

The Administrator of Austrian Property had claimed certain moneys to which C. Fidaio, who was admittedly a national of the former Austrian Empire, but who claimed to have acquired Italian nationality, *ipso facto*, under the Treaty of St. Germain-en-Laye, was entitled under a will dealing with property in this country which became effective during the war. No application was made to the Administrator by the said C. Fidaio regarding his nationality until two years after the Treaty of St. Germain had been ratified, and accordingly the Administrator refused to include the applicant amongst the excepted class of persons within the meaning of the above-mentioned paragraph, and gave a certificate under Article I (x) (*eee*) of the Order in Council that the property in question was subject to the charge. The applicant obtained a rule *nisi* against the Administrator of Austrian Property, and accordingly the latter appeared to show cause (1) why a writ of certiorari should not be issued to quash the said certificate, and (2) why a writ of mandamus should not be issued to direct the Administrator to appear and determine the applicant's claim for exemption from the charge. It was argued on behalf of the applicant that the time-limit did not apply to his case, and that the words "including those who" in the above-mentioned section should be read as tantamount to "nor those who."

In delivering judgment the Lord Chief Justice stated that in his opinion it was not necessary for the purposes of the case to consider the question of whether, if the facts had been analysed, this was within the class of cases in which they could issue a writ of certiorari. The Attorney-General took the point that the certificates which were complained of were in fact correct. In his opinion that contention was clearly right. The submission, on the other side, seemed to him to involve a misreading of the definition section in the Order in Council. The Administrator in his affidavit had stated that he had not considered or made any decision upon the question whether the applicant would have been exempted from the operation of the charge imposed by the Treaty of Peace Order if he had applied to him or produced any evidence to him within the period allowed for the purpose by section 2 of the Order in Council, and the extended period which had been conceded, to show that he had, *ipso facto*, in accordance with the Treaty, acquired nationality of an Allied or Associated Power, or attained or acquired such nationality in the manner mentioned in the said section, but in fact (and this was not disputed) no such application was made or evidence produced until on or about the 2nd August, 1922. The applicant, therefore, was clearly out of time if the application fell within the class to which the limitation of time referred. The construction and the definition which the applicant contended for, if it were upheld, would omit him from that class.

In the opinion of the learned Judge, for reasons given in his judgment, it was obvious that the construction placed on the section by the applicant was wrong, and that the construction contended for by the Administrator was right, and that on the merits the application for a writ of certiorari failed.

The like considerations applied to the order *nisi* for a writ of mandamus. The application being *ex hypothesi* out of time, if that judgment was correct it followed that the Administrator was not to be commanded to hear and determine an application made beyond the limits of the legal period. In his opinion, therefore, each of the rules ought to be discharged. The other members of the Court delivered judgments to a similar effect.

PART III.—MISCELLANEOUS.

CONVERSION OF GERMAN GOVERNMENT LOANS.

29. In continuation of paragraph 55 of my last report, I have to state that information was recently received from the German Consul for New Zealand regarding the provisions of German legislation relating to the conversion of German Government loans. Under a German statute of the 16th July, 1925, provision is made for the conversion of German Government loans into a loan liquidation debt on the basis of R.M. 25 (*i.e.*, gold marks) for each M. 1,000 of the old loans. At first only those persons who are able to prove their uninterrupted ownership from before the 1st July, 1920, will be permitted to exchange their certificates. Such persons will receive bonds of the loan-liquidation debt, and also drawing-certificates. Of these drawing certificates a certain number will be drawn each year, extending over a period of thirty years from 1926, and the winners will receive five times the face value of their bonds in cash, plus interest at the rate of 4½ per centum per annum on the face value, commencing from this year. The period prescribed for the lodging of applications for the exchange of such certificates commenced on the 1st April last, and it will close on the 30th June. Applications were directed to be addressed direct to the German Consul, P.O. Box 1300, Wellington. It is understood that German loan certificates which were acquired by present holders after the 1st July, 1920, are expected to be exchanged later this year.

ARCHIVES OF THE GERMAN AND AUSTRIAN CONSULATES IN NEW ZEALAND.

30. Upon the appointment of an honorary German Consul in Wellington the archives of the former German Consulate, which were held by the Public Trustee to safe custody, were delivered to that official. It is understood from the Austrian authorities that the appointment of an honorary Austrian Consul in Auckland is at present under contemplation, and at their request the archives are being retained in the meantime.

CLAIMS AGAINST RUSSIA.

31. The position regarding this matter is unchanged. Until an agreement is reached with the Russian Government for the recognition and settlement of British claims no further action is possible.

GERMAN PROPERTY IN SAMOA.

32. In my last report I stated that it was anticipated that all the liquidation schedules in regard to German property in Samoa retained by the New Zealand Government would be completed shortly thereafter. The value of the Reparation Estates has, however, not yet been settled, and I understand that it is the intention of the Right Hon. Sir Francis Bell, ex-Minister of External Affairs, to propose a basis for arriving at the valuation of these properties to the representatives of the German Government, whom he anticipates meeting at the assembly of the League of Nations at Geneva in September next. If his proposal is acceptable to the German Government the assessment of the values of the property will occupy a period of several months. It is not anticipated, therefore, that the New Zealand Government will in the near future be in a position finally to account for the value of the ex-enemy property retained in Samoa.