

TRINIDAD AND TOBAGO.

No. 37.—1914.

20th November.

AN ORDINANCE to regulate the winding up of business and other concerns of Alien Enemies of His Majesty.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

23rd November, 1914.

WHEREAS by Proclamation No. 62 of 1914 the Governor prohibited any business to be carried on by or for or on behalf of persons of German or Austro-Hungarian nationality :

And whereas in the said Proclamation provision was made for the manner in which such businesses were to be wound up :

And whereas it is deemed expedient to make other and further provision as to the manner of winding up the businesses of alien enemies and also to provide for the manner of dealing with other property of such alien enemies : Be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

Short Title.

1. This Ordinance may be cited as the Alien Enemies Ordinance, 1914.

2. In this Ordinance—

Interpreta-
tion.

(a.) "Liquidating Committee" means the Committee appointed for the purposes hereinafter mentioned;

(b.) "Alien enemy" means any person of any nationality which is or may become an enemy of His Majesty during the present war, and includes any person who is resident or carries on business in any country which is at war with His Majesty;

(c.) "Enemy business" means any business carried on by, for or on behalf of an alien enemy or enemies, and includes any property which the Liquidating Committee decide to be a part of such business;

(d.) "Prescribed" means prescribed by regulations under this Ordinance.

3.—(1.) The Liquidating Committee and the Chairman thereof appointed by the Governor under the provisions of proclamation No. 62 of 1914 shall be deemed to be the Liquidating Committee and Chairman, respectively, appointed for the purposes of this Ordinance, and the Governor may from time to time add to the number or remove any member thereof and fill any vacancies that may occur therein, including any vacancy in the office of Chairman.

Liquidating
Committee.

(2.) In the event of disagreement between members of the Committee, the matter shall be decided by a majority of those present at any meeting of the Committee; provided always that the Chairman may reserve any such matter for submission to the Governor, whose decision shall be final.

(3.) The Liquidating Committee may depute the exercise of any rights, powers and privileges conferred by this Ordinance or the regulations made thereunder to any member or members of the Committee, and may employ such and so many persons as may be necessary to assist in the performance of the duties imposed on the Liquidating Committee under this Ordinance or the Regulations made thereunder.

(4.) All meetings of the Committee shall be summoned by the Chairman.

(5.) Proper minutes of the proceedings at such meetings shall be kept, and when signed by the Chairman shall be *prima facie* evidence in all Courts of the correctness of the statements contained therein.

Suits and proceedings by Liquidating Committee.

4.—(1.) In and for the purpose of carrying out the powers and duties conferred or imposed by this Ordinance, the Liquidating Committee may sue in the name of the Chairman but may not be sued.

(2.) The Liquidating Committee shall be entitled to sue in all cases in which but for the existence of a state of war any person whose business or property is wound up or dealt with under this Ordinance would have been entitled to sue.

(3.) In all criminal proceedings, whether summary or by indictment, arising out of or relating to any business or property, dealt with, or capable of being or directed to be, dealt with under this Ordinance, the property therein shall be laid as vested in the Chairman of the Liquidating Committee.

Proceedings against alien enemies.

5. No action shall be brought nor shall any proceedings in bankruptcy be taken against any alien enemy whose business or property is dealt with under this Ordinance, and all actions commenced or bankruptcy proceedings taken against any alien enemy since the 31st day of October, 1914, are hereby declared to be stayed, and any judgment order or decree obtained or signed or entered up in any such action or proceeding shall be null and void and of no effect whatsoever.

Winding up of Alien businesses.

6.—(1.) It shall be the duty of the Liquidating Committee to proceed forthwith to collect the assets of, and wind up, in the prescribed manner, all such enemy businesses as the Governor may specifically direct, and to deal with, dispose of and account for the property of such businesses in the prescribed manner.

Other property of alien enemies.

(2.) The Liquidating Committee shall deal in the prescribed manner, subject to the prescribed conditions, and in the prescribed cases, with other property of alien enemies.

Confirmation of previous proceedings.

7. All acts and things done or suffered before the commencement of this Ordinance by the Liquidating Committee

appointed under the said Proclamation in furtherance of the objects sought or directed to be accomplished by this Ordinance shall be as valid and effective in all respects as if done or suffered under this Ordinance.

8.—(1.) The Governor in Executive Council may make regulations for any and every purpose falling within the scope or required for the purpose of giving full effect to the provisions of this Ordinance, and may attach to the breach of any such regulation a penalty not exceeding £200 or imprisonment with or without hard labour for any period not exceeding six months.

Governor
may make
regulations.

(2.) All regulations made under this section shall be as valid and effective in all respects as if they were enacted in express terms in this Ordinance.

9.—(1.) If the Liquidating Committee resigns, or if for any reason, of which the Governor shall be the sole judge, it becomes expedient to substitute for such Committee any other person or body, it shall be lawful for the Governor to nominate any such person or body, and thereupon all the powers, duties, privileges and exemptions conferred upon or possessed by the Liquidating Committee shall become vested in such person or body and this Ordinance shall be read as if the references therein to the Liquidating Committee were references to such person or body.

Substitution
of other person
or body for
Liquidating
Committee.

(2.) In the cases provided for in the preceding subsection the Governor in Executive Council may make regulations modifying the provisions of Sections 3 and 4 of this Ordinance so as to make such changes as may be necessary to adapt such provisions to the exercise by the substituted body or person of the powers and duties conferred on the Liquidating Committee under this Ordinance.

Passed in Council this Twentieth day of November, in the year of Our Lord one thousand nine hundred and fourteen.

HARRY L. KNAGGS,

Clerk of the Council.