

**NAVAL PRIZE COURTS. ORDER IN COUNCIL,
18TH JULY 1898, APPROVING THE RULES OF
COURT IN PRIZE PROCEEDINGS
IN VICE-ADMIRALTY COURTS AND
COLONIAL COURTS AUTHORISED TO ACT AS
PRIZE COURTS, ALSO OF TABLES OF FEES**

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Naval Prize Courts. Order in Council, 18th July 1898, Approving the Rules of Court in Prize Proceedings in Vice-Admiralty Courts and Colonial Courts Authorised to Act as Prize Courts, also of Tables of Fees by Great Britain Admiralty

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GREAT BRITAIN ADMIRALTY

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NAVAL PRIZE COURTS.

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Order in Council, 18th July 1898,
approving the Rules of Court
in prize proceedings in Vice-
Admiralty Courts and Colonial
Courts authorised to act as
Prize Courts, also of Tables of
Fees.

Naval Agency and Distribution Act,
1864.

Naval Prize Act, 1864.

Prize Courts Act, 1894.

Rules of Court and Tables of Fees.

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CONTENTS.

	Page
Order in Council, 18th July 1898, approving the Rules of Court in prize proceedings in Vice-Admiralty Courts and Colonial Courts authorised to act as Prize Courts, also of Tables of Fees - - -	3
Naval Agency and Distribution Act, 1864 - - -	5
Naval Prize Act, 1864 - - - - -	11
Prize Courts Act, 1894 - - - - -	25
Rules of Court and Tables of Fees - - - - -	27

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AT THE COURT AT WINDSOR

The 18th day of July 1898.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN
COUNCIL.

WHEREAS there was this day read at the Board a memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 5th day of May 1898, in the words following, viz. :—

“Whereas by an Act passed in the Session of Parliament held in the 57th and 58th years of Your Majesty's reign, intituled ‘An Act to make further provision for the establishment of Prize Courts, and for other purposes connected therewith,’ it was *inter alia* enacted in section 2, that ‘any commission, warrant or instructions from Her Majesty the Queen or the Admiralty, for the purpose of commissioning or regulating the procedure of a Prize Court at any place in a British possession may, notwithstanding the existence of peace, be issued at any time,’ and shall upon a proclamation, to be made as therein directed, subject to instructions from Your Majesty, by the Vice-Admiral of such possession, that war has broken out between Your Majesty and any foreign State, take effect as if the same had been issued after the breaking out of such war and such foreign State were named therein, and that ‘the said commission and warrant may authorise either a Vice-Admiralty Court, or a Colonial Court of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890, to act as a Prize Court, and may establish a Vice-Admiralty Court for that purpose.’

“And it was further enacted, in section 3 (1) of the same Act, that ‘Her Majesty the Queen in Council may make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864, and this Act, the procedure and practice of Prize Courts within the meaning of that Act, and the duties and conduct of the officers thereof, and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein.’

“And whereas it appears to us to be expedient that rules of court should be made, as in the last-recited section mentioned, to be observed in Vice-Admiralty Courts and Colonial Courts of Admiralty when acting as Prize Courts, and that such rules

when made shall be issued as, and shall be so far as they relate to procedure, instructions for regulating the procedure of the said Courts under section 2 aforesaid.

"And whereas the provisions of section 1 of the Rules Publication Act, 1893, have been complied with.

"Now, therefore, it is most humbly submitted that Your Majesty will be graciously pleased by your Order in Council to direct that the Rules and Tables of Fees annexed hereto shall, on and from the 1st day of July 1898, be the Rules and Tables of Fees to be observed and taken in respect of prize proceedings in all such Vice-Admiralty Courts and Colonial Courts of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890, as shall be duly authorised to act as Prize Courts, and shall thereupon be issued as, and shall be so far as they relate to procedure, instructions for regulating the procedure of such Courts as Prize Courts."

Now, therefore, Her Majesty, having taken the said memorial into consideration, was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to order, as it is hereby ordered, that the Rules and Tables of Fees annexed hereto shall on and from the 1st day of July 1898, be the Rules and Tables of Fees to be observed and taken in respect of Prize Proceedings in all such Vice-Admiralty Courts and Colonial Courts of Admiralty, within the meaning of the Colonial Courts of Admiralty Act, 1890, as shall be duly authorised to act as Prize Courts, and shall be, so far as they relate to procedure, instructions for regulating the procedure of such Courts as Prize Courts. And the Right Hon. the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

J. H. HARRISON.

NAVAL AGENCY AND DISTRIBUTION ACT,
1864.

[27 & 28 VICT. c. 24.]

AN Act to provide for the Appointment, Duties, and Remuneration of Agents for Ships of War, and for the Distribution of Salvage, Bounty, Prize, and other Money among the Officers and Crews thereof.

[23rd June 1864.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

Preliminary.

1. This Act may be cited as the Naval Agency and Distribution Act, 1864. Short title.

2. In this Act—

The term "the Lords of the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral: Interpretation of terms.

The term "the High Court of Admiralty" means the High Court of Admiralty of England:

The term "ship of war" includes vessel of war:

The term "officers and crew" includes all flag officers, commanders, and other officers, engineers, seamen, marines, soldiers, and others on board any of Her Majesty's ships of war.

3. Any ship or vessel belonging to Her Majesty, and in actual service, (other than a ship of war,) may be declared by the Lords of the Admiralty to be a ship of war for the purposes of this Act; and all the provisions of this Act shall thereupon apply to such ship or vessel, and shall continue to so apply as long as she then continues in actual service, but no longer. Power for Admiralty to apply Act to any of Her Majesty's ships.

Appointment of Ship's Agent.

4. Each of Her Majesty's ships of war shall at all times while in commission have, for the purposes of this Act, an agent styled the ship's agent, to be appointed in the first instance as soon as may be after the ship is put in commission, and afterwards from time to time as a vacancy in the office or other occasion may require. Each of Her Majesty's ships to have an agent.

Ship's agent to be appointed by commanding officer.

5. The ship's agent shall be appointed from time to time at pleasure by the commanding officer of the ship for the time being by an instrument signed and attested in the form given in the schedule to this Act.

Instrument of appointment to be registered and filed.

6. Any such instrument shall not have effect unless and until it is filed in the registry of the High Court of Admiralty, having been previously registered in the office of the Accountant-General of the Navy.

An official copy of any such instrument under the seal of the High Court of Admiralty shall be conclusive evidence thereof.

Persons in service of Crown, proctors, &c., incapable of being agents.

7. A person holding any office or employment in Her Majesty's service or under the Crown, or a proctor, attorney, or solicitor, shall not be capable of being a ship's agent.

If any person being a ship's agent accepts any such office or employment, or becomes a proctor, attorney, or solicitor, his appointment as ship's agent shall be thereby vacated.

Partnership body may be a ship's agent.

8. A partnership body, not incorporated, may be appointed a ship's agent; and in that case the partners for the time being, or any one or more of them; may act as the agent; and any change of partners shall not affect the appointment.

The names of the partners shall at the time of appointment, and from time to time on any change happening, be registered in the office of the Accountant-General of the Navy, and in the registry of the High Court of Admiralty.

Change of commanding officer.

9. The appointment of the ship's agent shall not be affected by a change of the commanding officer of the ship.

Office of ship's agent.

10. The ship's agent shall at all times have an office or place of business within five miles of the General Post Office, London.

Ship's agent to be amenable to High Court of Admiralty.

11. The ship's agent shall be subject to the jurisdiction and authority of the High Court of Admiralty as if he were an officer of the court, and in case of any neglect or misconduct on his part shall be liable to be proceeded against and punished accordingly.

Duties of Ship's Agent.

Ship's agent to act for ship with respect to salvage, bounty, prize, &c.

12. It shall be the duty of the ship's agent, by himself or by a proper sub-agent appointed and remunerated by him, to take or cause or procure to be taken all steps and proceedings, and do or cause or procure to be done all things, that may be necessary or proper to be taken or done for any purpose on behalf or in the name of the ship or of the officers and crew thereof, or any of them, in the several cases following:

In case of salvage services rendered to any ship or cargo, or otherwise, within the meaning of the enactments for the time being in force relating to merchant shipping:

- In case of any breach of any law respecting national character or otherwise relating to merchant shipping:
- In case of any seizure for breach of any law relating to the customs:
- In case of any seizure or capture under any Act relating to the abolition of the slave trade:
- In case of any matter arising out of an attack on or engagement with persons alleged to be pirates, afloat or on shore:
- In case of any capture, re-capture, or destruction of any ship, goods, or thing in time of war or hostilities:
- In case of any special service or other matter in respect whereof any grant, reward, or remuneration is payable.

Distribution of Salvage, Bounty, Prize, and other Money.

13. Where in any of the several cases aforesaid any money is distributable among the officers and crew of any of Her Majesty's ships of war, the costs, charges, and expenses of the officers and crew and of the ship's agent, and all other (if any) costs, charges, or expenses properly chargeable against that money, shall be paid thereout before distribution thereof, all such costs, charges, and expenses being first taxed and allowed by the proper officer of the court having jurisdiction in the case, and if there is no such court then by the Registrar of the High Court of Admiralty.

Taxation and payment of costs of officers and crew, agents, &c.

14. In the several cases aforesaid, money distributable among the officers and crew of any of Her Majesty's ships of war, so far as full provision respecting the distribution thereof is not made by or under any Act of Parliament other than this Act, shall be distributed under the direction of the Lords of the Admiralty in the shares in that behalf specified in any Royal Proclamation or Order in Council.

Salvage, bounty, prize, and other money to be distributed according to Order in Council, &c.

15. The several shares of any such money as aforesaid shall be paid to the persons entitled thereto in such manner, and subject and according to such restrictions, conditions, and provisions, as may from time to time be directed by Order in Council.

Payment of shares.

Any assignment, sale, or contract of or relating to any such money as aforesaid, payable in respect of the services of any petty officer or seaman, non-commissioned officer of marines or marine, other than such as may be made or entered into under the authority of and in conformity with any such Order in Council, shall be void.

16. All bills, orders, receipts, and other instruments drawn, given, or made under the authority or in pursuance of any such Order in Council by, to, or upon any officer or person in the service of Her Majesty or of the Lords of the Admiralty, shall be exempt from stamp duty.

Exemption from stamp duty.