

EAST INDIA PROT

1163

3163

Recd
Per 8 JUL 15

Foreign Office

From Mrs Klein

1915

7 July

Last previous Paper

29209

Explains post free action taken and
forms branch at Aden but expresses doubt
as to legality of action taken and forms
branch at Bombay. Requests early
information of decision by Council to Mr. Austin

Mr. Tinsley

H. J. R.

8/7/15

Mr. Read

I know of no legislation
in East similar to the
Indian acts mentioned

Possibly however there may
be special war legislation.
It is open to expect us to
decide whether we will remove
the restrictions or not, although
they were only imposed at F.O.'s
instance

However we had better

Recd to Mr. Law 9 July 15
By Mr. Austin 17 July 15
3163

Subsequent Paper

32051

have some further
information in any
case

1 submit D/P
Vol

6
9.7.15

at once

H. J. R.

9/7/15

C. O.
31163

Recd
Per B. M. 15

Foreign Office 280

July 7 1916

20/11/16

In any further communication
on the subject, please quote
No. 80588/15.
and address—
The Under-Secretary of State,
Foreign Office,
London.

Sir:

I am directed by the Secretary of State for Foreign Affairs to express his regret that in the letter from this Office No. 80588 of the 23rd ultimo the fact was overlooked that a copy of the Note respecting the firm of Max Klein which he addressed to the French Ambassador on February the 26th last had been forwarded to the Colonial Office at that time.

*30
29209*

*30
18742*

As Mr. Secretary Honor Lay is already aware from the Note in question the action taken by the Government of India against the branch of the firm at Aden was based upon certain provisions of the Indian Government's Foreigners Ordinance, a copy of which is enclosed herewith for convenience of reference and was, in the opinion of the Secretary of State entirely justified by the fact that Messrs. Klein had German subjects in their employment there.

Under Secretary of State
Colonial Office.

(80588/15).

30
29209

The question raised by the American Ambassador in the Note a copy of which was also forwarded to you on the 23rd ultimo as to whether His Majesty's Government should not rescind the orders issued by the Government of the British East Africa Protectorate for the prohibition of the exports of the branch of the firm established at Mombasa appears to the Secretary of State to depend in the first instance upon the existence in the Ordinances governing the administration of the Protectorate of provisions similar to those which justified the action of the Government of India as regards the branch of the firm at Aden.

The Secretary of State also has doubts as to whether if the Government of the Protectorate do possess the necessary powers referred to above, they are entitled to proceed against the Mombasa branch of the firm, should none of its employees happen to be of enemy nationality, or whether they could in such circumstances base their action legally on the knowledge that

(80889/15).

that another branch of the same firm, namely that at Aden, had employed Germans in the company's service.

In submitting the above points for the consideration of Mr. Secretary Robert Law, I may inform you that the Secretary of State will be glad to learn as soon as a decision is taken in the matter in order that it may be communicated to Mr. Page.

I am,

Sir,

Your most obedient,

Humble Servant,

Law

10758

REC.
REC. 8 MAR 15C. O.
31163REC.
REC. 8 JUL 15

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

20004

289

NOTIFICATION.

COMMERCE AND TRADE.

Delhi, the 28th November 1914.

No. 1298-W.—The following is published in supersession of the Notification No. 1116-W. in the Commerce and Industry Department, No. 1116-W., dated the 20th November 1914:

Whereas by paragraph 2 of the Hostile Foreigners (Trading) Order of November 14th 1914, it is provided that any company, firm or association or body of individuals, whether incorporated or not, of which any member or officer is a hostile foreigner or of which a hostile foreigner was a member or officer on the 3rd day of August 1914, and which has an office, agency or place of business in British India, is a hostile firm; and

Whereas by paragraph 4 of the said Order hostile firms are prohibited from carrying on or engaging in any trade or business in British India except under a special or general licence issued by or under the authority of the Governor-General in Council; and

Whereas it is desirable to grant a general licence under paragraph 4 of the said Order to certain companies which fall within the definition of hostile firm in the said Order;

Now, therefore, the Governor-General in Council hereby authorises to carry on trade or business in British India any such company as satisfies the following conditions, namely:—

- (1) that the company is registered in the United Kingdom or in a British possession;
- (2) that on the 3rd day of August 1914 such company was not agent for any person carrying on a business or trade in the territories of any State now at war with His Majesty;
- (3) that on the 3rd day of August 1914 not more than one-third of the issued share capital was held by, or on behalf of, any person or persons being subjects of any State now at war with His Majesty;
- (4) that on the 3rd day of August 1914 no director, manager or other officer was a subject of any such State; and
- (5) that such company is not specifically excluded from the benefit of this general licence by a notification in the *Gazette of India* by the Governor-General in Council in this behalf for the time being in force.

R. E. ESTHOVEN,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY

NOTIFICATION.

COMMERCE AND TRADE.

Delhi, the 14th November, 1914.

No. 807-W. In pursuance of the Foreigners Ordinance, 1914, III, of 1914, as amended by the Foreigners (Amendment) Ordinance VII of 1914 and by the Foreigners (Further Amendment) Ordinance VIII of 1914, the Governor-General in Council is pleased to make and issue the following Order:

1. This Order may be called the Hostile Foreigners (Trading) Order.

2. In this Order

- (a) "hostile foreigner" means any subject of the German Empire, of the Dual Monarchy of Austria-Hungary, or of the Ottoman Empire (other than an Egyptian subject);
- (b) "hostile firm" means any company, firm or association or body of individuals, whether incorporated or not, of which any member or officer is a hostile foreigner or of which a hostile foreigner was a member or officer on the 31st day of August 1914, and which has an office, agency, or place of business in British India.

3. For the purpose of ascertaining whether any company, firm, association or body of individuals, whether incorporated or not is a hostile firm, any person empowered in that behalf by the Local Government may inspect all books or documents belonging to or under the control of that company, firm, association or body of individuals and may require any person able to give any information with respect to the business or trade of the same to give that information.

4.—(1) A hostile foreigner shall not, neither shall a hostile firm, engage or engage in any trade or business in British India except under a licence either specially granted to individuals or announced as applying to classes of persons issued by or under the authority of the Governor-General in Council and to such extent and subject to such conditions, restrictions and supervision as the Governor-General in Council may therein direct.

(2) The Governor-General in Council may at any time revoke any licence granted under sub-clause (1) or alter or add to the conditions, restrictions or supervision imposed thereunder.

5.—(1) Every application for the grant of an individual licence to a hostile foreigner or hostile firm shall be in the form prescribed in Schedule A or as near thereto as may be and shall be submitted to the Government of India through the Local Government within whose jurisdiction the applicant's principal place of business in British India is situated.

(2) An application on behalf of a hostile foreigner or hostile firm not resident or located in British India shall be signed by a manager or other agent resident in British India.

Consequences of failure to obtain a licence.

6. (1) A hostile foreigner who, as a hostile firm, which has been refused a licence to carry on or engage in trade or business; or
 (ii) has failed to apply within one month from the date of this Order for such a licence;

shall (unless exempted by the terms of any general licence issued under this Order) forthwith cease to carry on or engage in any trade or business in British India.

(2) The Local Government may, by notification, in the Local Official Gazette, declare that any hostile foreigner or hostile firm has been refused to apply for, a licence under this Order, and thereafter no person in British India shall carry on or engage in any trade or business with such foreigner or firm.

(3) The Local Government may also direct that any such foreigner or firm shall deposit all the assets of his or its trade or business with such person as to the Local Government may, by general or special order, appoint to receive the same.

(4) All assets transferred in compliance with an order under sub-clause (3) shall be dealt with in such manner as the Local Government may, from time to time, by general or special order direct.

Enforcement of orders under clause 6.

7. The Local Government, or any officer empowered by the Local Government in this behalf, may, for the purpose of enforcing the provisions of clause 6, by order in writing, authorize any police officer not below the rank of Sub-Inspector to enter, if necessary by force, and to search or occupy any premises in which any hostile foreigner or hostile firm within the scope of that clause has been or is carrying on or engaging in any trade or business.

SCHEDULE A.

Application for permission to trade in British India, submitted in accordance with the provisions of clause 5 of the Order issued by the Governor-General in Council on the fourteenth day of November 1914, in pursuance of the Foreigners Ordinance, 1914 (H.L. of 1914), as amended in Ordinances VII and VIII, of 1914.

Name of Applicant	Nationality	Name of Firm, if any (here also state whether the applicant is a member, officer or agent)	Nature of trade or business for which a licence is sought.	Name and address of firm.	Address of headquarters of business (if not in British India).	Address of place of business in British India.	Other places of business in British India.	Wages of employees and other persons in British India (including the applicant's family) in the month of August 1914.

Date

Address

Signature

R. E. EYREMAN,
 Secretary to the Government of India.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT.

NOTIFICATION

Delhi, the 14th November 1914

An Ordinance further to amend the Foreigners Ordinance, 1914.

Whereas an emergency has arisen which makes it necessary further to amend the Foreigners Ordinance, 1914.

Now, therefore, in exercise of powers conferred by section 23 of the Indian Councils Act, 1861, the Governor-General is pleased to make and promulgate the following Ordinance:

1. This Ordinance may be called the Foreigners (Further Amendment) Ordinance, 1914.

2. In section 3 of the Foreigners Ordinance, 1914, as amended by the Foreigners (Amendment) Ordinance, 1914 after the word "foreigner," the following words shall be inserted, namely: "or of which a foreigner was, on the 3rd day of August 1914, a member or officer."

H.L. of 1914
 VII of 1914
 Amendment of section 3 of the Foreigners Ordinance 1914.

HARIBHOJ OF PRINCEBET,
 Viceroy and Governor-General.

A. P. MUDHOLKAR,
 Officiating Secretary to the Government of India.

NOTIFICATION

Simla, the 14th October 1914.

AN ORDINANCE TO AMEND THE FOREIGNERS' ORDINANCE, 1914.

Ordinance No. VII of 1914.

Whereas an emergency has arisen which makes it necessary to amend the Foreigners' Ordinance, 1914:

Now, therefore, in exercise of the powers conferred by Section 23 of the Indian Councils Act, 1861 the Governor-General is pleased to make and promulgate the following Ordinance:

1. This Ordinance may be called the Foreigners' (Amendment) Ordinance, 1914.

2. In Section 3, Sub-section (2) of the Foreigners' Ordinance, 1914, hereinafter called "the said Ordinance," the following amendments shall be made, namely:

(a) in clause (b) the words "and" where it occurs for the second time shall be omitted;

(c) after clause (c), the following shall be added, namely:

"and

that foreigners residing or being in British India, shall be prohibited from carrying on trade or business or from dealing with any property, movable or immovable, or shall only carry on trade or business, subject to such conditions and restrictions as the Governor-General in Council may impose or shall deal with any such property in such manner as the Governor-General in Council may direct.

3. After Section 3 of the said Ordinance, the following Section shall be inserted, namely:

3a. The power conferred by Section 3 may be exercised, so far as the same may be applicable, in respect of any company or association, or body of individuals, whether incorporated or not, of which any member or officer is a foreigner and which has an office, agency or place of business in British India."

4. (1) Section 4 of the said Ordinance shall be renumbered Section 4, Sub-section 1, and in the said sub-section as renumbered for the word "foreigner" the word "person" shall be substituted.

(2) After Section 4, 1 as renumbered, the following sub-section shall be added, namely:

"(2) Where a company, association or body of individuals has done any act which is an offence under Sub-section (1), every member or officer of such company, association or body who is knowingly a party to such act, shall be deemed to have committed an offence under the said sub-section."

HARDINGE OF PENNSHURST,
Viceroy and Governor-General.

W. H. VINCENT,
Secretary to the Government of India.

III. of 1914.

Cl. & 25

Vol. c. 67.

Short title.

III. of 1914.

Amendment

of Section 3,

Foreigners'

Ordinance,

1914.

Insertion of

new section

after Section

3.

Power as to

Companies

and Associa-

tions.

Amendment

of Section

Foreigners'

Ordinance,

1914.

COMMERCIAL INTERCOURSE WITH ENEMIES
ORDINANCE, 1914.

NOTIFICATION.

Simla, 14th October 1914

Ordinance to prohibit financial and other dealings with any State at war with His Majesty and to provide for the punishment of persons contravening any Proclamation or Order in Council of His Majesty the King-Emperor, relating to trade, commercial intercourse or other dealings with His Majesty's enemies.

Ordinance No. VI of 1914.

Whereas an emergency has arisen which makes it necessary to prohibit financial and other dealings with any State at war with His Majesty and to provide for the punishment of persons contravening any Proclamation or Order in Council of His Majesty the King-Emperor, for the time being in force, relating to trade, commercial intercourse or other dealings with His Majesty's enemies:

Now, therefore, in exercise of the powers conferred by Section 2 of the Indian Councils Act, 1861, the Governor-General is pleased to make and promulgate the following Ordinance:

1. (1) This Ordinance may be called the Commercial Intercourse with Enemies Ordinance, 1914.

(2) It extends to the whole of British India including British Baluchistan, the Sonthal Parganas, the district of Anagol, the Shan States and the Parganas of Spiti and it applies also to—

(a) All British and Native Indian subjects of His Majesty within the territories of any Native Prince or Chief in India; and

(b) All servants of His Majesty whether British subjects or not within the territories of any Native Prince or Chief in India.

2. (1) During the continuance of a state of war between His Majesty and any State it shall not be lawful to contribute to, or participate in, or assist in the floating of, any loan raised by or on behalf of the Government of such State, or to advance money to, or enter into any contract or dealings with, or otherwise to aid, abet or assist the Government of such State.

(2) Any person contravening the provisions of this section shall be punishable as if he had committed an offence under Section 12) of the Indian Penal Code.

3. During the continuance of a state of war between His Majesty and any State, any person who contravenes any of the provisions of any Proclamation or Order in Council of His Majesty for the time being in force, relating to trade, commercial intercourse or other dealings with any subject of such State, or any person residing, carrying on business or being in the territories, colonies or dependencies of such State, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

4. Where a company, association or body of individuals, whether incorporated or not, has done any act which is an offence under this Ordinance, every member or officer of such company, association or body who is knowingly a party to such act, shall be deemed to have committed such offence.

5. A certificate signed by a Secretary to the Government of India, or by any officer of Government authorised in this behalf by the Governor-General in Council, certifying to the fact that on the date specified in such certificate any State was or was not at war with His Majesty, shall be conclusive evidence of such fact.

Prohibition
of loans
to States
at war
with
British
India
Act 3
of 1914

Penal
provisions
of this
Ordinance

Penal
provisions
of this
Ordinance

Certificate
of the
Government
in Council
as to
facts

Saving

6. Nothing in this Ordinance shall be deemed to prohibit anything done by command of, or under license granted by or under the authority of His Majesty or the Governor-General.

Trials of offences

7. (1) No Court shall proceed to the trial of any offence under this Ordinance, unless upon complaint made by order of, or under the authority of the Government or Council, the Local Government, or some officer empowered by the Governor-General in Council in this behalf.

(2) No Court inferior to a Court of Session shall try any offence punishable under Section 2, and no Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence punishable under Section 3.

ASSISTANT SECRETARY
Viceroys and Governor-General
W. H. VIVEROY,

Secretary to the Government of India.

To 3163 EAB
15
to 10 mg

Le

Draft of a letter
to [unclear]

DRAFT

tel
for Nairobi

300d 3265

May 31st (May)
understood
Max Klein report
& mission
by tel, under
circumstances
that law you
refused, person in
to export. The
order will
copies immediately
by mail. Report
also state the
of Klein's employees
among subjects

MINUTE

- Mr. [unclear] 97th
- Mr. Reed 97th
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]

97th 17 Feb 52