



THE
NEW ZEALAND GAZETTE
 EXTRAORDINARY.

Published by Authority.

WELLINGTON, THURSDAY, JULY 20, 1916.

Maritime Rights.

HIS Excellency the Governor hereby notifies, for the information of the public, that the following Order in Council has been issued by His Majesty the King.

ORDER IN COUNCIL.

At the Court at Buckingham Palace, the seventh day of July, 1916.

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council dated the twentieth day of August, one thousand nine hundred and fourteen, His Majesty was pleased to declare that during the present hostilities the provisions of the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government :

And whereas the said Declaration was adopted as aforementioned in common with His Majesty's Allies :

And whereas it has been necessary for His Majesty and for His Allies from time to time to issue further enactments modifying the application of the articles of the said Declaration :

And whereas Orders in Council for this purpose have been issued by His Majesty on the twenty-ninth day of October, one thousand nine hundred and fourteen, the twentieth day of October, one thousand nine hundred and fifteen, and the thirtieth day of March, one thousand nine hundred and sixteen :

And whereas the issue of these successive Orders in Council may have given rise to some doubt as to the intention of His Majesty as also as to that of His Allies to act in strict accordance with the Law of Nations, and it is therefore expedient to withdraw the said Orders so far as they are now in force :

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order and it is hereby ordered that the Declaration of London Order in Council No. 2, 1914, and all Orders subsequent thereto amending the said Order, are hereby withdrawn; and His Majesty is pleased further to declare, by and with the advice of His Privy Council, and it is hereby declared that it is and always has been his intention as it is and has been that of His Allies to exercise their belligerent rights at sea in strict accordance with the Law of Nations:

And whereas on account of the changed conditions of commerce and the diversity of practice doubts might arise in certain matters as to the rules which His Majesty and His Allies regard as being in conformity with the Law of Nations, and it is expedient to deal with such matters specifically, it is hereby ordered that the following provisions shall be observed:—

(a.) The hostile destination required for the condemnation of contraband articles shall be presumed to exist until the contrary is shown, if the goods are consigned to or for an enemy authority or an agent of the enemy State, or to or for a person in territory belonging to or occupied by the enemy, or to or for a person who during the present hostilities has forwarded contraband goods to an enemy authority or an agent of the enemy State, or to or for a person in territory belonging to or occupied by the enemy, or if the goods are consigned to order, or if the ship's papers do not show who is the real consignee of the goods.

(b.) The principle of continuous voyage or ultimate destination shall be applicable both in cases of contraband and of blockade.

(c.) A neutral vessel carrying contraband with papers indicating a neutral destination which, notwithstanding the destination shown on the papers, proceeds to an enemy port shall be liable to capture and condemnation if she is encountered before the end of her next voyage.

(d.) A vessel carrying contraband shall be liable to capture and condemnation if the contraband reckoned either by value, weight, volume, or freight forms more than half the cargo.

And it is hereby further ordered as follows:—

(1.) Nothing herein shall be deemed to affect the Order in Council of the eleventh of March, one thousand nine hundred and fifteen, for restricting further the commerce of the enemy or any of His Majesty's Proclamations declaring articles to be contraband of war during the present hostilities.

(2.) Nothing herein shall affect the validity of anything done under the Orders in Council hereby withdrawn.

(3.) Any cause or proceeding commenced in any Prize Court before the making of this Order may, if the Court thinks just, be heard and decided under the provisions of the Orders hereby withdrawn so far as they were in force at the date when such cause or proceeding was commenced, or would have been applicable in such cause or proceeding if this Order had not been made.

This Order may be cited as the Maritime Rights Order in Council, 1916.

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, 20th July, 1916.