

37. The Rules of Procedure of the Tribunal, which were published in *New Zealand Gazette* Extraordinary No. 13, of the 10th February, 1921, at page 455, provided as follows:—

“1. The time within which claims are to be submitted to the Tribunal shall be as follows:—

“(b.) Claims under Article 297: Within twelve months of the date of the publication of these rules in the place at which such claimant is residing or within six months from the date on which the claimant learnt that damage or injury had been inflicted on his property rights or interests, or within six months from the date on which the claimant learnt that restitution under section (f) of the said article had been made or refused, whichever period is the longer.”

38. Subsequent to the formulation of these Rules of Procedure the Tribunal announced that extensions of time would be given as a matter of course in all cases where negotiations for settlement were pending, provided that application to that effect was made in writing to the Tribunal's Secretariat by either of the Government Agents enclosing the written consent of the claimants and the respondents. At a later date advice was received from the Central Clearing Office that the Tribunal had agreed to consider the application of that office *en bloc* for a large number of claims, for an extension of time in view of the fact that endeavours to negotiate settlement of those claims were being made with the German authorities. The Central Clearing Office had decided to fix the 1st October, 1921, as the last day on which such claims should be lodged with that office, and immediately thereafter to forward a list of all claims received to the Tribunal within the time referred to in the Rules of Procedure of the Tribunal. This was done.

39. In regard to claims under Article 297 which arose out of claims originally put forward through the Clearing Office procedure under Article 296, the Tribunal stated in March, 1922, that no time-limit would “for the present” be imposed within which such claimants could approach the Tribunal. No notification has subsequently been received that a time-limit has been imposed.

40. At a later date the Central Clearing Office notified the High Commissioner that, upon representations made by that department to the Anglo-German Mixed Arbitral Tribunal for an extension of time for lodging Article 297 claims, the Tribunal had fixed the 31st December, 1923, as the final date for such claims to be sent in to local Clearing Offices, and that after that date no further extensions would be granted for the registration of such claims.

41. Finally, in August of last year, a communication was received from the High Commissioner enclosing a letter, dated 30th June last, from the Secretary to the Central Clearing Office, in which it was stated that at the request of the Tribunal that office had furnished it with a list which included all claims under Article 297 lodged with local Clearing Offices within twelve months of the date of the original publication in the respective localities of the Rules of Procedure, and those in respect of which extensions of time were granted *en bloc* in connection with the list supplied by the Central Clearing Office and referred to above. It was stated the Tribunal had indicated that the claimants shown in this list would enjoy a general extension of time, and that it had further notified that in the event of any claim on the list being rejected by the German authorities the claimant must be given notice that should he wish to proceed with it he must present his claim to the Tribunal by a certain date, which in each case must be not later than eight months from the date when the notice of rejection was forwarded from the Central Clearing Office. This was the first intimation received that any time-limit was imposed upon claimants whose claims had been rejected, and it was necessary to instruct the High Commissioner to apply for extensions of time in several cases where the claims had already been rejected. Suitable extensions of time were subsequently arranged in each case.

42. In the Central Clearing Office's letter referred to above it was further stated that the Tribunal had undertaken to accept from the Central Clearing Office, not later than the 30th September, 1924, a supplementary list of claims which had been registered in local Clearing Offices within twelve months after the date of the respective local publication of the Tribunal's Rules of Procedure, or which had not been included on the list previously referred to, but which had been registered in local Clearing Offices before the 31st December, 1923, and to regard as within time the claims detailed therein upon the claimant referring to his claim in the list and giving satisfactory grounds why it was not registered in the local Clearing Office within twelve months after the date of the publication of the Rules. The Tribunal had stated very definitely that no application for an extension of time or for special leave to present a claim out of time would be entertained from overseas claimants whose claims were not included in the supplementary list.

It was not necessary to take any steps to secure the inclusion of New Zealand claims on this list, as no claims of the classes in question had been notified to the local Clearing Office.

#### RIGHT OF ALIEN ENEMY INTERNED IN NEW ZEALAND DURING THE WAR TO TAKE LEGAL ACTION FOR THE RECOVERY OF A DEBT.

43. An interesting point arose in connection with a claim received from the German Clearing Office for settlement in accordance with the provisions of Article 296 of the Treaty, where it became necessary to consider whether an alien enemy interned in New Zealand during the war could, while so interned, have taken action to recover a debt owing to him by a British subject resident in New Zealand. The German Clearing Office maintained that the execution of the contract of loan in the particular claim was interrupted, as during the period of the creditor's internment he was unable to recover the debt in the New Zealand Courts.

The matter was considered by the Legal Adviser to the New Zealand Clearing Office, who advised that the German contention was incorrect, and drew attention to the Proclamation issued by the New Zealand Government on the 19th August, 1914, which provided, *inter alia*, that all subjects of Germany and Austria-Hungary peaceably resident in New Zealand were entitled to sue and plead in the New Zealand Courts. The right to sue for the debt could not therefore be said to have been suspended.