

counsel that the Prize Court had jurisdiction, and, in fact was under an obligation to enforce the rules of the Hague Convention, said:

"The jurisdiction of a Court of Prize does not embrace the whole region covered by international law. It is confined to taking cognizance of, and adjudicating upon, certain matters (including capture at sea), which in former times were enumerated in the royal commissions under which the Court was constituted, and are now defined both by statute and by the royal commission issued at the beginning of the war—see Naval Prize Act, 1864 (3) (27 & 28 Vict. c. 25), s. 55, sub-s. 5, Judicature Act, 1891 (54 & 55 Vict. c. 53), s. 4, sub-s. 1, and Royal Commission of August 6, 1914."¹

In the case of the *Roumanian*² Sir Samuel Evans referring to the royal commission issued to the Prize Court at the beginning of the late war as the source of its jurisdiction, said:

"By this commission the Court is 'authorized and required to take cognizance of and judicially to proceed upon all and all manner of captures, seizures, prizes, and reprisals of all ships, vessels and goods that are or shall be taken, and to hear and determine the same; and according to the course of admiralty and the law of nations, and the statutes, rules and regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels and goods as shall belong to the German Empire or the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories or dominions of the said German Empire, which shall be brought before you for trial and condemnation.'"

The jurisdiction thus conferred was broadly interpreted by the Prize Courts, so that in practice it was made to embrace nearly all claims and controversies arising in connection with maritime capture—a goodly number in fact over which the prize tribunals of various other countries declared themselves to be without jurisdiction.

Sec. 35. *The Same. Italy and Siam.* The jurisdiction of the Italian Prize Commission is declared by article 225 of the Merchant Marine Code to be the determination of the validity of the capture and the liability to confiscation of prizes taken. By the decree of May 30, 1915, relative to the treatment of enemy merchant vessels sequestered in Italian ports at the out-jurisdiction of the British Prize Court see 140 *Law Times* (1915-1916), 417 ff. and 437 ff.

¹The Naval Prize Act, 1864, expressly reserves the jurisdiction and authority of the Prize Court "to take cognizance of and judicially proceed upon any capture, seizure, prize or reprisal of any ship or goods, and to hear and determine the same, according to the course of Admiralty and the law of nations, to adjudge and condemn any ship or goods" and also "any other jurisdiction or authority of, or exercisable by a Prize Court."

²1 *Lloyd* 191; 1 *Br. & Col. Pr. Cas.* at p. 85.