



THE
NEW ZEALAND GAZETTE.
 EXTRAORDINARY.

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WELLINGTON, THURSDAY, AUGUST 27, 1914.

Constitution of Prize Courts.

[L.S.]

LIVERPOOL. Governor and Vice-Admiral.

A PROCLAMATION.

WHEREAS by section two of the Prize Courts Act, 1894 (Imperial), it is enacted that any Commission, Warrant, or instructions from His Majesty the King or the Admiralty for the purpose of commissioning or regulating the procedure of a Prize Court in a British possession may, notwithstanding the existence of peace, be issued at any time, with a direction that the Court shall act only upon Proclamation made in that possession by the Vice-Admiral thereof that war has broken out between His Majesty and any foreign State: And whereas in pursuance of the said enactment the Lords of the Admiralty have by Warrant under the Seal of the Office of Admiralty, and dated the seventeenth day of August, one thousand eight hundred and ninety-nine, authorized and required the Supreme Court of New Zealand and the Chief Justice of New Zealand and all others the Judges for the time being of the said Court, upon Proclamation being made as aforesaid, to take cognizance of and judicially to proceed upon all manner of captures, recaptures, seizures, prizes, and reprisals of all ships, vessels, and goods which shall on the outbreak of war have been already seized and taken, or which shall thereafter be seized and taken, and which are or shall be brought within the limits of the said Court, and all other matters of prize falling within the jurisdiction of the said Court, and to hear and determine the same according to the course of Admiralty and the Law of Nations and the statutes, rules, and regulations in that behalf for the time being in force, and to adjudge and condemn all such ships, vessels, and goods as shall belong to the foreign State named in such Proclamation, or to the subjects of such State, or to any others inhabiting within any of the countries, territories, or dominions of the same, or which are otherwise condemnable as prize and which shall be brought before the said Supreme Court for adjudication and condemnation:

Now, therefore, in pursuance and exercise of the authority conferred upon me by section two of the Prize Courts Act, 1894, I, Arthur William de Brito Savile, Earl of Liverpool, Governor and Vice-Admiral of the Dominion of New Zealand, being satisfied by information received by me from the Secretary of State for the Colonies in that behalf, do hereby proclaim that war has broken out between His Majesty the King and certain foreign States, to wit, the Empire of Germany and the Empire of Austria-Hungary, and do hereby declare that the Supreme Court of New Zealand is authorized and required accordingly to exercise jurisdiction as a Prize Court accordingly under the Naval Prize Acts, 1864-1914 (Imperial), and all Acts, rules, and regulations in that behalf.

Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. 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 Vice-Admiral of the same; and issued under the Seal of the said Dominion, at the Government House at Wellington, this twenty-seventh day of August, in the year of our Lord one thousand nine hundred and fourteen.

A. L. HERDMAN,
Minister of Justice.

GOD SAVE THE KING!

His Excellency the Governor has it in Command from His Majesty the King to publish the following Order in Council for the Information of the Public.

ORDER IN COUNCIL.

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, 1909, 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 4th August, 1914, shall be substituted for the lists contained in articles twenty-two and twenty-four of the said Declaration.

2. A neutral vessel which succeeds 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 to 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 the 25th February, 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.

LIVERPOOL, Governor.

Government House,
Wellington, 27th August, 1914.