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THE LAW  
OF  
TRADING WITH THE ENEMY  
IN  
BRITISH INDIA

TOGETHER WITH  
ALL ORDINANCES AND STATUTES, PROCLAMATIONS, ORDERS  
OF COUNCIL, NOTIFICATIONS, PRESS COMMUNIQUES,  
ETCETERA, CONNECTED THEREWITH.

BY

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*“ . . . . . Naught shall make us rue  
“If England to itself do rest but true.”*

## PREFACE.

---

IN these bellicose times, when armies besiege and navies blockade, the merchant in his counting house is concerned in the pursuit of his commerce with the subject of "Trading with the Enemy," and will continue so to be till "peace puts forth her olive everywhere."

The Prohibitions against Trading with the Enemy are contained in a bewildering array of Royal Proclamations, Orders in Council and Notifications passed from time to time and published in that unwieldy organ the Gazette of India. It is the Author's purpose to set forth a plain statement of the subject of "Trading with the Enemy," understandable of the people, in the ensuing pages, so that the merchant in British India may know in what adherence to the King's enemies consists, and so avoid "aiding and comforting" the enemy until once more "the gentle speech of peace supplants the harsh and boisterous tongue of war." It is also hoped the present venture may even afford a ready and reliable reference to the Author's more learned brothers in the law.

I am indebted to Mr. N. F. Moos, Bar.-at-Law, for some notes by him on the effect of war upon contracts of affreightment.

Mr. D. A. Ghaswalla, Bar.-at-Law, has been good enough to assist in seeing this book through the press, and I am also obliged to him for his revision of the MSS.

By means of the addenda (to which attention is called) all legislation and recent decisions at home and in India, down to date of 5th June 1916 have been included.

BOMBAY,  
*June, 1916.*

H. CAMPBELL.

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## ADDENDA AND CORRIGENDA.

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N.B.—*In order that this work should appear early in June 1916 the proofs were hurried through the press. The corrections, as under, have thus been necessitated.*

Page 2, line 18, Add :—The detention, by order of the Customs Authorities of a port, of a steamer may be regarded as an embargo. Such detention in anticipation of possible war at the time is quite within the rights of the port authorities.  
The Prinz Adalbert, 1916. P. 81 at p. 86.

Page 3, line 23, Add:—The House of Lords have in a recent appeal decided that His Majesty's declaration of war amounts to a "restraint of princes" within the meaning of those words in a marine policy, and have held, under the circumstances of the particular case, that the declaration was the direct cause of the destruction of the adventure in question and that the declaration of war was inseparable from its sequel—British and Foreign Marine Insce. Co., Ltd., vs. Samuel Sanday & Co., 1916, A. C. 650.

Page 7, end of para. 1, Add :—It must now be borne in mind that by the recent Trading with the Enemy (Extension of Powers) Act, 1915 (5 and 6 Geo. 5, c 98) power is given to extent the restrictions relating to Trading with the Enemy to Persons to whom, though not resident or carrying on business in enemy territory, it is by reason of their enemy nationality or enemy associations expedient to extend such restrictions. Under this Act various black lists of persons resident in neutral countries have been issued by the authorities.

Page 13, line 5, from end—Read for "La Viginil" "La Virginie."

Page 15, line 8, After "an alien enemy."—Add—but now see the Trading with the Enemy (Extension of Powers) Act, 1915.

Page 24, line 2, For "11 P.O." read "11 P.D."

Page 27, Add at foot—Since the above was written the important enactment known as the Trading with the Enemy (Extension of Powers) Act, 1915, has come into force, and Macleod J's view, that the doctrine that domicile and not nationality should no longer be the sole test, has been recognised, because the Act provides for the extension of the restrictions relating to trading with the enemy to persons to whom, though *not* resident or carrying on business in enemy territory, is it by reason of their *enemy nationality or enemy associations* expedient to extend such restrictions.

Various black lists of such persons have been issued.

As the Act is omitted from the appendices it is given below :

5 & 6 GEO. 5. CH. 98.

AN ACT to provide for the Extension of the Restrictions relating to Trading with the Enemy to Persons to whom, though not resident or carrying on business in enemy territory, it is by reason of their enemy Nationality or Enemy Associations expedient to extend such Restrictions. [23rd December 1915].

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I—(1) His Majesty may by Proclamation prohibit all persons or bodies of persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom from trading with any persons or bodies of persons not resident or carrying on business in enemy territory or in territory in the occupation of the enemy (other

than persons bodies of persons, incorporated or unincorporated, residing or carrying on business solely within His Majesty's Dominions) wherever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to His Majesty expedient so to do, and if any person acts in contravention of any such proclamation he shall be guilty of a misdemeanour triable and punishable in like manner as the offence of trading with the enemy.

(2) Any list of persons and bodies of persons, incorporated or unincorporated, with whom such trading is prohibited by a proclamation under this Act may be varied or added to by an Order made by the Lords of the Council on the recommendation of a Secretary of State.

(3) The provisions of the Trading with the Enemy Acts,

1914 and 1915, and of the Customs (War Powers) 5 & 6 Geo (No. 2) Act, 1915, and all other enactments 5. c. 71. relating to trading with the enemy, shall, subject

to such exceptions and adaptations as may be prescribed by Order in Council, apply in respect of such persons and bodies of persons as aforesaid as if for references therein to trading with the enemy there were substituted references to trading with such persons and bodies of persons as aforesaid, and for references to enemies there were substituted references to such persons and bodies of persons as aforesaid, and for references to offences under the Trading with the Enemy Acts, 1914 and 1915, or any of those Acts, there were substituted references to offences under this Act.



(4) For the purposes of this Act a person shall be deemed to have traded with a person or body of persons to whom a Proclamation issued under this Act applies, if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of, such a person or body of persons which if entered into or done with, to, on behalf of, or for the benefit of, an enemy would be trading with the enemy.

II. This Act may be cited as the Trading with the Enemy Short title. (Extension of Powers) Act, 1915.

In connection with the foregoing Act the following correspondence has been published in the Press between the American Ambassador and Sir Edward Grey.

On January 26th, 1916, Mr. Page wrote to Sir Edward Grey :—

The Secretary of State has given consideration to the Trading with the Enemy Act of December 23rd last, the apparent object of which is to prevent any person doing business in the United Kingdom from trading with enemies of Great Britain or persons having enemy associations in any other part of the world, and has reached the conclusion that this Act is pregnant with possibilities of undue interference with American trade ; if, in fact, such interference is not now being practised.

As the Secretary of State is inclined to share the opinion generally held in the United States that in the framing of this Act the right of persons domiciled in the United States—whether American citizens or subjects of the countries at war with Great Britain—to carry on trade with persons in belligerent countries has been overlooked, and that the exercise of this right may be subject to denial or abridgment in the course of the enforcement of the above-mentioned Act, the Government of the United States is constrained to express to his Majesty's Government the grave apprehensions which are entertained on this subject, both by it and by traders domiciled in the United States.

It has therefore been thought necessary to bring these views to the attention of his Majesty's Government, and to present a formal reservation of the right of the Government of the United States to protest against the application of this Act in so far as it affects the trade of the United States by imposing restrictions upon its freedom.

On February 26 Sir Edward Grey replied :—

The Act was framed with the object of bringing British Trading with the Enemy Regulations into greater harmony with those adopted by the French Government since the commencement of the war, by applying in some degree the test of nationality in the determination of enemy character in addition to the old test of domicile, which, experience has shown, cannot provide a sufficient basis under modern commercial conditions for measures intended to deprive the enemy of all assistance, direct or indirect, from national resources.

His Majesty's Government realized, however, that the application of this principle to its fullest extent, while entirely legitimate and in accordance with the practice of other countries, might, if applied at the present time to com-

mercial activities as widespread as those of British subjects, involve avoidable inconvenience and loss to innocent traders.

They were careful, therefore, in devising the necessary legislation not only to avoid any definition which would impose enemy status upon all persons of enemy nationality and associations, but also to take powers of discrimination which would enable them to apply the purely commercial restrictions contemplated only in regard to those persons from whom it was necessary in British interests to withhold the facilities afforded by British resources.

His Majesty's Government have therefore abstained from a course of action admittedly within their rights as belligerents, which is not only the existing practice of the French Government, but in strict accordance with the doctrine openly avowed by many other States to be the basis upon which their Trading with the Enemy Regulations would be founded in the event of war, and have confined themselves to passing a piece of purely domestic legislation empowering them to restrict the activities and trade of persons under British jurisdiction in such a manner and to such an extent as may seem to them to be necessary in the national interest.

His Majesty's Government readily admit the right of persons of any nationality resident in the United States to engage in legitimate commercial transactions with any other persons. They cannot admit, however, that this right can in any way limit the right of other Governments to restrict the commercial activities of their nationals in any manner which may seem desirable to them by the imposition of prohibitions and penalties which are operative solely upon persons under their jurisdiction.

In claiming this right, which appears to them to be inherent in sovereignty and national independence, His Majesty's Government desire to assure the United States Government that they will exercise it with every possible care to avoid injury to neutral commerce, and they venture to think that the voluntary limitation of their powers by the terms of the Trading with the Enemy (Extension of Powers) Act, 1915, is evidence of their desire and intention to act with the greatest possible consideration for neutral interests.

Page 36, line 6, Add—And see the decision of the House of Lords confirming this decision (*idem* 1916, A.C. 650).

Page 38, line 12—For "Premere" read "Premier."

Page 44, line 17—For "of self-same" read "of the selfsame."

Page 45, line 24—Add between "proclamations, can" the word "and."

Page 45, third last line,—Add inverted commas after the words "conditional contraband."

Last two lines—Delete the inverted commas.

Pages 45 to 77—Delete the headings on the pages of uneven numbers and insert therefor "Contraband of War."

Page 46—For "Participes" read "Particeps."

Page 47—Marginal Note. For "1915" read "1914."

Page 48—In marginal note read for "Order of Council" "Order in Council."

Page 48, line 20—Read for "Order of," "Order in."

Page 48, line 21—Delete "vide No. 10 post."

Page 50—Add after fourth para.—

A merchant vessel of a belligerent Power in an enemy port at the commencement of hostilities is not protected from condemnation under Arts. 1 & 2 of Convention VI of the Hague Peace Conference, 1907, if she has entered the port to avoid possible capture by the armed vessels of another belligerent, or to procure orders from another belligerent or its subjects. The *Prinz Adlbert*, 1916, Pro. Div. 81.

Page 50—Add after fourth para. :—

It would appear that all British vessels in German ports were detained at least four days before the outbreak of war with Great Britain (Parl. Mis. No. 10, 1915, pp. 96 & 103—collected Diplomatic Documents relating to the outbreak of the European War). And as appears from *Beal v. Horlock*, (1915, 3 K. B. 207, 627; 1916, A.C. 486) British vessels are still being detained (See the *Prinz Adlbert*, 1916, P.D. 81, at p. 84.)

Page 60—line 7, from end.—For “1910” read “1915.”

Page 64—Marginal Note. For “12th” read “10th”

Page 64—2nd Marginal Note. For “10th” read “12th.”

Page 65, lines 19-20.—Delete (No 2 Supra).

Page 65—Last Line. For “III” read “IV.”

Page 69, line 15.—The decision in the case of *The Zamora* has been upset by the House of Lords who have held that an Order in Council not in accordance with international law is not binding upon the Prize Court.

The decision is not yet officially reported.

Page 72, line 6—For “Judge” read “Judges.”

Page 72, line 6 to and of page—Insert inverted commas throughout the passage cited.

Page 75, line 18.—For “V” read “IV.”

Page 76, line 17.—For “V” read “III.”

Page 76, 2nd last Marginal Note—Add—“1915.”

Page 79, line 18.—Add—See the decision of the House of Lords affirming this judgment (*British & Foreign Marine Insce. Co., Ltd., v. Sanday & Co.*, 1916, A.C. 650).

Page 87 et seq.—Delete the various headings of the uneven numbered pages, and Substitute—“Legislation as to Trading with the Enemy.”

Page 82, line 5—For “Free Effect” read “full effect.”

Page 93, line 11.—For “IV” read “III.”

Page 100, line 11—After “or on” add “behalf.”

Page 103, last 6th line—Delete the inverted commas after “revocations.”

Page 106, after line 6, add :— In an Australian case, (In *re Catherine Ekert*, reported in the *Sydney Morning Herald* of 4th April 1916) on a motion for Probate of the will of a German, counsel for the Crown appeared not to oppose probate but to ask that certain conditions should be laid down to the grant of Probate. Street J., granted Probate on condition that no portion of the estate should be distributed or paid during the war to

any beneficiary or creditor of German nationality, whether resident or not, or to anyone in his behalf, or to or on behalf of any person resident in Germany, without the express sanction of the Crown, and that if any distribution was made contrary to this condition, Probate would be forthwith revoked.

Page 114, line 5—Add—The decision of Scrutton J. in *Arnhold Karberg & Co. v. Blythe Green Jourdain & Co.* has been affirmed by the Court of Appeal, but the dictum of Scrutton J., that a C.I.F. contract is a contract for the sale of documents, is held not to be correct, but that it is a contract for the sale of goods to be performed by the delivery of documents. (*idem*, L. J. Rep., Vol. LXXXV, May, 1916, p. 665).

Page 115, 3rd last line—For “or” read “on.”

Page 121, end of 1st para. Add—Affirmed by the House of Lords, L. J. Rep., Vol. 85, May 1916, p. 665).

Page 126, line 24—For “Emmanull” read “Emmanuel.”

Page 133, line 12, Add—For appointments in respect of Bengal and the Madras Presidency, vide pp. 433-435 post.

Page 133, before last para., Add—The following notice has recently been issued :—

#### \*REVENUE DEPARTMENT.

Mahableshtar, 29th May 1916.

No. 200-M.—The following Press Communiqué, dated 15th May 1916, is published for general information :—

#### PRESS COMMUNIQUE.

Mahableshtar, 15th May 1916.

It is notified for general information that the Custodian of Enemy Property, Bombay, will keep a record of—

- (a) debts (including Bank balances) due to persons or firms in India from persons or firms residing or carrying on business in an enemy country ;
- (b) other property in enemy countries (including securities) belonging to persons or firms in India ;
- (c) personal luggage detained in an enemy country and belonging to such persons ; and
- (d) claims against enemy Governments, *e.g.*, in respect of public securities of those Governments and goods or property requisitioned, sequestered or destroyed by those Governments.

2. Persons or firms desiring to register their claims should apply to the Custodian in the appropriate form. The forms prescribed for the purpose, and any other information required on the subject, may be obtained from the Custodian.

\*Published in the Bom. G. G. Sup, 1st June, 1916, p. 966.

MEMORANDUM OF INSTRUCTIONS AS TO REGISTRATION  
OF CLAIMS AGAINST ENEMY SUBJECTS AND  
ENEMY GOVERNMENTS.

The following instructions are issued for the guidance of persons who wish to register their claims against enemy subjects and enemy Governments, with reference to the Press Communiqué, dated the 27th April 1916 :—

CLAIMS AGAINST ENEMY SUBJECTS.

1. The forms prescribed for the purpose of recording claims against enemy subjects are given in the annexed Schedule.

2. *Registration Order " G "* should be used by persons or firms residing or carrying on business in India to make a return of—

- (1) Debts owing to them by enemy persons or firms including unpaid dividends and uncashed coupons and unrepresented bills accepted by and unrepresented cheques drawn by enemy firms or persons.
- (2) Bank balances held for them by Banks situated in enemy territory.
- (3) Interest which has accrued on items recorded on *Registration Order " H. "*

It should be noted that unpaid dividends and uncashed coupons and unrepresented bills or cheques are debts and should be recorded on this form.

3. *Registration Order " H "* should be used for the purpose of making a return of property other than debts, bank balances and personal luggage—held by enemy persons or firms for persons or firms residing or carrying on business in India.

This form should also be used to record claims against enemy Governments and Municipalities in respect of public securities of those Governments and Municipalities held by the persons making the return. The enemy Government or Municipality is, from this point of view, the debtor, and the fact that the paper or other documentary evidence of title is held in this country makes no difference.

This form should not be used for making other claims against enemy Governments, *e.g.*, in respect of goods or property requisitioned, sequestered or destroyed by those Governments. The procedure in regard to the registration of such claims is laid down in paras. 6—13 *infra*.

It is essential that the actual value of the property held and not merely its face value should be recorded, and in estimating these values the following rules should be observed :—

- (a) In all cases where sales in the securities are now taking place, or have taken place since the war began, the prices realised at such sales should be taken as the basis of the valuation.
- (b) In other cases where no such sales have been made, the value should be the value on the 1st August 1914, or on the latest date previous to the 1st August 1914 on which a price was recorded.

- (c) In cases where lands, houses or lease are included in the return, the value recorded should be the estimated capital value as on the 1st August 1914, less the estimated capital value of any charges on the same.

4. *Registration Order "F"* should be used to make a return of personal luggage left behind in the enemy country by His Majesty's subjects when travelling home before or since the outbreak of war. Great care should be taken to indicate whether the luggage was given into the charge of someone (*e.g.*, a railway official or hotel-keeper) or was detained against the will of the traveller.

5. Returns in reference to occupied territory should be made on precisely the same forms as those referred to above, except that they will be issued stamped with a rubber stamp with the words "Occupied territory."

#### CLAIMS AGAINST ENEMY GOVERNMENTS.

6. Claims against enemy Governments in respect of public securities of those Governments should be recorded in Registration Order "H," as indicated in paragraph 3 *ante*. As regards other claims against enemy Governments, such as those in respect of property requisitioned, sequestered or destroyed by those Governments, a statutory declaration verifying the claim should be sent. The declaration must be in the form prescribed under section 7 of the Indian Oaths Act, 1873.

7. If the claimant was born within His Majesty's dominions, the declaration should state the date and place of his birth. If the claimant was born outside His Majesty's dominions but derives British nationality from his father or grandfather, the declaration should state the date and place of birth of such father or grandfather.

If the claimant is a naturalized subject of His Majesty the declaration should state the date of his naturalisation and his previous nationality.

8. If the claimant is a Company incorporated under any law for the time being in force in any part of the British Empire, the declaration should state the date of incorporation.

If all the persons holding shares or otherwise interested in the Company are subjects of His Majesty, the declaration should state that fact.

If some of the persons holding shares or otherwise interested in the Company are aliens, the declaration should state the nationality of those persons and the nature of their interest in the Company.

9. Full particulars of the property in respect of which the claim is made should be set out in the declaration or in a schedule attached thereto.

10. The declaration should state the value of the property and the amount of the claim.

Where the value of the property can be proved by documentary evidence, copies of those documents should be attached to the declaration.

Where documentary evidence of the value of the property cannot be adduced, the evidence of the claimant should, so far as it is possible to do so, be corroborated by that of other persons.

11. The declaration should state the facts with regard to the requisitioning, sequestration, or destruction of the property so far as they are known to the claimant.

If the claimant holds any receipts or other documentary evidence of the seizure of his property, copies of such documents should be attached to the declaration.

12. The declaration should also state that, at the date when the property was requisitioned, sequestered or destroyed, the claimant was the absolute owner thereof.

13. If the claimant, or any person on his behalf, has received any payment in respect of the property, particulars thereof should be set out in the declaration.

#### GENERAL.

14. In making these returns, the term "enemy" should be understood to mean a person of whatever nationality, residing or carrying on business in an enemy country, and the expression "enemy country" should be taken to include territory for the time being in hostile occupation. A British subject who resides or carries on business in enemy territory is, therefore, for the present purposes, to be considered an enemy, while a person of German, Austrian, Turkish or Bulgarian nationality residing in this country, even though interned, is not an enemy from this point of view.

With regard to the date to be selected for the making of the return, this should be the outbreak of the war, that is to say, midnight of 4th August, 1914 for Germany and Austria-Hungary, 5th November 1914 for Turkey, and 15th October 1915 for Bulgaria. With regard to territory occupied by enemy forces, the date should be the date of occupation as nearly as can be ascertained.

15. It must be clearly understood that the action of the Custodian of Enemy Property or other officer appointed for the purpose will be confined to entering upon the record claims of which particulars are supplied to him, and that it in no way commits His Majesty's Government either to responsibility for the correctness of the claim entered or to taking any action on the conclusion of hostilities or otherwise for the recovery of the debts or property in question. But it is hardly necessary to state that it is in the interest of the creditors that the returns are asked for, as giving important data for the safeguarding of that interest.

*N.B.*—The schedules to the above, viz. (1), (2) & (3), are omitted here for brevity's sake.

Page 136, end of para. 2, Add—The recent Trading with the Enemy Amendment Act, 1916, 5 and 6 Geo. V, c. 105, may be consulted as to the powers granted thereby to deal with businesses of persons etc., of enemy nationality or associations, and the power granted to the Board of Trade to vest enemy property in the Custodian.

Page 138, at end of 3rd last para, Add—"See the restriction on the transfer of British ships in 5 & 6 Geo. V c. 21."

Page 145, after para 4, Add—No matter whether the cause of action arose before or after war, an alien enemy *can be sued* in Courts in British India and would have every right to prosecute his case before the courts in accordance with the laws of procedure.

The fact that the Defendant has been interned does not make any difference as it does not cut down his liabilities.

*Abdul Quader Khalifa v. Frietz Kapp*, 1916, 20 Cal. W.N. 691.

Page 145, Add, before last para.—A trustee, who on the outbreak of war becomes an alien enemy, is clearly incapable to act as a Trustee because he cannot sue. In *re Sichel's Settlements, Sichel v. Sichel*, 1916, 1 Ch. D. 358 at 361.

Page 150, line 24 —For "Maull" read "Maule."

Page 153; line 6—For "15" read "14."

Page 176, line 21—Read for "Order of Council" "Order in Council."

Page 179, Add as a footnote.—"See the Not. of 9th Aug. 1914 No. 78-W., wrongly printed on page 426 post."

Page 233, line 17, Add after "direct" the word "that."

Page 243.—Transpose this Proclamation to top of p. 416.

Page 387, Transpose Order of Council of 16th Mar. 1916 to proper place at p. 38 ante.

Page 391—Transpose Not. of 29th April 1916 to proper place at p. 389.

Page 392—Transpose O. in C. of 30th Mar. 1916 to proper place at p. 386.

Page 394—Transpose Roy. Pro. of 10th Mar. 1916 to proper place at p. 385.

Page 395—Transpose Roy. Pro. of 30th Mar. 1916 to proper place at p. 386.

Page 395—Transpose Roy. Pro. of 21st Mar. 1916 to proper place at p. 385.

Page 397—Add as a footnote to clause 3—"Vide page 425 post."

Page 399, And add the following Order of Council:—

*Bombay Castle, 12th May 1916.*

\*No. 4970.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"CUSTOMS.

No. 2570-90-W., dated Simla, the 6th May 1916.

The following Order in Council is published for general information:—

AT THE COUNCIL CHAMBER, WHITEHALL.

The 30th day of March 1916.

*By the Lords of His Majesty's Most Honourable Privy Council.*

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

AND WHEREAS it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

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\* Published in Bom. G. C., Part I, 18th May 1916, p. 977.



AND WHEREAS by a Proclamation, dated the 28th day of July 1915,† and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

AND WHEREAS by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

AND WHEREAS there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the exportation of the following goods should be prohibited to all destinations :—  
Gum tragacanth ;  
Silica bricks.
- (2) That the heading 'Silk, Shantung, in the piece' in the list of goods the exportation of which is prohibited to all destinations should be deleted.
- (3) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—  
Chemicals, drugs, etc. :—  
Guaiacol and guaiacol carbonate ;  
Senna leaves and pods ;  
Stramonium leaves and seeds ;  
Hypodermic syringes ;  
Silk and silk manufactures, the following :—  
Broad silks of all kinds whether all silk or of silk mixed with other yarns (except with artificial silk yarn or metal threads) in the gray or discharged, undyed, dyed, or printed, but unweighted ;  
Schappe and spun yarns ;  
Shantung silk ;  
Silk, raw or thrown ;  
Silk waste.
- (4) That the heading 'Gums, resins, balsams, and resinous substances of all kinds, except such as contain caoutchouc' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal should be deleted, and there be substituted therefor the heading :—  
Gums, resins, balsams and resinous substances of all kinds, except such as contain caoutchouc and except gum tragacanth.

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† Republished at pp. 2138-2146 of Bom. G. G., Part I, 26th Aug. 1915.

- (5) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal:—  
 Leather, varnished, japanned or enamelled ;  
 Leather waste ;  
 Linen thread ;  
 Rock crystal ;  
 Spices, all kinds of, other than pepper, but including pimento ;  
 Starch, including dextrine, farina and potato flour.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. Low,

*Secretary to the Government of India.*"

Page 399—Add the following Roy. Proclamation of the 12th day of April 1916:—

*Bombay Castle, 19th May 1916.*

No. 5194.—The following Notification by the Government of India Commerce and Industry Department, is republished:—

“ COMMERCE AND TRADE.

\*No. 3009-34-W., dated Simla, the 13th May 1916.

The following Royal Proclamation is published for general information:—

BY THE KING.

A PROCLAMATION.

*Making certain Additions to and Amendments in the List of Articles to be treated as Contraband of War.*

GEORGE, R. I.

Whereas on the 14th day of October 1915, † WE did issue OUR Royal Proclamation specifying the articles which it was OUR intention to treat as contraband during the continuance of hostilities, or until WE did give further public notice.

And whereas on the 27th day of January 1916, ‡ WE did by OUR Royal Proclamation of that date make certain additions to and modifications in the list of articles to be treated as contraband ;

And whereas it is expedient to make certain further additions to and modifications in the said list :

\*Published in Bom. G. G., Part I, 25th May 1916, p. 1044.

†Republished at p. 2761 of Bom. G. G., Part I, 11th Nov. 1915.

‡Republished at p. 372 of Bom. G. G., Part I, 2nd Mar. 1916.

Now, therefore, WE do hereby declare, by and with the advice of OUR Privy Council, that during the continuance of the war or until WE do give further public notice, the following articles will be treated as absolute contraband in addition to those set out in OUR Royal Proclamations aforementioned :—

Gold, silver, paper money, and all negotiable instruments and realisable securities.

Metallic chlorides, except chloride of sodium ; metalloidal chlorides ; halogen compounds of carbon.

Starch.

Borax, boric acid, and other boron compounds.

Sabadilla seeds and preparations therefrom.

AND WE do hereby further declare that as from this date the following amendments shall be made in Schedule I of OUR Royal Proclamation aforesaid :—

In item 3 the following shall be substituted for the present wording :—

' Lathes, machines, and tools capable of being employed in the manufacture of munitions of war.'

In item 8 for ' ether ' shall be substituted ' formic ether ; sulphuric ether.'

AND WE do hereby further declare that no gold, silver, or paper money captured after this date shall be treated as conditional contraband, and that, except as to captures already effected, item 14 shall as from this date be struck out of Schedule II of OUR Royal Proclamation aforementioned.

Given at OUR Court at Buckingham Palace, this Twelfth day of April, in the year of OUR Lord One thousand nine hundred and sixteen, and in the Sixth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,  
*Secretary to the Government of India.*"

Page 399, And add the following Order of Council of the 14th April 1916 :—

*Bombay Castle, 5th June 1916.*

\*No. 5680.—The following notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 3513-90-W.-II, dated Simla, the 27th May 1916.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL.

The 14th day of April 1916.

*By the Lords of His Majesty's Most Honourable Privy Council,*

Whereas it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under

\*Published in Bom. G. G., 8th June 1916, Part I, p. 1173.

Section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas it is provided by Section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under Section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation,† dated the 28th day of July 1915, and made under Section 8 of the Customs and Inland Revenue Act, 1879, and Section 1 of the Exportation of Arms Act, 1900, and Section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the exportation of the following goods should be prohibited to all destinations :—

Pig iron of all descriptions ;

Railway material, the following :—

Steel rails ;

Steel sleepers ;

Steel springs ;

Steel wheels and axles ;

Shipbuilding material, the following :—

Boiler tubes ;

Condenser tubes ;

Steel plates and sectional materials for shipbuilding ;

Soap containing more than one per cent. of glycerine ;

Steel in bars, angles, rods and shapes or sections ;

Steel blooms, billets and slabs ;

Steel bridge, boiler and other plates not under  $\frac{1}{2}$ -inch thick ;

Steel girders, beams, joists and pillars ;

Steel ingots ;

Steel tubes of all descriptions ;

Steel wire, except barbed and galvanised wire (the exportation of which remains prohibited to all destinations abroad other than British Possessions and Protectorates).

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†Republished at pp. 2138-2146, Bom. G. G., Part 1, of 26th Aug. 1915.

- (2) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates) :—
- Aluminium Sulphate and alumino-ferric ;
  - Files ;
  - Lacs, not including lac dye ;
  - Soap, soft, containing one per cent. and less of glycerine.
- 3) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—
- Asphalt and solid or liquid bitumen ;
  - Fishing gear, except tackle for fishing by rod and line ;
  - Petroleum and its products not already specifically prohibited ;
  - Scap, hard, containing one per cent. and less of glycerine.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

*Secretary to the Government of India.*"

Page 399—And add the following Notifications :—

No. 5195.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.”

No. 3012-IV., dated Simla, the 13th May 1916.

In pursuance of paragraph 1 of the Trading License (Persia) 1916, published with this Department's Notification (Commerce and Trade) No. 2274-W.,\* dated the 29th April 1916, the Governor General in Council is pleased to declare that the persons named in the schedule attached to this Notification are well-disposed towards the British Government :—

SCHEDULE.

Name of Person.	Place of business.
D. J. Sofer and S. Sofer	Hamadan.
Sion Zarour	Do.
Selem Davud Shohet	Do.
Shaoul Sofer	Do.

(Signed) C. E. Low,

*Secretary to the Government of India.*"

No. 5196.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 3106-W., dated Simla, the 13th May 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, and in supersession of this Department's Notification (Customs) No. 7051-W., dated the 22nd May 1915, as amended by Notification (Customs) No. 14513-W., dated the 11th September 1915, the Governor General in Council is pleased to prohibit the export of lacs of all kinds including shellac, gum lac, seed lac and stick lac, but not lac dye, to all countries except the United Kingdom, British Possessions and Protectorates :

Provided that nothing in this notification shall apply to—

- (i) Goods shipped by, or for the use of, the Crown ;
- (ii) Goods shipped to any Indian port ;
- (iii) Goods required for use or consumption in—
  - (a) French or Portuguese Possessions in India ; or
  - (b) Native States in India ;
- (iv) Goods shipped for use or consumption during voyage.

(Signed) C. E. Low,

*Secretary to the Government of India.*”

Page 399, Add the following :—

NOTIFICATION.

\*REVENUE DEPARTMENT.

*Bombay Castle, 20th May 1916.*

No. 5246.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ No. 3257-W., dated Simla, the 17th May 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of raw jute to the Argentine, Brazil, Cuba, Hayti, San Domingo, Dutch and Danish West Indies, Dutch, Guiana, Panama, Venezuela, Columbia, Ecuador, Bolivia, Central America, Chile, Peru and Mexico.

(Signed) C. E. Low,

*Secretary to the Government of India.*”

*By order of His Excellency the Right Honourable the Governor in Council,*

P. R. CADELL,

*Chief Secretary to Government.*

Page 399. Also add the following Notification of the 5th day of June 1916.

\*NOTIFICATION.

REVENUE DEPARTMENT.

*Bombay Castle, 8th June 1916.*

No. 5785.—The following Notification by the Government of India Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 4064-W.-II, dated Simla, the 5th June 1916.

In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the exportation from British India of the following goods shall be prohibited to all destinations :—

- Steel in bars, angles, rods and shapes or sections ;
- Steel blooms, billets and slabs ;
- Steel bridge, boiler and other plates not under  $\frac{1}{8}$ -inch thick ;
- Steel girders, beams, joists and pillars ;
- Steel ingots ;
- Steel tubes of all descriptions ;
- Steel wire ;

Provided that nothing in this notification shall apply to :—

- (i) Goods shipped by, or for the use of, the Crown ;
- (ii) Goods shipped to any Indian port ;
- (iii) Goods required for use or consumption in Native States in India ;
- (iv) Goods shipped for use or consumption during voyage.

(Signed) C. E. Low,

*Secretary to the Government of India.*”

*By order of His Excellency the Right Honourable the Governor in Council,*

P. R. CADELL,

*Chief Secretary to Government*

Page 426—Add as a footnote to clause 2—

This license is revoked by Notification of 29th April 1916, vide page 397 ante.

Page 426—Transpose Not. of 9th Aug. 1914 to foot of page 179.

Page 427—Transpose the Rules hereon to page 420.

Page 433—Transpose Not. of 29th Dec. 1914 to page 436.

Page 433—Transpose Not. of 20th March 1916 to page 453.

Page 434—Transpose Communiqué of 28th Feb. 1916 to page 452.

Page 434—Transpose Communiqué of 18th March 1916 to page 453.

Page 434—Transpose Not. of 26th Feb. 1916 to page 452.

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\*Published in *Bom. G. G. Extra.*, 8th June 1916, Part I, p. 1198.

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