

to have been salvaged, or an agreement with the recaptors as to such value.

Forms of affidavit and of agreement of value will be found in Appendix A, Nos. 57 and 58.

4. Where no claim is made by an owner, or no appearance is entered, or default is made in filing an affidavit or agreement of value, or where the recaptors are dissatisfied with the value deposed to, the Judge may, on the application of the recaptors, direct the property to be appraised by the marshal or otherwise valued.

5. If no appearance is entered the recaptors may, subject to the filing of an affidavit of service (Appendix A, Form 10), set the case down for hearing by default; in all other cases the recaptors may, at any time after appearance entered, apply for a day for the hearing.

6. Where at the time of a decree or order awarding prize salvage the ship is under arrest, the decree or order of the Court may be enforced by sale of the ship and payment of the amount due out of the proceeds of sale.

7. Where a ship under arrest has been released on security being given, the decree or order awarding prize salvage may be enforced:—

(1.) If money has been paid into Court, by order for payment out;

(2.) If bail has been given, by order for payment against the bail, and execution against the bail in default of payment.

8. Where the proceedings for prize salvage have been taken *in personam*, the decree or order may be enforced against the owner, and execution issued against him. If the owner makes default in payment, the Judge may direct a warrant to issue for the arrest of the ship on such ship coming within the jurisdiction of the Court, and may order a sale of the ship and payment of the award to be made out of the proceeds of such sale.

9. Where any salvage is awarded to any persons other than officers and crews of His Majesty's ships of war, either alone or conjointly with such officers and crews, the Judge may make an order apportioning such salvage between such persons, or between such persons and such officers and crews, in such proportions as to the Judge shall seem fit.

Provided that nothing herein contained shall be taken to authorize the distribution of salvage among such officers and crews or to affect any Proclamation of His Majesty as to the distribution of Prize Money.

Forms of decrees in prize salvage will be found marked No. 53 (xiii.) to (xvii.) in Appendix A.

10. No decree or order for the payment of salvage to salvors shall be made unless and until the Judge is satisfied that no persons other than the said salvors are entitled to share in such salvage.

ORDER XXXI.

LAND EXPEDITIONS AND CONJUNCT CAPTURE WITH ALLY.

A ship taken by land expedition within the meaning of the Naval Prize Act, 1864, sect. 34, or by a conjunct capture with an ally within the meaning of sect. 35 of the said Act, shall be proceeded against and dealt with, as far as possible, in the same manner as hereinbefore provided in the case of any other ship captured as prize.

ORDER XXXII.

JOINT CAPTURE, FLAG OFFICERS' CLAIMS, AND OTHER CONFLICTING CLAIMS BETWEEN CAPTORS.

1. Any person claiming to share as joint captor (hereinafter called "the petitioner") may, at any time after the institution of a cause relating to a ship in respect of which he claims a share, proceed as hereinafter provided:—

(1.) A writ (Appendix A, Form No. 6) shall be issued by the petitioner in the Registry, instituting a cause of joint capture.

(2.) If the cause is instituted before condemnation of the ship in respect of which the petitioner claims to share, or in prize salvage before adjudication, the petitioner shall, except in the case of a flag officer claiming to share by virtue of his flag, within six days after issuing his writ give security