

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.