

No. 65 of 1840.

Admiralty Court Act 1840 (Adopted).

Certified on: 7/8/1840.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



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Admiralty Court Act 1840 (Adopted).

ARRANGEMENT OF SECTIONS.

[1 - 6. *Repealed*]

7. Evidence may be taken viva voce in open court.

8. Evidence may be taken viva voce before a commissioner.

9. Attendance of witnesses and production of papers may be compelled by subpoena.

[10 - 24. *Repealed*]

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Admiralty Court Act 1840 (Adopted),

An Act to improve the Practice and extend the Jurisdiction of the High Court of Admiralty of England.

1 - 6. [**REPEALED.**]

7. EVIDENCE MAY BE TAKEN VIVA VOCE IN OPEN COURT.

In any suit depending in the said High Court of Admiralty the court (if it shall think fit) may summon before it and examine or cause to be examined witnesses by word of mouth, and either before or after examination by deposition, or before a commissioner, as herein-after mentioned; and notes of such evidence shall be taken down in writing by the judge or registrar, or by such other person or persons, and in such manner, as the judge of the said court shall direct.

8. EVIDENCE MAY BE TAKEN VIVA VOCE BEFORE A COMMISSIONER.

The said court may, if it shall think fit, in any such suit issue one or more special commissions to some person, being an advocate of the said High Court of Admiralty of not less than seven years standing, or a barrister at law of not less than seven years standing, to take evidence by word of mouth, upon oath, which every such commissioner is hereby empowered to administer, at such time or times, place or places, and as to such fact or facts, and in such manner, order, and course, and under such limitations and restrictions, and to transmit the same to the registry of the said court in such form and manner, as in and by the commission shall be directed; and such commissioner shall be attended and the witnesses shall be examined, cross-examined, and re-examined, by the parties, their counsel, proctors, or agents, if such parties, or either of them, shall think fit to do so; and such commission shall, if need be, make a special report to the court touching such examination, and the conduct or absence of any witness or other person thereon or

relating thereto; and the said High Court of Admiralty is hereby authorized to institute such proceedings and make such order or orders upon such report, as justice may require, and as may be instituted or made in any case of contempt of the said court.

9. ATTENDANCE OF WITNESSES AND PRODUCTION OF PAPERS MAY BE COMPELLED BY SUBPOENA.

It shall be lawful in any suit depending in the said Court of Admiralty for the judge of the said court, or for any such commissioner appointed in pursuance of this Act, to require the attendance of any witnesses, and the production of any deeds, evidences, books, or writings, by writ, to be issued by such judge or commissioner in such and the same form, or as nearly as may be, as that in which a writ of *subpoena ad testificandum*, or of *subpoena duces tecum*, is now issued by Her Majesty's Court of Queen's Bench at Westminster; and every person disobeying any such writ so to be issued by the said judge or commissioner shall be considered as in contempt of the said High Court of Admiralty, and may be punished for such contempt in the said court.

10 - 24. [REPEALED.]

OFFICE OF LEGISLATIVE COUNSEL, PNG