

of a joint title and interest, and that the petition shall be filed within 10 days after the cause is instituted by the petitioner instead of after security given.

9. All other applications to share in prize proceeds, or prize salvage, shall, unless the Judge shall otherwise direct, be made by motion.

ORDER XXXIII.

PRIZE BOUNTY.

In claims for prize bounty the procedure shall be as follows :—

- (1.) Where the ship is brought in for adjudication the application for a decree under the Naval Prize Act, 1864, Section 43, shall be made in Court at the hearing of the principal cause, or as soon thereafter as possible.
- (2.) Where the ship has been destroyed, or, having been taken, has not been brought in for adjudication, the application for a decree as aforesaid shall be made by motion in Court.
- (3.) Not less than four clear days before such application, notice thereof shall be served upon the proper officer of the Crown.
- (4.) The witnesses in support of the application shall be examined before the Judge in Court, or their evidence may be given by affidavit.
- (5.) If the Judge makes a decree in favour of the application and there are no parties other than the original applicants claiming to share in the bounty, the Judge may upon the hearing of the application, or at a later date if he shall see fit, make a decree declaring the title of the applicants to the prize bounty, and stating the amount thereof. If there are other persons claiming to share in the bounty, the Judge may make a decree that bounty is due, stating the amount thereof, but reserving the question to whom the said bounty is due.

Forms of decree will be found in Appendix A, No. 53 (xxv) to (xxviii).

- (6.) All claims to share as joint captors in prize bounty shall be, as far as possible, subject to the same procedure and rules, and be heard and determined in the same manner, as hereinbefore provided in the case of claims to share as joint captors in prize.

ORDER XXXIV.

DISTRIBUTION AND NAVAL AGENCY.(a)

In questions concerning the distribution or investment of prize moneys, whether the proceeds of prize, prize salvage, or prize bounty, distributable under the provisions of the Naval Agency and Distribution Act, 1864, or otherwise, and in questions concerning the remuneration of ships' agents under the said Act, the procedure shall be as follows :—

- (1.) Any application for distribution or investment of such money shall be by motion.
- (2.) No motion shall be heard unless four days' previous notice thereof, intitled in the cause to the credit of which such money stands or in which such money has been pronounced due, has been served by the applicant upon all parties interested, including (if they are not applicants) the Lords of the Admiralty.
- (3.) The Judge may, if he thinks fit, direct any application for distribution or investment to be heard on pleadings.
- (4.) Evidence on such applications shall be by affidavit, but the Judge may direct any witness to be examined or cross-examined.
- (5.) In the taxation of the costs, charges, and expenses of the officers and crew of any of His Majesty's ships or of any ships' agent under Section 13 of the Naval Agency and Distribution Act, 1864, the same procedure shall be followed as is hereinbefore provided for the taxation of costs.

(a) Attention should be called to Section 22 of the Naval Agency and Distribution Act, 1864.