

C.S.

SECRET

WAR/PRI/1#34

1939

No. S/32/39 (II)

Secretary of State.

SUBJECT.

19

PRIZE COURT.

Seizure in Prize of enemy Merchant Ships &c.

Previous Paper.

S/32/39 (Part II)

PART II

See 0366 "Prize Money"

MINUTES.

- 1-2. S of S. Circular Note of 14.8.42.
- 3-4. ————— (2) of 19.9.42.

Proper Officer (5) to note 1-4, pl.

(6)
P.O.C. 16-1-43.

- 7. Circular Note (2) from S. of S. of 13.1.43.

Proper Officer (8) to see (4) pl. 16/4/43.

(9)
P.O.C. 17-10-43

- 10. Minute from Registrar, Supreme Court of 19/4/43. (11).

G.F. the S. referred to in (10) reads:—

"You shall not be lawful for any Registrar, Marshal, or other Officer of any Prize Court, or for the Registrar of Her Majesty in Prize Appeals, directly or indirectly to act or be in any manner concerned as Advocate, Proctor, Solicitor, or Agent, or otherwise, in any Prize Cause or Appeal, on pain of Dismissal or Suspension from office, by Order of the Court or of the Judicial Committee (as the Case may require)."

Subsequent Paper.

0366

2. The legal Adviser agrees with (10) & considers that he, as Magistrate, might be appointed Proper Officer. The same difficulty apparently arose in Gibraltar & W. Cathie thinks he is probably the best qualified person here. ✓
3. I agree & recommend that the Magistrate be appointed vice D. Hamilton. ✓

KB
20/4

(12)
A.D. 21/11/43.

- Gazette Notice No. 22 of 27. 4. 43. 13.
 Letter to Hon. B. A. Cathie, J.P., of 27. 4. 43. 14.
 Circular Note (2) from S. of S. of 1. 10. 43. 15.

(16)
Proper Officer
 To sec (15), pl.
 S.H. Jones
 7/12/43.

A. B. J. (17)
 Seen - Thank you.

10-7-11-43. C.B. Z.A.

- Circular Note from S. of S. of 24. 11. 43. 18.

(19)
Proper Officer
 To sec (8) pl.
 S.H. Jones
 24/3/44.

A. B. J. (20)
 Seen - Thank you.

27-3-44. C.B. P.O.

- Circular Note from S. of S. of 11. 2. 44. 21.

Proper Officer (22)
 To sec (21) pl.
 S.H. Jones

N. B. J.

(23)

Seen. Thank you. As a matter of interest, why are these published judgements filed in a "secret" file? I think they would be of some value if they were filed in the Chambers of the Proper Officers or better still in the Colony's Law Library.

A.B.

P.O.

5-5-44.

(24)

A.E.S.

I agree with (23). Pl. withdraw judgements & note on 3 P.N.'s. in each case.

A.B.

8-5-44

(25)

A.A. Ref (23) & (24) All judgements have been withdrawn from Parts I & II of this M.P. and are now forwarded herewith for withdrawal, pl.

A.A.
9/5/44.

N. B. J.

(26)

Withdrawn - Thank you.

A.B.

10-5-44.

27. Circular note from S. of S. of 31. 3. 44.

(28)

A.A. See (24) pl.

A.A.

23/5/44.

N. B. J.

(29)

Seen - Thank you

A.B.

2.A.

26-5-44.

Circular Note from S of S. of 8. 6. 44. 30.

(31)

A.A. Go see (30) pl.

L.P. 12/8/44

(32)

H. S. J. I have extracted sheet 30 a. & have put it with the other judgments of the American.

P.B. 1. 9. 14-8-44.

Circular Note from S. of S. of 18. 8. 44. 33.

" " " " 2. 10. 44. 34.

Circular Note from S. of S. of 11. 4. 45 35.

" " " " 14. 8. 45 36.

" " " " 9. 9. 45 37.

" " " " 4. 8. 46 38.

" " " " 4. 2. 47 39.

Circ note from S of S. of 22. 1. 47. 40.

" " " " 9. 5. 48. 41.

CHOSGD see 0366 "Stage Money"

9/9/48

P.P. 10-7-48

No.

MINUTE.

10

(It is requested that, in any reference to this minute, the above Number and the date may be quoted.)

19th April, 1943.

From

To The Honourable

Registrar, Supreme Court,

The Colonial Secretary,

Stanley, Falkland Islands.

Stanley.

27-28
Victorial,
Cap. 25
§ 14. p 264
of attd.
vol.

It has recently come to my knowledge that it is laid down in 27-28 Victorial, Cap. 25 that no Registrar of a Prize Court may act in any manner in a Prize Court.

Since the Supreme Court here is the Prize Court it follows that I ought not to be Proper Officer of the Crown.

As the post of Proper Officer has been a sinecure during my tenure, I hope it will be realised that my present action is inspired by a desire that an irregularity should be rectified and not by any wish to embarrass the Administration.

See Red 86A
in 5/32/39 pr. 1

to as Proctor do

J. Hamilton

Registrar, Supreme Court.

13

No. 22.

GAZETTE NOTICE.

Colonial Secretary's Office,
Stanley, Falkland Islands,

27th April, 1943.

His Excellency the Governor has been pleased to appoint

THE HONOURABLE B. A. CATHIE, J.P.,

Legal Adviser, to be Proper Officer of the Crown for the Prize
Court, with effect from the 22nd of April, 1943, vice Dr. J. E.
Hamilton.

By Command,

Colonial Secretary.

M.P. No. S/32/39.

14

s/32/39.

27th April,

43.

Sir,

His Excellency the Governor has been pleased to appoint you to be Proper Officer of the Crown with effect from the 22nd of April, 1943, vice Dr. J. E. Hamilton.

I have the honour to be,

Sir,

Your obedient servant,
K. G. BRADLEY
Colonial Secretary.

The Honourable
B. A. Austin Cathie, J.P.,
Magistrate,
STANLEY.