

On Council resuming, Mr. POLLOCK reported that the Bill had passed through Committee without amendment and moved that it be read a third time.

Mr. SHELLIM seconded.

Question—put and agreed to.

Bill read a third time and passed.

ESTATE DUTY BILL.—The Second reading of the Bill intituled An Ordinance to provide for the levy of Estate Duty payable in respect of the estates of deceased persons, was not proceeded with.

TRADING WITH THE ENEMY AMENDMENT BILL.—The Attorney General moved the First reading of a Bill intituled An Ordinance to amend the Trading with the Enemy Ordinance, 1914, and for purposes connected therewith.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

RATING AMENDMENT BILL.—The Attorney General moved the First reading of a Bill intituled An Ordinance to amend the Rating Ordinance, 1901.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

ALIEN ENEMIES (WINDING UP) AMENDMENT BILL.—The Attorney General addressed the Council and moved the Second reading of the Bill intituled An Ordinance to amend the Alien Enemies (Winding up) Ordinance, 1914, and to give power to stay actions against alien enemies.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.—The Council then adjourned until Thursday, the 13th day of May, 1915.

F. H. MAY,  
*Governor.*

Read and confirmed this 13th day of May, 1915.

A. G. M. FLETCHER,  
*Clerk of Councils.*

**No. 209.**—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the King, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 12 of 1915.—An Ordinance to amend the Trading with the Enemy Ordinance, 1914, and for purposes connected therewith.

Ordinance No. 13 of 1915.—An Ordinance to amend the Rating Ordinance, 1901.

HONGKONG.

No. 12 OF 1915.

An Ordinance to amend the Trading with the Enemy Ordinance, 1914, and for purposes connected therewith.

I assent to this Ordinance.



F. H. MAY,  
*Governor.*

[14th May, 1915.]

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

Short title  
and con-  
struction.  
5 Geo. 5, c.  
12, s. 14.

1.—(1.) This Ordinance may be cited as the Trading with the Enemy Amendment Ordinance, 1915, and shall be read and construed as one with the Trading with the Enemy Ordinance, 1914, hereinafter called the Principal Ordinance.

(2.) In this Ordinance:—

“Enemy” means any person or body of persons who would be so treated for the purpose of any proclamation issued by His Majesty dealing with trading with the enemy for the time being in force;

“Present war” means the present war between His Majesty and Germany, Austria-Hungary and Turkey;

“Commencement of the present war” means as respects any enemy the date on which war was declared by His Majesty on the country in which that enemy resides or carries on business.

(3.) Nothing in this Ordinance shall be construed as limiting any power by proclamation to prohibit any transaction which is not prohibited by this Ordinance, or by licence to permit any transaction which is so prohibited.

Amendment  
of Ordinance  
No. 25 of  
1914, s. 2.

2. Section 2 of the Principal Ordinance is amended by the insertion of the words “or during the continuance of the present war between His Majesty and Turkey”, after the word “Austria-Hungary” in the fourth line of the first subsection thereof.

Invalidity of  
assignment  
of debts, &c.,  
by enemies.  
5 Geo. 5, c.  
12, s. 6.

3.—(1.) No person shall by virtue of any assignment of any debt or other chose in action, or delivery of any coupon or other security transferable by delivery, or transfer of any other obligation, made or to be made in his favour by or on behalf of an enemy, whether for valuable consideration or otherwise, have any rights or remedies against the person liable to pay, discharge or satisfy the debt, chose in action, security or obligation, unless he proves that the assignment, delivery, or transfer was made by leave of the Governor or was made before the commencement of the present war, and any person who knowingly pays, discharges or satisfies any debt, or chose in action, to which this subsection applies, shall be deemed to be guilty of the offence of trading with the enemy within the meaning of the Principal Ordinance:

Provided that this subsection shall not apply where the person to whom the assignment, delivery or transfer was made, or some person deriving title under him, proves that the transfer, delivery or assignment, or some subsequent transfer, delivery or assignment, was made before the eighth day of May, 1915, in good faith and for valuable consideration, nor shall this subsection apply to any bill of exchange or promissory note.

(2.) No person shall by virtue of any transfer of a bill of exchange or promissory note made or to be made in his favour by or on behalf of an enemy, whether for valuable consideration or otherwise, have any rights or remedies against any party to the instrument, unless he proves that the transfer was made before the commencement of the present war, and any party to the instrument who knowingly discharges the instrument shall be deemed to be guilty of trading with the enemy within the meaning of the Principal Ordinance :

Provided that this subsection shall not apply where the transferee, or some subsequent holder of the instrument proves that the transfer, or some subsequent transfer, of the instrument was made before the eighth day of May, 1915, in good faith and for valuable consideration.

(3.) Nothing in this section shall be construed as validating any assignment, delivery or transfer which would be invalid apart from this section or as applying to securities within the meaning of section 4 of this Ordinance.

4.—(1.) Unless made by leave of the Governor, no transfer made after the passing of this Ordinance by or on behalf of an enemy of any securities shall confer on the transferee any rights or remedies in respect thereof, and no company or other body by whom the securities were issued or are managed shall, except as hereinafter appears, take any cognizance of or otherwise act upon any notice of such a transfer :

Invalidity of transfers of shares in company, &c.

5 Geo. 5. c. 12, s. 8.

(2.) No entry shall hereafter, during the continuance of the present war, be made in any register or branch register or other book kept in the Colony, or under the Companies Ordinances, 1911 and 1913, of any transfer of any securities therein registered, inscribed or standing in the name of an enemy, except by leave of the Governor.

(3.) No share warrants payable to bearer shall be issued during the continuance of the present war in respect of any shares or stock registered in the name of any enemy.

(4.) If any company or any body contravenes the provisions of this section the company or body shall be liable on summary conviction to a fine not exceeding one thousand dollars, and every director, manager, secretary or other officer of the company or body who is knowingly a party to the default, shall be liable on the like conviction to a like fine or to imprisonment, with or without hard labour, for a term not exceeding six months.

(5.) For the purposes of this section the expression "securities" means any annuities, stock, shares, debentures or debenture stock issued by or on behalf of the Government or by any other authority, or by any company or by any other body, which are registered or inscribed in any register, branch register, or other book kept in the Colony, or under the Companies Ordinances, 1911 and 1913.

5.—(1.) Section 2 of the Principal Ordinance shall apply to a person who during the present war attempts, or directly or indirectly offers or proposes or agrees, or has since the fourth day of August, 1914, attempted or directly or indirectly offered or proposed or agreed, to trade with the enemy within the meaning of that Ordinance in like manner as it applies to a person who so trades or has so traded.

Additional provisions as to trading with the enemy.

5 Geo. 5, c. 12, s. 10.

(2.) If any person without lawful authority in anywise aids or abets any other person, whether or not such other person is in the Colony, to enter into, negotiate, or complete any transaction or do any act which, if effected or done in the Colony by such other person, would constitute an offence of trading with the enemy within the meaning of the Principal Ordinance, he shall be deemed to be guilty of such an offence.

(3.) If any person without lawful authority deals, or attempts, or offers, proposes or agrees, whether directly or indirectly, to deal with any money or security for money or other property which is in his hands or over which he has any claim or control for the purpose of enabling an enemy to obtain money or credit thereon or thereby he shall be deemed to be guilty of the offence of trading with the enemy within the meaning of the Principal Ordinance.

Power to use  
information  
in evidence  
against in-  
formant.

5 Geo. 5, c.  
12, s. 13.

6. Where a person has given any information to a person appointed to inspect the books and documents of a person, under section 3 of the Principal Ordinance, the information so given may be used in evidence against him in any proceedings relating to the offence of trading with the enemy within the meaning of the Principal Ordinance, notwithstanding that he gave the information only on being required so to do by the inspector in pursuance of his powers under the said section.

Power to  
appoint  
supervisor.

5 Geo. 5, c.  
12, s. 12.

7. Where it appears to the Governor that it is expedient that any business should be subject to frequent inspection or constant supervision he may appoint any person or firm to supervise the said business with such powers as he may determine, and any remuneration payable and expenses incurred, to such amount as may be fixed by the Governor, shall be paid by the person, firm, or company, by whom or by which the said business is carried on.

Passed the Legislative Council of Hongkong, this 13th day of May, 1915.

A. G. M. FLETCHER,  
*Clerk of Councils.*

Assented to by His Excellency the Governor, the 14th day of May, 1915.

CLAUD SEVERN,  
*Colonial Secretary.*

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## HONGKONG.

No. 13 OF 1915.

An Ordinance to amend the Rating Ordinance,  
1901.

I assent to this Ordinance.

(LS)

F. H. MAY,  
*Governor.*

[14th May, 1915.]

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

Short title.

1. This Ordinance may be cited as the Rating Amendment Ordinance, 1915, and shall be read and construed as one with the Rating Ordinance, 1901, hereinafter called the Principal Ordinance, and the Principal Ordinance and this Ordinance may be cited together as the Rating Ordinances, 1901 and 1915.

Amendment  
of section 39  
of Ordinance  
No. 6 of  
1901.

2. Section 39 of the Principal Ordinance is amended by the addition of the following subsection at the end thereof:—

“(4.) It shall be lawful for the Governor-in-Council in his discretion to authorise the total or partial exemption from assessment of any hostel attached to the University of Hongkong.”

Passed the Legislative Council of Hongkong, this 13th day of May, 1915.

A. G. M. FLETCHER,  
*Clerk of Councils.*

Assented to by His Excellency the Governor, the 14th day of May, 1915.

CLAUD SEVERN,  
*Colonial Secretary.*