

Hon. Mr. Herdman.

TRADING WITH THE ENEMY.

ANALYSIS.

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A BILL INTITULED

AN ACT to prohibit Trading 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:—

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

2. Section thirty-five of the Regulation of Trade and Commerce Act, 1914, is hereby repealed. Repeal.

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3. (1.) Every person who during the present war trades or attempts to trade with the enemy, or aids, abets, counsels, procures, incites, or conspires with any other person (whether in or out of New Zealand) to trade (whether in or out of New Zealand) with the enemy, shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for a term not exceeding *five* years or to a fine not exceeding *one thousand* pounds or both to such imprisonment and to such fine. Any body corporate so offending shall be liable on indictment to a fine not exceeding *five thousand* pounds. Trading with the enemy prohibited.

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(2.) Nothing in this section shall be so construed or shall so operate as in any manner to take away or restrict the liability of any person for any act which by the law as heretofore established amounts to treason.

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4. In this Act "trading with the enemy" means any act for the time being prohibited by or in pursuance of a certain Proclamation made by His Majesty on the ninth day of September, nineteen hundred and fourteen, called the Trading with the Enemy Proclamation No. 2 (as amended by a certain Proclamation made by His Majesty on the eighth day of October, nineteen hundred and "Trading with the enemy" defined.

fourteen, or by or in pursuance of any Proclamation which may hereafter be made by His Majesty in substitution therefor or in amendment or extension thereof and published in the said *Gazette*.

Judicial notice.

5. Judicial notice shall be taken in all Courts and proceedings of all such Proclamations as aforesaid and of the existence and termination of the present state of war. 5

Power to inspect books and documents.

6. (1.) If a Magistrate is satisfied on information on oath laid on behalf of the Attorney-General that there is reasonable ground for suspecting that an offence against this Act has been or is about to be committed by any person, firm, or company, he may issue a warrant authorizing any person appointed by the Attorney-General and named in the warrant— 10

(a.) To inspect all books or documents belonging to or under the control of that person, firm, or company ; and 15

(b.) To require any person able to give any information with respect to the business or trade of that person, firm, or company to give that information ; and

(c.) If accompanied by a constable, to enter and search any premises used in connection with that business or trade, and to seize any such books or documents as aforesaid. 20

(2.) If any person having the custody of any book or document which a person is authorized to inspect under this section refuses or wilfully neglects to produce it for inspection, or if any person who is able to give any information which may be required to be given under this section refuses or wilfully neglects, when required, to give that information, or if any person wilfully obstructs the execution of any warrant issued under this section, that person shall be liable on summary conviction to imprisonment for a term not exceeding *three* months, or to a fine not exceeding *fifty* pounds, or both to such imprisonment and to such fine. 25 30

Duration of Act.

7. This Act shall continue in force until the thirty-first day of December, nineteen hundred and *fifteen*, and no longer.