

“Registry” shall mean the Admiralty Registry of the Probate, Divorce, and Admiralty Division of the High Court, or of any court in a British Possession duly authorized to exercise prize jurisdiction;

“Respondent” shall (for the purposes of proceedings in any cause or matter) include the respondent’s solicitor (if any);

“Ship of war” shall include armed ship.

“Solicitor” shall mean any solicitor, attorney, or proctor entitled to practice in the Court, and the proper officer of the Crown;

2. Unless the contrary intention appears, the provisions of these Rules relative to ships shall extend and apply, *mutatis mutandis*, to goods and to freight (if any) due or to grow due; and for such purpose the term “ship” when used in these Rules shall also mean “goods” and “freight.”

3. Except where the contrary intention appears, words and expressions in these Rules shall have the same meaning as in the Naval Prize Acts.

## ORDER II.

### INSTITUTION OF CAUSES AND ISSUE AND SERVICE OF WRIT.

#### (a.) INSTITUTION OF CAUSES.

1. Every cause in matters of prize shall be instituted by a writ.

2. Causes shall be numbered in the order in which they are instituted, and the number given to any cause shall be the distinguishing number of the cause, and shall be written or printed on all instruments and other documents in the cause as part of the title thereof, and the cause shall be entered in the minute-book under such number.

Forms of the heading and title of a cause will be found in Appendix A, Nos. 1 (i. and ii).

3. Every cause instituted for the condemnation of a ship as prize, including causes under Rule 6, shall, except at hereinafter provided be instituted in the name of the Crown; but the proceedings therein may, with the consent of the Crown (through the proper officer of the Crown), be conducted by the captors or any parties to whom the ship would on condemnation be condemned as prize.

All other causes may be instituted in the name of the parties claiming or proceeding.

#### (b.) ISSUE OF WRITS.

4. Writs shall be issued out of the Registry.

5. A writ for the condemnation of a ship as prize shall be in the form No. 2 of Appendix A.

The writ shall be issued on the application of the proper officer of the Crown.

No writ for the condemnation of a ship as prize shall be issued until an affidavit has been filed as to ship papers.

6. Where the ship has been destroyed or lost, or where goods have been destroyed or lost or removed from the ship, the writ shall be in the form No. 3 of Appendix A.

7. In a cause instituted against a captor for restitution or damages, the writ shall be in the form No. 4 of Appendix A.

8. A cause instituted for the recovery of prize salvage (except where the ship is brought in for adjudication) shall be commenced by writ in the form No. 5 of Appendix A.

9. In a cause instituted to enforce a claim of joint capture, the writ shall be in the form No. 6 of Appendix A.

#### (c.) SERVICE OF WRITS.

10. In a cause for the condemnation of a ship as prize, the writ shall be served by the marshal or his substitute.

11. Service of the writ shall be effected by affixing the original writ on a conspicuous part of the ship, and by leaving a true copy fixed in its place when the original is removed.

12. The writ shall be filed by the party after service as aforesaid, with a certificate of service endorsed thereon. The certificate of service shall state the date and mode of service, and shall be signed by the person serving the same, and shall be taken as evidence of such service and of the date and mode thereof.