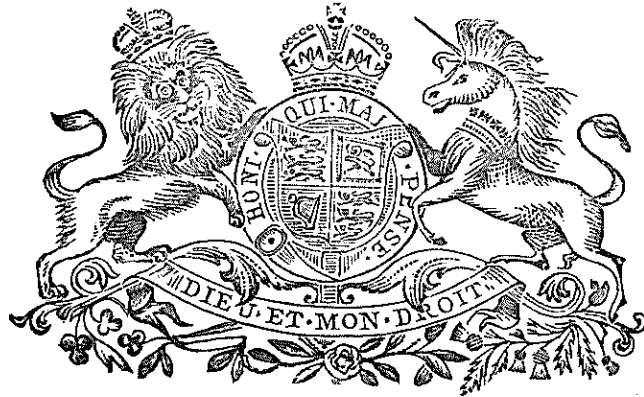


WESTERN AUSTRALIA.



ANNO OCTAVO
GEORGII QUINTI REGIS,
XVI.

No. 2 of 1918.

AN ACT to confer limited Admiralty Jurisdiction upon the Local Court at Broome, and for other relative purposes.

[Reserved 24th March, 1918.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Broome Local Court Admiralty Jurisdiction Act, 1917*.

Limited jurisdiction in Admiralty conferred on Local Court at Broome.

2. Subject to the limitations and provisions of this Act, the Local Court at Broome shall have such and the like admiralty jurisdiction as is possessed by the Supreme Court in respect of the following matters, that is to say:—

- (1.) Claims for seamen's wages:
- (2.) Claims for Master's wages and for his disbursements on account of the ship.

Limitations on jurisdiction.

3. The jurisdiction of the Court shall not extend to cases in which—

- (1.) The ship in respect of which the claim is made exceeds one hundred and fifty tons burden ; or
- (2.) The amount of the claim exceeds one hundred pounds ; and no action shall be maintained in the Court unless the ship in respect of which the claims is made is at the time of the commencement of the action within Western Australia, or the territorial waters thereof, and north of the Tropic of Capricorn.

4. Actions in the Court under this Act shall be of two kinds, *Forms of action.*
actions *in rem* and actions *in personam*.

5. Every action shall be commenced by a summons which, *Commencement of actions.*
before being issued, shall be indorsed with a statement of the nature of the claim and of the relief or remedy required and of the amount claimed. Forms of summons and of the indorsements thereon appear in the schedule hereto and are therein numbered 1 and 2.

6. There shall be subscribed on every summons memoranda *Memoranda and notices to be subscribed on summons.*
and notices in the form set out in the said Schedule and numbered 3 therein.

7. In an action *in rem*, a warrant for the arrest of the ship *Warrant of arrest.*
according to the form numbered 4 in the said Schedule may be issued by the Clerk of the Court, at the time of or at any time after the issue of the summons, on an affidavit being filed as prescribed.

8. Every action shall be heard without pleadings. *No pleadings.*

9. The provisions of Part II. (Courts, Magistrates, and Officers), Part VII. (Appeals, etc.), Part VIII. (Enforcement of judgments), and Part IX. (Supplemental provisions) of the Local Courts Act, 1904, shall (so far as applicable) apply to the Court in its Admiralty Jurisdiction. *Parts of the Local Courts Act to apply to the Court in its Admiralty jurisdiction.*

10. Subject to this Act and to any rules of court to be made by the Governor, the rules and table of fees annexed to the Order in Council made on the twenty-third day of August, 1883, by Her late Majesty Queen Victoria, under the Vice Admiralty Courts Act, 1863, are hereby (so far as applicable) established and shall be in force in the Court in its Admiralty Jurisdiction: Provided that in the application of such rules and table of fees:— *Adoption of rules of Vice Admiralty Courts.*

- “ Court ” shall have the same meaning as in this Act ;
- “ Registry ” shall mean the office of the Court ;
- “ Judge ” shall mean the Magistrate of the Court ;
- “ Registrar ” shall mean the Clerk of the Court ;

“ Marshal ” shall mean the Bailiff of the Court ; and
“ Writ of summons ” shall mean a summons issued
under this Act.

Interpretation.

11. In this Act, subject to the context—
 “Court” means the Local Court at Broome;
 “Prescribed” means prescribed by rules made applicable by this Act or by rules of Court made by the Governor;
 “Ship” includes every description of vessel used in navigation not propelled by oars only, whether British or Foreign.

Schedule.

FORMS.

1.—*Summons in rem.*

In the Local Court at Broome. }
In Admiralty. }

A.B. of.....(and C.D.) of.....
Plaintiff (s),

against

The Ship.....

To the Owners and all others interested in the Ship.....
 Action for (state name of action).

You are hereby required, within one week after the service of this summons, exclusive of the day of such service, to cause an appearance to be entered for you in the Local Court at Broome in the abovenamed action, and take notice that in default of your so doing the said action may proceed and judgment may be given in your absence.

Dated the _____ day of _____, 19____.

[L.S.]

G.P.,
Clerk of the Court.

Indorsements as in preceding form.

3.—*Memoranda and notices to be indorsed on Summonses.*

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

The Defendant (s) may appear hereto by entering (an) appearance (s) either personally or by solicitor at the office of the Court situate at.....

Any such appearance may be delivered at such office or may be sent by post or telegram and shall be according to the form following :—

In the Local Court at Broome }
In Admiralty. }

A.B.
v.
SHIP
(or as the case may be).

I, C.D. of.....appear in this action.

Dated this day of , 19 .

C.D., Defendant
or
C.D., Defendant by his Solicitor, X.Y.

My address for service is—

.....
.....

The plaintiff's claim is indorsed hereon.

4.—*Warrant.*

(*Title as in Form 1.*)

To the Bailiff of the Local Court at Broome.

I hereby require you to arrest the ship.....and to keep her under safe arrest until you shall receive further orders from this Court.

Dated the day of , 19 .

[L.S.]

G.P.,
Clerk of Court.

Warrant taken out by.....
