

the words "the period ending the ninth day of February, 1924".

2. This Order may be cited as the India Treaty of Peace (Austria) (Amendment) Order, 1923, and the India Treaty of Peace (Austria) Order, 1921, the India Treaty of Peace (Austria) (Amendment) Order, 1921, and the India Treaty of Peace (Austria) (No. 2) (Amendment) Order, 1921, and this Order may be cited together as the India Treaty of Peace (Austria) Orders, 1921-1923.

Almeric FitzRoy.

At the Court at *Buckingham Palace*, the 25th day of *May*, 1923.

PRESENT,

THE KING's Most Excellent Majesty.

Prime Minister.

Lord President.

Mr. Secretary Bridgeman.

Sir Frederick Ponsonby.

WHEREAS at Trianon on the fourth day of June, nineteen hundred and twenty, a Treaty of Peace (hereinafter referred to as "The Treaty") was signed on behalf of His Majesty:

And whereas by the Treaty of Peace (Hungary) Act, 1921, it was provided that His Majesty might make such appointments, establish such offices, make such Orders in Council and do such things as appeared to Him to be necessary for carrying out the Treaty, and for giving effect to any of the provisions of the Treaty, and that any Order in Council made under that Act might provide for the imposition by summary process or otherwise of penalties in respect of breaches of the provisions thereof:

And whereas the Treaty contained the Sections set out in the Schedule to this Order, and it is expedient that for giving effect thereto the provisions hereinafter contained should have effect:

And whereas by Treaty, grant, usage, sufferance or other lawful means His Majesty has power and jurisdiction in territories and in regard to persons in India outside British India, and is pleased by virtue and in exercise of the powers vested in Him by the Foreign Jurisdiction Act, 1890, and all other powers enabling Him in this behalf to extend the provisions of this Order to such territories and persons:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. The Sections of the Treaty set out in the Schedule to this Order shall have full force and effect as law, and for the purpose of carrying out the said sections the following provisions shall have effect:—

(i) There shall be established in India at such place as the Governor General may determine a Local Clearing Office under the control and management of such person (hereinafter referred to as the Administrator) as the Governor General in Council may appoint for the purpose and there shall be attached thereto such officers and servants on such salaries or other remuneration as the Governor General in Council may determine.

(ii) It shall not be lawful for any person to pay or accept payment of any enemy debt except in cases where recovery thereof in a court of law is allowed as hereinafter provided, otherwise than through or by leave of the Clearing Office established for the purpose of the Treaty in the United Kingdom or the Local Clearing Office established under this Order (which leave may be granted subject to such conditions including conditions as to the payment of fees, as the Clearing Office in the United Kingdom or the Local Clearing Office, as the case may be, may think fit to impose), and no person interested in any such debt as debtor or creditor shall have any communications with any other person interested therein as creditor or debtor except through or by leave of either of such offices. Any person contravening this provision shall on conviction be punished with imprisonment for a term which may extend to two years, or with fine, or with both:

Provided that—

(a) in case of any company contravening this provision, every director, manager, secretary or other officer of the company who is knowingly a party to the transaction shall be deemed guilty of the offence.

(b) a prosecution for such offence shall not be instituted except with the sanction of the Governor General in Council.

(iii) It shall not be lawful for any person to take proceedings in any court for the recovery of any enemy debt except in the circumstances provided under paragraphs 16, 23 and 25 of the Annex to Section III of Part X of the Treaty.

(iv) The Local Clearing Office shall have power to enforce the payment of any enemy debt against the person by whom the debt is due, together with such interest as is payable under paragraph 22 of the Annex to the said Section III and for that purpose shall have all such rights and powers as if it were the creditor; and if the debt has been admitted by the debtor or the debt or amount thereof has been found by arbitration or by the Mixed Arbitral Tribunal or by a court of law in manner provided by paragraph 16 of the Annex to the said Section III, the Local Clearing Office may certify the amount so admitted or found due together with such interest as aforesaid and on application by it in the principal civil court of original jurisdiction of the place in which the debtor resides, the certificate shall be filed in such court and thereafter all proceedings may be taken thereon, as if the certificate were a decree obtained in that court for the recovery of a debt of the amount specified in the certificate and signed on the date of such filing, and all reasonable costs and charges attendant upon the filing of such certificate shall be recoverable in like manner as if they were part of such decree.

(v) It shall be lawful for the Local Clearing Office to recover from any person by whom a fine is payable under paragraph 10 of the Annex to the said Section III the amount of such fine and for this purpose the Administrator may certify the amount of such fine and the person by whom it is due to the nearest Magistrate who shall have all power to recover the same as if it were a fine