

TRINIDAD AND TOBAGO.

Trading with the Enemy.

No. 27.—1914.

5th October.

AN ORDINANCE to deal with Trading with Enemies of His Majesty.



[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

9th October, 1914.

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

1. This Ordinance may be cited as the Trading with the Enemy Ordinance, 1914. Short Title.

2. In this Ordinance—

The expression "Trading with the Enemy," and cognate expressions, mean any act or transaction prohibited by or under any of the provisions of any Proclamation made by His Majesty dealing with such trading or constituting the offence of Trading with the Enemy at Common Law or by ordinance or by any statute of the Imperial Parliament in operation in the Colony; Interpretation.

The expression "Company" means an incorporated company.



3.—(1.) Any person who :—

Penalty for trading with the enemy.

(a.) During the state of war now in existence between His Majesty on the one hand and the German Emperor and the Dual Monarchy of Austria-Hungary on the other hand trades with an enemy ; or

(b.) Has since the 4th day of August, 1914, traded with an enemy ;

is guilty of a misdemeanour and is liable upon summary conviction to imprisonment, with or without hard labour, for any period not exceeding twelve months, or to a fine of £500 or to both, and upon conviction on indictment to imprisonment, with or without hard labour, for any period not less than three years and not more than seven years or to a fine at the discretion of the Court or to both.

(2.) In the case of a conviction either summary or upon indictment the goods or money in respect of which the offence is committed shall be ordered by the Court to be forfeited to His Majesty.

Officers of Company liable to punishment.

(3.) Any director, manager, secretary or officer of a company who knowingly takes part or aids or abets in the commission of any offence under this section is liable to the punishment hereinbefore set forth.

Consent of Attorney-General to prosecution.

(4.) No prosecution under this section shall be initiated without the consent in writing of the Attorney-General first had and obtained.

Offenders not to be punished twice in respect of same offence.

(5.) Notwithstanding anything in this section contained no person shall be liable to be punished twice in respect of the same offence.

Suspected or anticipated offence.

4.—(1.) In case of a suspected or anticipated offence under this Ordinance by a person, firm or company, a Magistrate may, on information on oath laid on behalf of the Governor, authorise by warrant a person named in such warrant :—

(a.) To inspect books or documents belonging to or under the control of such person, firm or company ;

- (b.) To require any person able to give information respecting the business or trade of such person, firm or company to give such information ;
- (c.) If accompanied by a member of the Constabulary Force, to search any premises used in connection with such business or trade.

(2.) In case of emergency, of which he shall be the sole judge, the Governor may by writing under his hand give like authority to that mentioned in the preceding subsection, and the person named in such writing shall have all the like powers, privileges, exemptions and protection as a person named in and acting under a warrant issued by a Magistrate as in the said sub-section set forth.

5.—(1.) Where it appears to the Governor in reference to any firm or company :—

Appointment
and powers of
Controller.

- (a.) that an offence under this Ordinance has been or is likely to be committed in connection with the trade or business thereof ; or
- (b.) that the control or management thereof has been or is likely to be so affected by the state of war as to prejudice the effective continuance of its trade or business and that it is in the public interest that the trade or business should continue to be carried on ;

the Attorney-General acting for and on behalf of the Governor may apply by summons to the Supreme Court for the appointment of a Controller of the firm or company and the Supreme Court shall have power to appoint such a Controller for such time and subject to such conditions and with such powers as the Court thinks fit and the powers so conferred shall be either those of a Receiver and Manager or those powers subject to such modifications restrictions or extensions as the Court thinks fit including, if the Court considers it necessary or expedient for enabling the Controller to borrow money, power after a special application by summons to the Court for this purpose to create charges on the property of the firm or company in priority to existing charges.

(2.) The Court shall have power to direct how and by whom the costs of the proceedings under this section and the remuneration charges and expenses of the Controller shall be borne and shall have power if it thinks fit to charge such costs charges and expenses on the property of the firm or company in such order of priority in relation to any existing charges thereto as it thinks fit.

Evidence of Proclamation.

6. Production of a copy of the *Royal Gazette* containing a copy of a Proclamation purporting to have been made, or to contain the provisions of a Proclamation made, by His Majesty, shall be sufficient evidence in all Courts and for all purposes whether civil or criminal of the due making publication and contents of such Royal Proclamation.

Limitation of prosecution.

7. Every prosecution in order to a conviction for a summary offence under this Ordinance shall be commenced within twelve months from the commission thereof.

Procedure.

8. All prosecutions in order to a conviction for a summary offence under this Ordinance shall be conducted before a Magistrate in the manner laid down in the Summary Conviction Offences (Procedure) Ordinance (No. 1).

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

HARRY L. KNAGGS,
Clerk of the Council.