

## CHAPTER X.

## PROCEDURE.

Prizes must be brought into a convenient port for adjudication.

§ 281. By long custom all prizes must be judged, and it is therefore the duty of the captors to bring the vessel or cargo seized into a convenient port for adjudication. The propriety or rather the necessity of acting upon this rule is based on the principle that the property of private persons must not be converted without due process of law. If the captors from any cause whatsoever neglect to submit the case to the Court, it is always open to the claimants to apply to the judge for an order that the captors do proceed to adjudication.<sup>1</sup> Moreover, if after a cause has been instituted, the captors fail to proceed effectively with the case, the Court has the power, on the application of a claimant, to order the property to be released and restored to the claimant and may, further, condemn the captors in damages and costs.<sup>2</sup>

Competent tribunals of adjudication.

§ 282. The natural tribunals of adjudication, under present municipal legislations, are the Prize

<sup>1</sup> *The Huldah* (1801), 3 C. Rob. 235; *The William* (1802), 4 *ibid.*, 214; *The St. Juan Baptista* (1803), 5 *ibid.*, 33; *The Susanna* (1805), 6 *ibid.*, 48; Naval Prize Act, 1864, s. 32, and Rule 4 of Order V. of the P. C. R. Continental practice differs considerably in this respect from the English system as it does not allow a claimant to apply to the Prize Court for an order of adjudication. The Court is only competent to adjudicate on claims submitted to it by the captors. See, for an instance of this rule, the judgment of the French Prize Court in *The Athena*, [1918] J. O., December 17, 1918, 10848.

<sup>2</sup> *The William* (1802), 4 C. Rob. 214; *The Susanna* (1805), 6 *ibid.*, 48. And rule 3 of Order V. of the P. C. R.