ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

****

C A P. XLV.

An Act to extend and amend the Vice-Admiralty Courts Act, 1863. [15th *July* 1867.]

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:

1. This Act may be cited for all Purposes as The Vice-Admiralty Courts Act Amendment Act, 1867. Short Title.

2. This Act shall be read as One Act with the Vice-Admiralty Courts Act, 1863. 26 & 27 Vict. c. 24. applied.

3. In the Interpretation and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, Interpretation of Terms.

"Judge" shall mean the Person lawfully appointed by the Admiralty to be Judge of any Vice-Admiralty Court, or, in default of such Appointment, the Chief Justice or Principal Judicial Officer, or the Person for the Time being lawfully authorized to act as the Chief Justice or Principal Judicial Officer in the *British* Possession in which such Court is established:

"Judicial Powers" shall mean all Powers and Authorities which may be lawfully exercised by, and all Duties by Law imposed upon, any such Judge in the Trial, Hearing, or Progress of any Cause:

"Ministerial Powers" shall mean all Powers and Authorities which may be lawfully exercised by, and all Duties by Law imposed upon, any such Judge, not included under the Term "Judicial Powers:"

"Sit" or "Sitting" shall mean Sit or Sitting for the Exercise of Judicial Powers, whether in Court or in Chambers.

Tenure of Office of Vice-Admiral.

4. On the Governor of any *British* Possession, who is also Vice-Admiral thereof, vacating the Office of Governor of such Possession, the Office of Vice-Admiral of the same Possession shall thereupon be deemed to be also vacant within the Meaning of the Third Section of the Vice-Admiralty Courts Act, 1863.

Judge may appoint Deputy Judges.

5. The Judge of any Vice-Admiralty Court may from Time to Time, with the Approval in Writing of the Governor of the *British* Possession in which the Court is established, appoint One or more Deputy Judge or Judges to assist or represent him in the Execution of his Judicial Powers.

Judicial Powers of Deputy Judges.

6. It shall be lawful for any such Deputy Judge to exercise all the Judicial Powers of the Judge; and all Acts done by such Deputy Judge shall be as valid and effectual, to all Intents and Purposes, as if they had been done by the Judge; and all Orders or Decrees made by such Deputy Judge shall be subject to the same Right of Appeal in all respects as if they had been made by the Judge.

Deputy Judges may sit separately.

7. Any Deputy Judge may sit at the principal Seat of Government or elsewhere in the Possession at the same Time that the Judge or any other Deputy Judge is sitting, and either at the same or at any other Place in such Possession, and whether the Judge is or is not at that Time within the Possession.

Judge may sit with Deputy Judges.

8. The Judge may, if he thinks fit, require any such Deputy Judge or Judges to sit with him in the same Court, and in such Case the Decision of the Majority, or, if they are equally divided in Opinion, the Decision of the Judge, shall be the Decision of the Court; and such Decision shall be subject to the same Right of Appeal in all respects as if it had been made by the Judge alone.

9. The

Judge to regulate the Proceedings.

9. The Judge may direct at what Place and Time any such Deputy Judge shall sit, and what Causes shall be heard before him, and generally make such Arrangements as to him shall seem proper as to the Division and Despatch of the Business of the Court.

Tenure of Office of Deputy Judges.

10. The Judge may, if he thinks fit, with the Approval in Writing of the Governor, at any Time revoke the Appointment of any such Deputy Judge or Judges, but the Appointment shall not be determined by the Occurrence of a Vacancy in the Office of the Judge.

Judge may delegate Ministerial Powers.

11. The Judge may, if he thinks fit, from Time to Time delegate all or any of his Ministerial Powers to any such Deputy Judge or Judges.

Judge may appoint Deputy Registrars and Marshals.

12. The Judge may from Time to Time, if he thinks fit, appoint any competent Persons to act respectively as Deputy Registrars and Deputy Marshals of the Court, and may, if he thinks fit, at any Time revoke any such Appointment, but the Appointment shall not be determined by the Occurrence of a Vacancy in the Office of the Judge.

Admiralty may revoke Appointments.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Admiralty, if they think fit, at any Time to revoke the Appointment of any Deputy Judge, Deputy Registrar, or Deputy Marshal appointed under this Act.

Deputies to receive Fees.

14. Any Deputy Judge, Deputy Registrar, or Deputy Marshal, appointed under this Act, shall be entitled to the same Fees in respect of any Duty performed by him as would be lawfully payable to the Judge, Registrar, or Marshal respectively for the Performance of the same Duty.

Barristers and Solicitors entitled to practise in Vice-Admiralty Courts.

15. All Persons entitled to practise as Advocates, Barristers-at-Law, Proctors, Attorneys-at-Law, or Solicitors in the Superior Courts of a *British* Possession, shall be entitled to practise in the same respective Capacities in the Vice-Admiralty Court or Courts of such Possession, and shall have therein all the Rights and Privileges respectively belonging to Advocates, Barristers-at-Law, Proctors, Attorneys-at-Law, and Solicitors, and shall in like Manner be subject to the Authority of the Person for the Time being lawfully exercising the Office of Judge of such Court.

Her Majesty may establish a Vice-Admiralty Court

16. It shall be lawful for Her Majesty to empower the Admiralty, by Commission under the Great Seal, to establish One or more

in a Possession having Legislative Powers.

more Vice-Admiralty Courts in any *British* Possession, notwithstanding that such Possession may have previously acquired independent Legislative Powers; and the Jurisdiction and Authority of all the existing Vice-Admiralty Courts are hereby declared to be confirmed, to all Intents and Purposes, notwithstanding that the Possession in which any such Court has been established may at the Time of its Establishment have been in possession of Legislative Powers.

Extended to the Straits Settlements.

17. The Vice-Admiralty Courts Act, 1863, shall, together with this Act, apply to any Vice-Admiralty Court now established or hereafter to be established in the *Straits* Settlements.

26 & 27 Vict. c. 24. s. 23. extended to Appeals from Vice-Admiralty Courts in Indian Possessions.

18. The Limitation of the Time allowed for Appeals contained in the Twenty-third Section of the Vice-Admiralty Courts Act, 1863, shall be held to apply to all Decrees or Orders pronounced in any Vice-Admiralty Court now established or hereafter to be established in any of Her Majesty's Possessions in *India*.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.