ROYAL GAZETTE

Charlottetown, Prince Edward Island, November 1, 1865.

JOHN INGS, QUEEN'S PRINTER. VOL. IV.—No. 340

REGULATIONS

TOUCHING THE PRACTICE TO BE OBSERVED IN

COURTS OF VICE-ADMIRALTY ABROAD

IN PROCEEDINGS INSTITUTED ON BEHALF OF

HER MAJESTY'S SHIPS.

ESTABLISHED BY HER MAJESTY'S ORDER IN COUNCIL,

Bearing date the 9th day of September, 1865.

At the Court at Windsor, the 9th day of Sept., 1865.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY, IN COUNCIL.

WHEREAS there was this day read at the Board a Memorial from the Right Honorable the Lords Commissioners of the Admiralty, dated the 25th of August 1865, in the words following, viz :—

Whereas by the Act 26th Victoria, Cap. 24, intituled the "Vice-Admiralty Courts Act, 1863," it was, amongst other things, enacted, that Your Majesty might, by Order in Council from time to time, establish Rules touching the practice to be observed in the Vice-Admiralty Courts, and might repeal and alter the existing and all future Rules, and establish new Rules in addition thereto, or in lieu thereof. And whereas by the Act 27 & 28 Victoria, Cap. 24, intituled "the Naval Agency and Distribution Act, 1864," it was, amongst other things, enacted that your Majesty in Council might from time to time make such Orders as should seem meet for the better execution of that Act: And whereas by an Order in Council of the 22nd day of October 1859, certain Rules, Orders and Regulations were established touching the practice to be observed in Courts of Vice-Admiralty abroad in proceedings instituted on behalf of your Majesty's Ships, and it is expedient that the said Rules, Orders and Regulations should be repealed, and that new Regulations should be established in lieu thereof: Now therefore, we, your Majesty's Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, do humbly submit that your Majesty will be graciously pleased to repeal the said Rules, Orders and Regulations established by your Majesty's Order in Council, of the 22nd day of October, 1859, and in lieu thereof to establish the following Regulations :—

I. Whenever any proceeding has been instituted in any Vice-Admiralty Court within Her Majesty's Dominions, by or on behalf of any of Her Majesty's Ships, for or in respect of any of the matters enumerated in the 12th section of the Naval Agency and Distribution Act, 1864, the Proctor who shall have conducted such proceeding on behalf of Her Majesty's Ship shall, on the termination of the suit, submit his Bill of Costs for taxation, and the Court shall thereupon tax the same as between Proctor and Client.

II. If in any such proceeding any proceeds have been realized and are remaining in Court, the Court may order the amount at which the Bill of Costs has been taxed to be paid thereout, and the balance of the proceeds, if any, shall thereupon be paid to the senior Commissariat Officer in the Colony, to the end that the same may forthwith be remitted to this country.

III. If there are not any proceeds, or if the proceeds are insufficient to pay the costs, the Commanding Officer shall, either by himself or through the Agent of the Ship, make provision for the payment of any sum that may be due in respect of any such proceeding as may have been instituted in the Court.

IV. The Registrar of the Vice-Admiralty Court shall, as soon as he has taxed the Bill of Costs, and whether the amount thereof has or has not been paid out of the proceeds, forward the same to the Registrar of the High Court of Admiralty of England, together with a Certificate, signed by himself, stating the amount of the proceeds, if any, the payments thereout, and the balance which has been paid to the Commissariat Officer.

V. The Agent for the ship shall, when the proceeds and bounties have been paid to the Naval Prize Account, leave with the Registrar of the High Court of Admiralty of England his account for taxation, and may include therein any charges that may have been paid by the Commanding Officer or by himself, and the Registrar may direct the amount at which he shall have taxed the said account to be paid out of the proceeds and bounties standing in the Naval Prize Account to the credit of the Prize.

VI. The Registrar of each Vice-Admiralty Court shall, within a month after the termination of each quarter, send to the Registrar of the High Court of Admiralty of England a Return, signed by himself, in the form marked No. 1 hereto, of all Prizes in respect of which any proceedings have been taken in such Vice-Admiralty Court during that quarter.

VII. These Regulations shall, if approved by Her Majesty in Council, come into operation on the 1st day of January, 1866.

No. 1.

Name of Prize	Name of capturing Ship	Name of Commanding Officer	Date of Capture	Date of adjudication	Amount of proceeds paid into Court	Amount of Costs as taxed	Payments out of proceeds			Balance paid to Commissariat Officer	Observations
							To whom paid	When paid	Amount paid		