

SCHEDULE.

"NAVAL PRIZE ACT, 1864."

Section 2. In this Act—

The term "The Lords of the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral.

The term "The High Court of Admiralty" means the High Court of Admiralty of *England*.

The term "any of Her Majesty's ships of war" includes any of Her Majesty's vessels of war, and any hired armed ship or vessel in Her Majesty's service.

The term "officers and crew" includes Flag Officers, Commanders, and other officers, engineers, seamen, marines, soldiers, and others on board any of Her Majesty's ships of war.

The term "ship" includes vessel and boat, with the tackle, furniture, and apparel of the ship, vessel, or boat.

The term "ship papers" includes all books, passes, sea briefs, charter parties, bills of lading, cockets, letters, and other documents and writings delivered up or found on board a captured ship.

The term "goods" includes all such things as are by the course of Admiralty and law of nations the subject of adjudication as prize (other than ships).

5. An appeal shall lie to Her Majesty in Council from any Order or Decree of a Prize Court, as of right in case of a final Decree, and in other cases with the leave of the Court making the Order or Decree.

Every appeal shall be made in such manner and form, and subject to such Regulations (including Regulations as to fees, costs, charges, and expenses) as may for the time being be directed by Order in Council; and in the absence of any such Order, or so far as any such Order does not extend, then in such manner and form and subject to such Regulations as are for the time being prescribed or in force respecting maritime causes of appeal.

6. The Judicial Committee of the Privy Council shall have jurisdiction to hear and report on any such appeal, and may therein exercise all such powers as for the time being appertain to them in respect of appeals from any Court of Admiralty Jurisdiction, and all such powers as are under this Act vested in the High Court of Admiralty, and all such powers as were wont to be exercised by the Commissioners of Appeal in prize causes.

7. All processes and documents required for the purposes of any such appeal shall be transmitted to, and shall remain in the custody of, the Registrar of Her Majesty in Prize Appeals.

8. In every such appeal the usual inhibition shall be extracted from the Registry of Her Majesty in Prize Appeals within three months after the date of the Order or Decree appealed from if the appeal be from the High Court of Admiralty, and within six months after that date if it be from a Vice-Admiralty Prize Court.

The Judicial Committee may, nevertheless, on sufficient cause shown, allow the inhibition to be extracted, and the appeal to be presented after the expiration of the respective periods aforesaid.

16. Every ship taken as prize, and brought into port within the jurisdiction of a Prize Court, shall forthwith, and without bulk broken, be delivered up to the Marshal of the Court.

If there is no such Marshal, then the ship shall be in like manner delivered up to the principal officer of Customs at the port.

The ship shall remain in the custody of the Marshal, or of such officer, subject to the Orders of the Court.

17. The captors shall, with all practicable speed after the ship is brought into port, bring the ship papers into the Registry of the Court.

The officer in command, or one of the chief officers of the capturing ship, or some other person who was present at the capture, and saw the ship papers delivered up or found on board, shall make oath that they are brought in as they were taken, without fraud, addition, subduction, or alteration, or else shall account on oath to the satisfaction of the Court for the absence or altered condition of the ship papers, or any of them.

Where no ship papers are delivered up or found on board the captured ship the officer in command, or one of the chief officers of the capturing ship, or some other person who was present at the capture, shall make oath to that effect.

18. As soon as the affidavit as to ship papers is filed a monition shall issue, returnable within twenty days from the service thereof, citing all persons in general to show cause why the captured ship should not be condemned.

19. The captors shall, with all practicable speed after the captured ship is brought into port, bring three or four of the principal persons belonging to the captured ship before the Judge of the Court, or some person authorized in this behalf, by whom they shall be examined on oath on the standing interrogatories.

The preparatory examinations on the standing interrogatories shall, if possible, be concluded within five days from the commencement thereof.

20. After the return of the monition the Court shall, on production of the preparatory examinations and ship papers, proceed with all convenient speed either to condemn or to release the captured ship.

21. Where, on production of the preparatory examinations and ship papers, it appears to the Court doubtful whether the captured ship is good prize or not, the Court may direct further proof to be adduced, either by affidavit or by examination of witnesses, with or without pleadings, or by production of further documents; and on such further proof being adduced the Court shall with all convenient speed proceed to adjudication.

22. The foregoing provisions, as far as they relate to the custody of the ship and to examination on the standing interrogatories, shall not apply to ships of war taken as prize.

23. At any time before final decree made in the cause, any person claiming an interest in the ship may enter in the registry of the Court a claim, verified on oath.

Within five days after entering the claim, the claimant shall give security for costs in the sum of £60; but the Court shall have power to enlarge the time for giving security, or to direct security to be given in a larger sum, if the circumstances appear to require it.

24. The Court may, if it thinks fit, at any time direct that the captured ship be appraised.

Every appraisement shall be made by competent persons sworn to make the same according to the best of their skill and knowledge.

25. After appraisement the Court may, if it thinks fit, direct that the captured ship, be delivered up to the claimant on his giving security to the satisfaction of the Court to pay to the captors the appraised value thereof in case of condemnation.

26. The Court may at any time if it thinks fit, on account of the condition of the captured ship, or on the application of a claimant, order that the captured ship be appraised as aforesaid (if not already appraised), and be sold.

27. On or after condemnation the Court may,