

TRINIDAD AND TOBAGO.

No. 6.—1915.

12th March.

AN ORDINANCE to amend the Alien Enemies
Ordinance, 1914. (No. 37-1914).

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

20th March, 1915.

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows:—

1.—(1.) This Ordinance may be cited as the Alien Enemies
(Amendment) Ordinance, 1915.

Short Title and
Interpreta-
tion.

(2.) In this Ordinance the term "Principal Ordinance" means the Alien Enemies Ordinance, 1914.

2. The specific directions given by the Governor under the provisions of the Principal Ordinance for a business to be dealt with as an enemy business, whether given before or after the commencement of this Ordinance, shall be conclusive evidence in all Courts and for all purposes that such business as aforesaid is or was an enemy business.

Directions
given by
Governor to
be conclusive.

*Repealed
See 2
Ord 26/*

Regulations in
Schedule.

3.—(1.) The regulations set forth in the Schedule hereto shall be deemed to have been duly and properly made under Section 8 of the Principal Ordinance, and to have been of full force and effect as from the commencement of the Principal Ordinance.

(2.) Such regulations may be added to, amended, altered or revoked in the same manner in all respects as regulations may be added to, amended, altered or revoked under Section 8 of the Principal Ordinance.

(3.) The regulations contained in the Schedule hereto shall not be deemed in any way to limit or affect the full and general power to make regulations conferred upon the Governor in Executive Council by Section 8 of the Principal Ordinance.

Passed in Council this Twelfth day of March, in the year of Our Lord one thousand nine hundred and fifteen.

HARRY L. KNAGGS,
Clerk of the Council.

THE SCHEDULE.

REGULATIONS.

Staff of Liquidating Committee.

1. The Liquidating Committee may employ such and so many persons as may in their opinion be necessary to enable them to carry out the duties imposed upon them by the Alien Enemies Ordinances (hereinafter in these regulations referred to as the Ordinances) and these regulations.

2. The Liquidating Committee shall give all such orders and directions as may be necessary for the carrying out of their duties under the Ordinances, and all persons employed by them shall be bound to obey such orders and directions, and any person neglecting or refusing to do so is guilty of an offence under these regulations.

3. All persons employed by the Liquidating Committee shall receive such remuneration as the Liquidating Committee consider fair and reasonable, and shall give such security for the due and faithful performance of their duties as the Liquidating Committee may require.

Dealings with Enemy Businesses.

4. Immediately upon the Governor directing as provided in Section 6 (1) of the Principal Ordinance that a business shall be dealt with as an enemy business, no disposal of or dealing with any such business or any property thereof by any person or body other than the Liquidating Committee shall be valid or of any effect whatsoever.

5. Upon the Governor giving such direction as is mentioned in Regulation 4, the Liquidating Committee shall have complete control over such business and property and may deal with it in such manner as may be necessary for the purpose of carrying out the provisions of the Ordinances and of these regulations, and shall collect the assets of and wind up such business.

6. Particularly the Liquidating Committee shall have the powers hereinafter in regulation 8 set forth, but the enumeration of such powers is not in any way to be held to restrict or circumscribe the powers conferred upon the Committee under the principal Ordinance or Regulations 4 and 5.

7. The Liquidating Committee may call upon any person able to give information respecting the trade of any enemy business to give any such information; and any person neglecting or refusing to do so is guilty of an offence under these regulations.

8. The Liquidating Committee may exercise each and every of the following powers:—

- (a.) Carry on the particular enemy business, so far as may be necessary for the beneficial winding up of the same;
- (b.) Bring or institute any action or take any steps or proceedings which the alien enemy whose business is being wound up might have brought, instituted or taken;

- (c.) Employ a Solicitor or other agent to take any proceedings or do any business which in the opinion of the Committee may require the services of a Solicitor or agent ;
- (d.) Sell all or any part of the property of the enemy business (including the goodwill of the business, if any, and the book debts due or growing due to such business) by public auction or private contract, with power to transfer the whole thereof to any person or company, or sell the same in parcels ;
- (e.) Give receipts for any money received by the Committee, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof ;
- (f.) Prove, rank, claim and draw a dividend in respect of any debt due to the enemy business, or vote or appoint proxies to vote in any bankruptcy proceedings taken against any person indebted to such business ;
- (g.) Execute any powers of attorney, deeds and instruments of whatever kind, under the Real Property Ordinance No. 60 or any other Ordinance or under any other provision of the law for the purpose of carrying into effect the provisions of the Ordinances or of these regulations ;
- (h.) Accept as the consideration for the sale of any property belonging to any enemy business a sum of money payable at a future time subject to such stipulations as to security or otherwise as the Committee think fit ;
- (i.) Mortgage or pledge or lease any part of the property of any enemy business for the purpose of raising money for the purposes of the Ordinances or of these regulations ;
- (j.) Refer any dispute to arbitration, compromise any debts claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the alien enemy whose business is being wound up and any person who may have incurred any liability to such enemy, on the receipt of such sums, payable at such times and generally on such terms as may be agreed on ;
- (k.) Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of any enemy business, made or capable of being made by the Liquidating Committee on any person or by any person on the Liquidating Committee.

9. In respect of each enemy business dealt with by them the Liquidating Committee shall publish a notice in each of three successive weeks in some paper circulating in the Colony calling upon any persons having any claims against such business to send in their claims on or before a date to be named in such notice.

10. The Liquidating Committee shall consider every such claim and decide whether or not the same is properly receivable against the particular business in respect of which the same is made, and shall communicate their decision in writing to each claimant.

11. If the Liquidating Committee decide that any claim is not properly receivable against any enemy business, the claimant may appeal against such decision by summons returnable before a Judge of the Supreme Court, and the decision of such Judge shall be final unless he gives special leave to appeal to the Full Court. And the Liquidating Committee shall give full effect to any order or decision of the Judge or Full Court.

12. The Liquidating Committee shall have full discretion as to the mode of receiving claims and as to the evidence sufficient to support them.

13.—(1.) In the distribution of the assets of an enemy business there shall be paid in priority to all other debts :—

(a.) All debts due to the Crown, including all local rates due from the particular alien enemy whose business is being wound up, and all assessed taxes, land tax, house tax, and all other taxes and sums whatsoever assessed on such enemy :

(b.) All wages or salary of any clerk or servant in respect of any services rendered to such alien enemy within four months next before the 31st day of October, 1914, not exceeding £50.

(2.) The foregoing debts shall rank equally between themselves, and shall be paid in full, but in case the property of the particular business is insufficient to meet them, they shall abate in equal proportions between themselves, save and except the debts payable under sub-section (1) (a), which shall in all cases be paid in full.

(3.) Subject to the provisions of these regulations, all debts held by the Liquidating Committee or by a Judge or the Full Court under Regulation 11, to be properly receivable, shall be paid *pari passu*.

14. Subject to the retention of such sums as may be necessary to meet the cost of winding up a particular alien business or otherwise, the Liquidating Committee may either pay at one time all claims properly receivable or may declare and distribute dividends amongst the claimants.

15. All moneys collected in any winding up and not paid in respect of claims properly receivable against an enemy business shall be lodged with the Receiver-General to abide the directions of the Governor in Executive Council.

Other property of Alien Enemies.

16.—(1.) Property of alien enemies, other than property forming part of an alien business, shall be dealt with by the Liquidating Committee in cases where the Governor directs that such other property shall be dealt with by the Committee.

(2.) Where the Governor directs that any such property of an alien enemy shall be dealt with under the Ordinances, the provisions of Regulations 4 to 15, both inclusive, shall apply, *mutatis mutandis*, to such property ; provided always that no real estate or chattel real of any alien enemy which forms part of such property shall be sold, mortgaged or leased without the consent in writing of the Governor first had and obtained.

General.

17. No alien enemy of German or Austro-Hungarian nationality shall assign, sell, mortgage, pledge, lease or in any way dispose of any of his property without the consent in writing of the Governor first had and obtained; and any such disposition shall unless such consent has been obtained be null and void and of no effect whatsoever. Provided always that the Governor may in any special case, and at his absolute discretion, assent to any such disposition made without such consent in writing as aforesaid; and thereupon such disposition shall be deemed to have been valid and of full effect as from the making thereof.

18. Any document or instrument required for the purpose of the purchase, sale, mortgage, lease or other disposition of any property dealt with under the provisions of the Alien Enemies Ordinances or of these or any other regulations made thereunder, or for the purpose of carrying such provisions into effect shall be in the name of the Liquidating Committee or the Chairman thereof, and shall be signed by the Chairman, and when so signed shall be effective for all and every purpose.

19. The Liquidating Committee shall provide for the manner in which persons employed by them shall keep their accounts and generally conduct themselves in the performance of their duties, and any such person who fails to obey the orders or directions of the Committee in respect of any of the matters provided for in this regulation is guilty of an offence against these regulations.

20. The Liquidating Committee shall provide for the keeping in separate accounts of moneys derived from businesses or other property which are being dealt with by them.

21. If any portion of an enemy business or of any other property of an alien enemy consists of real estate or chattels real, the Liquidating Committee, as soon as possible after receiving the directions of the Governor to deal with the same under the Ordinances or under these regulations, or after deciding to deal with it under the provisions of Section 2 (c) of the principal Ordinance, shall send particulars of such real estate or chattels real to the Registrar-General, and all persons shall be entitled to examine such particulars without payment of any fee.

22. Any person guilty of an offence under these regulations is liable on summary conviction before a Magistrate to a penalty not exceeding £200 or to imprisonment with or without hard labour for any term not exceeding six months.
