

BETWEEN THE LORD DELAMERE STEAM BARGE COMPANY LTD

PLAINTIFFS

- - and - -

THE DEE CONSERVANCY BOARD

DEFENDANTS

I, CECIL PLUMBE SMITH of the City of Chester, Clerk to the above-named Defendants and a Member of the Firm Walker, Smith and Way of the said city of Chester Solicitors to the above-named Defendants make oath and say as follows:-

1. THERE is good reason to believe that the Assets of the above-named Plaintiffs ~~The Lord Delamere Steam Barge Company Limited~~ will be insufficient for the payment of costs of the Defendants ~~the Dee Conservancy Board~~ of this action should the said Defendants be successful in their defence.
2. On the 6<sup>th</sup> January, 1914 my said Firm instructed their London Agents to inspect the Plaintiffs File at the Companies Registration Office, Somerset House, London; they inform my said Firm and I verily believe the same to be true that they have as instructed made such inspection and that it appears therefrom that the said Plaintiffs were incorporated on the 15<sup>th</sup> October, 1913 and that the Return of Allotments shows:-
  - a. The number of the Shares allotted payable in cash was one;
  - b. The nominal amount of the shares so allotted was £1;
  - c. The amount due and payable on each such Share was £1;
  - d. The number of Shares allotted for a consideration other than cash was 1699;
  - e. The amount ~~treated~~ to be treated to be paid on each such Share was £1;

and that the only property passing under the Contract file with the Return of Allotments was the Steam Barge "Lord Delamere" for which the purchase money is £1700.

3. On the 4<sup>th</sup> day of November, 1913 I received from the Board of Trade a copy of a Deposition by James Harrison Gallimore the Master of the Lord Delamere respecting the grounding thereof on the 13<sup>th</sup> October, 1913 (two days ~~after~~ before the incorporation of the Plaintiffs) which Deposition purports to have been made on the 21<sup>st</sup> day of October, 1913. ~~The said Deposition is purported further to state~~ In the said copy Deposition it is stated :-

*[Initialled, hand-written note in margin reads: "From this it appears the Incorporation took place after the wreck"]*

"15.- That the vessel has become a total wreck and we have salvaged a "quantity of the deck fittings;

"16.- That the loss on the said ship is estimated by Deponent at £1700 pounds sterling, and on the said cargo at - pounds sterling, and that the ship was insured in the sum of nil pounds sterling, the cargo in unknown pounds sterling, and the freight in nil pounds sterling."

I am informed by ~~Defendants~~ Joseph Kendrick of Connah's Quay the Defendants Foreman and I verily believe the same to be true that the value of the said deck fittings which were salvaged would not exceed £40.

5. THE Plaintiffs Solicitors, Messrs. Weightman Pedder & Co., of Liverpool wrote my said Firm on the 6<sup>th</sup> January, 1914 as follows :-

"We understand from our Clients that their Assets are worth approximately "£150"

but having regard to the information I have been able to obtain the understanding arrived at by Plaintiffs Solicitors would appear to be incorrect.

6. MY Firm have applied to the Plaintiffs Solicitors for security for the Defendants Costs in this Action but the same has been refused.

SWORN at the city of Chester this 16<sup>th</sup> day of January 1914 before me, ) C P Smith

John Cullimore )

A Commissioner for oaths )

This Affidavit is filed on behalf of the Defendants