(2.) Save as authorised by this section, any agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in the United Kingdom shall be void, and no money paid in satisfaction or in respect of any such agreement shall be deducted from the seaman's wages, and no person shall have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

(3.) Nothing in this section shall affect any allotment made under the Merchant Shipping Act, 1854, or the Acts amending the same.

(4.) Section two of the Merchant Seamen (Payment of Wages and Rating) Act, 1880, is hereby repealed. 43 & 44 Vict. c. 16.

3. Every superintendent of a mercantile marine office shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show this list to any master of a ship. Register of deserters.

A superintendent of a mercantile marine office shall not be liable in respect of any entry made in good faith in the list so kept.

4. Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement for the time being current at the place where the payment is made. Rule as to payment of British seamen in foreign money.

5. The provisions of the Merchant Shipping Act, 1854, and the Acts amending the same, with respect to steamships, shall apply to ships propelled by electricity or other mechanical power, with such modifications as the Board of Trade may from time to time prescribe for purposes of adaptation. Provisions as to steamships to apply to ships propelled by electricity, &c.

6.—(1.) This Act may be cited as the Merchant Shipping Act, 1889. Short title and construction.

(2.) This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and this Act and those Acts may be cited collectively as the Merchant Shipping Acts, 1854 to 1889.

CHAPTER 47.

An Act to amend the Practice and Proceedings of the Court of Chancery of the county palatine of Durham.

[26th August 1889.]

WHEREAS it is expedient that the jurisdiction of the Court of Chancery of the county palatine of Durham and Sadberge should be exercised, as far as conveniently may be, in a manner similar to that of the High Court of Justice in like cases:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Practice and Procedure. Power to chancellor to adopt and modify any rules and orders made or to be made for regulating the proceedings of the High Court of Justice.

1. It shall be lawful for the chancellor of the county palatine of Durham and Sadberge (in this Act called the chancellor of Durham), with the concurrence of the Lord High Chancellor of Great Britain, by rules or orders of the Court of Chancery of the said county palatine (in this Act called the Palatine Court) to be from time to time made in that behalf, to adopt all or any of such rules, orders, or regulations, as already have been or hereafter shall be made under the authority of the Supreme Court of Judicature Acts for Her Majesty's High Court of Justice, with such variations therein or additions thereto as may be necessary or proper for adapting the same to the business of the Palatine Court; and the power of making rules and orders hereby conferred shall be deemed to extend to all matters of procedure or practice, or relating to or concerning the effect or operation in law of any procedure or practice in any cases within the cognizance of the Palatine Court, as to which rules of court and orders as to fees have been or might lawfully be made under the provisions of the Supreme Court of Judicature Acts for cases within the cognizance of the said High Court, and the chancellor of Durham shall have jurisdiction and authority to deal with all matters within the jurisdiction of the Palatine Court, as prescribed by the rules, orders, and regulations so to be made as aforesaid. Provided always that, subject to any such rules, orders, and regulations, the power heretofore possessed by the chancellor of Durham, of settling, altering, and amending the procedure and practice in the said Palatine Court, and of regulating the fees to be paid by suitors in the said Palatine Court, or to be allowed to the officers thereof, or to the solicitors practising therein, shall notwithstanding anything herein contained continue, save and except so far as the exercise of such power may in any respect be repugnant to, or inconsistent with, the provisions herein contained.

Service of process upon persons out of the jurisdiction.

2. Where any person who shall have commenced any action or other proceeding, or entered an appearance in any action or proceeding, in the Palatine Court, or shall have come in as a creditor, claimant, or purchaser, or otherwise submitted to the jurisdiction of the court, cannot, by reason of either his person or goods being out of the jurisdiction, be made amenable to the process of the court, and also where any such person as aforesaid shall have died, or become bankrupt, or insolvent, and his real or personal representatives, or the trustee of his estate and effects (as the case may be), or any of them who may be necessary parties to the continuance of the action or proceeding shall be out of the jurisdiction, it shall be lawful for the chancellor of Durham, upon special application being made to him, whether within or without the county palatine, by any party to or person interested in the action or proceeding, founded upon an affidavit verifying the facts of the case, to order that service of any summons, order, notice, subpœna, or other process shall be made and be deemed good service upon any such person, real or personal representative, or trustee as aforesaid, at any place within the United Kingdom of Great

Britain and Ireland, or the Isle of Man, upon such terms and in such manner as to the chancellor of Durham shall seem reasonable and proper; and afterwards, if it shall be necessary, upon an affidavit that service has been made, to order an appearance to be entered for the person so served: and thereupon it shall be lawful for the chancellor of Durham to make such order, consequent upon the service so made as aforesaid, as before the passing of this Act, or under the provisions of this Act, might have been made if service had been duly made within the jurisdiction of the court.

Where order may be enforced by making it an order of the High Court of Justice.

3. Whenever a party to any action or proceeding in which a judgment or order shall have been made by the Palatine Court shall reside or withdraw his person or goods out of the jurisdiction of the court, and also whenever any judgment or order of the court cannot be fully enforced by reason of the non-residence of any party to be bound thereby within the jurisdiction of the court, then it shall be lawful for Her Majesty's High Court of Justice, or any judge thereof, upon the application of any person entitled to the benefit of the judgment or order, and upon the production of a transcript of the judgment or order, or such part thereof respectively as cannot be enforced for the reasons aforesaid, under the signature of the registrar of the Palatine Court, and an affidavit that by reason of such non-residence or withdrawal as aforesaid the judgment or order, or such part thereof as aforesaid, cannot be enforced, to make the judgment or order, or so much thereof respectively as cannot be enforced for any of the reasons aforesaid, a judgment or order of the said High Court of Justice; and thereupon the judgment or order, or such part thereof respectively as aforesaid, may be enforced against such of the parties bound by the same as shall be within the jurisdiction of the said High Court, and all proceedings shall and may be had thereupon as if such judgment or order had been originally made by the said High Court, and all the reasonable costs and charges of and consequent upon the application may be recovered in like manner as if the same were part of the judgment or order.

The provisions of this section shall extend and apply to judgments and orders made by Her Majesty's Court of Appeal in appeals from the judgments and orders made by the Palatine Court.

Power to the chancellor, when out of the limits of the jurisdiction of the court, to hear and determine certain interlocutory matters.

4. In all matters over which the Palatine Court may have jurisdiction, and which may require to be immediately or promptly heard, it shall be lawful for the chancellor of Durham, when out of the limits of the jurisdiction of the said court, to hear and determine all applications for injunctions both upon notice and ex parte, for dissolving injunctions, for the appointment of receivers, for the payment of money into and out of court, or for confirming certificates or reports, and all motions, petitions, and other matters for facilitating the progress of any action or business pending in the said court which he might lawfully hear and determine within the limits of the jurisdiction thereof; and all orders made by him upon the hearing of any applications, motions, petitions, and other matters as aforesaid shall be as valid and binding upon the parties

as if the same had been made within the limits of the jurisdiction of the said court.

Service of subpœna on witnesses out of jurisdiction to be valid to compel attendance.

5. The service of every writ of subpœna to attend and give evidence, or subpœna duces tecum hereafter to be issued out of the Palatine Court and served upon any person out of the jurisdiction thereof, shall be as valid and effectual for compelling the attendance of such person at any time and place to be named in such writ of subpœna to be there examined either before the registrar of the said court as well in his capacity of examiner as in that of master of the said court, or before commissioners under any commission to be issued by the said court for the examination of witnesses, or to be examined vivâ voce at the hearing of any matter or action before the said court or before the registrar, or for compelling the attendance of such person by virtue of any writ of subpœna duces tecum, and shall entitle the party suing out the same to all the like remedies, by action or otherwise, as if the same had been served within the jurisdiction of the said court; and in case the person so served shall not attend according to the exigency of such writ, it shall be lawful for the Palatine Court, upon affidavit of the personal service of such writ, to transmit a certificate of such default, under the hand of the registrar of the said court, to the Queen's Bench Division of the High Court of Justice in England, to the Court of Justiciary in Scotland, or to the Queen's Bench Division of the High Court of Justice in Ireland; and the said last-mentioned courts respectively shall and may thereupon proceed against and punish, by attachment or otherwise, according to the course and practice of the said respective courts, the person so having made default in such and the like manner as they might have done if such person had refused or neglected to appear in obedience to a writ of subpœna or other process issued to compel the attendance of witnesses out of such last-mentioned courts respectively.

Provided always, the said last-mentioned courts respectively shall not in any case proceed against or punish any person, nor shall any such person be liable to any action, for having made default by not appearing in obedience to any writ of subpœna, or writ of subpœna duces tecum, or other process for that purpose issued under the authority of this Act, unless it be made to appear to such courts respectively that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpœna, or writ of subpœna duces tecum, or other process was served upon him.

Property of infants, &c., and administration of assets.

6. Where, under any Act of Parliament already or hereafter made, jurisdiction is vested in Her Majesty's High Court of Justice to deal with the property of infants or other persons under disability, or to deal with property in the administration of assets, then (unless in any such Act the contrary be expressly enacted) it shall be lawful for the Palatine Court, so far only as regards all persons and property within the jurisdiction of the court, to exercise the like power and jurisdiction in the same manner and subject to the same restrictions in all respects as the said High Court might exercise in the like matters.

Summary jurisdiction so far as regards persons, &c. within the county.

7. Where, under any Act of Parliament already or hereafter made, or by orders or regulations made in pursuance thereof, application may be made by petition or motion, or otherwise, to Her Majesty's High Court of Justice or any judge thereof, and summary jurisdiction may be exercised thereon (unless in any such Act of Parliament the contrary be expressly enacted), it shall be lawful for the Palatine Court, so far only as regards all persons and property within the jurisdiction of the court, to exercise the like summary jurisdiction in the same manner and subject to the same restrictions in all respects as the said High Court or any judge thereof might exercise in the like matters.

Application of 13 & 14 Vict. c. 60; 15 & 16 Vict. c. 55.

8. All the powers and authorities under the Trustee Act, 1850, and by the Act of the fifteenth and sixteenth years of the Queen, chapter fifty-five, exerciseable by Her Majesty's High Court of Justice, and all the provisions therein contained, shall and may be exercised in like manner by the Palatine Court with respect to all lands and personal estate within the county palatine: Provided always that no person who is anywhere within the limits of the jurisdiction of the said High Court shall be deemed by the Palatine Court to be an absent trustee or mortgagee within the meaning of the said Acts.

Provision as to charities within jurisdiction of Court of Chancery of county palatine.

9. The jurisdiction under the Charitable Trusts Act, 1853, exerciseable by Her Majesty's High Court of Justice, upon any application in accordance with the provisions of the said Act and the Acts amending the same, shall extend concurrently to and may be exercised by the chancellor of Durham as to every charity within the jurisdiction of the Palatine Court, whose gross annual income for the time being exceeds thirty pounds, upon application being made to such chancellor, and it shall be lawful for the chancellor of Durham, with the concurrence of the Lord High Chancellor of Great Britain, from time to time to make and issue any rules and orders for regulating the modes of proceeding, and the fees to be taken in respect of proceedings under the said Act.

Application of Acts to Palatine Court. 31 & 32 Vict. c. 40. 39 & 40 Vict. c. 17. 40 & 41 Vict. c. 18. 44 & 45 Vict. c. 41. 45 & 46 Vict. c. 38. 47 & 48 Vict. c. 18.

10. The term "the court" used in the Partition Act, 1868, and in the Partition Act, 1876, shall include the Palatine Court, and the powers and provisions of the said Acts shall respectively apply as regards all causes and matters within the jurisdiction of the Palatine Court to that court and to the judge thereof. The powers conferred upon Her Majesty's High Court of Justice by the Settled Estates Act, 1877, the Conveyancing and Law of Property Act, 1881, the Settled Land Act, 1882, and the Settled Land Act, 1884, may, as regards land and estates in the county palatine of Durham, be exercised also by the Palatine Court; and rules for regulating proceedings under the said several last-mentioned Acts in that court shall be from time to time made by the chancellor of Durham with the concurrence of the Lord High Chancellor of Great Britain.

Appeal to Court of Appeal.

11. Her Majesty's Court of Appeal shall have jurisdiction and power to hear and determine appeals from any judgment or order of the chancellor of Durham, subject to the provisions of the Supreme Court of Judicature Acts, 1873 and 1875, and to the rules of the

Supreme Court for the time being; and from every judgment or order of the said Court of Appeal in an appeal brought under or by virtue of this Act a further appeal shall lie to the House of Lords, and such last-mentioned appeal shall be subject to all such provisions, conditions, and orders of the House of Lords as are applicable to appeals to the House of Lords under the Appellate Jurisdiction Act, 1876.

And after the passing of this Act no appeal shall be brought from any judgment or order of the chancellor of Durham direct to the House of Lords.

Short title.

12. This Act may be cited as the Palatine Court of Durham Act, 1889.

CHAPTER 48.

An Act to amend the County Court (Ireland) Acts.

[26th August 1889.]

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:

Extent of Act.

1. This Act shall extend to Ireland only.

Short title.

2. This Act may be cited as the County Court Appeals (Ireland) Act, 1889.

Any party dissatisfied with any equity or probate adjudication may appeal to the judge of assize, who is hereby authorised to hear and determine the same.

3. Any party to a suit or matter dissatisfied with any decree, dismiss, direction, or order, of whatsoever nature, and whether adverse to him or in his favour, pronounced by any county court judge in the exercise by him of any jurisdiction in equity or in probate matters, may appeal therefrom to the judge of assize for the county in which such decree, dismiss, direction, or order shall have been made or pronounced, in any case in which it shall not be necessary for the purpose of the decision of such appeal that an account should be taken by such judge of assize; and such judge of assize is hereby empowered and required to hear such appeal and to make such decree or order thereon as he shall think proper, or he may remit the suit or matter to the county court judge with such declarations or directions as he shall think proper; and upon the hearing of every such appeal the judge may award all or such costs and all or such expenses of witnesses in connexion with the appeal, and also all or such costs and all or such expenses of witnesses in the civil bill court, to be paid by or to such of the parties to the suit or matter as to him shall seem just, and may order any money deposited by any such party to the credit of any such suit or matter to be applied in or towards payment of such costs or expenses, or to be returned to the party lodging the same, or to be otherwise disposed of in accordance with the decree or order made upon appeal, as to such judge shall seem just.

Any person bringing an appeal under the provisions of this section shall, on instituting such appeal, be deemed to have abandoned any other right to appeal or to have a case stated, which he may have in respect of the same matter.