiff from his employment as master of the said ship on the 23rd November 1875.

6. The Plaintiff, on the 12th day of November 1875, whilst the said ship was at Falmouth, wrongfully and improperly tore out and destroyed certain entries which had been made by the mate of the said ship in her log-book relating to the said voyage from Cardiff to Falmouth; and the Plaintiff substituted in the said log-book entries made by himself with intent to conceal the true facts of the said voyage from the Defendants.

7. The Defendants bring into Court the sum of £104 in respect of the Plaintiff's claim for wages and disbursements, and say that the said sum is enough to satisfy the Plaintiff's said claim in that behalf. The Defendants offered to pay the Plaintiff's costs to this time in respect of those two causes of action.

Dated the _____ day of _____ 18____
(Signed) C.D., E.F., &c., Defendants.

REPLY.
In the Vice-Admiralty Court of _____
[Title of Action.]

The Plaintiff denies the several statements contained in the answer [or as the case may be].

Dated the _____ day of _____ 18____
(Signed) A.B., Plaintiff.

(5.) In an action for seamen's wages:
PETITION.

In the Vice-Admiralty Court of _____
[Title of Action.]

Writ issued _____ 18____.

1. The Plaintiff, A.B., was engaged as mate of the British brig "Bristol," at the rate of £_____ per month, and in pursuance of that engagement served as mate on board the said brig from the _____ day of _____ 18____ to the _____ day of _____ 18____, and during that time as mate of the said brig earned wages amounting to £_____. After giving credit for the sum received by him on account, as shown in the schedule hereto, there remains due to him for his wages a balance of £_____.

2. The Plaintiffs C.D., E.F., and G.H. were engaged as able seamen on board the said brig, and having in pursuance of that engagement served as able seamen on board the said brig during the periods specified in the schedule hereto, earned thereby as wages the sums set forth in the same schedule, and after giving credit for the sums received by them respectively, on account of the said wages, there remain due to them the following sums; namely,

To C.D. the sum of £ _____
To E.F. " " £ _____
To G.H. " " £ _____

3. The Plaintiffs I.K. and L.M. were engaged as ordinary seamen on board the said brig, and having served on board the same in pursuance of the said engagement during the periods specified in the schedule hereto, earned thereby the sums set forth in the same schedule, and after giving credit for the sums received by them respectively, on account of the said wages, there remain due to them the following sums; namely,

To I.K. the sum of £ _____
To L.M. " " £ _____

SCHEDULE referred to above.

Wages due to A.B., mate, from the	18	months and	18	days at
£		per month.		
Less received on account	£			
Balance due	£			
Wages due to C.D., able seaman, from the	18	months and		
£		per month.		
Less received on account	£			
Balance due	£			

so on with the wages due to the other Plaintiffs.

The Plaintiffs claim—

1. The several sums so due to them respectively with the costs of this action.
2. Such double pay as they may be entitled to under sec. 187. of the Merchant Shipping Act, 1854.
3. Such other relief as the nature of the case may require.

Dated the ___ day of ___ 18

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

(6.) In an Action for Lottomry:

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued ___ 18

1. In the month of July 1876, the Italian barque "Roma Capitale" was lying in the port of Rangoon in the Pegu Division of British Borneo, and Pietro Ozilia, her master, being in want of funds, was compelled to borrow on bottomry of the said barque and her freight from the Cassa Marittima di Genova the sum of £3,478 7s. 11d. for the necessary and indispensable repairs, charges, and supplies of the said vessel in the said port of Rangoon, and to enable her to prosecute her voyage from Rangoon to Akyah and thence to

2. Accordingly, by a bond of bottomry dated the 11th day of the said month of July and duly executed by him, the said Pietro Ozilia, in consideration of the sum of £3,478 7s. 11d. lent by the said Cassa Marittima di Genova upon the said adventure upon the said barque and freight at the maritime premium of 25 per cent., bound himself and the said barque and the freight to become payable in respect of the said voyage to pay to the said Cassa Marittima di Genova, their successors or assigns, the sum £4,278 8s. 7d. (which included the principal charges and the maritime interest due thereon), within 30 days after the said barque should arrive at her port of discharge; and the said bond provided that the said Cassa Marittima di Genova should take upon themselves the maritime risk of the said voyage.

3. The "Roma Capitale" has since successfully prosecuted her said intended voyage for which the aforesaid bond was granted, and arrived at ___ as her port of discharge on or about the 30th day of March 1877.

4. Before the issue of the writ in this action the said bond became due and payable, and was duly indorsed by the said Cassa Marittima di Genova to the Plaintiffs who thereby became and are the legal holders thereof, and the said sum of £4,278 8s. 7d. is now due and owing thereon to the Plaintiffs.

The Plaintiffs claim—

1. A declaration for the force and validity of the said bond.
2. The condemnation of the said barque "Roma Capitale" and her freight in the sum of £4,278 8s. 7d., with interest thereon at £4 per cent. per annum from the time when the said bond became payable, and in costs.
3. A sale of the said barque and the application of the proceeds of her sale and of her freight in payment to the Plaintiffs of the said amount and interest and costs.
4. Such further and other relief as the case may require.

Dated the ___ day of ___ 18

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

(7.) In an Action for mortgage:

PETITION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Writ issued _____ 18__

1. The above-named brigantine or vessel "Juniper" is a British ship belonging to the port of _____, of the registered tonnage of 109 tons or thereabouts, and at the time of the mortgage herein-after mentioned, Thomas Brock, of _____, was the registered owner of the said brigantine.

2. On the 4th day of July 1876, 32/64th parts or shares of the said brigantine were mortgaged by the said Thomas Brock to the Plaintiff, to secure the payment by the said Thomas Brock to the Plaintiff of the sum of £400, together with interest thereon at the rate of 5 per cent. per annum on or before the 1st day of July 1877.

3. The said mortgage of the "Juniper" was made by an instrument dated the 4th day of July 1876, in the form prescribed by the 66th section of the Merchant Shipping Act, 1855, and was duly registered in accordance with the provisions of the said Act.

4. No part of the said principal sum or interest has been paid, and there still remains due and owing to the Plaintiff on the said mortgage security the principal sum of £400, together with a large sum of money for interest and expenses, and the Plaintiff, although he has applied to the said Thomas Brock for payment thereof, cannot obtain payment without the assistance of this Court.

The Plaintiff claims--

1. Judgment for the said principal sum of £400, together with interest and expenses.
2. To have an account taken of the amount due to the Plaintiff.
3. Payment out of the proceeds of the said brigantine now remaining in Court, of the amount found due to the Plaintiff, together with costs.
4. Such further and other relief as the nature of the case may require.

Dated the _____ day of _____ 18__.

(Signed) A.B., Plaintiff.

(8.) In an action between co-owners (for account):

PETITION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Writ issued _____ 18__

1. The "Horlock" is a sailing ship of about 40 tons registered, trading between _____ and _____.

2. By a bill of sale duly registered on the 11th day of June 1867, the Defendant, John Horlock, who was then sole owner of the above-named ship "Horlock," transferred to Thomas Worraker, of _____, 32/64th parts of shares of the ship for the sum of £320.

3. By a subsequent bill of sale duly registered on the 16th December 1876, the said Thomas Worraker transferred his said 32/64th shares of the ship to George Wright, the Plaintiff, for the sum of £177.

4. The Defendant, John Horlock, has had the entire management and the command of the said ship from the 11th day of June 1867 down to the present time.

5. The Defendant has from time to time up to and including the 24th September 1874, rendered accounts of the earnings of the ship to the above-mentioned Thomas Worraker, but since the said 24th of September 1874 the Defendant has rendered no accounts of the earnings of the ship.

6. Since the 16th December 1876 the ship has continued to trade between _____ and _____, and the Plaintiff has made several applications to the Defendant, John Horlock, for an account of the earnings of the ship, but such applications have proved ineffectual.

7. The Plaintiff is dissatisfied with the management of the ship, and consequently desires that she may be sold.

The Plaintiff claims--

1. That the court may direct the sale of the said ship "Horlock."
2. To have an account taken of the earnings of the said ship, and that the Defendant may be condemned in the amount which shall be found due to the Plaintiff in respect thereof, and in the costs of this action.
3. Such further or other relief as the nature of the case may require.

Dated the _____ day of _____ 18__.

(Signed) A.B., Plaintiff.

In the Vice-Admiralty Court of

[Title of Action.]

1. The Defendant denies the statements contained in paragraph 2 of the petition.
2. The Defendant further says that he never at any time signed any bill of sale transferring any shares whatever of the said ship "Horlock" to the said Thomas Worraker, and further says that if any such bill was registered as alleged on the 11th June in the said 2nd paragraph (which the Defendant denies) the same was made and registered fraudulently and without the knowledge, consent, or authority of the Defendant.
3. The Defendant does not admit the statements contained in the 3rd paragraph of the petition, and says that if the said Plaintiff as alleged transferred any shares of the said ship to the said Defendant (which the Defendant does not admit), he did so wrongfully and unlawfully, and that he had not possession of or any right to or in respect of the said shares.
4. The Defendant denies the statements contained in paragraph 5 of the petition, and says that he never rendered any such accounts as alleged therein.
5. The Defendant does not admit the statements contained in paragraph 6 of the petition.

Dated the _____ day of _____ 18____
 (Signed) C.D., Defendant.

REPLY.

In the Vice-Admiralty Court of

[Title of Action.]

The Plaintiff denies the several statements in the Answer.

Dated the _____ day of _____ 18____
 (Signed) A.B., Plaintiff.

9.) In an Action for Possession:
 PETITION.

In the Vice-Admiralty Court of
 [Title of Action.]

Writ issued _____ 18____

1. The Plaintiffs are registered owners of 4-64th shares in the British ship "Native Pearl," and such shares are held by them respectively as follows:—
 Morgan Percall Griffiths is owner of 16-64th shares, Edmund Nicholls of 8-64th shares, William Meager of 4-64th shares, Isaac Dutler of 8-64th shares, and William Herbert of 8-64th shares.
2. The only owner of the said ship other than the Plaintiffs is John Nicholas Richardson, who is the registered owner of the remaining 20-64th shares of the said ship, and has hitherto acted as managing owner and ship's husband of the said ship, and has possession of and control over the said ship and her certificate of registry.
3. The Defendant, the said John Nicholas Richardson, has not managed the said ship to the satisfaction of the Plaintiffs, and has, by his management of her, occasioned great loss to the Plaintiffs; and the Plaintiffs in consequence thereof before the commencement of this action gave notice to the Defendant to cease acting as managing owner and ship's husband of the said ship, and revoked his authority in that behalf, and demanded from the Defendant the possession and control of the said ship and of her certificate of registry, but the Defendant has refused to do so, and still refuses to give possession of the said ship and certificate to the Plaintiffs, and the Plaintiffs cannot obtain possession of them without the assistance of this Court.
4. The Defendant has neglected and refused to render proper accounts relating to the management and earnings of the said ship, and such accounts are still outstanding, and unsettled between the Plaintiffs and the Defendant.

The Plaintiffs claim—

1. Judgment giving possession to the Plaintiffs of the said ship and of her certificate of registry.
2. To have an account taken, with the assistance of merchants, of the earnings of the ship.
3. A sale of the Defendant's shares in the said ship.
4. Payment out of the proceeds of such sale of the balance (if any) found due to the Plaintiffs and of the costs of this action.
5. Such further and other relief as the nature of the case may require.

Dated the _____ day of _____ 18____
 (Signed) A.B. &c., Plaintiffs.

(10.) In an Action for Necessaries

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued _____ 18__

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

2. The "Sfactoria" is a Greek ship, and in the months of June, July, August, and September 1874 was lying in the said port of under the command of one George Lazzaro, a foreigner, her master and owner, and in the said month of September she proceeded on her voyage to .

3. The Plaintiffs, at the request and by the direction of the said master, supplied during the said months of June, July, August, and September 1874, stores and other necessaries for the necessary use of the said ship upon the said then intended voyage to the value of £412 16s. 9d., for which sum an acceptance was given by the said George Lazzaro to the Plaintiffs; but on the 4th day of February 1875 the said acceptance, which then became due, was dishonoured, and the said sum of £412 16s. 9d., with interest thereon from the said 4th day of February 1875, still remains due and unpaid to the Plaintiffs.

4. In the month of August aforesaid the Plaintiffs, at the request of the said master, advanced to him the sum of £100 for the necessary disbursements of the said ship at the said port of , and otherwise on account of the said ship; and also at his request paid the sum of £11, which was due for goods supplied for the necessary use of the said ship, on the said voyage; and of the sums so advanced and paid there still remains due and unpaid to the Plaintiffs the sum of £61, with interest thereon from the 5th day of January 1875, on which last-mentioned day a promissory note given by the said George Lazzaro to the said Plaintiffs for the said sum of £61 was returned to them dishonoured.

5. The Plaintiffs also at the said master's request, between the 1st of September 1874 and the commencement of this action paid various sums amounting to £84 17s. for the insurance of their said debt.

6. The said goods were supplied and the said sums advanced and paid by the Plaintiffs upon the credit of the said ship, and not merely on the personal credit of the said master.

Plaintiffs claim—

1. Judgment for the said sums of £412 16s. 9d., and £84 17s., together with interest thereon.
2. That the Defendant [and his bail] be condemned therein and in costs:
- or
2. A sale of the said ship, and payment of the said sums and interest out of the proceeds of such sale, together with costs.
3. Such further and other relief as the case may require.

Dated the _____ day of _____ 18__
 (Signed) A.B. & Co., Plaintiffs.

(11.) In an Action for condemnation of a ship or cargo, &c.:

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued _____ 18__

State briefly the circumstances of the seizure, or, if an Affidavit of the circumstances has been filed, refer to the Affidavit.
 A.B. [State name of person suing in the name of the Crown] claimant—

The condemnation of the said ship [and her cargo, and of the said 7 slaves, or as the case may be] on the ground that the said ship, &c. was at the time of the seizure thereof fitted out for or engaged in the Slave Trade for as having been captured from pirates, or for violation of the Act _____ 3. _____ or as the case may be.

Dated the _____ day of _____ 18__
 (Signed) A.B.

(12.) In an Action for Restitution of a Ship or Cargo:

PETITION.

In the Vice-Admiralty Court of

[Title of Action.]

Writ issued _____ 18__

State briefly the circumstances of the seizure.
 C.D. [State name of person claiming restitution] claimant—

The restitution of the said vessel [and her cargo, or as the case may be] together with costs and damages for the seizure thereof [or as the case may be.]

Dated the _____ day of _____ 18____
(Signed) C.D. &c., Plaintiffs.

(13.) In a Piracy case, where the captors intend to apply for Bounty, add—
A.B. further prays the Court to declare—

- (1.) That the persons attacked or engaged were pirates.
- (2.) That the total number of pirates so engaged or attacked was _____ of whom _____ were captured.
- (3.) That the vessel [or vessels and boats] engaged, [or were] _____ [and _____].

Dated the _____ day of _____ 18____
(Signed) A.B.

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

PETITION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Writ issued _____ 18____

State briefly the circumstances, and the Act and section of Act, under which the penalty is claimed.

I, A.B. claim to have the Defendant condemned in a penalty of £ _____, and in the costs of this action.

Dated the _____ day of _____ 18____
(Signed) A.B.

No. 22.

INTERROGATORIES.

In the Vice-Admiralty Court of _____

[Title of Action.]

Interrogatories on behalf of the Plaintiff A.B. [or Defendant C.D.] for the examination of the Defendants C.D. and E.F. [or Plaintiff A.B., or as the case may be].

- 1. Did not, &c.
- 2. Have not, &c.

The Defendant C.D. is required to answer the interrogatories numbered _____
The Defendant E.F. is required to answer the interrogatories numbered _____

Dated the _____ day of _____ 18____

(Signed) A.B. [or C.D., as the case may be].

No. 23.

ANSWERS TO INTERROGATORIES.

In the Vice-Admiralty Court of _____

[Title of Action.]

The answers of the Defendant C.D. [or Plaintiff A.B., &c.] to the interrogatories filed for his examination by the Plaintiff A.B. [or Defendant C.D., &c.]

In answer to the said interrogatories I, the above-named C.D. [or A.B., &c.], make oath and say as follows.

- 1. _____
- 2. _____

On the _____ day of _____ 18____, the said C.D. [or A.B., &c.] was duly sworn to the truth of this affidavit at _____

Before me, _____ (Signed) C.D. [or A.B., &c.]

No. 24.

AFFIDAVIT OF DISCOVERY.

In the Vice-Admiralty Court of _____

[Title of Action.]

I, the Defendant C.D. [or Plaintiff A.B., &c.], make oath and say as follows:

- 1. I have in my possession or power the documents relating to the matters in question in this action, set forth in the first and second parts of the first schedule hereto.
- 2. I object to produce the documents set forth in the second part of the said first schedule on the ground that [state grounds of objection, and verify the facts as far as may be].
- 3. I have had, but have not now, in my possession or power the documents relating to the matters in question in this action as set forth in the second schedule hereto.
- 4. The last-mentioned documents were had in my possession or power on [state when].
- 5. [Here state what has become of the last-mentioned documents, and in whose possession they now are.]

6. According to the best of my knowledge, information, and belief, I have not now, and never had in my possession, custody, or power, or in the possession, custody, or power of my solicitor, or agent, or of any other person or persons on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document, or any other document whatsoever, relating to the matters in question in this action, or any of them, or wherein any entry has been made relative to such matters, or wherein them, other than and except the documents set forth in the said first and second schedules hereto.

SCHEDULE No. I.

Part 1.

[Here set out documents.]

Part 2.

[Set out documents.]

SCHEDULE No. II.

[Set out documents.]

On the _____ day of _____ 18____ the said C.D. [or A.B. &c.] was duly sworn to the truth of this affidavit at _____ (Signed) C.D. [or A.B.]
 Before me,
 E.F., &c.

No. 25.

NOTICE TO PRODUCE.

In the Vice-Admiralty Court of _____

Title of Action.

Take notice that the Plaintiff A.B. [or Defendant C.D.] requires you to produce for his inspection, or before the _____ day of _____, the following documents.

[Here describe the documents required to be produced.]

Dated _____ day of _____ 18____

(Signed) A.B., Plaintiff,

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

No. 26.

NOTICE TO ADMIT DOCUMENTS.
 In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that the Plaintiff A.B. [or Defendant C.D.] in this action proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the Defendant [or Plaintiff], his solicitor or agent, at _____, between the hours of _____ and _____ required, within forty-eight hours from the last-mentioned hour, to admit that such of the said documents as are specified as originals were respectively written, signed, or executed, as they purport respectively to have been; that such as are specified as copies are true copies; and that such documents as are stated to have been served, sent, or delivered, were so served, sent, or delivered respectively; saving all just exceptions to the admissibility of all such documents as evidence in this action.

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

Dated the _____ day of _____ 18____
 (Signed) A.B., Plaintiff [or C.D., Defendant].
 To C.D., Defendant,
 [or as the case may be].

No. 27.

NOTICE TO ADMIT FACTS.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that the Plaintiff A.B. [or Defendant C.D.] demands admission of the under-mentioned facts, saving all just exceptions.

1. Here state briefly the facts of which admission is demanded.
2. _____

Dated the _____ day of _____ 18____

(Signed) A.B., Plaintiff [or C.D., Defendant].
 To C.D., Defendant,
 [or as the case may be].

NOTICE OF MOTION.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that on [state day of week] the _____ day of _____, the Plaintiff [or Defendant] will [by counsel, or by his solicitor, if the motion is to be made by counsel or solicitor] move the judge in court [or in chambers, as the case may be] to order that [state nature of order to be moved for. In a notice of motion to vary a report of the registrar, the items objected to must be specified].

Dated the _____ day of _____ 18____.

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

No. 29.

NOTICE OF TENDER.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that I have paid into court, and tender in satisfaction of the Plaintiff's claim [or, as the case may be] [if the tender is for costs also, add including costs] the sum of [state sum tendered both in letters and figures, and on what terms, if any, the tender is made].

Dated the _____ day of _____ 18____.

(Signed) C.D., Defendant.

No. 30.

NOTICE ACCEPTING OR REJECTING TENDER.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that I accept [or reject] the tender made by the Defendant in this action.

Dated the _____ day of _____ 18____.

(Signed) A.B., Plaintiff

INTERPRETER'S OATH.

You swear that you are well acquainted with the English and _____ languages, and that you will faithfully interpret between the court and the witnesses.

So help you GOD.

No. 32.

APPOINTMENT TO ADMINISTER OATHS.

(1.) In Vice-Admiralty Proceedings generally: In the Vice-Admiralty Court of _____

To [State name and address of Commissioner.]

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

(Signed) A.B., Judge.

(2.) In any particular Proceeding.

In the Vice-Admiralty Court _____

(L.S.)

[Title of Action.]

To [State name and address of Appointee.]

I hereby authorize you _____ to administer an oath [or oaths as the case may be] to [state name of person or persons to whom, and proceeding in which the oath is to be administered or as the case may be.]

(Signed) A.B., Judge.

FORM OF OATH TO BE ADMINISTERED TO A WITNESS

You swear that the evidence given by you shall be the truth, the whole truth, and nothing but the truth.

So help you GOD.

Rule 88

FORM OF DECLARATION IN LIEU OF OATH

I solemnly promise and declare that the evidence given by me shall be the truth, the whole truth, and nothing but the truth.

No. 34.

FORM OF OATH TO BE ADMINISTERED TO A DEPONENT

You swear that this is your name and handwriting, and that the contents of this affidavit are true.

So help you GOD.

Rule 88
Rule 88

FORM OF DECLARATION IN LIEU OF OATH TO BE MADE BY A DEPONENT.

I solemnly declare that this is my name and handwriting, and that the contents of this deposition are true.

No. 35.

FORM OF JURAT.

(Where Deponent is sworn by Interpretation.)

On the _____ day of _____ 18____, the said A.B. was duly sworn to the truth of this affidavit by the interpretation of C.D., who was previously sworn, that he was well acquainted with the English and _____ languages, and that he would faithfully interpret the said affidavit, at _____ Before me, _____ E.F., &c.

Rule 88
Rule 93

(Signed) A.B.

No. 36.

ORDER FOR EXAMINATION OF WITNESSES

In the Vice-Admiralty Court of _____

[Title of Action.]

On the _____ day of _____ 18____, Before _____ Judge.

It is ordered that [state the names of the witnesses so far as it can be done], witnesses for the Plaintiff [or Defendant], shall be examined before the judge [or registrar], at [state place of examination], on [state day of week], the _____ day of _____ instant [or as the case may be], at _____ o'clock in the _____ noon.

(Signed) E.F., Registrar.

No. 37.

COMMISSION TO EXAMINE WITNESSES.

In the Vice-Admiralty Court of _____

(Ls.) [Title of Action.]

VICTORIA, &c.

To [state name and address of commissioner] greeting. Whereas the judge of our Vice-Admiralty Court of _____ has decreed that a commission shall be issued for the examination of witnesses in the above-named action. We, therefore, hereby authorize you, upon the _____ day of _____ 18____, at _____, in the presence of the parties, their counsel, and solicitors, or, in the absence of any of them, to swear the witnesses who shall be produced before you for examination in the said action, and cause them to be examined, and their evidence to be reduced into writing. We further authorize you to adjourn, if necessary, the said examination from time to time, and from place to place, as you may find expedient. And we command you, upon the examination being completed, to transmit the evidence duly certified, together with this commission, to the registry of our said court.

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

(Signed) E.F., Registrar.

Commission to examine witnesses. Taken out by _____

Rule 88.

No. 40.

NOTICE FOR HEARING.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that I set down this action for hearing.

Dated the _____ day of _____ 18____.
(Signed) A.B., Plaintiff
[or C.D., Defendant.]

No. 41.

REGISTRAR'S REPORT.

In the Vice-Admiralty Court of _____

(L.S.) [Title of Action.]

To the Honourable the Judge of the Vice-Admiralty Court of _____

Whereas by your decree of the _____ 18____ you were pleased to pronounce in favour of the Plaintiff [or Defendant], and to condemn the Defendant [or Plaintiff] and the ship _____ [or as the case may be] in the amount to be found due to the Plaintiff [or Defendant] [and in costs], and you were further pleased to order that an account should be taken, and to refer the same to the registrar [assisted by merchants] to report the amount due:

Now, I do report that I have [with the assistance of *here state names and description of assessors, if any*] carefully examined the accounts and vouchers and the proofs brought in by the Plaintiff [or Defendant] in support of his claim [or counter-claim], and having on the _____ day of _____ heard the evidence of [state names] who were examined as witnesses on behalf of the Plaintiff and of [state names] who were examined as witnesses on behalf of the Defendant, [and having heard the solicitors (or counsel) on both sides, or as the case may be], I find that there is due to the Plaintiff [or Defendant] the sum of £ _____ [state sum in letters and figures] together with interest thereon as stated in the schedule hereto annexed. I am also of opinion that the Plaintiff [or Defendant] is entitled to the costs of this reference [or as the case may be].

Dated _____ 18____
(Signed) E.F., Registrar.

No. 39.

RETURN TO COMMISSION TO EXAMINE WITNESSES.

In the Vice-Admiralty Court of _____

[Title of Action.]

I A.B., the commissioner named in the commission hereto annexed, bearing date the _____ day of _____ 18____, hereby certify as follows:

(1.) On the _____ day of _____ 18____ I opened the said commission at _____, and in the presence of [state who were present, whether both parties, their counsel, or solicitors, or as the case may be], administered an oath to and caused to be examined the under-named witnesses who were produced before me on behalf of the [state whether Plaintiff or Defendant] to give evidence in the above-named action; viz.:

[Here state names of witnesses]

(2.) On the _____ day of _____ 18____ I proceeded with the examinations at the same place [or, at some other place, as the case may be], and in the presence of [state who were present, as above], administered an oath to and caused to be examined the under-named witnesses who were produced before me on behalf of [state whether Plaintiff or Defendant] to give evidence in the said action, viz.:

[State names of witnesses.]

(3.) Annexed hereto is the evidence of all the said witnesses certified by me to be correct.

Dated the _____ day of _____ 18____
(Signed) G.H., Commissioner.

No. 39.

SHORTHAND WRITER'S OATH.

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

So help you GOD.

COMMISSION OF APPRAISEMENT AND SALE.

In the Vice-Admiralty Court of _____

(L.S.) [Title of Action.]

VICTORIA, &c.

To the marshal of our Vice-Admiralty Court of _____ greeting.

Whereas the judge of our said court has ordered that [state whether ship or cargo, and state name of ship, and if part only of cargo, what part] shall be appraised and sold. We, therefore, hereby command you to reduce into writing an inventory of the said [ship or cargo, &c., as the case may be] and having chosen one or more experienced person or persons to swear him or them to appraise the same according to the true value thereof, and when a certificate of such value has been reduced into writing and signed by yourself and by the appraiser or appraisers, to cause the said [ship or cargo, &c., as the case may be] to be sold by public auction for the highest price, not under the appraised value thereof, that can be obtained for the same.

And we further command you, as soon as the sale has been completed, to pay the proceeds arising therefrom into our said court, and to file the said certificate of appraisement and an account sale signed by you, together with this commission.

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

Commission of appraisement and sale. (Signed) _____

Taken out by _____ Registrar.

No. 45.

COMMISSION OF REMOVAL.

In the Vice-Admiralty Court of _____

(L.S.) [Title of Action.]

VICTORIA, &c.

To the marshal of our Vice-Admiralty Court of _____ greeting.

Whereas the judge of our said court has ordered that the [state name and description of ship] shall be removed from _____

to _____ being deposited in the registry of our said court; and whereas a policy of insurance for the said sum has been so deposited. We, therefore, hereby command you to cause the said ship to be removed accordingly. And we further command you, as soon as the removal has been completed, to file a certificate thereof, signed by you, in the said registry, together with this commission.

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

Commission of Removal. (Signed) _____

Taken out by _____ Registrar.

No. 46.

COMMISSION FOR DISCHARGE OF CARGO.

In the Vice-Admiralty Court of _____

(L.S.) [Title of Action.]

VICTORIA, &c.

To the marshal of our Vice-Admiralty Court of _____ greeting.

Whereas the judge of our said court has ordered that the cargo of the ship _____ shall be discharged. We therefore hereby command you to discharge the said cargo from on board the said ship, and to put the same into some fit and proper place of deposit. And we further command you, as soon as the discharge of the said cargo has been completed, to file your certificate thereof in the registry of our said court, together with this commission.

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

Commission for discharge of cargo. (Signed) _____

Taken out by _____ Registrar.

Robina

COMMISSION FOR DEMOLITION AND SALE
(In a Slavo Trade case.)

In the Vice-Admiralty Court of _____

(Ls.) [Title of Action.]

VICTORIA, &c.

To the marshal of our Vice-Admiralty Court of _____
greeting.

We hereby command you, in pursuance of the decree of the judge of our said court to that effect, to cause the tonnage of the vessel _____ to be ascertained by rule No. 1 of the 21st section of the Merchant Shipping Act, 1854 [or by such rule as shall for the time being be in force for the admittance of British vessels], and further to cause the said vessel to be broken up, and the materials thereof to be publicly sold in separate parts (together with her cargo, if any) for the highest price that can be obtained for the same.

And we further command you, as soon as the sale has been completed, to pay the proceeds arising therefrom into our said court, and to file an account sale signed by you, and a certificate signed by you of the admasurement and tonnage of the vessel, together with this commission.

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

Commission for demolition and sale.
Taken out by _____
(Signed) E.F.,
Registrar.

No. 48.

ORDER FOR INSPECTION.

In the Vice-Admiralty Court of _____

[Title of Action.]

On the _____ day of _____ 18____
Before _____ Judge.

The judge, on the application of [state whether Plaintiff or Defendant] ordered that the ship _____ should be inspected by [state whether by the marshal or by the assessors of the court, or, as the case may be.] and that a report in writing of the inspection should be lodged by him [or them] in the Registry.

(Signed) E.F.,
Registrar.

NOTICE OF DISCONTINUANCE.

No. 49.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that this action is discontinued.

Dated the _____ day of _____ 18____
(Signed) A.B., Plaintiff.

No. 50.

NOTICE TO ENTER JUDGMENT FOR COSTS.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that I apply to have judgment entered for my costs in this action.

Dated the _____ day of _____ 18____
(Signed) C.D., Defendant.

No. 51.

NOTICE OF APPEAL.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that I, A.B., Plaintiff [or Defendant] appeal from the decree [or order] of the judge of the said Court made the _____ day of _____ 18____

Dated the _____ day of _____ 18____
(Signed) A.B., Plaintiff
[or Defendant.]

NOTICE FOR CAVEAT WARRANT.

In the Vice-Admiralty Court of _____

Take notice that I, A.B. of _____ apply for a caveat against the issue of any warrant for the arrest of [state name and nature of property], and I undertake, within three days after being required to do so, to give bail to any action or counterclaim that may have been or may be brought against the same in this Court in a sum not exceeding [state sum in letters] pounds, or to pay such sum into court.

My address for service is _____ Dated the _____ day of _____ 18____ (Signed) _____ A.B.

No. 55.

CAVEAT WARRANT.

In the Vice-Admiralty Court of _____

[State Name of Ship, &c.]

Caveat entered this _____ day of _____ 18____ against the issue of any warrant for the arrest of [state name and nature of property] without notice being first given to [state name and address of person to whom, and address of which notice is to be given], who has undertaken to give bail to any action or counterclaim that may have been or may be brought in the said court against the said [state name and nature of property].

On withdrawal of caveat add— Caveat withdrawn the _____ day of _____ 18____

No. 50.

NOTICE FOR CAVEAT RELEASE.

In the Vice-Admiralty Court of _____

[Title of Action.]

Take notice that I, A.B., Plaintiff [or Defendant] in the above-named action, apply for a caveat against the release of [state name and nature of property].

[If the person applying for the caveat is not a party to the action, he must also state his address and an address for service within three miles of the registry.]

Dated the _____ day of _____ 18____ (Signed) _____ A.B.

RECEIVABLE ORDER.

Registry of the Vice-Admiralty Court, _____ 18____

[Title of Action.]

Sir, I have to request that you will receive from [state name of person paying in the money] the sum of _____ pounds, sailings, and _____ pence, on account in the above-named action, and place the same to the credit of the account of the registrar of the Vice-Admiralty Court of _____

(Signed) E.F., Registrar,

To the Manager of [state name or style of bank to which the payment is to be made.] Or To the Treasurer of the Possession.

No. 53.

ORDER FOR PAYMENT OUT OF COURT.

In the Vice-Admiralty Court of _____

[Title of Action.]

I _____ judge of the Vice-Admiralty Court of _____ hereby order payment of the sum of [state sum in letters and figures], being the amount [state whether found due for damages or costs, or tendered in the action or, as the case may be] to be made to [state name and address of party or solicitor to whom the money is to be paid] out of the [proceeds of sale of ship, &c., or as the case may be] now remaining in court.

Dated the _____ day of _____ 18____

Witness, E.F., Registrar. (Signed) J.K., Judge.

CAVEAT RELEASE.

Rule 160

In the Vice-Admiralty Court of

[Title of Action.]

Caveat entered this _____ day of _____ 18 _____ against the issue of any release of [state name and nature or property] by [state name and address of person entering caveat, and his address for service].

On withdrawal of caveat, add—
Caveat withdrawn this _____ day of _____ 18 _____

No. 58.

NOTICE FOR CAVEAT PAYMENT.

In the Vice-Admiralty Court of

[Title of Action.]

Take notice that I, A.B., Plaintiff [or Defendant] in the above-named action, apply for a caveat against the payment of any money [if for costs, add for costs, or as the case may be] out of the proceeds of the sale of [state whether ship or cargo, and name of ship, &c.] now remaining in court, without notice being first given to me.

[If the person applying for the caveat is not a party to the action, he must also state his address, and an address for service within three miles of the registry.]

Dated the _____ day of _____ 18 _____ (Signed) A.B.

Rule 161

Rule 161

No. 59.

CAVEAT PAYMENT.

In the Vice-Admiralty Court of

[Title of Action.]

Caveat entered this _____ day of _____ 18 _____ against the payment of any money [if for costs, add for costs, or as the case may be] out of the proceeds of the sale of [state whether ship or cargo, and if ship, state name of ship, &c.] now remaining in court, without notice being first given to [state name and address of person to whom, and address at which, notice is to be given].

On withdrawal of the caveat, add—
Caveat withdrawn this _____ day of _____ 18 _____

NOTICE FOR WITHDRAWAL OF CAVEAT.

No. 60.

In the Vice-Admiralty Court of

[Title of Action.]

Take notice that I withdraw the caveat [state whether entered, returned, released, or payment] entered by me in this action [or as the case may be].

Dated the _____ day of _____ 18 _____ (Signed) A.B.

No. 61.

SUBPENA.

In the Vice-Admiralty Court of

[Title of Action.]

(L.s.) VICTORIA, &c.

To

We command you _____ greeting, that all other things set aside, you appear in person before the judge [or the registrar, or G.M., a commissioner appointed by an order of our said Court] at _____ on _____ 18 _____, at _____ o'clock in the _____ noon of the same day, and so from day to day as may be required, and give evidence in the above-named action. And herein fail not at your peril.

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

Subpenna.

Taken out by _____

Rule 163

No. 62.

SUBPENA DUCES TECUM.

The same as the preceding form, adding before the words "And herein fail not at your peril, the words" and that you bring with you for production before the said judge [or registrar or commissioner, as the case may be] the following documents; viz.,

[Here state the documents required to be produced.]

Rule 163

ORDER FOR COMMITTAL.

In the Vice-Admiralty Court of _____

(L.S.) [Title of Action.]

On the _____ day of _____ 18____
Before _____ Judge.

Whereas A.B. [state name and description of person to be committed] has committed a contempt of court in that [state in what the contempt consists] and, having been this day brought before the judge on attachment, persists in his said contempt, it is now ordered that he be committed to prison for the term of _____ from the date hereof, or until he shall clear himself from his said contempt.

(Signed) E.F.,
Registrar.

No. 66.

COMMITTAL

To _____

Vice-Admiralty Court of _____ Receive into your custody the body [or bodies] of _____ herewith sent to you, for the cause herein-under written; that is to say, —

For [state briefly the ground of attachment].

Dated the _____ day of _____ 18____

Witness, J.K.,
Judge.

E.F.,
Registrar.

No. 67.

MINUTE ON FILING ANY DOCUMENT.

In the Vice-Admiralty Court of _____

[Title of Action.]

I, A.B. [state whether Plaintiff or Defendant], file the following documents; viz.,

[Here describe the documents filed.]

Dated this _____ day of _____ 18____

(Signed) A.B.

R 5945.

G

ORDER FOR PAYMENT.

In the Vice-Admiralty Court of _____

(L.S.) [Title of Action.]

On the _____ day of _____ 18____
Before _____ Judge.

It is ordered that A.B. [Plaintiff or Defendant, &c.] do pay to C.D. [Defendant or Plaintiff, &c.] within _____ days from the date hereof the sum of £ _____ [state sum in letters and figures] being the amount [or balance of the amount] found due from the said A.B. to the said C.D. for [state whether for damages salvage, or costs, or as the case may be] in the above named action.

(Signed) E.F.,
Registrar.

No. 64.

ATTACHMENT.

In the Vice-Admiralty Court of _____

(L.S.) [Title of Action.]

VICTORIA, &c.

To the marshal of our Vice-Admiralty Court of _____ greeting:

Whereas the judge of our said court, has ordered [state name and description of person to be attached] to be attached for [state briefly the ground of attachment]

We, therefore, hereby command you to attach the said _____, and to bring him before our said judge.

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

(Signed)

E.F.,
Registrar.

Attachment.

Taken out by _____

Rule 122.

MINUTE OF ORDER OF COURT.

In the Vice-Admiralty Court of _____

[Title of Action.]

On the _____ day of _____ 18____

Before _____ Judge.

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

Rule 122.

MINUTE ON EXAMINATION OF WITNESSES.

No. 69.

In the Vice-Admiralty Court of _____

[Title of Action.]

On the _____ day of _____ 18____

Before _____ Judge.

A.B. [state whether Plaintiff or Defendant] produced as witnesses _____

[Here state names of witnesses in full]

who, having been sworn [or as the case may be], were examined orally [if by interpretation, add by interpretation of _____].

Rule 122.

No. 70.

MINUTE OF DECREE.

In the Vice-Admiralty Court of _____

[Title of Action.]

On the _____ day of _____ 18____

Before _____ Judge.

(1.) Decree for an ascertained sum:

The judge having heard [state whether Plaintiff and Defendant, or their counsel or solicitors, or as the case may be], and having been assisted by [state names and descriptions of assessors,

sons, etc.], pronounced the sum of [state sum in letters and figures] to be due to the Plaintiff [or Defendant], in respect of his claim [or counterclaim], together with costs [if the decree is for costs]. And he condemned _____

(a) in an action in rem where Bail has not been given, the ship [or cargo or the ship, or proceeds of the ship] _____, or the cargo or the ship _____, or as the case may be, in the said sum [and in costs].

(b) in an action in personam, or in rem where Bail has been given; the Defendant [or Plaintiff] and his bail [if bail has been given] in the said sum [and in costs].

(2.) Decree for a sum not ascertained:

The judge having heard, &c. [as above] pronounced in favour of the Plaintiff's claim [or Defendant's counterclaim] and condemned the ship [or cargo, &c., or the Defendant [or Plaintiff] and his bail [if bail has been given] in the amount to be found due to the Plaintiff [or Defendant] [and in costs]. And he ordered that an account should be taken, and _____

(a) if the amount is to be assessed by the Judge, that all accounts and vouchers, with the proofs in support thereof, should be filed within _____ days [or as the case may be].

(b) if the Judge refers the assessment to the registrar, referred the same to the registrar [assisted by merchants], to report the amount due, and ordered that all accounts, &c. [as above].

(3) Decree on dismissal of action:

The judge having heard &c. [as above] dismissed the action [if with costs, add] and condemned the Plaintiff and his bail [if bail has been given] in costs.

(4.) Decree for condemnation of a derelict subject to salvage:

The judge, having heard, &c. [as above] pronounced the sum of [state sum in letters and figures] to be due to A.B., &c. for salvage, together with costs, and subject thereto condemned the said ship, [or cargo or proceeds of ship or of cargo, &c., as the case may be] as a derelict and perquisite of Her Majesty in her office of Admiralty.

(5.) Decree in action for possession

The judge having heard, &c., decreed that possession of the ship should be given to the Plaintiff, and condemned the Defendant [and his bail] in costs.

(6.) Decree of condemnation in a slave trade action:

The judge having heard, &c. [as above], pronounced that the vessel, name unknown [or as the case may be], seized by H.M.S. "Torch" on the 18 day of [] had been at the time of her seizure engaged in or fitted out for the slave trade in contravention of the Treaties existing between Great Britain and [] [or in violation of the Acts 5 Geo. IV. c. 113, and 36 & 37 Vict. c. 88, or as the case may be], and he condemned the said vessel [together with the slaves, goods, and effects on board thereof] as forfeited to Her Majesty [or condemned the said vessel and slaves as forfeited, &c., but ordered that the cargo should be restored to the claimant, or, as the case may be]. The judge further ordered that the said slaves [or the slaves then surviving], consisting of [] men, [] women, and [] boys and [] girls, should be delivered over to [state to whom, or how the slaves are to be disposed of].

If the vessel has been brought into port, and

The judge further ordered that the tonnage of the vessel should be ascertained by the rule in force for the丈量ment of British vessels, and that the vessel should be broken up, and that the materials thereof should be publicly sold in separate parts, together with her cargo [if any];

or

If the vessel has been abandoned or destroyed by the seizers prior to the adjudication, and the court is satisfied that the abandonment or destruction was justifiable, and

The judge further declared that, after full consideration by the court of the circumstances of the case, the seizers had satisfied the court that the abandonment [or destruction] of the vessel was inevitable or otherwise under the circumstances proper and justifiable.

(7.) Decree of Restitution in a slave trade action:

The judge having heard, &c., pronounced that it had not been proved that the vessel [] was engaged in or fitted out for the slave trade, and ordered that the said vessel should be restored to the claimant, together with the goods and effects on board thereof;

and, as the case may be, but without costs or damages.

on payment by the said claimant of the costs incurred by the seizers in this action;

or

and awarded to the said claimant costs and damages in respect of the detention of the said vessel, and [referred the same to the registrar (assisted by merchants) to report the amount thereof, and] directed that all accounts and vouchers with the proofs in support thereof, if any, should be filed within [] days.

(8.) Decree in case of capture from pirates:

The judge having heard, &c., pronounced that the said junk "Tecumseh" [and her cargo] had been at the time of the capture thereof by H.M.S. "Torch" the property of pirates, and condemned the same as a droit and peninsite of Her Majesty in Her office of Admiralty;

or

pronounced that the said junk "Tecumseh" [and her cargo] had prior to her re-capture by H.M.S. "Torch," &c. been captured by pirates from the claimant [state name and description of former owner], and he decreed that the same should be restored to the said claimant as the lawful owner thereof, on payment to the re-captors of one-eighth part of the true value thereof in lieu of salvage. The judge also directed that the said junk [and her cargo] should be appraised;

If the junk, &c. has been captured after an engagement with the pirates, and if there is a petition for bounty, and

The judge further declared that the persons attacked or engaged by H.M.S. "Torch," &c. on the occasion of the capture of the said junk were pirates, that the total number of pirates so attacked or engaged was about [] that [] of H.M.S. "Torch" [or, as the case may be], was [] of []

(9.) Decree of condemnation under Pacific Islanders Protection Acts:

The judge, having heard, &c., pronounced that the ship [] had been at the time of her seizure [or during the voyage on which she was met] employed [or fitted out for employment] in violation of the Pacific Islanders Protection Acts, 1872 and 1875, and he condemned the said ship [] [and her cargo, and all goods and effects found on board, or as the case may be,] as forfeited to Her Majesty.

The judge further ordered that the said ship [] [and her cargo, and the said goods and effects] should be sold by public auction, and that the proceeds should be paid into court.

(10.) *Decree of condemnation under Foreign Enlistment Act:*
 The judge, having heard, &c., pronounced that the ship had been [built, equipped, commissioned, despatched, or used, as the case may be] in violation of the Foreign Enlistment Act, 1870, and he condemned the said ship [and her equipment] and the arms and munitions of war on board thereof, or as the case may be] as forfeited to Her Majesty.

(11.) *Decree of condemnation under Customs or Revenue Acts:*

The judge having heard, &c. condemned the ship [or cargo or proceeds, &c., as the case may be] as forfeited to Her Majesty for violation of the Act [state what Act.]

(12.) *Decree for pecuniary forfeiture or penalty under Customs Act or other Act:*

The judge having heard, &c., pronounced the said goods to have been landed [or other illegal act to have been done] in violation of the Act [state what Act] and condemned the Defendant C.D. [the owner of the said goods, or as the case may be] in the penalty of £ [] imposed by the said Act [and in costs].

No. 71.

MINUTES IN AN ACTION FOR DAMAGE BY COLLISION.

A.B., &c.

against

The Ship "Mary."

18 Jan. 3 A writ of summons [and a warrant] was [or were] issued to X.Y. on behalf of A.B., &c., the owners of the ship "Jane" against the ship "Mary" [and freight, or as the case may be] in an action for damage by collision. Amount claimed £1,000.

5 X.Z. filed notice of appearance on behalf of C.D., &c., the owners of the ship "Mary."

6 X.Y. filed writ of summons.

7 The marshal filed warrant.

8 The Defendant(s) [or as the case may be] in the sum of £1,000, with affidavit of service of notice of bail.

9 X.Y. filed preliminary Act [and notice of motion for pleadings].

10 X.Z. filed preliminary Act.

The judge having heard solicitors on both sides [or as the case may be], ordered pleadings to be filed.

18 X.Y. filed petition.
 Jan. 11 Y.Z. filed answer [and counterclaim].
 " 14 X.Y. filed reply.
 " 15 The judge having heard solicitors on both sides [or as the case may be] ordered both Plaintiff and Defendant to file affidavits of discovery, and to produce, if required, for mutual inspection, the documents therein set forth within three days.
 " 18 X.Y. filed affidavit of discovery.
 " 19 Y.Z. filed affidavit of discovery.
 " 22 X.Y. filed notice of trial.
 " 26 X.Y. produced as witnesses [state names of witnesses], who, having been sworn, were examined orally in court, the said [state names] having been sworn and examined by interpretation of [state name of interpreter] interpreter of the [] language. Present [state names of assessors present, if any] assessors.
 X.Z. produced as witnesses, &c. [as above].
 The judge having heard [state whether Plaintiff and Defendant, or their counsel or solicitors, as the case may be], and having been assisted by [state names and descriptions of assessors, if any], pronounced in favour of the Plaintiff [or Defendant] and committed the Defendant [or Plaintiff] and their bail [if bail has been given] in the amount to be found due to the Plaintiff [or Defendant] [and in costs]. And he ordered that an account should be taken, and referred the same to the registrar [assisted by merchant] to report the amount due, and ordered that all accounts and vouchers, with the proofs in support thereof, should be filed within [] days [or as the case may be].

Feb. 5 X.Y. filed statement of claim, with account, and vouchers in support thereof [numbered 1 to []], and affidavits of [state names of deponents, if any].

" 8 X.Z. filed accounts and vouchers [numbered 1 to []] in answer to claim.

" 9 X.Y. filed notice for hearing of reference.

" 15 X.Y. [or Y.Z.] filed registrar's report, &c.

Here insert address for service. Here insert address for service of documents required to be served on the Plaintiff(s).

Note.—The above minutes are given as such as might ordinarily be required in an action *in rem* for damage by collision, where pleadings have been ordered. In some actions many of these minutes would be superfluous. In others additional minutes would be required.

II. TABLES OF FEES TO BE TAKEN BY THE JUDGES, REGISTRARS, MARSHALS, AND PRACTITIONERS, &C. OF THE VICE-ADMIRALTY COURTS.

I.—BY THE JUDGE.

	£	s.	d.
On administering any oath or declaration in Court or in Chambers		0	5 0
On examination before him of any witness before trial	1	0	0
On any motion in Chambers		0	10 0
On any motion in Court		1	0 0
On a final decree in an uncontested action		1	0 0
On a final decree in a contested action		5	0 0
On the assessment of damages, or taking of any account, if assessed or taken by the Judge, according to the case	From	1	0 0
	To	5	0 0
On signing or certifying any document		0	5 0

II.—BY THE REGISTRAR.

1. For preparing Instruments, &c.

For sealing any writ of summons or other document required to be sealed	0	2	6
For preparing any warrant, release, commission, attachment, or other instrument, required to be sealed, or any bail bond		0	10 0
For preparing a receivable order or a receipt for money to be paid out of court		0	5 6
For preparing and sending any notice		0	2 6
For preparing any other document for every folio		0	2 0

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

2. For Filing.

On filing any instrument or other document, except minutes and exhibits	0	5	0
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3. For Evidence, &c.

For administering any oath or declaration, except before the judge	£	s.	d.
For taking down and certifying the evidence of any witness examined before him, for every folio		0	2 6
		0	1 6

4. For the Trial, &c.

On a final decree in an uncontested action	-	0	10 0
On a final decree in a contested action	-	1	0 6
For attendance before the judge when any order is made or act done, other than pronouncing a final decree	-	0	10 0

Note.—The above fees shall include the entry of the decree or order in the minute book.

5. For References.

For hearing any reference, according to the case, per day	From	1	0 0
	To	5	0 0
For preparing the report of a reference		1	0 0

6. For Taxations.

For taxing a bill of costs:—			
If the bill does not exceed ten folios	-	0	10 0
For every folio beyond ten	-	0	1 0

7. For Office Copies, &c.

For an office copy of any document, for every folio (in addition to the fee for sealing)	£	s.	d.
For a search of the records by any person not a party to the action		0	1 0
		0	2 6

Note.—No search-fee is to be charged to a party to the action, or to any seaman.

III.—BY THE ASSESSOR.

For each nautical or other assessor, whether at the examination of witnesses or at the trial of an action, or upon any assessment of damages, or taking of an account, according to the case, per day	£ s. d.
From 1	0 0
To 5	0 0

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

IV.—BY A COMMISSIONER TO EXAMINE WITNESSES.

For administering any oath or declaration	0 2 6
For taking down and certifying the evidence of any witness examined before him, for every folio	0 1 6

V.—BY A COMMISSIONER TO TAKE BAIL.

For attending the execution of any bail bond	0 10 0
For taking any affidavit of justification	0 2 6

VI.—BY THE MARSHAL.

For executing any warrant or attachment	1 0 0
For keeping possession of any ship, goods, or ship and goods (exclusive of any payments necessary for the safe custody thereof), for each day	0 2 6

Note.—No fee shall be allowed to the marshal for the custody and possession of property under arrest, if it consists of money in a bank, or of goods stored in a bonded warehouse, or if it is in the custody of a Custom House officer or other authorized person.

On release of any ship, goods, or person from arrest	0 10 0
For attending the unlivery of cargo, for each day	2 0 0
For executing any commission of appraisement, sale, or appraisement and sale, exclusive of the fees, if any, paid to the appraiser and auctioneer	1 0 0
For executing any other commission or instrument by order of the court	1 0 0

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

If not exceeding 100 <i>l.</i>	1 0 0
For every additional 100 <i>l.</i> or part thereof	0 10 0

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

On a final decree in an uncontested action	£	10 0
On a final decree in a contested action	-	1 0 0

Note.—If the marshal or his officer is required to go any distance in execution of his duties, a reasonable sum may be allowed for travelling, board, hire, or other necessary expenses in addition to the preceding fees.

VII.—BY THE SOLICITOR.

Retaining fee	£ s. d.	0 10 0
For preparing a writ of summons (to include attendances in the registry for sealing the same)	-	0 10 0
For bespeaking and extracting any warrant or other instrument prepared in the registry (to include attendances)	-	0 10 0
For serving a writ of summons or a subpoena	-	0 5 0
For taking instructions for a petition or answer	-	1 0 0
For drawing a petition or answer	-	1 0 0
For taking instructions for any further pleading	-	0 5 0
For drawing any further pleading	-	0 10 0
For drawing any other document, for every folio	-	0 1 0
For fair-copying or engrossing any document, for every folio	-	0 6 0
For taking instructions for any affidavit (unless made by the solicitor or his clerk) or for interrogatories or answers, according to the nature or importance thereof	-	From 0 5 0 To 1 0 0
For taking instructions for brief	-	From 0 5 0 To 1 0 0
For attending counsel in conference or consultation	-	0 10 0
For attending to see counsel	-	0 10 0
For attendance on any motion before the judge:—		
If with counsel	-	0 10 0
If without counsel	-	1 0 0
For attending the examination of witnesses before the trial, for each day:—		
If with counsel	-	1 0 0
If without counsel	-	2 0 0
For attendance at the trial for each day	-	From 1 0 0 To 3 0 0
For attendance at the delivery of judgment, if reserved	-	0 10 0

For attendance at the hearing of a reference to the registrar for each day:—	£	s.	d.
If with counsel	—	—	—
If without counsel	—	—	—
For any other necessary attendance before the judge, or in the registry, or on the marshal, or on the adverse party or solicitor, in the course of the action	—	—	—

For any necessary letter to the adverse party	—	0	3	6
For extracting and collating any office copy obtained from the registry, for every folio	—	0	2	6
For correcting the press, for every folio	—	0	0	4
For attending the taxation of any bill of costs, not exceeding ten folios	—	0	0	2
For every folio beyond ten	—	0	10	0
	—	0	0	6

VIII.—By Counsel.

Retaining fee	—	1	1	0
For settling any pleading, interrogatories, or answers, &c.	—	—	—	—
For any necessary consultation in the course of the action	—	—	—	—
For any motion	—	—	—	—
For the examination of witnesses before the trial, for each day	—	—	—	—
For the trial of an uncontested action	—	—	—	—
For the trial of a contested action, for the first day	—	—	—	—
For each day after the first	—	—	—	—

For attending judgment if reserved	—	—	—
For the hearing of a reference to the registrar, for each day	—	—	—

Note.—Where the same practitioner acts as both counsel and solicitor, he may, for any proceeding in which a counsel's fee might be allowed, charge such fee in lieu of a solicitor's fee.

WITNESSES.

The allowances to witnesses for loss of time and travelling expenses shall be according to the scale for the time being in force in the Supreme Court of the possession by authority of the judge or judges of that Court.

From 1	1	0
To 2	2	0
From 2	2	0
To 3	3	0