



# Government Gazette

OF

## WESTERN AUSTRALIA.

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[1940.

The Prize Courts Act, 1894.

### PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Sir James Mitchell,  
TO WIT, } K.C.M.G., Lieutenant-Governor in and  
JAMES MITCHELL, } over the State of Western Australia  
Lieutenant-Governor. } and its Dependencies in the Common-  
[L.S.] } wealth of Australia.

WHEREAS by the Prize Courts Act, 1894, it is enacted that when 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 at any place in a British possession have been issued, then, subject to instructions from His Majesty, the Vice-Admiral of such possession may, when satisfied by information from a Secretary of State or otherwise, that war has broken out between His Majesty and any foreign State, proclaim that war has so broken out, and that thereupon the said commission, warrant, and instructions shall take effect as if the same had been issued after the breaking out of such war and such foreign State were named therein: And whereas, on the tenth day of July, in the sixty-third year of Her reign, Her late Majesty Queen Victoria was pleased to issue a Commission to certain Commissioners therein named, authorising and enjoining the said Commissioners to will and require such Courts (including among other Courts of Law being Colonial Courts of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890), as the said Commissioners shall select upon proclamation being made in that part of Her Majesty's Dominions, Possessions, or Colonies within which such Court has jurisdiction in Admiralty by the Vice-Admiral thereof that war has broken out between Her Majesty and some foreign State or States, and not otherwise, to take cognizance of and judicially to proceed upon all and all manner of captures, recaptures, seizures, prizes, reprisals of all ships, vessels, and goods then already seized and taken and which thereafter shall be seized and taken, and all other matters of prize falling within the jurisdiction of Prize Courts, and to hear and determine the same and 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, to adjudge and condemn all such ships, vessels, and goods as shall belong to the State or States named in the Proclamation aforesaid, or to the subjects of such State or States, or to any other persons inhabiting within any of the Countries, Territories, or Dominions of such State or States, or be otherwise condemnable as Prize: And whereas by warrant dated the seventeenth day of August, one thousand eight hundred and ninety-nine, the said Commissioners did, in her late Majesty Queen Victoria's name, will and require the Supreme Court of the Colony of Western Australia, and the Chief Justice for the time being of the said Court, and all others the Judges or Judge for the time being of the

said Court, or other the persons or person executing the duties of the office of Judge of the said Court, for the time being, upon Proclamation being made by the Vice-Admiral for the time being of Western Australia that war has broken out between Her Majesty and any foreign State, and not otherwise, to take cognizance of and judicially to proceed upon all and all manner of captures, recaptures, seizures, prizes, and reprisals of all ships, vessels, and goods which shall on the outbreak of any such war have been already seized and taken, and which shall thereafter be seized and taken, and which are or shall be brought within the limit 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, to adjudge and condemn all such ships, vessels, and goods as shall belong to the foreign 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 of Western Australia for adjudication and condemnation: And whereas by the Colonial Courts of Admiralty Act, 1890, it is enacted that nothing in that Act shall affect any power of appointing a Vice-Admiral in and for any place therein, and that whenever there is not a formally appointed Vice-Admiral in a British Possession or any place therein, the Governor of the Possession shall be *ex officio* Vice-Admiral thereof: And whereas there is not a formally appointed Vice-Admiral in the State of Western Australia: And whereas the office of Governor in Western Australia is vacant but by virtue of Article XIII of the Letters Patent dated the 29th day of October, 1900, constituting the office of Governor of the State of Western Australia and its Dependencies in the Commonwealth of Australia the Lieutenant-Governor of the said State of Western Australia and its Dependencies may, while such vacancy aforesaid continues, do and execute, during His Majesty's pleasure, all things that belong to the office of Governor according to the tenor of the said Letters Patent, and according to His Majesty's instructions and the Laws of the State: Now, therefore I, the said Lieutenant-Governor, Sir James Mitchell, the Vice-Admiral aforesaid, being satisfied thereof by information received by me, do hereby proclaim that war has broken out between His Majesty the King and Italy.

Given under my hand and the Public Seal of the said State, at Perth, this 11th day of June, 1940.

By His Excellency's Command,  
(Sgd.) J. WILLCOCK,  
Premier.

GOD SAVE THE KING !!!