

Certain of its provisions which appear to depart from recognised principles of International Law are at present engaging the consideration of the Embassies of the Powers at Constantinople, but as it is understood that a Prize Court or Courts about to be set up in the Ottoman Dominions will be guided by this Law, it is thought desirable to make it public for the information of those whom it may concern.

TEMPORARY LAW ON NAVAL PRIZES.

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PART I.

Seizure and Confiscation.

Art. 1.—Men-of-war and merchant vessels belonging to the enemy shall be captured and confiscated, together with their cargoes. But cargo on board vessels flying an enemy flag, but belonging to neutral Powers or to the subjects of such Powers, shall not be captured and confiscated unless it is contraband of war, nor, unless it is contraband of war, shall enemy cargo in ships flying the flag of a neutral Power be captured and confiscated; and the personal effects of the passengers and crew shall not be seized and confiscated. The right to stop, search, and seize enemy vessels and their cargoes, or other vessels and cargo that are considered suspicious, belongs to the Ottoman naval and land forces. Merchant vessels also may use this right in the case of actual attack by an enemy or a doubtful vessel, or by way of assisting Ottoman men-of-war or a ship flying a neutral flag, if either be actually attacked by an enemy ship. The merchant vessels and cargoes captured by merchant vessels in such circumstances shall be taken to the places specified in Article 5. If the confiscation of the said vessels and cargoes is decided upon, the captors retain the right to claim the prize-money specified in the present law; but if the Government approves that the vessels be returned to their owners there is no right to prize-money.

Art. 2.—When a merchant vessel or cargo is captured the captain who effects the capture is compelled to draw up a report setting forth the fact of the seizure and the grounds thereof, and to take such steps as are necessary for the preservation of the ship and the cargo.

In addition, when a ship is seized:

1. Not only shall the ship be detained, but the captain and the purser (*lit.* guardian of the cargo), together with the other members of the crew, whose statements, in the opinion of the captain who has effected the capture, ought to be taken when the question of the capture is examined in order to arrive at the truth of the matter, shall be temporarily detained, the question of whether they are to be regarded as prisoners of war or not being left to be settled later;

2. A detailed list of all the papers, documents, and books in the vessel shall be drawn up, and an account made showing the nature and quantity of the cargo, and these, together with the hold, shall be placed under seal. If the hold contains perishable goods it may, with the captain's permission, be left open.

Art. 3.—The captain of the captured vessel and any owners of vessel or cargo—or their representatives—who were present at the place of capture, have the right to be present at the proceedings set forth in paragraph 2 of the preceding Article, to make statements and proposals on the subject, and to place their own seals on the goods and places which are put under seal.

Art. 4.—In extraordinary circumstances, for example, where it is impossible to preserve the captured vessel because it is in a state of dilapidation, or because its value is small, or because, owing to the fact that the port in which it is desired to take refuge is far distant or blockaded, the vessel is exposed to the danger of recapture by the enemy, or because it would hamper the movements of the vessel that effected the capture, or because it would form an obstacle to the success of naval operations, the captain of the vessel that effected the capture is permitted, on his own responsibility, to burn or sink the captured ship, provided that he has previously transferred the people, and—as far as possible—the cargo, from the captured ship, and has taken the steps necessary for the preservation of such papers and things in the ship as may be required to enable a prize court to clear up the matter. The captain shall subsequently draw up a report setting forth the circumstances which necessitated the destruction of the captured vessel.

Art. 5.—Captured vessels and their cargoes shall be brought into an Ottoman port by the vessel effecting the capture, or, if there is no Ottoman port near, into a port belonging to an allied Power, or to a place where the Imperial fleet is cruising. If a storm arises, or in a case of absolute necessity, the vessel that has effected the capture may take refuge, with the captured vessel, in the port of a neutral Power. The length and conditions of their stay in that port shall be governed by the decisions of the local government.

Art. 6.—When a captured vessel or its cargo has been brought into an Ottoman port or to a place where the fleet is, it shall be handed over, with all the necessary papers, to the prefect of the port, or to the commanding officer of the fleet, or, failing both of these, to the highest civil official in the port. All the papers under seal shall be examined and considered by the prefect of the port, the commanding officer, or the civil official, and orders shall be given for the seizure of the cargo handed over (the drawing up of a detailed list), and the preservation of the goods, or for the speedy sale of those goods the nature and condition of which make it impossible to preserve them. The captain of the vessel effecting the capture or his representative, the captain of the captured vessel, and, if they were present at the place of capture, the owners of the ship and cargo, or their representative, may be present when the above formalities are carried out, and may make statements and proposals on the subject. If the captured vessel or its cargo be brought into a port belonging to an allied Power, the procedure to be adopted shall be subject to an agreement between the two Powers.

Art. 7.—The prefect of the port, the commanding officer, or, failing both of these, the highest civil official of the port, to whom the vessel and the cargo have been handed over,