

MEMORANDUM
DEPARTMENT OF NATIONAL REVENUE, CANADA.
(Customs Division)

Ottawa, 31st July, 1937.

To Collectors of Customs and Excise,
and others concerned:

Exportation of Arms, Ammunition, Implements
or Munitions of War Prohibited to Spain.

By Order in Council (P.C. 1839) passed on the 30th of July, 1937, under the authority of Section 290 of the Customs Act, it is ordered that the exportation, directly or indirectly, of any of the articles enumerated and described in the Annex thereto from Canada to Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands, and towns and territories under Spanish sovereignty in Africa, is prohibited.

Under the Order in Council referred to this prohibition came into force on the 31st of July, 1937.

The Annex referred to is that published with Order in Council (P.C. 1838) of 30th July, 1937, in departmental Memorandum Series D. No. 86.

H. D. Kelly

Commissioner of Customs.

MEMORANDUM

DEPARTMENT OF NATIONAL REVENUE, CANADA
(CUSTOMS DIVISION)

OTTAWA, July 31, 1937.

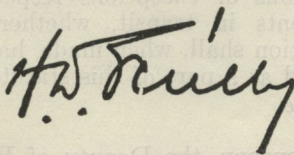
To Collectors of Customs and Excise and Others Concerned:

Exportation of Arms, Ammunition, Implements or Munitions of War Prohibited except under Permit

Order in Council P.C. 1838 of 30th July, 1937, effective on and after 31st July, 1937, is reprinted herewith for your information and guidance.

By Order in Council P.C. 1840 of 30th July, 1937, the Orders in Council referred to in Departmental Memoranda 1116B and 2429B, Circular 347C and Memorandum 777 are rescinded, and these memoranda and Circular are cancelled.

Application forms for permission to export Arms, Ammunition or Implements or Munitions of War referred to in the Order in Council reprinted herewith may be obtained on application to the Department direct.



Commissioner of Customs.

P.C. 1838

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of July, 1937.

PRESENT:

The Deputy of HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS it is considered desirable that steps should be taken to provide for control of the exportation from Canada to any destination of arms, ammunition, implements or munitions of war, military, naval or air stores or any articles deemed capable of being converted therinto or made useful in the production thereof;

AND WHEREAS section 290 of the Customs Act, as enacted by Section 10 of Chapter 24 of the Statutes of 1937, provides that the Governor in Council may from time to time,—

- (a) for the purpose of acquiring information, or for the purposes of subparagraph (b) of this subsection, require that no person shall export or

carry coastwise or by inland navigation any of the articles designated in the said sub-paragraph (b), without first having obtained a permit, and prescribe such fees, regulations and conditions as may be deemed proper respecting the granting of such permits;

- (b) prohibit, restrict or control the exportation, generally or to any destination, directly or indirectly, or the carrying coastwise or by inland navigation, of arms, ammunition, implements or munitions of war, military, naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof;
- (d) provide for the registration or licensing of persons engaged in the business of manufacturing, exporting or importing arms, ammunition or implements of war and prescribe fees, regulations, conditions and exceptions in respect thereof;
- (e) provide for the compilation and publication of information and statistics respecting the exportation, importation or manufacture of arms, ammunition or implements of war;
- (f) make regulations or prescribe conditions or exceptions deemed necessary for the effective carrying out of the object and intention of this section of any prohibition, restriction or control of exportations or importations which may be imposed under this section, including regulations, conditions or exceptions respecting re-exportations, transshipments or shipments in transit, whether within Canada or elsewhere. Such regulation shall, when made, have the force and effect of law as though enacted as a part of this statute, and shall be published in the *Canada Gazette*.

Now, THEREFORE, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Minister of Justice and the Minister of National Revenue, is pleased to order and it is hereby ordered as follows:—

1. No person shall export any of the articles enumerated and described in the Annex hereto without first having obtained a permit issued by, or on behalf of, the Minister of National Revenue.
2. Applicants for permits shall furnish in respect of each proposed shipment for export information in writing in the manner and form approved by the Minister of National Revenue, setting forth details as to the seller, purchaser, consignor, consignee, description, quantity, value and specific purpose of the proposed shipment or of the articles proposed to be exported.
3. Export permits shall be issued to applicants furnishing the required information in all cases except those in which the issue of such permits or the exportation of the article or articles proposed to be exported would contravene a prohibition, restriction, regulation, condition or exception prescribed by law or by order of the Governor in Council.
4. Export permits issued hereunder shall not be transferable and shall be subject to revocation at any time without notice.
5. This Order shall come into force on the 31st day of July, 1937.

(sgd.) E. J. LEMAIRE,
Clerk of the Privy Council.

ANNEX

CATEGORY I

- (1) Rifles and carbines using ammunition in excess of calibre .22, and barrels for those weapons;
- (2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of calibre .22, and barrels for those weapons;
- (3) Guns, howitzers, and mortars of all calibres, their mountings and barrels;
- (4) Ammunition in excess of calibre .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;
- (5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;
- (6) Tanks, military armoured vehicles, and armoured trains.

CATEGORY II

- (1) Vessels of war of all kinds, including aircraft carriers and submarines, and periscopes for submarines.

CATEGORY III

- (1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which by reason of their design or construction are adapted or intended either for military or naval reconnaissance, or for aerial combat by the use of machine guns or artillery, or for the carrying and dropping of bombs, or which are equipped with or prepared for any of the arms or appliances referred to in paragraph (2) below;
- (2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

CATEGORY IV

- (1) Revolvers and automatic pistols using ammunition in excess of calibre .22;
- (2) Ammunition in excess of calibre .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

CATEGORY V

- (1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, other than those included in Category III;
- (2) Propellers or air screws and blades therefor, fuselages, hulls, wings, tail units, under-carriage units, and wheels for aircraft.
- (3) Aircraft engines, unassembled, assembled or dismantled.

CATEGORY VI

- (1) Livens projectors and flame throwers;
- (2) *a.* Mustard gas (dichlorethyl sulphide);
b. Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine);
c. Methylchlorarsine;
d. Diphenylchlorarsine;
e. Diphenylcyanarsine;
f. Diphenylaminechlorarsine;
g. Phenylchlorarsine;
h. Ethylchlorarsine;
i. Phenyldibromarsine;
j. Ethyldibromarsine;
k. Phosgene;
l. Monochlormethylchlorformate;
m. Trichlormethylchlorformate (diphosgene);
n. Dichlordimethyl Ether;
o. Dibromdimethyl Ether;
p. Cyanogen Chloride;
q. Ethylbromacetate;
r. Ethyliodoacetate;
s. Brombenzylcyanide;
t. Bromacetone;
u. Brommethyleneethyl Ketone;
v. Chlorpicrin (nitrotrichloromethane).

CATEGORY VII

- (1) Propellant powders;
- (2) High explosives as follows:
 - a.* Nitrocellulose having a nitrogen content of more than 12 per cent;
 - b.* Trinitrotoluene;
 - c.* Trinitroxylyene;
 - d.* Tetryl (trinitrophenol methyl nitramine or tetranitro methylaniline);
 - e.* Picric acid;
 - f.* Ammonium picrate;
 - g.* Trinitroanisol;
 - h.* Trinitronaphthalene;
 - i.* Tetranitronaphthalene;
 - j.* Hexanitrodiphenylamine;
 - k.* Pentaerythritetranitrate (penthrite or pentrite);
 - l.* Trimethylenetrinitramine (hexogen or T_4);
 - m.* Potassium nitrate powders (black saltpeter powder);
 - n.* Sodium nitrate powders (black soda powder);
 - o.* Amatol (mixture of ammonium nitrate and trinitrotoluene);
 - p.* Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients).