

23. ——— An affidavit to set aside pleas *ne falsæ*, frivolous, or vexatious, must, in general, be made by the plaintiff himself, and must state *facts* showing that the pleas are so.
An affidavit made by plaintiff's Counsel containing a mere general statement that the pleas are false, frivolous, and vexatious, as he has been informed by the plaintiff and verily believes, though uncontradicted by any affidavit on the part of the defendant, is not sufficient.—*Gibson v. Kiley*..... 724
24. *Setting aside verdict*.—Where a verdict was found on the ground of fraud, but there was no plea of fraud on the record, the Court set the verdict aside.—*Hill v. Archbold*..... 452
25. ——— Where a verdict is found against uncontradicted evidence and the charge of the Judge, the Court will set it aside.—*Thorne v. Shaw*..... 512
26. ——— A verdict will not be set aside on the ground of an irregularity in the drawing of the jury, where the attorney of the complaining party had the means of knowledge of the irregularity at the trial, and made no objection then; and it was not shown that the verdict was otherwise improper, or that any injustice was done thereby, or that the officer who drew the jury was influenced by corrupt or improper motives.
The granting of new trials on account of such irregularities is entirely in the discretion of the Court.—*Cowling v. Le Cain*..... 717
- PRELIMINARY PROOFS, who may furnish..... 459
See INSURANCE.
- PRESUMPTION OF PAYMENT..... 291
See MORTGAGE, 1.
- OF SEAL..... 291
See MORTGAGE, 1.
- PRIZE, right to, how lost.
1. The right of a captor to a prize may, by his subsequent misconduct in regard to the captured vessel, be wholly lost, and the vessel thereby forfeited to the Crown *jure coronæ*.—*The Queen v. The Chesapeake and Cargo*..... 797
 2. Alleged belligerents who have violated Her Majesty's proclamation of neutrality; grossly, wilfully, and stealthily violated her territory, resisting with force her officers seeking to execute the process of her magistrates, are guilty of such misconduct as renders any prize taken by them, even if it were lawfully taken, subject to forfeiture to the Crown.—*Ibid*..... 797
 3. The Court will entertain no plea on behalf of persons so acting.—*Ibid*. 797
 4. The act of a belligerent in bringing an *uncondemned* prize into a neutral port, to avoid recapture, is an offence so grave against the neutral State, that it *ipso facto* subjects the prize to forfeiture.—*Ibid*..... 797