

ENEMY PROPERTY ORDINANCE 1921. ⁽¹⁾⁽²⁾

WHEREAS in view of the exigencies of the British Military Occupation of the Territory of New Guinea it is expedient to amend the Laws relating to Enemy Property within the said Territory Now therefore I Evan Alexander Wisdom Brigadier-General British Military Administrator of the said Territory Do hereby order enact and proclaim as follows:—

1. This Ordinance may be cited as the *Enemy Property Ordinance 1921*,⁽²⁾ and shall come into force forthwith.⁽²⁾

2. The *Enemy Property Ordinance 1920* is hereby repealed but such repeal shall not affect any liability incurred or the validity of any Act done under the said Ordinance during the period of operation thereof.

3. In this Ordinance—

“Enemy State” means any Territory wheresoever situated which at the commencement of the war with Germany formed part of the German Empire or of the Empire of Austria-Hungary or the Kingdom of Bulgaria or of the State of Turkey. “Enemy” means and includes any person who at any time since the commencement of the war with Germany has been a subject or citizen of an enemy State or any corporation company firm or partnership incorporated registered formed or carrying on business within any enemy State of which any of the members shareholders or partners at any time since the commencement of the war has been a subject or citizen of any enemy State.

“Enemy Property” means any property whether real or personal which belongs or which at any time since the war with Germany has belonged to an enemy or in which an enemy has or at any such time as aforesaid has had any interest and includes all property owned

(1) Continued in force by the *Laws Repeal and Adopting Ordinance 1921-1939*.

(2) Particulars of this Ordinance are as follows:—

Date on which made by British Military Administrator.	Date on which published in <i>Govt. Gaz.</i>	Date on which came into force.
23.4.1921	30.4.1921	“Forthwith” (Sec. 1, <i>Enemy Property Ordinance 1921</i>)

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jointly or in common by an enemy and by any other person and all moneys which are the revenues of enemy property or which are the proceeds of the sale realization or disposition thereof and all moneys which are on any account whatever owing or payable to or on behalf of an enemy. Provided that no property which now belongs exclusively to any person who was at the commencement of the war and has remained a subject of Great Britain or of any of the Allied or Associated Powers or to any corporation company firm or partnership all of whose members or shareholders were at the commencement of the war and have remained subjects of Great Britain or any of the Allied or Associated Powers shall be deemed to be enemy property.

“Person” includes both natural and juristic persons.

“The Territory” means the Territories which at the date of the commencement of this Ordinance are known as German New Guinea that is to say Kaiser Wilhelm’s Land the Bismarck Archipelago the German Solomon Islands the Admiralty Group and all other former German Pacific Possessions south of the Equator other than the German Samoan Islands and the Island of Nauru.

“The Administrator” means the Principal Officer for the time being of the administration of the Territory.

4. No person shall without the consent of the Administrator first had and obtained take send or transmit or attempt to take send or transmit any enemy property out of the Territory or deal with enemy property in any manner whatsoever.

5. Any person who directly or indirectly assists or attempts to assist or incites or conspires with any person to commit a breach of section 4 hereof shall be guilty of an offence against this Ordinance.

6. No person shall without the consent of the Administrator first had and obtained pay send or deliver to the assignee of an enemy or to any person claiming through an enemy any money or other property which he could not lawfully pay send or deliver to the enemy himself whether the title of such assignee or person claiming through an enemy shall have accrued before or after the coming into force of this Ordinance.

7. Where in the opinion of the Administrator an attempt has been made or is about to be made to take send or transmit enemy property out of the Territory or to deal with such property with intent to evade or infringe the provisions of this Ordinance the

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Administrator may by notice in writing require any person having such property in his possession or under his control to hand the same within the time specified in the notice to the Administrator or to his duly authorized representative and any person who neglects to comply with such requirement within the time so specified shall be guilty of an offence against this Ordinance.

8. The penalty for any breach or non-observance of the provisions of this Ordinance shall be a fine of One hundred pounds (£100) or imprisonment for twelve months with or without hard labour or both and the Court may in addition to such penalty order the confiscation of any property with which the person convicted has dealt or attempted to deal in contravention of the provisions of this Ordinance whether such person is or is not the owner of such property.

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