

FLOOD RELIEF.—His Excellency the Governor addressed the Council and moved the following Resolution:—

*This Council deeply deplores the unprecedented disasters by flood and fire in the Kwangtung Province and desires to express its heartfelt sympathy with the Government of the Province in this sore trial. This Council hereby votes a sum of \$50,000 as a contribution towards the relief of suffering caused by these disasters.*

Mr. WEI YUK seconded.

Question—put and agreed to.

ADJOURNMENT.—The Council then adjourned *sine die*.

F. H. MAY,  
Governor.

Read and confirmed this 10th day of September, 1915.

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

No. 405.

*Resolution passed by the Legislative Council under section 31 (1) of the Rating Ordinance, 1901, Ordinance No. 6 of 1901, this 10th day of September, 1915.*

Resolved by the Legislative Council that the percentages on the valuation of tenements payable as rates on the under-mentioned Lots be altered as from the 1st October, 1915, as follows:—

Shaukiwan Marine Lots Nos. 1 to 10 (both inclusive), ...	From 12 $\frac{1}{4}$ % to 10 $\frac{3}{4}$ %.
Shaukiwan Inland Lot No. 408, .....	„ 12 $\frac{1}{4}$ % to 10 $\frac{3}{4}$ %.
Inland Lot No. 1837,.....	} „ 9 % to 10 $\frac{1}{4}$ %.
„ „ „ 1946,.....	
„ „ „ 1911,.....	
„ „ „ 1969,.....	
„ „ „ 2060,.....	
„ „ „ 1947,.....	„ 9 % to 12 $\frac{1}{4}$ %.
„ „ „ 2039,.....	} „ 9 % to 13 %.
„ „ „ 1698,.....	
„ „ „ 1484,.....	
„ „ „ 1690,.....	
„ „ „ 1460,.....	
„ „ „ 2067,.....	
„ „ „ 2066,.....	
„ „ „ 1927,.....	
„ „ „ 1926,.....	
„ „ „ 2065,.....	

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

COUNCIL CHAMBER,  
10th September, 1915.

No. 406.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the King, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 22 of 1915.—An Ordinance to amend further the Trading with the Enemy Ordinance, 1914, and to effect certain purposes connected therewith.

HONGKONG.

No. 22 OF 1915.

An Ordinance to amend further the Trading with the Enemy Ordinance, 1914, and to effect certain purposes connected therewith.

I assent to this Ordinance.

L.S.

F. H. MAY,  
Governor.

[10th September, 1915.]

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

Short title  
and  
construction.

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

Repeal of  
Ordinance  
No. 18 of  
1915.

2. The Certificates of Origin Amendment Ordinance, 1915 is repealed.

Constitution  
of office of  
Custodian of  
enemy pro-  
perty :  
5 Geo. 5. c.  
12, s. 1 (1),  
(3), (4).

3.—(1.) The Governor shall appoint a person to act as Custodian of enemy property, hereinafter referred to as "the Custodian", for the purpose of receiving, holding, preserving, and dealing with such property as may be paid to or vested in him in pursuance of this Ordinance.

(2.) The Custodian shall have such powers and duties with respect to the property aforesaid as may be prescribed by regulations made by the Governor.

(3.) The Custodian may place on deposit with any bank, or invest in any securities, approved by the Governor, any moneys paid to him under this Ordinance or received by him from property vested in him under this Ordinance, and any interest or dividends received on account of such deposits or investments shall be dealt with in such manner as the Governor may direct :

Payment of  
dividends,  
&c., payable  
to enemy :  
5 Geo. 5, c.  
30, s. 2.

4.—(1.) Any sum which, had a state of war not existed, would have been payable and paid to or for the benefit of an enemy, by way of dividends, interest or share of profits, shall be paid by the person, firm or company by whom it would have been payable to the Custodian to hold subject to the provisions of this Ordinance and any Order made or direction given thereunder, and the payment shall be accompanied by such particulars as the Governor may prescribe, or as the Custodian, if so authorised by the Governor, may require.

Any payment required to be made under this subsection to the Custodian shall be made—

- (a.) within fourteen days after the passing of this Ordinance, if the sum, had a state of war not existed, would have been paid before the passing of this Ordinance ; and
- (b.) in any other case within fourteen days after it would have been paid.

(2.) Where before the passing of this Ordinance any such sum has been paid into any account with a bank, or has been paid to any other person in trust for an enemy, the person, firm or company by whom the payment was made shall, within fourteen days after the passing of this Ordinance, by notice in writing, require the bank or person to pay the sum over to the Custodian to hold as aforesaid, and shall furnish the Custodian with such particulars as aforesaid. The bank or other person shall, within one week after the receipt of the notice, comply with the requirement and shall be exempt from all liability for having done so.

(3.) If any person fails to make or require the making of any payment or to furnish the prescribed particulars within the time mentioned in this section, he shall be liable upon summary conviction to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding six months, and in addition to a further fine not exceeding five hundred dollars for every day during which the default continues, and every director, manager, secretary or officer of a company, or any other person who is knowingly a party to the default shall, on the like conviction, be liable to the like penalty.

(4.) If, in the case of any person, firm or company whose books and documents are liable to inspection under section 3 of the Principal Ordinance, any question arises as to the amount which would have been so payable and paid as aforesaid, the question shall be determined by the person who may have been or who may be appointed to inspect the books and documents of the person, firm or company, or, on appeal, by the Governor, and if, in the course of determining the question, it appears to the inspector or the Governor that the person, firm or company has not distributed as dividends, interest or profits the whole of the amount properly available for that purpose, the inspector or Governor may ascertain what amount was so available and require the whole of such amount to be so distributed, and, in the case of a company, if such dividends have not been declared, the inspector or the Governor may himself declare the appropriate dividends, and every such declaration shall be as effective as a declaration to the like effect duly made in accordance with the constitution of the company.

Provided that where a supervisor has been appointed under section 7 of the Trading with the Enemy Amendment Ordinance, 1915, this subsection shall apply as if for references to the inspector there were substituted references to the supervisor.

(5.) For the purposes of this Act the expression "dividends, interest or share of profits" means any dividends, bonus or interest in respect of any shares, stock, debentures, debenture stock or other obligations of any company, any interest in respect of any loan to a firm or person carrying on business for the purposes of that business, and any profits or share of profits of such a business, and, where a person is carrying on any business on behalf of an enemy, any sum which, had a state of war not existed, would have been transmissible by a person to the enemy by way of profits from that business shall be deemed to be a sum which would have been payable and paid to that enemy.

(6.) It shall be lawful for the Governor to exempt any liquidator appointed under the provisions of the Alien Enemies (Winding up) Ordinance, 1914, or any other person, from the operation of this section, either in whole or part and either permanently or temporarily, and to withdraw in whole or part any exemption so granted.

5.—(1.) Any person who holds or manages for or on behalf of an enemy any property, real or personal (including any rights, whether legal or equitable, in or arising out of property, real or personal), shall, within one month after the passing of this Ordinance or if the property comes into his possession or under his control after the passing of this Ordinance, then within one month after the time when it comes into his possession or under his control, by notice in writing communicate the fact to the Custodian, and shall furnish the Custodian with such particulars in relation

Duty of trustees for enemies to notify the Custodian: 5 Geo. 5, c. 12, s. 3.

thereto as the Custodian may require, and if any person fails to do so he shall be liable upon summary conviction to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding six months, and in addition to a further fine not exceeding five hundred dollars for every day during which the default continues.

(2.) Every company incorporated in the Colony and every company which, though not incorporated in the Colony, has a share transfer or share registration office in the Colony shall, within one month after the passing of this Ordinance, by notice in writing communicate to the Custodian full particulars of all shares, stock, debentures, and debenture stock and other obligations of the company which are held by or for the benefit of an enemy; and every partner of every firm, one or more partners of which on the commencement of the war became enemies or to which money had been lent for the purpose of the business of the firm by a person who so became an enemy, shall, within one month after the commencement of this Ordinance, by notice in writing communicate to the Custodian full particulars as to any share of profits and interest due to such enemies or enemy, and, if any company or partner fails to comply with the provisions of this subsection, the company shall be liable upon summary conviction to a fine not exceeding one thousand dollars, and in addition to a further fine not exceeding five hundred dollars for every day during which the default continues, and the partner and every director, manager, secretary or officer of the company who is knowingly a party to the default shall on the like conviction be liable to the like fine, and to imprisonment for any term not exceeding six months.

(3.) It shall be lawful for the Governor to exempt any liquidator appointed under the provisions of the Alien Enemies (Winding up) Ordinance, 1914, or any other person, from the operation of this section, either in whole or part and either permanently or temporarily, and to withdraw in whole or part any exemption so granted.

Power to  
vest enemy  
property in  
Custodian:  
5 Geo. 5,  
c. 12, s. 4.

6.—(1.) The Supreme Court or a judge thereof may, on the application of any person who appears to the court to be a creditor of an enemy or entitled to recover damages against an enemy, or to be interested in any property, real or personal (including any rights, whether legal or equitable, in or arising out of property real or personal), belonging to or held or managed for or on behalf of an enemy, or on the application of the Custodian or any Government Department, by order vest in the Custodian any such real or personal property as aforesaid, if the court or the judge is satisfied that such vesting is expedient for the purposes of this Ordinance, and may by the order confer on the Custodian such powers of selling, managing and otherwise dealing with the property as to the court or judge may seem proper.

(2.) The court or judge before making any order under this section may direct that such notices (if any), whether by way of advertisement or otherwise, shall be given as the court or judge may think fit.

(3.) A vesting order under this section as respects property of any description shall be of the like purport and effect as a vesting order as respects property of the same description made under the Trustee Ordinance, 1901.

(4.) No application shall be made to the Supreme Court under this section without the permission of the Governor.

Holding and  
dealing with  
property by  
Custodian:  
5 Geo. 5,  
c. 12, s. 5.

7.—(1.) The Custodian shall, except so far as the Governor or the Supreme Court or a judge thereof may otherwise direct, and subject to the provisions of the next succeeding subsection, hold any money paid to and any property vested in him under this Ordinance until the termination of the present war, and shall thereafter deal with the same in such manner as the Governor may direct.

(2.) The property held by the Custodian under this Ordinance shall not be liable to be attached or otherwise taken in execution, but the Custodian may in his discretion, if so authorised by an order of the Supreme Court or a

judge by whose order any property belonging to an enemy was vested in the Custodian under this Ordinance, or of any court in which judgment has been recovered against an enemy, pay out of the property paid to him in respect of that enemy the whole or any part of any debts due by that enemy and specified in the order :

Provided that before paying any such debt the Custodian shall take into consideration the sufficiency of the property paid to or vested in him in respect of the enemy in question to satisfy that debt and any other claims against that enemy of which notice verified by statutory declaration may have been served upon him.

(3.) The receipt of the Custodian or any person duly authorised to sign receipts on his behalf for any sum paid to him under this Ordinance shall be a good discharge to the person paying the same as against the person or body of persons in respect of whom the sum was paid to the Custodian.

(4.) The Custodian shall keep a register of all property held by him under this Ordinance which register shall be open to public inspection at all reasonable times free of charge.

(5.) The Chief Justice may by rules make provision for the practice and procedure to be adopted for the purposes of this and the last preceding section.

8. Where during the continuance of the present war any coupon or other security transferable by delivery is presented for payment to any company or other body or person, and the company, body or person has reason to suspect that it is so presented on behalf or for the benefit of an enemy, or that since the commencement of the present war it has been held by or for the benefit of an enemy, the company, body or person may pay the sum due in respect thereof into the Supreme Court, and the same shall, subject to rules of court, be dealt with according to the orders of the court, and such a payment shall for all purposes be a good discharge to the company, body or person.

Right to pay into court sums due on coupons suspected of being enemy property: 5 Geo. 5, c. 12, s. 7.

9.—(1.) During the continuance of the present war a certificate of incorporation of a company shall not be given by the Registrar of Companies until there has been filed with him either—

- (a.) a statutory declaration by a solicitor of the Supreme Court engaged in the formation of the company that the company is not formed for the purpose or with the intention of acquiring the whole or any part of the undertaking of a person, firm or company the books and documents of which are liable to inspection under section 3 of the Principal Ordinance; or
- (b.) a licence from the Governor authorising the acquisition by the company of such an undertaking.

Condition as to the incorporation of new companies, and prohibition of acquisition of certain undertakings by any company: 5 Geo. 5, c. 12, s. 9.

(2.) It shall not be lawful for any company, during the continuance of the present war, without the licence of the Governor, to acquire the whole or any part of any such undertaking, and if it does so the company shall, without prejudice to any other liability, be liable upon summary conviction to a fine not exceeding one thousand dollars, and every director, manager, secretary, or other officer of the company who is knowingly a party to the default shall upon the like conviction be liable to the like fine and to imprisonment for any term not exceeding six months.

10.—(1.) Where the Superintendent of Imports and Exports has reason to suspect that the place of origin of any goods imported into the Colony, whether before or after the commencement of this Ordinance, is a place in any territory which, under any Proclamation issued by His Majesty dealing with trading with the enemy for the time being in force, is or is treated as enemy country, the goods may be seized, by force if necessary, and may on application to a magistrate be ordered by such magistrate to be forfeited to the Crown.

Seizure and forfeiture of goods of enemy origin: 5 Geo. 5, c. 31, s. 6: Ordinance No. 18 of 1915, s. 2.

(2.) Upon the making of any such order of forfeiture the said goods shall be deemed to be the property of the Crown free from all rights of any person: Provided that it shall be lawful for the Governor-in-Council, in his absolute discretion, to entertain and give effect to any moral claim to or in respect of the said goods.

(3.) In any proceeding for the forfeiture of any goods so seized as aforesaid the place of origin of such goods shall be deemed to be in territory which is or is treated as enemy country unless the contrary is proved.

Seizure and forfeiture of goods destined for or coming from an enemy.

11.—(1.) Where the Superintendent of Imports and Exports has reason to suspect that any goods for the time being within the Colony have been or are being directly or indirectly supplied to or for the use or benefit of an enemy, or have been or are being directly or indirectly obtained from an enemy, or have been or are being directly or indirectly supplied to or for the use or benefit of, or have been or are being directly or indirectly obtained from, any person for or by way of transmission to or from an enemy, or are destined for or have come from an enemy, such Superintendent of Imports and Exports may seize such goods, by force if necessary, and any such goods may on application to a magistrate be ordered to be forfeited to the Crown.

(2.) Upon the making of any such order of forfeiture the said goods shall be deemed to be the property of the Crown free from all rights of any person: Provided that it shall be lawful for the Governor-in-Council, in his absolute discretion, to entertain and give effect to any moral claim to or in respect of the said goods.

(3.) In any proceeding for the forfeiture of any goods so seized as aforesaid it shall be deemed, unless the contrary be proved, that the said goods have been or are being directly or indirectly supplied to or for the use or benefit of an enemy, or have been or are being directly or indirectly obtained from an enemy, or have been or are being directly or indirectly supplied to or for the use or benefit of, or have been or are being directly or indirectly obtained from, any person for or by way of transmission to or from an enemy, or are destined for or have come from an enemy, as the case may be.

Certificate of British customs or consular officer to be *prima facie* evidence: Ordinance No. 18 of 1915, s. 3.

12. In any proceeding in respect of or involving any matter, civil or criminal, arising under this Ordinance or under the Principal Ordinance or under the Trading with the Enemy Amendment Ordinance, 1915, any certificate produced from official custody and purporting to be signed by any British customs or consular officer shall be *prima facie* evidence of the truth of the matters stated therein.

Passed the Legislative Council of Hongkong, this 10th day of September, 1915.

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

Assented to by His Excellency the Governor, the 10th day of September, 1915.

A. M. THOMSON,  
*Colonial Secretary.*

No. 407.—His Majesty the King has not been advised to exercise his power of disallowance with respect to the following Ordinance:—

Ordinance No. 11 of 1915.—An Ordinance to amend the Alien Enemies (Winding up) Ordinance, 1914, and to give power to stay actions against alien enemies.

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

COUNCIL CHAMBER,  
7th September, 1915.