

No. 535.—The following notification which appeared in the *London Gazette* of the 19th October, 1915, is published for general information.

BRITISH-OWNED CARGO ON AUSTRIAN VESSELS DETAINED IN ITALY.

FOREIGN OFFICE,
October 18, 1915.

With reference to the notification on the above subject which appeared in the *London Gazette* of August 10th, H.M. Ambassador at Rome has now communicated the text of Regulations drawn up by the Italian Prize Court, on September 14, 1915, laying down the procedure to be followed in all cases by persons claiming the release of goods on enemy vessels detained in Italy or the Italian Colonies:—

A translation of these Regulations is appended, together with a translation of the Italian Prize Court Regulations of June 26, 1915, referred to therein:—

(1)

(TRANSLATION.)

Italian Prize Court Regulations of September 14, 1915.

Article 1.—Action to obtain a decision as to the nationality of goods found on board enemy merchant ships detained in territorial ports or waters of the Kingdom or the Colonies at the outbreak of hostilities, is taken before the Prize Court at the instance of the Government Commissioner, and is subject to the rules laid down for deciding the legality of capture in the Internal Regulations of the Prize Court of the 26th June,* with the modifications provided in the following articles.

Article 2.—The period referred to in Article 7 of the Regulations of 26th June, 1915, is fixed at thirty days from the date of the publication in the Official Gazette of the Decree of the President announcing the deposit of the demand of the Government Commissioner.

Article 3.—The declaration prescribed by Article 8 of the Regulations of 26th June, 1915, indicating the party to the trial should contain:

- (a.) The name and Christian name or firm, the birthplace, nationality, residence or domicile of the party.
- (b.) The nature, quality and quantity, the marks and all countermarks on the goods the release of which is demanded.
- (c.) The name and nationality of the ship on which the goods were laden.
- (d.) The name and Christian name or firm, the nationality and residence or domicile of the consignor and of the consignee or commission agent.
- (e.) The election of domicile in Rome with designation of person with whom or office at which domicile has been elected.

Failing election of domicile, notifications are communicated by deposit at the office of the Secretary of the Prize Court.

The declaration should be signed by the party or by a lawyer practising at a Court of Appeal of the Realm furnished with a special power of attorney.

Article 4.—The party should annex to the declaration the bill of lading of the goods the release of which is demanded, and a certificate from the competent authorities of his own country attesting the nationality of the aforesaid party.

Such certificate should be legalised in the case of aliens by an Italian Diplomatic or Consular representative.

* See (2) below.

Article 5.—If the Bill of Lading is to order or to bearer, the holder of the bill of lading who demands release of the goods should show on what date he obtained possession of it.

Article 6.—For the effect of the laws respecting stamp taxes and registration fees the provisions of Article 22 of the Internal Regulations approved at the session of 26th June, 1915, are applicable to the decision as to the nationality of the goods.

(2)

(TRANSLATION.)

Regulations drawn up by the Italian Commission of Prizes, June 26, 1915.

Article 1.—The Commission is convoked by the president at any time that he may consider opportune.

The secretary will keep the minutes of the sittings of the Commission.

Article 2.—The Commission selects from among its members two vice-presidents.

In case of absence of the president, his duties shall be performed temporarily by one of the two vice-presidents.

Article 3.—In order to adhere as far as possible to the ordinary number of seven votes, the president may replace by a supplementary number any ordinary member who is prevented from attending. In filling up the vacancy he should observe as far as possible the standard of categories referred to in article 2 of the lieutenant-general's decree of the 30th May, 1915, No. 807.

Article 4.—The Ministry of Marine shall transmit to the Government Commission the acts to be submitted to the judgment of the Commission of Prizes, and shall notify the president that they have done so.

The Government commissioner may apply to any State authority, through the Ministry of Marine, for any further acts, documents or explanations which he may consider necessary.

Article 5.—The Government commissioner shall place the demand for the judgment in question before the Commission.

The demand must be attached to the dossier of the acts and deposited at the office of the secretary of the Commission.

Article 6.—The president, by decree, records that the deposit has been made. The decree is published in the Official Gazette by the secretary, and recapitulates articles 7 and 11 of these regulations. It shall be communicated immediately through the channel of the Ministry for Foreign Affairs to the diplomatic agents of the States entrusted with the protection of the interested parties as noted in the dossier.

Article 7.—The acts shall remain deposited in the secretary's office for ten days, counting for the date of publication in the Official Gazette of the decree referred to in the preceding article.

This period may be extended or shortened by the acting president either at the request of the Government commissioner or of one of the interested parties.

Article 8.—Within the period laid down by article 7, persons wishing to enter a plea against the legitimacy of the condemnation must personally, or through the intermediary of a lawyer inscribed on the roll of one of the appeal courts of the realm, furnished with a special mandate, assert their qualification and elect a domicile in Rome, notifying it at the office of the secretary of the Commission.

Parties are allowed to appear even after expiration of the period indicated above, but not later than the fifth day following the announcement that the preliminary examination (instruction) referred to in article 11 has been closed. In such case parties must come into proceedings at the stage in which they then stand.

Article 9.—The parties, when constituted, are at liberty to examine the acts deposited at the secretary's office, to present documents, and to put forward their requests and defence by means of memorials addressed to the president.

The memorials must be written in the Italian language.

Documents drawn up in foreign languages must be accompanied by an Italian translation duly legalised.

Article 10.—At the end of the period fixed by article 7, the president shall appoint a reporter and then convoke the Commission in Council, the Government commissioner being present, to examine whether or no further preliminary acts (acts of instruction) are necessary.

The Commission takes its decision on the point without the Government commissioner being present.

In the affirmative case, the president shall take steps to complete the preliminary acts, giving the necessary orders and delegating the reporter for the purpose, or should the latter be prevented, another of the members: the right to be present being reserved to the Government commissioner and to the parties interested.

The delegate for the preliminary examination (instruction) is assisted by the secretary of the Commission.

A *procès-verbal* is drawn up of the work of preliminary examination.

The Commission may also order the production of fresh acts and documents.

Article 11.—The president, after hearing what the reporter and Government commissioner have to say, declares the preliminary examination closed by an ordinance, of which notice is given to the parties at their domicile elected in Rome, which is published in the Official Gazette.

Article 12.—From the date on which the ordinance closing the instruction has been notified, a final period of five days is granted to the parties interested, within which fresh evidence may be presented at the office of the secretary.

Article 13.—The sitting for discussion of the case is fixed by a decree of the president after consultation with the Government commissioner.

Three days before that fixed for the discussion, the secretary shall notify the interested parties of the fact at their domicile elected in Rome.

Two days before the case is heard, the Government commissioner shall deposit his findings at the office of the secretary.

Article 14.—Except in the case of the deposit dealt with by article 6, the notifications are made to the parties by the secretary at their domicile elected in Rome by letter against receipt.

Article 15.—The president can, at the instance of the Government commissioner, on justifiable grounds, postpone a case to another sitting, when he will cause the parties to be notified accordingly.

Article 16.—At the sitting of the Commission to discuss the case, only the Government commissioner and the secretary may be present in addition to the lawyers of the regularly constituted parties.

The reporter shall submit the contents of the act, after which the lawyers have the right of addressing the Commission to explain succinctly the contentions of the parties to the issue.

Proceedings are terminated by an address of the Government commissioner.

Article 17.—At the conclusion of the discussion the Commission deliberate in council, when the Government commissioner, secretary, and lawyers are not allowed to be present.

The Commission may postpone judgment to a further sitting.

After votes have been taken, the president selects a member to draft the sentence.

Article 18.—The sentence must be signed by all the members who took part in the deliberation, and countersigned by the secretary. The sentence, for the purpose of publication, must be deposited in the secretary's office.

Article 19.—Copy of the sentence, and, when the case requires it, copy of the documents admitted at the preliminary examination, may be sent out by the secretary of the Commission, in the executive form prescribed by articles 556 and 557 of the Code of Civil Procedure.

Certified copies are issued by the secretary.

Article 20.—When the conditions of distribution of the objects captured and confiscated have been drawn up and published in accordance with article 241 of the Mercantile Marine Code for the settlement of claims, the interested parties should send to the president of the Commission a statement of the grounds on which they base their claims.

The Commission is then again convoked by the president, and, after hearing what the Government commissioners may have to say, shall then take a final decision.

Article 21.—The office of the secretary is open to the public on week days from 10 to 12 and from 4 to 6 and on holidays from 10 to 12.

Article 22.—The judgment as to the legality of capture given in name of the Government and the drawing up of the conditions of distribution are considered as done in the exclusive interest of the public service (and therefore not liable to stamp duties).

But the acts submitted or demanded during the case by private persons, and their documents, instances and pleas, as well as copies of the sentences, and the ordinances asked for by the parties, must be drawn up and delivered in accordance with the laws of the realm regulating stamp and registration duties.

The parties themselves must deposit beforehand with the secretary of the Commission the sheets of stamped paper necessary for drawing up the acts asked for or rendered necessary by them, and the estimated amount of registration duty, to which the decisions relative to the eventual acceptance of their instances are subject, to be calculated when the secretary has completed the formalities of registration.

No. 536.—The following lists which appeared in the *London Gazette* of the 8th, 15th and 22nd October, 1915, are published for general information.

CLAUD SEVERN,
Colonial Secretary.

10th December, 1915.

VESSELS DETAINED OR CAPTURED AT SEA BY
HIS MAJESTY'S ARMED FORCES.

(In continuation of the previous notification published in the "*Hongkong Government Gazette*" of the 19th November, 1915.)

LIST OF VESSELS.

Name & Tonnage.	Nationality.	Where Detained.	Name & Tonnage.	Nationality.	Where Detained.
Adjutant (133) ...	German ...	Grimsby	Nereus (133)	German ...	Grimsby
Blumenthal (141) .	German ...	Grimsby	Orion (158)	German ...	Newcastle
Burgermeister			Paul (153)	German ...	Grimsby
Smidt (145)	German ...	Grimsby	President Rose		
Burhave (218)	German ...	Grimsby	(159).....	German ...	Grimsby
Consul Crofitzon			Resie (155)	German ...	Grimsby
(2306)	Swedish ...	Swansea	St. Georg (142) ...	German ...	Grimsby
Darmstadt (158) ...	German ...	Newcastle	Sonntag (156)	German ...	Grimsby
Doktor Krugler			Sophie (182)	German ...	Grimsby
(218).....	German ...	Grimsby	Toni (130)	German ...	Grimsby
Dora (133)	German ...	Grimsby	Varel (137)	German ...	Grimsby
Elma (133)	German ...	Grimsby	West (112)	German ...	Grimsby
Heppens (170).....	German ...	Grimsby	Wulsdorf (140) ...	German ...	Grimsby
Herbert (149)	German ...	Grimsby	Wurzburg (224) ...	German ...	Grimsby
Jutland	German ...	Grimsby			