

FALKLAND ISLANDS.

No.

355/15
WAR/PRI/1#15

1415

Governor's Office.

From

SUBJECT.

Secretary of State for the Colonies.

PRIZE SHIP "PAX" and CARGO

Secure from Prize Court cancelling order for

No.

Date

Telegram.

6th October, 1915.

Colonial Secretary's Record No.

MINUTES.

Repeats Supreme Court.

Registered Number of last Despatch.

275/15

Please give me, in duplicate, certified copies of Order of Condemnation, and Order for delivery to the Crown, at your early convenience.

8-10-15

[Signature]
Ct.

His Honour the Chief Justice,

Certified copies of Order of Condemnation and Order for delivery to the Crown, submitted herewith in duplicate.

*Mr. Francis Walker
Registrar
9.10.15*

No. next Despatch.

386/15

FALKLAND ISLANDS.

Government House, Stanley.

No. 128

12th October, 1915.

Sir,

I have the honour to acknowledge the receipt on the instant of your telegram directing me to secure an Order from the Prize Court cancelling Order for sale of "Pax" and Cargo, and ordering delivery to the Crown under the provisions of the Order in Council 3rd February, 1915.

2. With reference to my despatch No. 114 of the 14th September, I beg to say the Prize Court on the 27th July 1915, made an order for the delivery to the Crown of the Cargo of the "Pax", and on the 25th August, 1915, made the further order for the release and delivery of the vessel to the Crown, under the provisions of His Majesty's Order in Council of the 29th April, 1915.

3. I enclose certified copies of the several orders viz:

- (a) The Order of Condemnation of the "Pax" dated 7th July, 1915.
- (b) The Order of Delivery of the Cargo of the "Pax" to the Crown dated 27th July, 1915, and
- (c) The Order of Delivery of the "Pax" to the Crown dated 25th August, 1915.

4. Application has now been made to the Prize Court in terms of your telegram under acknowledgement, and I beg to submit a certified copy of the Order made this day by the Prize Court, cancelling the Order for sale made on the 7th July, 1915, and ordering delivery of the "Pax"

THE RIGHT HONOURABLE

THE SECRETARY OF STATE FOR THE COLONIES.

Enc. I
Enc. II
Enc. III
Enc. IV

"Pax" and Cargo to the Crown, under The Prize Court Rules
Order XXVII as amended and added to by the Order in Council
dated the 3rd day of February, 1915.

5. On the receipt of this despatch you may however
consider the action previously taken by me in the matter
renders the present order unnecessary.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Douglas Young
Governor.

COPY.

No. 3. 7th July, 1915.

IN THE SUPREME COURT OF THE FALKLAND ISLANDS.

IN PRIZE - SCHOONER "PAX"

On the Seventh day of July, 1915.

Before His Honour William Douglas Young, C.M.G., Chief Justice.

The Chief Justice having heard the evidence and the
Proper Officer of the Crown, on behalf of the Crown, and the
evidence of Odin Tidemand who appeared for and on behalf of the
Owners of the said vessel, pronounced the said ship "PAX"
together with cargo laden therein, to have belonged at the time
of capture and seizure thereof to enemies of the Crown and as
such or otherwise, subject and liable to confiscation and
condemned the same as good and lawful prize, and as taken by
His Majesty's Ship GLASGOW, John Luce, C.B. Commander, and
ordered the said ship and cargo to be sold after appraisement
or at Public Auction or otherwise to be dealt with as the Court
or Chief Justice may further order and direct.

Witness His Honour William Douglas Young, C.M.G., Chief
Justice of the Supreme Court of the Falkland Islands this
Seventh day of July, 1915.

(signed) M. Craigie Halkett.

(signed) W. Douglas Young.

Registrar, Supreme Court.

Chief Justice.

Seal of Court.

I Certify the foregoing to be a true copy of the
original Order of Condemnation filed in the Supreme Court of this
Colony.

M. Craigie Halkett.
Registrar Supreme Court.

Falkland Islands,
8th October, 1915.

COPY.

No. 3 of 1915. July 27th, 1915.

IN THE SUPREME COURT OF THE FALKLAND ISLANDS.

PRIZE COURT.

IN PRIZE SCHOONER " PAX "

George the Fifth by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

To the Marshal of the Prize Court of the Supreme Court of the Falkland Islands and to all others whom it may concern.

Greeting :

Whereas the above mentioned cause was heard before the Prize Court of the Supreme Court of the Falkland Islands on the 27th day of July, 1915, when the Court pronounced the said ship "Pax" together with cargo laden therein, to have belonged at the time of capture and seizure thereof to enemies of the Crown and as such or otherwise, subject and liable to confiscation and condemned the same as good and lawful prize, and as taken by His Majesty's Ship GLASGOW, John Luce, C.B. Commander, and ordered the said ship and cargo to be sold after appraisement or at Public Auction or otherwise to be dealt with as the Court or Chief Justice may further order and direct.

And Whereas it has been made to appear to the satisfaction of this Court, by the Proper Officer of the Crown, on behalf of the Crown, that the Crown desires to requisition the cargo

laden in the said ship, the Court hereby orders, under the provisions of Order XXIX of the Prize Court Rules, 1914, as amended by the Order-in-Council of His Majesty bearing date the 29th day of April, 1915, the delivery of the cargo laden in the said ship "Fax", to the Crown, subject to the Proper Officer of the Crown giving and filing an undertaking in writing for the payment into Court on behalf of the Crown of the amount fixed under Rule 4 of the before mentioned Order, 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.

Witness His Honour William Douglas Young, C.M.G. Chief Justice of the Supreme Court of the Falkland Islands, this 27th day of July, 1915.

(signed) M. Craigie Hallett.

Registrar, Supreme Court.

(signed) W. Douglas Young.

Chief Justice.

Seal of Court.

I certify that the foregoing is a true copy of the original Order of the Court as filed in the Supreme Court of the Falkland Islands.

M. Craigie Hallett
Registrar, Supreme Court.

Falkland Islands,

11th October, 1915.

No. 3 dated 25th August, 1915.

IN THE SUPREME COURT OF THE FALKLAND ISLANDS.

IN PRIZE

SCHOONER "PAX"

Before His Honour William Douglas Young, C.M.G. Chief Justice.

Submitted to the Court the Petition of Thomas Nelson Goddard
Proper Officer of the Crown, bearing date the 20th day of
August, 1915, for the delivery to the Crown without
appraisalment under the provisions of His Majesty's Order-in-
Council bearing date the 29th day of April, 1915, of the Prize
schooner "Pax".

Upon reading the Petition of the Proper Officer of the
Crown the Court is satisfied that it has been represented to the
satisfaction of the Governor of the Falkland Islands that it is
the desire of the Crown to requisition for the service of His
Majesty the schooner "Pax", condemned as good and lawful prize
on the 7th day of July, 1915, by the Supreme Court of this Colony,
the Court entertains the Petition and, under the provisions of
Order XXIX, Prize Court Rules, 1914, as amended by His Majesty's
Order-in-Council bearing date the 29th April, 1915, fixes the
amount to be paid by the Crown in respect of the Prize "Pax" at
Fifteen hundred pounds (£1500)

And the Proper Officer of the Crown, having, under the
provisions of His Majesty's Order-in-Council aforesaid on
behalf of the Crown, given the necessary undertaking in writing
for the payment into Court of the amount as aforesaid at such time
or times as the Court shall declare by Order that the same or any
part

part thereof is required for the purpose of payment out of Court,

The Court orders, and it is hereby ordered, that the said prize Schooner "Fax" condemned by this Court on the 7th day of July, 1915, as a good and lawful prize, be released and delivered to the Crown without appraisement under the provisions of His Majesty's Order-in-Council bearing date the 29th day of April, 1915, aforesaid, on the conditions set forth in the above mentioned undertaking.

Witness His Honour William Douglas Young, C.M.G. Chief Justice of the Supreme Court of the Falkland Islands this 25 day of August, 1915.

(signed) M. Craigie Halkett.

Registrar, Supreme Court.

(signed) W. Douglas Young.

Chief Justice.


Seal of Court.

I Certify that the foregoing is a true copy of the original Order of the Supreme Court of this Colony, as filed in the Supreme Court.

M. Craigie Halkett.
Registrar, Supreme Court.

Falkland Islands,

8th October, 1915.


No. 3 of 1915, 12th October, 1915.

IN THE SUPREME COURT OF THE FALKLAND ISLANDS.

IN PRIZE - SCHOOENER "PAX"

On the *twelfth* day of October, 1915.

Before His Honour William Douglas Young, C.M.G., Chief Justice.

On the seventh day of July, 1915, this Court condemned the Schooner "Pax" together with the cargo laden therein as good and lawful prize, and ordered the said ship and cargo to be sold after appraisement or at Public Auction or otherwise to be dealt with as the Court or Chief Justice may further order and direct.

The Proper Officer of the Crown having now made application to the Court for the delivery of the said Prize "Pax", together with the cargo, to the Crown in lieu of sale, and no sale having as yet taken place on the above mentioned order of the Court, the Court under the Prize Court Rules Order XXVII as amended and added to by the Order in Council dated the 3rd day of February, 1915, hereby for the purpose of giving effect to the application of the Proper Officer of the Crown rescinds the order for sale made on the seventh day of July, 1915, and orders the delivery to the Crown of the said Prize "Pax" together with the cargo, in lieu of sale, subject to the payment by the Crown of such costs, expenses and other sums as might have been ordered to be paid out of the proceeds of sale if the "Pax" and the cargo of the said vessel had been sold

under

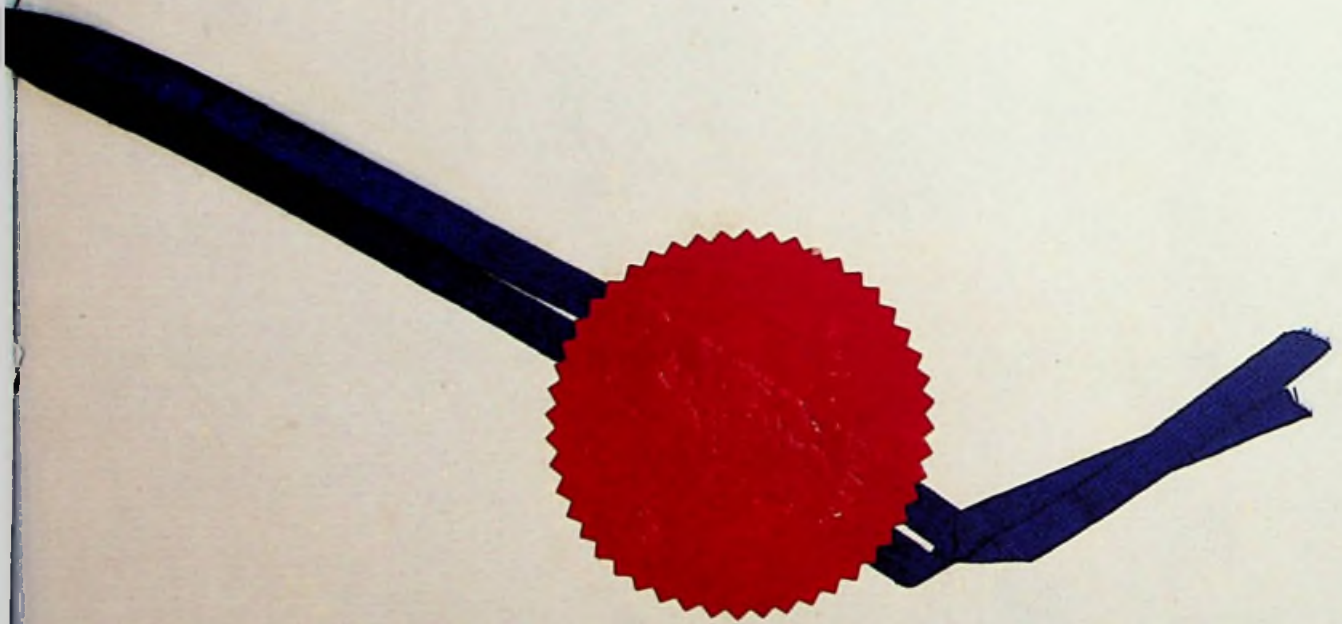


under the authority of the order of the Court of the 7th
day of July, 1915.

Witness His Honour William Douglas Young, C.M.G. Chief
Justice of the Supreme Court of the Falkland Islands
this *twelfth* day of October, 1915.

W. Douglas Young
Chief Justice.

M. Craigie Mackay
Registrar, Supreme Court.



U
copy
Honourable Colonial Secretary.

Please instruct Proper Officer of the Crown to apply to the Prize Court to cancel ~~and~~ order for sale of "Pax" and cargo and order delivery to the Crown under Order in Council of 3rd February, 1915.

I annex decoded copy of telegram received from Secretary of State.

11th October, 1915.

Douglas James
Governor

Secretary of State to Governor.

Received 6th October, 1915.

PLEASE SECURE ORDER FROM POPILIUS CANCELLING OOTUNDEVA ROBINETAS
PAX AND CARGO AND ORDERING DEFECATING CROWN OVERACTION FALLICITER
UDDERPSS MITRIFORM SILVERGRAY SEND CREVASSES THIS ORDER AND
OULEMA COMITIBUS MACQUER BONAR LAW.

Please secure order from Prize Court cancelling order for sale
of Pax and Cargo and ordering delivery to Crown under Orders in
Council 3rd February with reference to my despatch 16th February
Miscellaneous. Send certified copies of this order and order
of condemnation by mail.

Bonar Law.