

BRITISH COLUMBIA ADMIRALTY DISTRICT.

THE VERMONT STEAMSHIP COM- } PLAINTIFFS.
PANY }

1904

Jan. 16.

AGAINST

THE SHIP " *ABBY PALMER*."

Shipping—Salvage—Assessors—Practice.

1. Assessors will be appointed in salvage cases where necessary.
2. The proper time to apply for assessors is on the application to fix date of trial.

MOTION in Chambers to appoint nautical assessors in a salvage case under rule 112, Admiralty rules.

January 16th, 1904.

J. H. Lawson in support of the motion, cited rule 112 and referred to two salvage cases in which assessors had been appointed and asked that two be appointed herein. (*Bird v. Gibb* (1); *The Princess Alice* (2)).

W. J. Taylor, K.C., contra: I do not particularly oppose the application, but see no necessity for it; the case is one of salvage and the only question is what amount we should pay. We were in danger but nothing more.

J. H. Lawson, in reply. Despite counsel's contention that the only question is one of amount, there are upon the record questions of seamanship in the conduct of the salvage operations which the court will have to consider, to pass upon, and for that purpose the services of the assessors will be necessary to advise the court. The cases above cited show that.

(1) 8 App. Cas. 559.

(2) 3 W. Rob. 138.

1904
 THE
 VERMONT
 STEAMSHIP
 Co.
 v.
 THE SHIP
 ABBY
 PALMER.
 —
 Reasons
 for
 Judgment.
 —

Per Curiam: In view of the issues raised, and of counsel's statement of the necessity therefor, an order will be made for two assessors.

As a matter of practice and for future guidance of litigants in this admiralty district, it is opportune to state that application for assessors should be made as early as possible so that there may be ample time to make the necessary arrangements with the Commander-in-Chief of the Royal Navy for this Pacific Station for their attendance. A convenient time to apply, and that at which such applications have generally heretofore been made, is upon the application to fix the date of trial.

Order accordingly.