



THE
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 EXTRAORDINARY.

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WELLINGTON, TUESDAY, APRIL 13, 1915.

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

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 Orders in Council dated respectively the twenty-eighth day of November, one thousand nine hundred and fourteen, and the twenty-third day of March, one thousand nine hundred and fifteen, His Majesty the King 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 amendments 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 above-recited Orders in Council of the twenty-eighth day of November, one thousand nine hundred and fourteen, and the twenty-third day of March, one thousand nine hundred and fifteen, and as set out in the Schedule hereto, and do hereby declare that the said amendments are in force in this Dominion accordingly.

SCHEDULE.

AMENDMENT MADE BY ORDER IN COUNCIL DATED THE 28TH
NOVEMBER, 1914.

THAT in Order XXVII ("Enforcement and Execution of Decrees and Orders") of the said rules the following shall be added to Rule 1 (1):—

"Provided that on the application of the proper officer of the Crown the Court shall order delivery of the property to the Crown in lieu of sale, and if at the time of such application an order for sale has already been made but no sale has taken place, the order for sale shall be rescinded for the purpose of giving effect to such application, but the order for delivery to the Crown may, if the Court thinks fit, be made subject to payment by the Crown of such costs, expenses, or other sums as might have been ordered to be paid out of the proceeds of sale if the property had been sold under order of the Court."

AMENDMENTS MADE BY ORDER IN COUNCIL DATED THE 23RD MARCH,
1915.

Order IX, Rule 1: Omit the words "upon filing an affidavit," and substitute the following words—"any party other than the proper officer of the Crown"—for the words "any other party."

Order XI, Rule 1: Omit the words between the word "time," line 4, and the word "order," line 5.

Order XV: Add the following Rule 21:—

"21. Notwithstanding anything contained in these rules, the proper officer of the Crown may apply to the Judge for leave to administer interrogatories for the examination of any person whether a party to the cause or not."

Order XXIX as amended by Order in Council of the 30th day of September, 1914, is revoked and the following substituted:—

"1. Where it is made to appear to the Judge on the application of the proper officer of the Crown that he is desiring to requisition on behalf of His Majesty a ship in respect of which no final decree of condemnation has been made, he shall order that the ship shall be appraised, and that upon an undertaking being given in accordance with Rule 5 of this order the ship shall be released and delivered to the Crown.

"2. Where a decree for the detention of a ship has been made in accordance with Order XXVIII the proper officer of the Crown may file a notice (Appendix A, Form No. 55) that the Crown desires to requisition the same, and thereupon a commission (Appendix A, Form No. 56) to the Marshal directing him to appraise the ship shall issue. Upon an undertaking being given in accordance with Rule 5 of this order the ship shall be released and delivered to the Crown.

"Service of this notice shall not be required before filing, but copies thereof shall be served upon the parties by the proper officer of the Crown as soon thereafter as possible.

"3. Where in any case of requisition under this order it is made to appear to the Judge on behalf of the Crown that the ship is required for the service of His Majesty forthwith, the Judge may order the same to be forthwith released and delivered to the Crown without appraisalment.

"4. In any case where a ship has been requisitioned under the provisions of this order, and whether or not an appraisalment has been made, the Court may on the application of any party fix the amount to be paid by the Crown in respect of the value of the ship.

"5. In every case of requisition under this order an undertaking in writing shall be filed 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.

"6. Where in any case of requisition under this order it is made to appear to the Judge on behalf of the Crown that the Crown desires to requisition 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 Crown, 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 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 XXVIII, r. 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 by reason of such temporary delivery as aforesaid.

"7. The proceedings in respect of a ship requisitioned under this order shall continue notwithstanding the requisition.

"8. In any case of requisition of a ship in respect of which no cause has been instituted any person interested in such ship may without issuing a writ, provided he does not intend to make a claim for restitution or damages, apply by summons for an order that the amount to be paid in respect of such ship be fixed by the Court and the Judge may on the hearing of such summons order the ship to be appraised or to be valued, or give such other directions for fixing the amount as he may think fit."

Form No. 4, Appendix A. Omit the words "Commander of our ship of war" and the words "taken and seized as prize by our said ship of war."

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 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 tenth day of April, in the year of our Lord one thousand nine hundred and fifteen.

A. L. HERDMAN,
Minister of Justice.

GOD SAVE THE KING!

