

to the satisfaction of the Court to contribute to the actual captors a just proportion of any costs, charges, expenses or damages that may be incurred by or awarded against the actual captors on account of the capture and detention of the prize. Within 10 days after such security is given the petitioner shall file in the Registry a petition setting out the material facts on which he relies to establish his claim to share as aforesaid.

(3.) If the cause is instituted after condemnation of the ship in respect of which the petitioner claims to share, or in prize salvage after adjudication, the Judge shall, upon sufficient cause being shown by affidavit why the application was not presented before condemnation or adjudication, and upon payment being made and security being given (as hereinbefore provided), allow the writ to be served upon the party to whom the ship has been condemned (hereinafter called "the respondent"), or in prize salvage on the captors, who shall show cause why the petitioner should not be pronounced to be a joint captor of the said ship.

(4.) Where the cause is instituted after condemnation, the petitioner shall, within 10 days after such payment has been made and such security has been given, file a petition setting out all the material facts on which he relies to establish his claim to share as aforesaid, and serve the same as hereinbefore provided.

(5.) The respondent shall appear to the writ by entering an appearance (Appendix A, Form No. 8) in the Registry within the time named in the writ.

2. The respondent, if he desires to contest the right of the petitioner to share, shall file an answer.

If the respondent admits the right of the petitioner to share, he shall file an admission in the Registry.

A copy of every pleading shall be served on the opposite party.

Forms of the above pleadings will be found in Appendix A, No. 13 (iii).

3. Upon the answer, and the reply thereto (if any), or admission being filed, the petition shall be heard in Court, on an early day to be appointed by the Registrar, upon the application of either party, upon such evidence as the Judge shall think fit.

4. If in a cause instituted against a ship for condemnation as prize, or in a cause for prize salvage, a cause of joint capture is instituted before condemnation or adjudication, the Judge may, at the hearing of the principal cause, upon condemnation of the ship as lawful prize to the Crown, determine the title of the petitioner to share as aforesaid.

Forms of decree in joint capture will be found in Appendix A, No. 53 (xviii) to (xxi).

5. The costs of and occasioned by the petition shall, as the Judge shall direct be borne by the petitioner or respondent or be paid out of the proceeds of the ship if condemned.

6. Except by special leave of the Judge no party shall be admitted to claim to share as a joint captor in a prize, or in prize salvage, unless he shall institute his cause and file his petition within six months from the date on which the Judge shall have pronounced any other party entitled to such prize, or prize salvage.

7. A claim by a flag officer to share in prize, or prize salvage, by virtue of his flag shall not be made until after condemnation, and shall then be made in the same form and manner, and the same proceedings shall be had thereon, as in cases of asserted joint capture:

Provided that such flag officer shall not be required to pay costs or give security for costs.

8. Where in any proceedings instituted for condemnation, or for prize salvage, the title or interest of the party instituting such proceedings is denied by any other party who asserts that he has as captor the sole title or interest in the prize, or prize salvage, proceedings may be taken for the purpose of determining such title or interest in the form and manner herein provided for determining the title and interest in a claim of joint capture: Provided that the petitioner shall not be required to give any security or pay any costs before so proceeding unless so ordered by the Judge, and that the form of proceedings shall assert such sole title and interest instead