

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,  
7th July, 1915

Hon. Mr. Herdman.

ENEMY CONTRACTS.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Attorney-General may declare any contract made with an enemy, or in which an enemy is interested, or which is for the profit or benefit of an enemy, to be an enemy contract.</p> <p>4. Declaration, when to take effect.</p> <p>5. Effect of declaration.</p>	<p>6. Declaration may be made in certain cases, notwithstanding that the existence of a state of war may have terminated.</p> <p>7. Declaration to be made only on application by a party to the contract or his duly authorized agent.</p> <p>8. Attorney-General may revoke declaration in certain cases.</p> <p>9. Declaration may be made notwithstanding proceedings pending.</p> <p>10. Restriction as to operation of Act.</p> <p>11. Regulations.</p>
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A BILL INTITULED

AN ACT to provide for the Cancellation of Contracts with the Enemy. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

- 1. This Act may be cited as the Enemy Contracts Act, 1915. Short Title.
- 2. In this Act, except where a different intention appears,— Interpretation.

“Enemy” means any person or corporation residing, being, or carrying on business in enemy territory, whatever may be the nationality of that person or the place of incorporation of that corporation :

“Enemy territory” means the territory of any foreign prince or State at war with His Majesty, and includes territory in the military occupation of any such foreign prince or State, but does not include territory in the military occupation of His Majesty or of any of His Majesty’s allies in such war :

“Present war” means the present war with Germany.

3. When the Attorney-General is satisfied in respect of any contract made by any person or corporation resident or carrying on business in New Zealand (whether made before or during the present war, and whether made before or after the passing of this Act) that any enemy or any person or corporation claiming through an enemy is or has at any time been a party to that contract, or is or has at any time been directly or indirectly interested therein (whether as a

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	shareholder in a company which is a party to that contract or otherwise howsoever) or that the validity or continued validity of such contract will enure in any manner directly or indirectly to the profit or benefit of an enemy or of any person or corporation claiming through an enemy, the Attorney-General, if he deems it expedient in the public interest so to do, may, by notice published in the <i>Gazette</i> , declare that such contract is an enemy contract. 5
Declaration, when to take effect.	4. Every such declaration shall take and be deemed to have taken effect either on the day of the publication thereof in the <i>Gazette</i> or on such earlier day as may be specified by the Attorney-General in that behalf in such declaration (not being earlier than the fourth day of August, nineteen hundred and fourteen). 10
Effect of declaration.	5. Every contract so declared to be an enemy contract shall on the day of the taking effect of the declaration, so far as the contract then remains executory, become and be deemed to have become void, in the same manner as if the performance or further performance thereof had then become illegal, but without prejudice to any rights or liabilities in respect of part performance prior to the day of the publication of such declaration in the <i>Gazette</i> . 15
Declaration may be made in certain cases, notwithstanding that the existence of a state of war may have terminated.	6. A contract made before or during the present war may be declared by the Attorney-General to be an enemy contract notwithstanding the termination of the present war before the making of that declaration, and for the purpose of such a declaration the terms "enemy" and "enemy territory" shall be construed and applied in the same manner as if a state of war with Germany and with all the allies of Germany in the present war still continued to exist. 20
Declaration to be made only on application by a party to the contract or his duly authorized agent.	7. The power conferred by this Act upon the Attorney-General of declaring a contract to be an enemy contract shall be exercised only on the application of a party to that contract or of his agent duly authorized in that behalf, but no declaration made by the Attorney-General under this Act shall be questioned in any Court or in any proceedings on the ground that an application therefor was not duly made in accordance with this section, and every such declaration shall for all purposes be deemed to have been made with due authority accordingly. 25
Attorney-General may revoke declaration in certain cases.	8. If the Attorney-General is satisfied that any declaration made by him under this Act has been made in error, he may revoke the same by notice in the <i>Gazette</i> , and the declaration so revoked shall be deemed never to have been made. 30
Declaration may be made notwithstanding proceedings pending.	9. (1.) A declaration may be made by the Attorney-General under this Act with respect to any contract notwithstanding the fact that any action or other proceeding may have been already instituted in any Court for the enforcement of that contract or otherwise with respect thereto, and any declaration so made shall have effect according to its tenor notwithstanding the pendency of such proceedings. 35
Restriction as to operation of Act.	(2.) No declaration made under this Act shall affect any judgment, decree, or order made by any Court before the making of the declaration. 40
	10. Nothing in this Act shall be so construed or shall so operate as to give to any contract any further validity or operation than if this Act had not been passed. 45

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11. The Governor in Council may make such regulations (if Regulations. any) as he thinks fit, prescribing the procedure under this Act and making such other provisions as he thinks necessary for the administration and execution of this Act.