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Bringing Amendments of Prize Court Rules, 1914, into Operation in New Zealand.

[L.S.] LIVERPOOL, Governor.
 A PROCLAMATION.

WHEREAS by Order in Council dated the fifth day of August, one thousand nine hundred and fourteen, His Majesty the King in Council did make rules of Court, therein called the Prize Court Rules, 1914: And whereas by a further Order in Council dated the thirtieth day of September, one thousand nine hundred and fourteen, and hereinafter set forth, His Majesty the King in Council did amend the said Prize Court Rules, 1914: And whereas by a Proclamation bearing date the twenty-ninth day of August, one thousand nine hundred and fourteen, and published in the *New Zealand Gazette* of the same date, His Excellency the Governor of the Dominion of New Zealand did proclaim in New Zealand the said Prize Court Rules, 1914, and declare the said rules to be in force therein: And whereas it is expedient to proclaim in New Zealand the above-recited amendment of the said rules:

Now, therefore, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, do hereby proclaim in New Zealand the amendments of the said Prize Court Rules, 1914, as contained in the Order in Council set out in the Schedule hereto, and do hereby declare that the said amendments are in force in this Dominion accordingly.

SCHEDULE.

ORDER IN COUNCIL AMENDING THE PRIZE COURT RULES, 1914.

At the Court at Buckingham Palace, the 30th day of September, 1914.

Present:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section three of the Prize Courts Act, 1894, His Majesty in Council is authorized to make rules of Court for regulating, subject to the provisions of the Naval Prize Act, 1864, and the said Act,

the procedure and practice of Prize Courts, within the meaning of the Naval Prize Act, 1864, and the duties and conduct of the officers thereof and of the practitioners therein, and for regulating the fees to be taken by the officers of the Courts, and the costs, charges, and expenses to be allowed to the practitioners therein: And whereas in pursuance of the Prize Court Act, 1894, certain rules were made by His Majesty's Order in Council dated the fifth day of August, one thousand nine hundred and fourteen: And whereas it is expedient that the said rules should be amended: And whereas on account of urgency this order should come into immediate operation:

Now, therefore, His Majesty, by virtue of the powers in that behalf by the said Act or otherwise in him vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered as follows:—

1. That in Order 28 (Detention) of the said rules, Rule 3 shall be omitted, and this omission shall be retrospective, and shall take effect as if the said rule had never been inserted in the said rules.

2. That in Order 29 (Requisition by Admiralty) of the said rules, the following words shall be omitted: In Rules 1 and 3 the words "on motion." In Rule 1 the words "Form of notice of motion will be found in Appendix A No. 54." In Rule 4 the words "by motion."

3. That the following rules shall be added to the aforesaid Order 29, after Rule 4 thereof:—

4A. Notwithstanding anything contemplated in this Order, the Court shall, on the request of the proper officer of the Crown, accept in lieu of payment into Court an undertaking in writing signed by the proper officer of the Crown for payment into Court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under Rule 4 of this Order, as the case may be, at such time or times as the Court shall declare by order that the same or any part thereof is required for the purpose of payment out of Court.

4B. Where in any case of requisition under this Order it is made to appear to the Judge on behalf of the Crown that the Lords of the Admiralty desire to requisition for the ship temporarily, the Court may, in lieu of an order of release, make an order for the temporary delivery of the ship to the Lords of the Admiralty, and subject as aforesaid the provisions of this order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the Court, the Court may make such order as it thinks fit for the return to the Crown of the money paid into Court, or some or any part thereof, or the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to be paid thereby, as the case may be; and provided also that where the ship so requisitioned is subject to the provisions of Order 28, Rule 1, relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered during such temporary delivery as aforesaid.

4. That form number 54 in Appendix A to the said rules shall be omitted.

5. This order shall take effect provisionally in accordance with the provisions of section 2 of the Rules Publication Act, 1893, from the date hereof.

ALMERIC FITZROY.

Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the Seal of the said Dominion, at the Government House at Wellington, this twelfth day of October, in the year of our Lord one thousand nine hundred and fourteen.

A. L. HERDMAN,
Minister of Justice.

THE following Proclamations and Order in Council issued by His Majesty the King are published by His Excellency the Governor for the information of the public.

BY THE KING.

A PROCLAMATION.

SPECIFYING THE ARTICLES TO BE TREATED AS CONTRABAND OF WAR.

GEORGE R.I.

WHEREAS a state of War exists between Us on the one hand and the German Empire on the other: And whereas it is necessary to specify the articles which it is Our intention to treat as Contraband of War:

Now, therefore, We do hereby declare, by and with the advice of Our Privy Council, that during the continuance of the War, or until We do give further public notice, the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband:—

SCHEDULE I.

The following articles will be treated as absolute contraband:—

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
5. Clothing and equipment of a distinctively military character.
6. All kinds of harness of a distinctively military character.
7. Saddle, draught, and pack animals suitable for use in war.
8. Articles of camp equipment, and their distinctive component parts.
9. Armour plates.
10. Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
11. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and aircraft.
12. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

SCHEDULE II.

The following articles will be treated as conditional contraband:—

1. Foodstuffs.
2. Forage and grain, suitable for feeding animals.
3. Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds available for use in war, and their component parts.
6. Vessels, craft and boats of all kinds; floating docks, parts of docks, and their component parts.
7. Railway material, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel; lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Barbed wire, and implements for fixing and cutting the same.
11. Horse-shoes and shoeing materials.
12. Harness and saddlery.
13. Field-glasses, telescopes, chronometers, and all kinds of nautical instruments.

Given at Our Court at Buckingham Palace this fourth day of August, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING!

Order in Council in relation to Declaration of London.

At the Court at Buckingham Palace, the twentieth day of August, 1914.

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS during the present hostilities the Naval Forces of His Majesty will co-operate with the French and Russian Naval Forces : And whereas it is desirable that the Naval operations of the Allied Forces so far as they affect neutral ships and commerce should be conducted on similar principles : And whereas the Governments of France and Russia have informed His Majesty's Government that during the present hostilities it is their intention to act in accordance with the provisions of the Convention known as the Declaration of London, signed on the twenty-sixth day of February, one thousand nine hundred and nine, so far as may be practicable :

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that during the present hostilities the Convention known as the Declaration of London shall, subject to the following additions and modifications, be adopted and put in force by His Majesty's Government as if the same had been ratified by His Majesty.

The additions and modifications are as follows :—

1. The list of absolute and conditional contraband contained in the Proclamation dated August 4th, 1914, shall be substituted for the lists contained in Articles twenty-two and twenty-four of the said Declaration.

2. A neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.

3. The destination referred to in Article thirty-three may be inferred from any sufficient evidence, and (in addition to the presumption laid down in Article thirty-four) shall be presumed to exist if the goods are consigned to or for an agent of the enemy State or to or for a merchant or other person under the control of the Authorities of the enemy State.

4. The existence of a blockade shall be presumed to be known (a) to all ships which sailed from or touched at an enemy port a sufficient time after the notification of the blockade to the local authorities to have enabled the enemy Government to make known the existence of the blockade, (b) to all ships which sailed from or touched at a British or allied port after the publication of the declaration of blockade.

5. Notwithstanding the provisions of Article thirty-five of the said Declaration, conditional contraband, if shown to have the destination referred to in Article thirty-three, is liable for capture to whatever port the vessel is bound and at whatever port the cargo is to be discharged.

6. The General Report of the Drafting Committee on the said Declaration presented to the Naval Conference and adopted by the Conference at the eleventh plenary meeting on February 25th, 1909, shall be considered by all Prize Courts as an authoritative statement of the meaning and intention of the said Declaration, and such Courts shall construe and interpret the provisions of the said Declaration by the light of the commentary given therein. And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

BY THE KING.

A PROCLAMATION.

SPECIFYING CERTAIN ADDITIONAL ARTICLES WHICH ARE TO BE TREATED AS CONTRABAND OF WAR.

GEORGE R.I.

WHEREAS on the fourth day of August last we did issue Our Royal Proclamation specifying the articles which it was Our intention to treat as Contraband of War during War between Us and the German Emperor :

And whereas on the twelfth day of August last We did by Our Royal Proclamation of that date extend Our Proclamation aforementioned to the War between Us and the Emperor of Austria, King of Hungary :

And whereas by an Order in Council of the twentieth day of August, one thousand nine hundred and fourteen, it was ordered that during the present hostilities the Convention known as the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force as if the same had been ratified by Us :

And whereas it is desirable to add to the list of articles to be treated as Contraband of War during the present War :

And whereas it is expedient to introduce certain further modifications in the Declaration of London as adopted and put in force :

Now, therefore, We do hereby declare, by and with the advice of Our Privy Council, that during the continuance of the War, or until We do give further public notice, the articles enumerated in the Schedule hereto will, notwithstanding anything contained in Article twenty-eight of the Declaration of London, be treated as conditional contraband.

SCHEDULE.

Copper, unwrought. Lead, pig, sheet, or pipe. Glycerine. Ferrochrome. Haematite iron ore. Magnetic iron ore. Rubber. Hides and skins, raw or rough tanned (but not including dressed leather).

Given at Our Court at Buckingham Palace this twenty-first day of September, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING!

BY THE KING.

A PROCLAMATION.

PROHIBITING BRITISH VESSELS FROM CARRYING CONTRABAND FROM ONE FOREIGN PORT TO ANY OTHER FOREIGN PORT.

GEORGE R.I.

WHEREAS a state of War exists between Us on the one hand and the German Empire on the other :

And whereas We have by Proclamation warned all persons resident, carrying on business, or being in Our Dominions that it is contrary to law for them to have any commercial intercourse with any person resident, carrying on business, or being in the said Empire, or to trade in or carry any goods, wares, or merchandise destined for or coming from the said Empire, or for or from any person resident, carrying on business, or being therein :

Now, We do hereby further warn all Our subjects that conformably with that prohibition it is forbidden to carry in British Vessels from any Foreign Port to any other Foreign Port any article comprised in the list of Contraband of War issued by Us unless the shipowner shall have first satisfied himself that the articles are not intended ultimately for use in the enemy country. Any British Vessel acting in contravention of this Proclamation will be liable to capture by Our Naval Forces and to be taken

before Our Prize Courts for adjudication, and any of Our subjects acting in contravention of this Proclamation will be liable to such penalties as the law prescribes.

Given at Our Court at Buckingham Palace this fifth day of August, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING!

BY THE KING.

A PROCLAMATION.

EXTENDING THE SCOPE OF CERTAIN EXISTING PROCLAMATIONS AND A CERTAIN ORDER IN COUNCIL CONNECTED WITH THE WAR.

GEORGE R.I.

WHEREAS on the fourth day of August, one thousand nine hundred and fourteen, a state of War came into existence between Us on the one hand and the German Empire on the other :

And whereas We did on the same date and on the fifth day of August, one thousand nine hundred and fourteen, issue certain Proclamations and Orders in Council connected with such state of War :

And whereas a state of War now exists between Us on the one hand and the Dual Monarchy of Austria-Hungary on the other :

And whereas it is therefore desirable to extend the scope of certain of the Proclamations and Orders in Council aforesaid :

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring and it is hereby declared as follows :—

1. The Proclamation warning all Our Subjects and all persons resident or being in Our Dominions from contributing to, or participating in, or assisting in the floating of any loan raised on behalf of the German Government, or from advancing money to or entering into any contract or dealings whatsoever with the said Government, or otherwise aiding, abetting, or assisting the said Government, shall be deemed as from this date to apply to all loans raised on behalf of, or contracts or dealings entered into with, or to aiding, abetting, or assisting the Austro-Hungarian Government.

* 2. The Proclamation on Trading with the Enemy shall be deemed as from this date to prohibit with the Dual Monarchy of Austria-Hungary all commercial intercourse which under the said Proclamation is prohibited with the German Empire, and for this purpose such Proclamation shall be read as if throughout the operative portion thereof the words "either the German Empire or the Dual Monarchy of Austria-Hungary" were substituted for the words "the German Empire."

* Paragraph 2 was revoked by Proclamation of 9th September, 1914, relating to trading with the enemy. See *New Zealand Gazette*, 1914, page 3547.

3. (1.) In the Order in Council issued with reference to the departure from Our Ports of enemy vessels, which at the outbreak of hostilities were in any such Port or which subsequently entered the same, the word "enemy," as applied to either ships or cargo, shall be deemed as from this date to include Austro-Hungarian ships or cargo.

(2.) In the application of this Article to Austro-Hungarian ships the date Saturday, the fifteenth day of August, shall be substituted for the date mentioned in Article 2 of the said Order in Council, and the date Saturday, the twenty-second day of August, shall be substituted for the date mentioned in Article 3 of the said Order in Council.

4. The Proclamation specifying the articles which it is Our intention to treat as Contraband of War during the War with Germany shall be deemed to specify the articles which it is Our intention to treat as Contraband of War during the War with Austria-Hungary.

5. In the Proclamation forbidding the carriage in British vessels from any Foreign Port to any other Foreign Port of any article comprised in the list of Contraband of War issued by Us, unless the shipowner shall have first satisfied himself that the articles are not intended ultimately for use in the enemy country, the words "enemy country" shall be deemed as from this date to include the Dual Monarchy of Austria-Hungary.

Given at Our Court at Buckingham Palace this twelfth day of August, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING!

BY THE KING.
A PROCLAMATION.
RELATING TO TRADING WITH THE ENEMY.
GEORGE R.I.

WHEREAS it is desirable to amend Our Proclamation of the ninth day of September, one thousand nine hundred and fourteen, called "The Trading with the Enemy Proclamation, Number two":

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring and it is hereby declared as follows:—

1. Paragraph five, heading (6), of the Trading with the Enemy Proclamation, Number two, is hereby revoked, and in lieu thereof the following heading shall be inserted in the said paragraph five as from the date hereof:—

(6.) "Not to make or enter into any new marine, life, fire, or other policy or contract of insurance (including reinsurance) with or for the benefit of an enemy; nor to accept or give effect to any insurance of any risk arising under any policy or contract of insurance (including reinsurance) made or entered into or for the benefit of an enemy before the outbreak of war; and in particular, as regards treaties or contracts of reinsurance current at the outbreak of war to which an enemy is a party or in which an enemy is interested, not to cede to the enemy or to accept from the enemy under any such treaty or contract any risk arising under any policy or contract of insurance (including reinsurance) made or entered into after the outbreak of war, or any share in any such risk."

2. (1.) The expression "Order in Council made and published on the recommendation of a Secretary of State" in paragraph five, heading (10), of the Trading with the Enemy Proclamation, Number two, shall, as regards persons resident, carrying on business, or being in Our Dominions beyond the Seas, be taken to mean an Order of the Governor in Council published in the *Official Gazette*.

(2.) The expression "Governor in Council" in this paragraph means as respects Canada the Governor-General of Canada in Council, as respects India the Governor-General of India in Council, as respects Australia the Governor-General of Australia in Council, as respects New Zealand the Governor of New Zealand in Council, as respects the Union of South Africa the Governor-General of the Union of South Africa in Council, as respects Newfoundland the Governor of Newfoundland in Council, and as respects any other British Possession the Governor of that Possession in Council.

3. The power to grant licenses on Our behalf vested by paragraph eight of the Trading with the Enemy Proclamation, Number two, in a Secretary of State may be exercised in Canada, India, Australia, and the Union of South Africa by the Governor-General, and in any British Possession not included within the limits of Canada, India, Australia, or South Africa by the Governor.

4. In this Proclamation the expression "Governor-General" includes any person who for the time being has the powers of the Governor-General, and the expression "Governor" includes the Officer for the time being administering the Government.

5. Notwithstanding anything contained in paragraph six of the Trading with the Enemy Proclamation, Number two, where an enemy has a branch locally situated in British, allied, or neutral territory, which carries on the business of insurance or reinsurance of whatever nature, transactions by or with such branch in respect of the business of insurance or reinsurance shall be considered as transactions by or with an enemy.

6. This Proclamation shall be read as one with the Trading with the Enemy Proclamation, Number two.

Given at Our Court at Buckingham Palace this eighth day of October,
in the year of Our Lord one thousand nine hundred and fourteen,
and in the fifth year of Our Reign.

GOD SAVE THE KING!

Government House,
Wellington, 12th October, 1914.

LIVERPOOL, Governor.