

No. 62.—The following Order of His Majesty the King in Council, which appeared in the *London Gazette* of the 12th December, 1919, is published for general information.

AT THE COURT AT BUCKINGHAM PALACE,

THE 9TH DAY OF DECEMBER, 1919.

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD SOMERLEYTON.

LORD CHAMBERLAIN.

SIR FREDERICK PONSONBY.

WHEREAS at Versailles, on the 28th day of June, 1919, a Treaty of Peace with Germany (hereinafter referred to as "the Treaty") was signed on behalf of His Majesty; and

Whereas it was provided in the Treaty that the property of German nationals within the territory or under the control of an Allied or Associated State might be constituted a pledge for enemy liabilities upon the conditions laid down in the Treaty; and

Whereas by the Treaty of Peace Act, 1919, it was provided that His Majesty might make such appointments, establish such offices, make such Orders in Council, and do such things as appeared to Him to be necessary for carrying out the Treaty, and for giving effect to any of the provisions thereof; and

Whereas by Treaty, grant, usage, sufferance, or other lawful means His Majesty has power and jurisdiction in China; and

Whereas there is now in China certain property of German nationals under the control of His Majesty, and it is expedient to make provision for charging such property with the payment of the liabilities for which it may be constituted a pledge by the Treaty in the manner hereinafter provided:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in Him vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. All property rights and interests in China belonging to German nationals at the date when the Treaty comes into force (not being property rights or interests acquired under any general licence issued by or on behalf of His Majesty) and the net proceeds of their sale, liquidation, or other dealings therewith, so far as such property rights and interests or such net proceeds are vested in or otherwise under the control of the Custodian of enemy property or other British authority under the Trading with the Enemy Acts or the Trading with the Enemy Regulations, are hereby charged:—

(a) First, with payment of the amounts due in respect of claims by British nationals with regard to their property rights and interests, including companies and associations in which they are interested in German territory, or debts owing to them by German nationals, and with payment of any compensation awarded by the Mixed Arbitral Tribunal or by an arbitrator appointed by that Tribunal in pursuance of paragraph (e) of Article 297 of the Treaty, and with payment of claims growing out of acts committed by the German Government or by German authorities since the 31st July, 1914, and before the 4th August, 1914.

(b) Secondly, with payment of the amounts due in respect of claims by British nationals with regard to their property rights and interests in the territories of Austria-Hungary, Bulgaria, and Turkey in so far as those claims are not otherwise satisfied.

Provided that any particular property rights or interests so charged may at any time, if the Minister thinks fit, be released from the charge so created.

2. In the application and enforcement of the charge created by this Order the claims of or debts owing to British nationals resident or carrying on business in China shall enjoy priority over the claims of or debts owing to other British nationals.

3. With a view to making effective and enforcing such charge as aforesaid:—

- (a) No person shall, without the consent of the Custodian, transfer, part with, or otherwise deal in any property, right, or interest subject to the charge, and if he does so he shall be liable, on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine.
- (b) Every person owning or having the control or management of any property right or interest subject to the charge (including where the property right or interest consists of shares, stocks, or other securities issued by a company, municipal authority, or other body, or any right or interest therein, such company, authority, or body) shall, unless particulars thereof have already been furnished to the Custodian in accordance with the Trading with the Enemy Acts, 1914 to 1918, or the Trading with the Enemy Consolidation Regulations, 1918, within one month from the date when this Order comes into operation, by notice in writing communicate the fact to the Custodian, and shall furnish the Custodian with such particulars in relation thereto as the Custodian may require, and if any person fails to do so he shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.
- (c) Where the property charged consists of inscribed or registered stock, shares, or other securities, any company, municipal authority, or other body by whom the securities were issued or are managed shall, on application being made by the Custodian, enter the Custodian in the books in which the securities are inscribed or registered, as the proprietor of the securities subject to the charge, and the Custodian shall, subject to the consent of the Minister, have power to sell or otherwise deal with the securities as proprietor of which he is so registered or inscribed.
- (d) The Minister may by order vest in the Custodian any property rights and interests subject to the charge, or the right to transfer the same, and for that purpose section 4 of the Trading with the Enemy (Amendment) Act, 1916, shall apply as if such property rights and interests were property belonging to an enemy or enemy subject.
- (e) If any person called upon to pay any money or to transfer or otherwise to deal with any property rights or interests has reason to suspect that the same are subject to such charge as aforesaid, he shall, before paying, transferring, or dealing with the same, report the matter to the Custodian, and shall comply with any directions that the Custodian may give with respect thereto.

4. All decisions of the Mixed Arbitral Tribunal constituted under Section VI of Part X of the Treaty, if within the jurisdiction of that Tribunal, shall be final and conclusive, and binding on all courts.

5. For the purpose of enforcing the attendance of witnesses before the Mixed Arbitral Tribunal, whether sitting in China or not, and compelling the production before the Tribunal of documents, the Minister shall have power to issue orders which shall have the like effect as if the proceedings before the Tribunal were an action in the court, and the order were a formal process issued by that court in the due exercise of its jurisdiction, and shall be enforceable by that court accordingly, and disobedience to any such order shall be punishable as contempt of court.

6. Sections IV, V, and VI of Part X of the Treaty relating to property rights and interests, to contracts, prescriptions and judgments, and to the Mixed Arbitral Tribunal, and all provisions of the said Treaty affecting or relating to the charge created by this Order shall have full force and effect as law.

7. The time at which the periods of prescription or limitation of right of action referred to in Article 300 of the Treaty shall begin again to run shall be at the expiration of six months after the coming into force of the Treaty, and the period to be allowed

within which presentation of negotiable instruments for acceptance or payment, and notice of non-acceptance or non-payment or protest may be made under Article 301, shall be six months from the coming into force of the Treaty.

8. Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy, and any action taken thereunder are hereby confirmed, subject to the provisos contained in paragraph 4 (a) of the Annex to Section V of Part X of the Treaty.

9. The power under Article 155 of the China Order in Council, 1904, or under any Order amending the said Order, to make King's Regulations, shall extend to the issue of regulations for the purpose of enforcing the charge created by this Order, and for making such arrangements as may be required for establishing and assessing the claims and debts for the payment of which the property charged is rendered liable, and for the payment, in whole or in part, of the sums due.

10. This Order may be cited as the China (Treaty of Peace) Order in Council, 1919, and shall be read as one with the China Order in Council, 1904, and with any Order amending the same.

11. This Order shall come into operation on the date when the Treaty of Peace comes into force.

ALMERIC FITZROY.

No. 63.—It is hereby notified that the name of Mr. JOHN WHYTE COOPER BONNAR has been restored to the List of Un-official Justices of the Peace.

No. 64.—It is hereby notified that PUN MAK-HEUNG (潘墨香) Sub-Inspector of Vernacular Schools for the New Territories has been dismissed from his office as from the 26th January, 1920.

No. 65.—With reference to Government Notification No. 479 published in the *Gazette* of the 10th October, 1919, it is hereby notified that Sections D and E of the Prohibited Export List of the United Kingdom have been abolished.

No. 66.—The following firm has been granted a licence to trade under the Non-Ferrous Metal Industry Ordinance, 1919, Ordinance No. 1 of 1919:—

In continuation of Government Notification No. 51 dated the 23rd January, 1920.

Jardine, Matheson & Co., Ltd.

No. 67.—It is hereby notified that the Regulations relating to the Control of Ship-building and Ship-repairing made by His Excellency the Governor under the powers conferred by sub-clause 1 (a) of clause III of the Order of Her late Majesty Queen Victoria in Council dated the 26th day of October, 1896, as enacted by the Order of His Majesty in Council dated the 21st day of March, 1916, on the 28th day of December, 1916, and published in the *Gazette* on the 29th day of December, 1916, as Government Notification No. 565, are hereby repealed.

CLAUD SEVERN,
Colonial Secretary.

30th January, 1920.