

(iii.) *Acquisition of Shares by Alien Enemies prohibited.*—The War Regulations dated the 3rd April, 1916, provided that it should not be lawful for any enemy or for any alien enemy (other than one who was also a natural-born British subject) to acquire, whether at law or in equity, any shares, debentures, or debenture stock in any company incorporated in New Zealand. The War Regulations dated the 3rd April, 1916, also rendered it unlawful for the Registrar of Companies to issue a certificate of the incorporation of any company under the Companies Act, 1908, until and unless the Attorney-General, being satisfied that no enemy possessed any interest, whether legal or equitable, in that company, or being satisfied, notwithstanding the existence of such an interest, that the incorporation of the company was not contrary to the public interest, authorized the issue of such certificate (paragraph 22). Companies incorporated elsewhere than in New Zealand were prohibited from commencing to carry on business in New Zealand until and unless the Attorney-General, being satisfied that no enemy, and that no enemy company, and that no alien enemy (other than one who was also a natural-born British subject) possessed or exercised any substantial interest in or over that company, issued to that company a license to carry on business in New Zealand.

#### 7. GRANT OF ADMINISTRATION OF ESTATES OF DECEASED ALIENS.

(i.) *General.*—During the war special provisions were made in regard to the administration of estates of deceased alien enemies. As a general rule any person who is otherwise qualified is entitled to a grant of administration, irrespective of the country to which he bears allegiance. During the war, it was deemed necessary in the public interest for certain regulations to be issued restricting the rights of alien enemies to obtain administration and of British subjects to administer the estates of alien enemies.

(ii.) *Definition of "Alien Enemy."*—It is interesting to note the wide definition of "alien enemy," which means, for the purpose of the War Regulations, "every person who is or has at any time been a subject of any State with which His Majesty was at war immediately prior to the 10th day of January, 1920, notwithstanding the fact that such person may be also by birth, naturalization, or otherwise a British subject, or may have in any manner ceased to be a subject of any such State, and also includes the wife of an alien enemy" (Second Schedule, War Regulations Continuance Act, 1920).

(iii.) *Restrictions on Right to administer and distribute.*—The War Regulations dated the 2nd February, 1916, provided that no person, save with the consent of the Attorney-General, should make application to the Supreme Court for probate of the will or for letters of administration of the estate of any person who on his death was an alien enemy, wherever resident, or for the resealing in New Zealand of any such probate or letters of administration granted elsewhere. The distribution of such estates was also forbidden save with the consent of the Attorney-General. In order to ensure compliance with the foregoing regulations additional regulations under the Judicature Act, 1908, were made by the Governor in Council on the 10th July, 1916, and were gazetted on the 13th July, 1916. The Rules of Court required an affidavit to be filed respecting the birth and nationality of the deceased.

(iv.) *Public Trustee as Administrator of Estates of Deceased Alien Enemies.*—As a matter of policy the Attorney-General authorized only the Public Trustee to administer the estates of deceased alien enemies. With three or four exceptions, the estates administered under the above provisions have been of small capital value, but, nevertheless, many difficult problems have arisen in the course of the administration of these estates. Considerable correspondence has been necessary in endeavouring to obtain satisfactory evidence as to nationality, domicile, existence or non-existence of a will, and the next-of-kin of deceased aliens.

(v.) *Distribution of Estates of Alien Enemies.*—Under the various Treaties of Peace the New Zealand Government has the right to retain and liquidate all property rights and interests within New Zealand belonging, at the date of the coming into force of those treaties, to German, Austrian, Hungarian, Turkish, and Bulgarian subjects, or to companies controlled by such subjects. In those cases where satisfactory evidence is produced that beneficiaries in the estates of deceased enemy aliens which have been administered under the above provision are not of enemy nationality application has been made to the Attorney-General for authority to pay such beneficiaries their shares under the War Regulations dated the 22nd February, 1916 (paragraph 4).

#### 8. PERSONAL RESTRICTIONS ON ALIENS IN NEW ZEALAND.

(i.) *General.*—It is considered desirable at this stage to refer to certain restrictions placed on the liberty of action of alien enemies in the Dominion during the war.

(ii.) *Rights of Aliens.*—On the 19th August, 1914, a Proclamation made by the Governor was published declaring that all subjects of the German Emperor or of the Emperor of Austria and King of Hungary, being peaceably resident within the Dominion, were within the peace and protection of His Majesty in the same way as if they were subjects of His Majesty, and that they might sue and plead accordingly in all Courts of justice within the said Dominion in respect of contracts, rights, and injuries, or other causes or matters whatsoever, saving always the prerogative right of His Majesty in time of war to do with such persons as aforesaid, and with all other His Majesty's enemies, in all respects according to his good pleasure. Similar Proclamations in regard to the subjects of Turkey and of Bulgaria were not issued.

(iii.) *Power to arrest Alien Enemies.*—Under the War Regulations dated the 10th November, 1914, wide powers were conferred on the military authorities enabling them to arrest and detain any alien enemy who was reasonably suspected of having committed or being about to commit any breach of the regulations, or of having acted or of being about to act in a manner injurious to the public safety or the interests of His Majesty in respect of the war. The policy of the military authorities was not to interfere with alien enemies resident in New Zealand whose conduct was not obnoxious. Those aliens who were arrested and detained came within the definition of "prisoner of war" (see paragraph 9).