

Serial Number 1939/156.



**THE SUPREME COURT EMERGENCY RULES 1939.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of  
September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section 3 of the Judicature Amendment Act, 1930, His Excellency the Governor-General, acting with the advice and consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and seven of the other members of the Rules Committee constituted under the Judicature Amendment Act, 1930 (four of such other members being Judges of the Supreme Court), doth hereby make the following rules amending the Code of Civil Procedure set forth in the Second Schedule to the Judicature Act, 1908.

RULES.

1. These rules may be cited as the Supreme Court Emergency Rules 1939.
2. These rules shall come into force on the day following publication hereof in the *Gazette*.
3. The Code of Civil Procedure set forth in the Second Schedule to the Judicature Act, 1908, is hereby amended by inserting therein following Rule 531cc thereof the following additional rules:—

531DD. Upon any application to the Supreme Court for a grant of probate or letters of administration or for the resealing in New Zealand of a probate or letters of administration within the meaning of Part II of the Administration Act, 1908, the applicant shall file his affidavit stating whether he is or is not an alien enemy within the meaning of the Enemy Property Emergency Regulations 1939 or any regulations for the time being in force replacing those regulations, and in the former case shall set out that the written consent of the Attorney-General has been given to the making of the application, and that consent shall be annexed to the affidavit.

531EE. Upon any application to the Supreme Court for a grant of probate or letters of administration or for the resealing in New Zealand of a probate or letters of administration as aforesaid there shall also be filed an affidavit, made by some person with a knowledge of the facts stating to the best of the deponent's knowledge, information, and belief whether the deceased person was or was not at the time of his death an alien enemy within the meaning of the Enemy Property Emergency Regulations 1939 or any regulations for the time being in force replacing those regulations, and in the former case the affidavit shall set out that the written consent of the Attorney-General has been given to the making of the application, and that consent shall be annexed to the affidavit.

C. A. JEFFERY,  
Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.  
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