

## BRITISH COLUMBIA ADMIRALTY DISTRICT.

## NOSLER v. THE SHIP AURORA.

1913

Nov. 19.

*Shipping—Admiralty Law—Practice—Action in rem—Wages—Judgment in default of appearance—Waiver of proceedings.*

In an action *in rem* for seaman's wages wherein no appearance has been entered, and the ship is in the marshal's hands for sale in another cause, all preliminary proceedings may be waived and judgment entered forthwith.

**MOTION** before the Honourable Mr. Justice Martin, Local Judge of the British Columbia Admiralty District, at Vancouver on November 12th, 1913, in an action *in rem* for seaman's wages for judgment in default of appearance.

The plaintiff filed his affidavit verifying the cause of action and showing that no appearance had been entered though two weeks had elapsed since the filing of the warrant, and also that the ship was now in the Marshal's hands for sale in another action in this court. He further deposed "that before I commenced this action I was advised by the owner of the *Aurora* to come up town and see if I could not get my wages out of the ship." The plaintiff's solicitor filed an affidavit stating that "I am informed by (A.B.) solicitor for the owner of the ship *Aurora* that it is not intended to dispute the plaintiff's claim."

*J. E. Sears*, on behalf of the plaintiff, cited Rule 115; Howell's Adm. Prac.(1); *The Julina* (2), and asked for an order for immediate judgment.

(1) Pp. 54, 55.

(2) (1876) 35 L.T.N.S. 410.

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NOSLER

v.

THE SHIP  
AURORA.Reasons for  
Judgment.

MARTIN, Lo. J.:—In the special circumstances of this case wherein the debt is practically admitted and the ship now in process of sale by the Marshal, I see no reason why an order should not be made waiving all preliminary proceedings and directing judgment to be entered forthwith. This case is stronger, if anything, than the *Julina*(1).

*Order accordingly.*

(1) (1876) 35 L.T.N.S. 410.

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