

appearance is given these suits may be prosecuted by default or *in penam*. The property must on no account be released from arrest until a value shall be agreed upon between the parties and alleged in minute * of Court, which is to be entered by the Registrar in the Assignment Book.

If the value cannot be agreed upon, a decree † of appraisement must be extracted by the Proctor for the salvors, and executed and returned into Court before the property is released. This constat of the value is necessary both for regulating the amount of bail to be taken, and for guiding the Judge at the final hearing in fixing a proper remuneration for the services of the salvors, with reference to the value of the property saved.

§ 20. *Causes of Possession.*

These causes are to commence by the entry of an action at the suit of the owners or owner of a majority of interest in the ship, and a warrant is to be issued to obtain possession thereof from any party who may withhold the same. No amount of action need be inserted in the Action Book or on the face of the warrant.

An Affidavit ‡ of the party proceeding is to be prepared by the Proctor, and laid before Counsel, with a short case stating the circumstances, in order to move for the warrant, which can be obtained only on motion of Counsel. The affidavit need not previously, as in other cases, be left in the Registry. On this occasion the Judge or Surrogate is to be attended by the Proctor, Counsel, and Registrar; and the Judge on reading the affidavit, if it be satisfactory, will, on motion of Counsel, § decree the warrant citing all persons in general to appear and answer to the party proceeding in a cause of possession. The warrant having been served on the ship, is to be returned into the Registry, and if no appearance be given within a month from such return, the Judge, if satisfied that the party proceeding has a majority of the legal interest, is, on the affidavit originally brought in or on further proofs, if necessary, being exhibited on motion of Counsel on the next regularly adjourned Court-day, by interlocutory decree to order possession of the ship to be delivered to the party proceeding, or if necessary assign a further limited time for entering an appearance, and on any subsequent regularly adjourned Court-day in like manner pronounce his decree, which is issued by the Registrar from the Registry. ¶

Should any party appear to contest the right of possession, the cause is to proceed by act on petition and affidavits, the ship remaining in the custody of the Court until the final hearing, because the object of the suit which is to obtain actual possession of the property cannot otherwise be secured.

Upon an interlocutory decree being pronounced in favor of either party, a decree of possession is to be issued accordingly.

During the dependence of the suit on proof by affidavit being exhibited that the ship's Register is in the possession of any person whomsoever, a monition ¶ may be issued requiring him to bring it in, or shew cause why it should not be brought into the Registry to abide the event of the suit. Or after the hearing, should the ship's Register remain in the possession of any person, the Judge may on proof thereof issue a monition ** directing him to deliver up the same to the party in whose favor the decree has been made.

Causes of possession may also be conducted by plea and proof at the option of either party.

§ 21. *Action to obtain Security for the safe Return of a Vessel.*

Actions of this description occur when a part owner is dissatisfied with the management of his co-owners, and requires the ship to be restrained from proceeding on a voyage until bail shall be given for her safe return to the port to which she belongs.

* See Minute, No. 152.

† See Decree, No. 153.

‡ See Form, No. 154.

§ See Minute, No. 155.

¶ See Form, No. 156.

** See Form, No. 157.

** See Form, No. 158.