

## ORDER XV.

## EVIDENCE AND HEARING.

1. A cause for the condemnation of a ship of war shall be heard upon the affidavit as to ship papers, and the ship papers, if any, exhibited thereto, either alone or upon such other evidence as the Judge may direct.

2. A cause for the condemnation of a ship other than a ship of war shall be heard upon the following evidence, namely:—

- (a.) The affidavit as to ship papers, and the ship papers, if any, exhibited thereto;
- (b.) Upon the affidavits of the officers of the ship concerned in the capture;
- (c.) The depositions of the witnesses, if any, examined before the hearing, whether such witnesses belong to the captured ship or are tendered on behalf of the captors or of any other party;
- (d.) The evidence given at the hearing of any witnesses, whether on behalf of the captors or of any other party; and
- (e.) Such further evidence, if any, as may be admitted by the Judge.

3. At any time after the institution of a cause, whether for condemnation or otherwise, the captors or any other party may apply for the examination of any witnesses before the hearing. The examination (if any), before the hearing, of the witnesses from the captured ship shall be conducted by the proper officer of the Crown, or such other person as the Court shall appoint, in such manner as the Court shall direct for the purpose of ascertaining all information necessary for the assistance of the Court.

4. On application made under the last preceding rule or otherwise the Judge may make such order as he shall think fit as to the examination of witnesses, the hearing of the cause, the bringing in of claims, pleadings, discovery by interrogatories, discovery and inspection of documents, or as to any other matter upon such terms as the nature of the case may require.

5. After a day has been fixed for the hearing of a cause the Registrar shall send notice to all parties that the cause will be heard on the appointed day.

6. At the hearing of a cause the party by whom it has been instituted shall begin, unless the Judge shall otherwise order. If there are several claimants the Judge shall direct which of them shall begin. At the hearing of claims on joint capture the persons claiming to be joint captors shall begin.

7. No ship shall be condemned at the hearing in the absence of an appearance or claim until six months have elapsed from the service of the writ, which shall be verified by an affidavit of service (Appendix A, Form No. 10), unless there be on the ship papers and on the evidence, if any, of the witnesses from the captured ship sufficient proof that such ship belongs to the enemy, or is otherwise liable to condemnation.

8. Where in two or more causes claims have been made by or on behalf of the same persons, and the ship papers in such causes are on the file and in the control of the Court, any party may, by leave of the Judge at the hearing, invoke and give in evidence in any one of such causes the ship papers brought in and filed in any other of such causes, and may, by leave of the Judge, invoke and give in evidence in the cause before the Court any ship papers found on board any ship and any deposition made in any other of such causes.

9. Where a witness is to be examined before the hearing of a cause, the Judge may order that such witness shall be examined before the Judge, or the Registrar, or before some person authorized or appointed for the purpose by the Court (hereinafter called an examiner).

10. If the witness is out of the jurisdiction of the Court, the Judge may order that he shall be examined before an examiner specially appointed for the purpose, or may order, in lieu of a commission, the issue of a request to examine such witness.

Forms of a commission to examine witnesses, and of a request, and of a return to a commission to examine witnesses, will be found in Appendix A, Nos. 41, 42, and 43.

11. The evidence of every witness taken before the hearing shall be taken down in writing by the Judge, Registrar, or examiner, before