

APPENDIX I

ORDER IN COUNCIL AUTHORIZING THE EXERCISE OF ORIGINAL JURISDICTION BY DISTRICT COURTS OF THE UNITED STATES OF AMERICA OVER PRIZES CAPTURED ON THE HIGH SEAS

P.C. 6092

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 3rd day of August, 1943

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of National Defence for Naval Service reports:

(a) That by United States of America Public Law 704, 77th Congress, entitled "An Act to Facilitate the Disposition of Prizes Captured by the United States During the Present War, and for Other Purposes", the District Courts of the said United States are given original jurisdiction of all sizes captured during the present war on the high seas if said capture is made by authority of the said United States or is adopted and ratified by the President thereof and the prize is brought into the territorial waters of a cobelligerent or is taken or appropriated for the use of the United States on the high seas or in such territorial waters, including jurisdiction of all proceedings for the condemnation of such property taken as a prize.

(b) Section 3 of the said Act provides that the said jurisdiction of prizes brought into the territorial waters of a cobelligerent shall not be exercised, nor shall prizes be taken or appropriated within such territorial waters for the use of the said United States unless the Government having jurisdiction over such territorial waters consents to the exercise of such jurisdiction or to such taking or appropriation.

(c) Section 7 of the said Act provides that a cobelligerent, which consents to the exercise of the said jurisdiction with respect to prizes of the said United States brought into its territorial waters and to the taking or appropriation of such prizes within its territorial waters for the use of the said United States, shall be accorded, upon Proclamation by the President, like privileges with respect to prizes captured under authority of such cobelligerent and brought into the territorial waters of the said United States or taken or appropriated in such territorial waters for the use of such cobelligerent and that reciprocal recognition and full faith and credit shall be given to the jurisdiction acquired by Courts of a cobelligerent thereunder and to all proceedings had or judgments rendered in the exercise of such jurisdiction.

(d) The Government of the United Kingdom, a cobelligerent, has consented to the exercise of this jurisdiction with respect to prizes of the United States of America brought in, taken or appropriated within the territorial waters of the United Kingdom and Sierra Leone and the United States Government by a proclamation of the President of the United States dated 30th January, 1943, has accorded the United Kingdom Government like privileges with respect to the prizes captured under the authority of the said Government and brought in, taken or appropriated in the territorial waters of the said United States.