

[Or, if bail has been given, that the Judge will pronounce that the bail given on behalf of the said claimants to answer the value of the said ship (and goods) may be released and discharged, and that the said [Insert names of captors] may be condemned in the damages and costs sustained by and occasioned to the said claimants by reason of such capture and bringing in.]

(Signed) W. X.,
Counsel [or Party].

Delivered this day of .

Answer.

[Heading and Title as in No. 1.]

Answer.

G. H., solicitor for the commander, officers, and crew of His Majesty's ship , the captors of the said ship , in answer to the petition of the claimants, says as follows:—

1. The said ship and her cargo were taken as prize and brought in for adjudication by the captors under the circumstances hereinafter described.

2. On the day of His Majesty's ship was cruising off , when the said ship came into sight, and was signalled and duly boarded by a boat from the , and the ship papers and documents and the cargo of the were duly inspected and examined.

3. Upon one of the bulkheads, and on one of the boats of the said ship , was found a name (the), which was not the present name of the ship, and the name of the port of , which is in enemy territory, and upon inquiry of the master of the said ship it appeared that the said ship immediately prior to the purchase by her present owners and to the existing war had been owned by , a firm carrying on business at the said port of , in enemy territory, and that the said master had been in command of the said ship whilst she belonged to the said firm.

4. On receiving such information, the captors brought in the said ship for adjudication upon the suspicion that the sale and transfer of the said ship to the present alleged owners was not *bona fide*, and that she still belonged to her former enemy owners.

5. The transfer and assignment of the said shares in the said ship by C. D. to the claimant E. F. in the petition alleged took place as therein alleged, but at the time of such transfer the said C. D. was a member of the said firm of , carrying on business as aforesaid, and the transfer and assignment of the said shares was made and executed by the said C. D. as agent of the said firm, and was a mere colourable and fraudulent transfer to cover the enemy character of the said ship, and the said ship at the time of capture remained the property, and was navigated for the account and at the risk of the said firm of , and was in fact enemy property.

[If the cargo or any part thereof was enemy property, allege it, stating the alleged ownership thereof; or if the cargo or any part thereof was contraband, allege it.]

6. Save as aforesaid the respondents deny all and every the allegations in the petition contained.

And the said G. H. prays the Judge to pronounce that the said ship (and her cargo) were at the time of capture property of enemies of the Crown of Great Britain, or otherwise liable to condemnation, and to condemn the same as lawful prize to the captors, or to pronounce for just cause of capture.

(Signed) Y. Z.,
Counsel [or Party].

Delivered this day of .

(ii.) PLEADINGS IN PRIZE SALVAGE.

Petition alleging Special Difficulty or Danger.

[Heading and Title as in No. 1.]

Writ issued , 19 .

Petition.

G. H., solicitor for A. B., commander, and the officers and crew of His Majesty's ship , the recaptors of the above-named ship, the plaintiffs [or as the case may be], says as follows:—

1. The recaptors are the commander, officers, and crew of His Majesty's ship , which is a cruiser of the second class [or as the case may be] armed with , and carrying a crew of hands all told, and fitted with engines of horse-power effective.

2. On the day of , at about 11 a.m., His Majesty's said ship was proceeding from to in pursuance of her instructions to cruise off the coast of and to assist and protect British vessels whilst passing such coast. At such time as aforesaid it was blowing a heavy gale from the and the weather showed no signs of improvement.

3. Whilst proceeding as aforesaid, those on board the sighted a steamship, appearing to be a British mail-steamer, steaming to the on about an opposite course to the . Signals were at once made to the said steamship, which proved to be the of , but no answer was made, and although a gun was fired, the altered her course and proceeded in towards the coast of , apparently making for the port of in enemy's territory.

4. The recaptors having thereon reason to believe that the was in possession of the enemy, immediately altered the course of the and chased the , gradually gaining upon her.

5. After hours' chase the and the had come within ten miles of the coast of , and the was about half a mile astern of the said . At this time it was seen that an enemy warship was coming out of the said port of , and thereupon extra steam was raised on the and she succeeded in getting between the said and the entrance to the said port, and forced her to alter her course to seaward.

O VII.
O. XXX.
Naval Prize
Act, 1864,
sec. 40.