



THE
NEW ZEALAND GAZETTE
 EXTRAORDINARY.

Published by Authority.

WELLINGTON, SATURDAY, AUGUST 15, 1914.

HIS Excellency the Governor has it in command from His Majesty the King to publish the following Order in Council and Proclamations for the information of the public.

ORDER IN COUNCIL

FOR THE

GRANTING OF DAYS OF GRACE.

HIS MAJESTY, being mindful (now that a state of war exists between this country and Austro-Hungary) of the recognition accorded to the practice of granting days of grace to enemy merchant ships by the Convention relative to the Status of Enemy Merchant Ships at the Outbreak of Hostilities, signed at The Hague on the 18th October, 1907, and being desirous of lessening, so far as may be practicable, the injury caused by war to peaceful and unsuspecting commerce, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows:—

1. From and after the publication of this Order no enemy merchant ship shall be allowed to depart, except in accordance with the provisions of this Order, from any British port or from any ports in any Native State in India, or in any of His Majesty's Protectorates, or in any State under His Majesty's protection, or in Cyprus.

2. In the event of one of His Majesty's Principal Secretaries of State being satisfied by information reaching him not later than midnight on Saturday, the fifteenth day of August instant, that the treatment accorded to British merchant ships and their cargoes which at the date of the outbreak of hostilities were in the ports of the enemy, or which subsequently entered them, is not less favourable than the treatment accorded to enemy merchant ships by Articles 3 to 7 of this Order, he shall notify the Lords Commissioners of His Majesty's Treasury and the Lords Commissioners of the Admiralty accordingly, and public notice thereof shall forthwith be given in the *London Gazette*, and Articles 3 to 8 of this Order shall thereupon come into full force and effect.

3. Subject to the provisions of this Order, enemy merchant ships which—

(i.) At the date of the outbreak of hostilities were in any port in which this Order applies; or

(ii.) Cleared from their last port before the declaration of war, and, after the outbreak of hostilities, enter a port to which this Order applies, with no knowledge of the war—

shall be allowed up till midnight (Greenwich mean time) on Saturday, the twenty-second day of August instant, for loading or unloading their cargoes, and for departing from such port:

Provided that such vessels shall not be allowed to ship any contraband of war, and any contraband of war already shipped on such vessels must be discharged.

4. Enemy merchant ships which cleared from their last port before the declaration of war, and which with no knowledge of the war arrive at a port to which this Order applies after the expiry of the time allowed by Article 3 for loading or unloading cargo and for departing, and are permitted to enter, may be required to depart either immediately, or within such time as may be considered necessary by the Customs Officer of the port for the unloading of such cargo as they may be required or specially permitted to discharge :

Provided that such vessels may, as a condition of being allowed to discharge cargo, be required to proceed to any other specified British port, and shall there be allowed such time for discharge as the Customs Officer of that port may consider to be necessary :

Provided also that, if any cargo on board such vessel is contraband of war or is requisitioned under Article 5 of this Order, she may be required before departure to discharge such cargo within such time as the Customs Officer of the port may consider to be necessary ; or she may be required to proceed, if necessary under escort, to any other of the ports specified in Article 1 of this Order, and shall there discharge the contraband under the like conditions.

5. His Majesty reserves the right recognized by the said Convention to requisition at any time, subject to payment of compensation, enemy cargo on board any vessel to which Articles 3 and 4 of this Order apply.

6. The privileges accorded by Articles 3 and 4 are not to extend to cable ships or to sea-going ships designed to carry oil fuel, or to ships whose tonnage exceeds 5,000 tons gross, or whose speed is 14 knots or over, regarding which the entries in Lloyd's Register shall be conclusive for the purposes of this Article. Such vessels will remain liable on adjudication by the Prize Court to detention during the period of the war, or to requisition, in accordance, in either case, with the Convention aforesaid. The said privileges will also not extend to merchant ships which show by their build that they are intended for conversion into warships, as such vessels are outside the scope of the said Convention, and are liable on adjudication by the Prize Court to condemnation as prize.

7. Enemy merchant ships allowed to depart under Articles 3 and 4 will be provided with a pass indicating the port to which they are to proceed, and the route they are to follow.

8. A merchant ship which, after receipt of such a pass, does not follow the course indicated therein will be liable to capture.

9. If no information reaches one of His Majesty's Principal Secretaries of State by the day and hour aforementioned to the effect that the treatment accorded to British merchant ships and their cargoes which were in the ports of the enemy at the date of the outbreak of hostilities, or which subsequently entered them, is, in his opinion, not less favourable than that accorded to enemy merchant ships by Articles 3 to 8 of this Order, every enemy merchant ship which on the outbreak of hostilities was in any port to which this Order applies, and also every enemy merchant ship which cleared from its last port before the declaration of war, but which, with no knowledge of the war, enters a port to which this Order applies, shall, together with the cargo on board thereof, be liable to capture, and shall be brought before the Prize Court forthwith for adjudication.

10. In the event of information reaching one of His Majesty's Principal Secretaries of State that British merchant ships which cleared from their last port before the declaration of war, but are met with by the enemy at sea after the outbreak of hostilities, are allowed to continue their voyage without interference with either the ship or the cargo, or after capture are released with or without proceedings for adjudication in the Prize Court or are to be detained during the war or requisitioned in lieu of condemnation as prize, he shall notify the Lords Commissioners of the Admiralty accordingly, and shall publish a notification thereof in the *London Gazette*, and in that event, but not otherwise, enemy merchant ships which cleared from their last port before the declaration of war, and are captured after the outbreak of hostilities and brought before the Prize Courts for adjudication, shall be released or detained or requisitioned in such cases and upon such terms as may be directed in the said notification in the *London Gazette*.

11. Neutral cargo, other than contraband of war, on board an enemy merchant ship which is not allowed to depart from a port to which this Order applies shall be released.

12. In accordance with the provisions of Chapter III of the Convention relative to certain Restrictions on the Exercise of the Right of Capture in Maritime War, signed at The Hague on the 18th October, 1907, an undertaking must, whether the merchant ship is allowed to depart or not, be given in writing by each of the officers and members of the crew of such vessel, who is of enemy nationality, that he will not, after the conclusion of the voyage for which the pass is issued, engage while hostilities last in any service connected with the operation of the war. If any such officer is of neutral nationality, an undertaking must be given in writing that he will not serve, after the conclusion of the voyage for which the pass is issued, on any enemy ship while hostilities last. No undertaking is to be required from members of the crew who are of neutral nationality.

Officers or members of the crew declining to give the undertakings required by this Article will be detained as prisoners of war.

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, and all Governors, Officers, and authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

Proclamation setting forth the Law and Policy with regard to Trading with the Enemy.

BY THE KING.

A PROCLAMATION.

GEORGE R.I.

WHEREAS a state of war exists between Us and the Emperor of Austria: And whereas it is contrary to law for any person resident, carrying on business, or being in Our dominions to trade or have any commercial intercourse with any person resident, carrying on business, or being in the Austro-Hungarian Empire without Our permission: And whereas it is therefore expedient and necessary to warn all persons resident, carrying on business, or being in Our dominions of their duties and obligations towards Us, Our Crown, and Government:

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and We do hereby warn all persons resident, carrying on business, or being in Our dominions: Not to supply to or obtain from the said Empire any goods, wares, or merchandise, or to supply to or obtain the same from any person resident, carrying on business, or being therein, nor to supply to or obtain from any person any goods, wares, or merchandise for or by way of transmission to or from the said Empire, or to or from any person resident, carrying on business, or being therein, nor 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: Nor to permit any British ship to leave for, enter, or communicate with any port or place in the said Empire: Nor to make or enter into any new marine, life, fire, or other policy or contract of insurance with or for the benefit of any person resident, carrying on business, or being in the said Empire, nor under any existing policy or contract of insurance to make any payment to or for the benefit of any such person in respect of any loss due to the belligerent action of His Majesty's Forces or of those of any ally of His Majesty: Nor to enter into any new commercial, financial, or other contract or obligation with or for the benefit of any person resident, carrying on business, or being in the said Empire: And we do hereby further warn all persons that whoever in contravention of the law shall commit, aid, or abet any of the aforesaid acts will be liable to such penalties as the law provides:

And We hereby declare that any transactions to, with, or for the benefit of any person resident, carrying on business, or being in the said Empire which are not treasonable and are not for the time being expressly prohibited by Us either by virtue of this Proclamation or otherwise, and which but for the existence of the state of war aforesaid would be lawful, are hereby permitted:

And We hereby declare that the expression "person" in this Proclamation shall include any body of persons corporate or unincorporate, and that where any person has or had an interest in houses or branches of business in some other country as well as in Our dominions, or in the said Empire (as the case may be), this Proclamation shall not apply to the trading or commercial intercourse carried on by such persons solely from or by such houses or branches of business in such other country.

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!

A Proclamation by the King notifying that British Subjects contributing to a Loan raised on behalf of the Emperor of Austria or contracting with the Austro-Hungarian Government will be guilty of High Treason, as adhering to the King's Enemies.

—
BY THE KING.

A PROCLAMATION.

GEORGE R.I.

WHEREAS a state of war exists between Us and the Emperor of Austria : And whereas it constitutes adherence to Our enemies for any of Our subjects or persons resident or being in Our dominions during the continuance of the state of war to contribute to or participate in or assist in the floating of any loan raised on behalf of the said Emperor or to advance money to or enter into any contract or dealings whatsoever with the said Emperor or his Government (save upon Our command), or otherwise to aid, abet, or assist the said Emperor or Government :

Now, therefore, We do hereby warn all Our subjects and all persons resident or being in Our dominions who may be found doing or attempting any of such treasonable acts as aforesaid that they will be liable to be apprehended and dealt with as traitors, and will be proceeded against with the utmost rigour of the law.

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 !

LIVERPOOL, Governor.

Government House,
Wellington, 15th August, 1914.

By Authority : JOHN MACKAY, Government Printer, Wellington.