

WESTERN PACIFIC HIGH COMMISSION.

No. 2 of 1921



[L.S.]

C. H. RODWELL,

High Commissioner.

24th January, 1921.

## KING'S REGULATION

FOR THE APPLICATION TO THE KINGDOM OF  
TONGA OF THE TREATY OF PEACE (AMEND-  
MENT) ORDER 1920.

Made by His Britannic Majesty's High Commissioner for  
the Western Pacific under the provisions of the Pacific  
Order in Council 1893.

In the name of His Majesty, GEORGE THE FIFTH, by the  
Grace of God of the United Kingdom of Great  
Britain and Ireland and of the British Dominions  
beyond the Seas King, Defender of the Faith,  
Emperor of India.

[24th January, 1921.]

WHEREAS His Majesty in Council did make an Order  
to wit the Treaty of Peace (Amendment) Order  
1920 amending the Treaty of Peace Order 1919:

And whereas it is expedient that the provisions of the  
said Order *mutatis mutandis* should be made applicable to  
the Kingdom of Tonga. Now therefore it is hereby en-  
acted as follows:—

1. This Regulation may be cited for all purposes as the  
Tonga Treaty of Peace Order (Amendment) Regulation  
1921.

SHORT TITLE.

2. The Treaty of Peace (Amendment) Order 1920 and  
the Schedule thereto which are set out in the Schedule to  
this Regulation are hereby made applicable to and shall  
apply to the Kingdom of Tonga provided always that the  
references and expressions in the said Order and Schedule  
shall for the purposes of their local application where  
occasion requires be read and construed *mutatis mutandis*.

TREATY OF  
PEACE (AMEND-  
MENT) ORDER  
1920 MADE  
APPLICABLE TO  
TONGA.

## Tonga Treaty of Peace Order (Amendment) Regulation 1921.

## THE SCHEDULE.

## PEACE, TREATY OF.

## THE TREATY OF PEACE (AMENDMENT) ORDER, 1920.

At the Court at Buckingham Palace, the 28th day of June, 1920.

*Present:*

The King's Most Excellent Majesty in Council.

Whereas in pursuance of the powers conferred on Him by the Treaty of Peace Act, 1919, (a) His Majesty in Council was pleased to make the Treaty of Peace Order, 1919, (b) and it is expedient that the said Order should be amended in manner hereinafter appearing:

Now therefore His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered as follows:—

1. The provisions of the Treaty of Peace Order, 1919, set out in the first column of the Schedule to this Order shall be amended in the manner shown in the second column of that Schedule.

2. Paragraph (xvi) of Article one of the Treaty of Peace Order, 1919, shall have effect and shall be deemed always to have had effect as if for the proviso to that paragraph the following proviso were contained therein:

“ Provided that any particular property rights or interests  
“ so charged may at any time be released by the Custodian acting  
“ under the general direction of the Board of Trade from the charge  
“ so created.”

3. This Order may be cited as the Treaty of Peace (Amendment) Order, 1920.

ALMERIC FITZROY.

## SCHEDULE.

Article.	Nature of Amendment.
1	For the words “ this Act ” there shall be substituted “ this Order.”
1 (x)	At the end the following words shall be inserted:— “ The Clearing Office may make rules, subject to the approval of the “ President of the Board of Trade, for prescribing the manner in which “ the powers and duties conferred upon the Clearing Office by this Order “ shall be exercised.”
1 (xi)	At the end the following words shall be inserted:— “ In any proceeding by the Clearing Office to enforce payment of a “ debt or fine, a report purporting to be signed by the Controller or by “ the secretary shall be evidence of the facts therein stated.”
1 (xiv)	The following paragraph shall be inserted after paragraph (xiv):— “ (xivA) The Board of Trade may undertake on behalf of a British “ national the presentation to and conduct before the Mixed Arbitral “ Tribunal of any claim difference or dispute referable to the Tribunal “ under the provisions of Sections IV, V and VII of Part X of the Treaty, “ and may make regulations with the consent of the Treasury in respect “ of the fees to be charged in respect of such services.”
1 (xvi)	The following words shall be inserted after the words “ the fourth day of August nineteen hundred and fourteen ”:— “, but so nevertheless that the claims of British nationals for the proceeds “ of the liquidation of their property, rights and interests mentioned in “ Section IV of Part X of the Treaty and in the Annex thereto, and for “ the enemy debts owing to them referred to in Article 296 of the Treaty, “ shall rank in priority to any of the other claims above mentioned.”
1 (xvii)	In sub-paragraph (a), after the words “ the Custodian ” the following words shall be inserted: “ acting under the general direction of the Board of Trade.” After sub-paragraph (a) the following paragraph shall be inserted:— “ (aa) The Court may on the application of the Clearing Office or the “ Custodian require any person known or suspected to have in his pos- “ session or under his control or management any property, right or “ interest subject to charge, including any person known or suspected “ to owe a debt to a German national, or any person whom the Court may “ consider capable of giving information respecting the same, subject to “ payment or tender of reasonable expenses of his attendance, to attend “ as a witness and to give evidence or produce documents before the “ Court or before such officer as the Court may appoint for the purpose “ of examining into the matter, who shall have power to take evidence “ and administer oaths, and if any person fails without reasonable excuse “ to comply with any of the provisions of the order, or wilfully gives false “ evidence, he shall, on summary conviction, be liable to a fine not exceed- “ ing one hundred pounds, or to imprisonment for a term not exceeding “ three months, or to both such imprisonment and fine.

(a) 9-10 G. 5. c. 33.

(b) S.R. & O., 1919, No. 1917.

Article.	Nature of Amendment.
1 (xviii)	<p>“ For the purposes of this paragraph ‘ the court ’ means the High Court “ or a judge thereof, or the County Court, or in Scotland, the Court of “ Session or the sheriff court.”</p> <p>In sub-paragraph (c), after the words “ by the Custodian,” the following words shall be inserted “ notwithstanding any regulation or stipulation of “ the company or other body, and notwithstanding that the Custodian is “ not in possession of the certificate scrip or other document of title relating “ to the shares, stock or securities to which the application relates.”</p> <p>After sub paragraph (c) the following paragraph shall be inserted:—</p> <p>“ (cc) Where the property charged consists of property transferable on “ delivery, any person having the possession, control, or management of “ the property shall, on being so required by the Custodian, deliver the “ property to him, and the Custodian shall, subject to the consent of the “ Board of Trade, have power to sell or otherwise deal with the property “ so delivered to him.”</p> <p>In sub paragraph (d) for the words “ Section four ” there shall be substituted the words “ sub sections (1) to (4) of section four.”</p> <p>For the words “ Article 300 ” where those words secondly occur there shall be substituted the words “ Article 301,” and for the words “ six months ” where those words secondly occur there shall be substituted the words “ ten months.”</p>
3	<p>For the words “ except the Dominion of Canada ” to “ and India ” inclusive, there shall be substituted the words “ except India and the self-governing “ Dominions, that is to say, the Dominion of Canada, the Commonwealth “ of Australia (which for this purpose shall be deemed to include Papua “ and Norfolk Island), the Union of South Africa, the Dominion of New “ Zealand, and New Foundland.”</p> <p>At the end of the same article the following proviso shall be added:</p> <p>“ Provided also that if a local clearing office is established in India or “ in any self-governing Dominion, the provisions of this Order relating to “ the clearing office shall apply with respect to the relations between the “ Central Clearing Office and the local clearing office and to transactions “ on behalf of the local clearing office which must be effected through the “ Central Clearing Office, or which may be effected by the Central Clearing “ Office at the request of the local clearing office.”</p>

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twenty-fourth day of January one thousand nine hundred and twenty-one.

By Command,

ROGER GREENE,  
Secretary to His Britannic Majesty's High  
Commissioner for the Western Pacific.

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