

- (6.) Where any difference within the meaning of section 20 of the Naval Agency and Distribution Act, 1864, arises between ships' agents as to the apportionment of their percentage, any such agent may take out a summons intituled in the cause in which the question arises calling upon all other persons interested to show cause why the matter should not be referred to the Registrar, and upon such summons and proof of due service thereof on such persons an order may be made referring such difference to the Registrar. Upon report made by the Registrar any party may object to the same. Order XVII shall apply, as far as possible, to references under this Order.

ORDER XXXV.

INSTRUMENTS AND OTHER DOCUMENTS, AND THE SERVICE THEREOF.

1. Every warrant, release, commission, and other instrument to be executed by any officer of, or commissioner acting under the authority of, the Court, shall be prepared in the Registry, and shall be issued under the seal of the Court.
2. The seal of the Court to be used for the purposes of these Rules shall be such as the President shall from time to time direct.
3. Every document issued under the seal of the Court shall bear date on the day of sealing, and shall be deemed to be issued at the time of the sealing thereof.
4. Every instrument to be executed by the marshal shall be left with the marshal by the party at whose instance it is issued, with written instructions for the execution thereof.
5. Except in the case of an order for committal, it shall not be necessary to the regular service of an order that the original order be shown if an office copy be exhibited.
6. All notices, pleadings, summonses, orders, and other documents, proceedings, and written communications in respect of which personal service is not required shall be sufficiently delivered or served if left within the prescribed hours at the address for service of the person to be served with any person resident at or belonging to such place. The prescribed hours shall be such as are appointed by the President by general order, a copy of which shall be affixed in some prominent place in the Court or Registry.
7. Where no appearance has been entered for a party, or where a party has omitted to give an address for service, all notices, pleadings, summonses, orders, and other documents, proceedings, and written communications in respect of which personal service is not required may be served by filing them in the Registry.
8. All orders (except as in these Rules otherwise provided), disobedience to which would render a party liable to committal, shall be served personally.
9. Where personal service of any order, notice, pleading, summons, or other document, proceeding, or written communication is required by these Rules or otherwise, the service shall be effected by showing it to the party to be served and by leaving with him a copy thereof.
10. Where personal service of any notice, pleading, summons, order, or other document, proceeding, or written communication, is required by these Rules or otherwise, and it is made to appear to the Judge that the person to be served is under disability or that prompt personal service cannot be effected, the Judge may order upon whom, or in what manner, substituted or other service is to be made, or may order notice by letter, advertisement, or otherwise to be given in lieu of service.
11. The service of every warrant or other instrument by the marshal shall be verified by his certificate.
Form of certificate of service will be found in Appendix A, No. 59.
12. The Judge may direct that any summons, order, notice, or other instrument shall be served on any party or person in a foreign country, and the procedure prescribed by Order II, Rules 16 to 19 inclusive, with reference to service of notice of a writ shall apply to the service of any summons, order, notice, or other instrument so directed to be served.