

shall immediately inform the prize court of the arrival of the ship and cargo at the port, and, after taking the steps laid down in Article 6, shall bring before the said court, with all the papers concerning the affair, the captain of the captured vessel, the purser, and other persons and members of the crew, that they may be questioned and information obtained.

Art. 8.—Non-observance of the procedure specified in the previous articles as to be followed at the time of and subsequent to the capture of vessels and cargoes shall not be considered legal ground for annulling the confiscation. All the other evidence may be used to establish the validity and lawfulness of the confiscation.

PART II.

Organisation, Scope, and Procedure of Naval Prize Courts.

Art. 9.—In such ports as it is required a naval prize court, composed of a president and four members, shall be formed to hear cases concerning naval prizes captured in time of war. Attached to every court there shall be a Government commissioner. The scope of the functions of these courts shall be laid down by the Government. Three of the members of this court shall be selected and appointed from the ranks of the judicial officials, and two from among senior officers in the navy.

The presidency shall be entrusted to one of the judicial officials. The president, the members, and the commissioner shall exercise their functions in virtue of an Imperial Trade. For the purpose of hearing and deciding cases, three members of the court shall form a quorum. Decisions shall be arrived at by a majority vote; if the votes are equally divided, the president shall have the casting vote.

Art. 10.—A court of appeal shall be established at Constantinople to hear appeals against the decisions of naval prize courts. The court of appeal shall be composed of a president and six members. Three of these shall be selected, and appointed by Imperial Trade, from among the members of the Courts of Cassation and Appeal at the Ministry of Justice, two from among the members of the Judicial Section of the Council of State, and two from the ranks of the senior officers of the navy. The presidency shall be entrusted to one of the members selected from the Courts of Appeal and Cassation. For the purpose of hearing and deciding cases, five members of the court shall form a quorum. If the votes are equally divided, the president shall have the casting vote. A Government commissioner shall be attached to this court also.

Art. 11.—The naval prize courts shall hear and decide disputes concerning (1) the confiscation or the restitution to their owners of captured merchant vessels and their cargoes, the value of the same, and, where the vessel and its cargo have been left in the owner's possession on payment of security, and they eventually have to be confiscated, the responsibility of the guarantor; (2) com-

penation for damages arising out of the capture, destruction, loss or damage of vessels and their cargoes; (3) the restitution to their original owners of vessels and their cargoes captured by the enemy and subsequently recovered, and the fixing of the amount of the expenses the said owners should pay, and of the prize money payable to those who recovered the vessel and the cargo; (4) the fixing of the amount and the distribution of the prize money due to the owners of merchant vessels who assisted in the capture of an enemy vessel and its cargo.

Art. 12.—On the one hand, the Government commissioner shall act before the prize courts on behalf of the Treasury, and, on the other hand, the owners of the vessel and cargo shall act on their own behalf, or, if the owners are not present and have no representative, the captain of the vessel shall act on behalf of the owners and charterers of the vessel. In the case of actions relating to the prize money payable to the captors of the vessel and cargo, or to the definition of the extent of that right, the captain or commander of the vessel which effected the capture, or his representative, shall be present in court as plaintiff.

Art. 13.—If the captured vessel flies the flag of an allied or a neutral Power, and is brought by the captor into a port belonging to that Power, an Ottoman prize court is not competent to hear actions concerning the confiscation.

Art. 14.—The two parties in dispute and other interested persons may be present during the whole of the proceedings which take place in the prize court, and may make statements on the subject, and produce evidence in support of those statements; and, with the permission of the president of the court, they may put questions to the other party, set forth in writing their personal claims concerning the subject in dispute, make verbal explanations of their claim, communicate petitions and copies of documents to each other, and examine and obtain legalised copies of the documents of the case which is being dealt with by the court.

Art. 15.—The time and place of meeting of the prize court shall be fixed by the president of the court, and the two parties and other interested persons joined to the action shall be summoned to appear, in accordance with the procedure in civil cases. If the two parties and the other interested persons do not know Turkish, they may give the court their claim or defence in writing in another language, with legalised translations of the same, instead of making a verbal statement.

Art. 16.—When a prize court is informed of the arrival of a captured vessel or cargo it shall begin the examination, at its next sitting, of the captain and crew of both the captured and the capturing vessel and of such persons as the court summons in the belief that their statements ought to be taken, or as present themselves voluntarily. If there is no prize court in the port to which the captured ship and cargo are brought, the court shall betake itself to the place in question in order to carry out the inquiry, or else it shall appoint one of its number as its substitute, and the examination of the captain and crew of the ship shall