

be carried out by him. If this is impossible, the examination shall be carried out by the court or one of the civil officials of the place where the vessel is, in the capacity of substitute.

Art. 17.—If it is necessary, the court, in addition to making the examination, shall decide, either ex-officio, or on the demand of one of the two parties or of the persons interested, to inspect the vessel and cargo on the spot, either personally or through one of its members appointed as its substitute; or else it shall hand over the matter to experts.

Art. 18.—If security equal to the value of the captured ship and cargo be given, or a respectable surety for the said amount be offered, the prize court may hand over the ship and cargo to the plaintiffs before the action is decided. The value of the ship and cargo shall be appraised under the superintendence of one of the members, and by at least two experts.

Art. 19.—If the nature of a captured vessel and cargo make it impossible to keep them, or if, according to the report of experts, their value is not equal to the expenses that would be entailed by their upkeep, the court, deciding either on the demand of one of the parties or ex-officio, may sell them by auction and keep the proceeds of the sale in court. Moreover, if the successive stages of the action do not seem to require that the captured vessel and cargo should be kept, the said ship and cargo may be sold in the same way, with the consent of the parties, before the question is settled.

Art. 20.—When the formalities laid down in Articles 15 and 16 have been completed, the prize court shall begin to examine and hear the matter, and first of all to return and restore, without delay, those parts of the captured vessel and cargo which it is unnecessary to detain any longer.

Art. 21.—The claims of the two parties must be proved by reliable documents and books. If the court thinks it necessary for the discovery of the facts of the matter, it shall order complementary evidence to be adduced, and shall appoint a day for the production of that evidence. If it seems necessary to hear witnesses before this, the court shall either hear personally the witnesses produced by the respective parties, or have their statements recorded by a substitute.

The settlement of disputes as to the ownership of a captured vessel or cargo is outside the competence of prize courts. Only, if the court finds that the decision as to the question of the lawfulness or unlawfulness of the confiscation depends on the solution of the question of ownership, then the court shall hear and decide the question of ownership also.

Art. 22.—In the case of questions touching merchant vessels belonging to the subjects of neutral Powers, or ships of which the nationality is disputed, or the cargo of such vessels, if the cargo includes other goods besides contraband of war, should the original owners be absent the court shall summon them by advertisement to appear at the court within a certain time, to explain of what their evidence consists. The time allowed shall be fixed with reference to the distance of the place at which the court is sitting and to other circumstances, but it may not be more than two months from the date of the last advertisement.

The said advertisement shall appear in those consecutive issues of the official Gazette, and if there are newspapers published in foreign languages, the advertisement shall appear in one of them also. If necessary, the wording of the advertisement shall be telegraphed to the newspaper office. The expenses of a summons conveyed through a newspaper shall be deducted, if the vessel or cargo be sold, from the proceeds of the sale; and if there is no sale, this expense shall be met by the Imperial Treasury. In the latter case the expenses in question shall be deducted from the value of the captured ship and cargo, recovered from the original owners, or entered as a debt in the Treasury accounts.

Art. 23.—The day for the hearing of the action cannot be fixed, during the time allowed, before the arrival of the owners of the vessel or cargo who have been summoned by advertisement to appear before the court. If the owners of the vessel or cargo do not appear within the period specified in the advertisements, and the time expires, the action shall be proceeded with.

Art. 24.—The hearing of the action by the court shall begin with the reading of a report on the subject of the action, which shall be drawn up by one of the members of the court. The court shall first hear the Government commissioner and afterwards those of the interested persons who are present. The burden of proof that the seizure and confiscation are contrary to practice or to treaties rests with those who claim that they are contrary. When the evidence adduced in support of the claim has been conscientiously weighed by the court, a decision shall be given concerning both the main question and claims arising therefrom.

Even if the captured vessel and cargo have been destroyed by order of the Government, the court can decide that they ought to be returned to the plaintiffs or confiscated. If a ship or cargo has been captured in the territorial waters of a neutral Power, or in seas which have been declared neutral by special conventions, their confiscation may be decided upon, provided that no claim for the restitution of the ship or cargo has been made within a year from the date of capture.

Art. 25.—Notice of appeal against the decisions of prize courts may be made within one month from the date of the communication of such decisions. The application for appeal, enclosing duplicate copies according to the number of the interested parties, shall be handed to the court which heard the action in the first instance. This court shall communicate the duplicate copies to the interested parties, and within ten days shall send the original to the court of appeal, with the judgment and the various documents relating to the action. Within ten days from the date of the arrival of the documents the court of appeal shall summon the two parties and such interested persons as are required, and shall hear the action, and shall give judgment according to the requirements of the law, confirming the decision if it is found to be in accordance with law and established practice, and annulling it if it is found to be contrary to the law. Before judgment is given, whether in the prize court or the court of appeal, a demand on the part of the interested persons to be joined to the action shall be heard. But actions against the de-