

1925

KENYA

C O
57157

DATE

S DEP NORTHCOVE 1436

19th November 1925.

REC'D
REU. 21 DEC 25

531

CIRCULATION:—

Mr. Allen
Sec. Stanley
Mr. Bottley
at U.S. of S.

APPLICATIONS FOR CERTIFICATES OF NATURALIZATION

Encloses copies of a Form of Instruction which it is proposed to print for convenience of applicants. Requests that any necessary corrections may be indicated.

U.S. of S.
U.S. of S.
Secretary of State.

Previous Paper

MINUTES

Perhaps Sir J. Risley would be good enough to comment on this?
(v. on Ser. 46009/25)
Steel
4/1/26.

J. Allen
4/1/26

These instructions are simply a reproduction of instructions (A) in our Circular of 28 April 1915 - but they have copied a little too slavishly in two places

(1) the footnote about "nationality" obviously required correction, as a result of the war. The examples given had better be omitted entirely, as with the exception of a Hannoverian being a German they are now incorrect

I will substitute after "is a subject" the words "and being led to the changes of nationality resulting from the Peace Treaty, concluded after the Great War"

Reminder to Ser 1140 cons 3 DEC 1926
to Gov. - 726 - cons 2 AUG 1927

Subsequent Paper

(0503/2)

(2) The footnote about "Statutory declarations" was all right in a circular addressed to the Colonies generally, -
 In instructions for use in a particular Colony, the footnote should be more precise. -
 The passage "If the law of the Colony makes no provision - -" is ridiculous in a form issued by the Govt. -
 Tell them to revise it.

(3) Point out that they have omitted a line in the last para of §6 - I have inserted the necessary words in ~~the~~ margin in the margin

J.S.R.
 14/1/26

Subject to that, approve of the issue of the form & ask for six copies to be printed.

W.C. Botomey
 15.1.26
 atome

H. Jeffries

? remind Kenya again re: en despatch 1140 of 30.12.26

Wait 3 months. H(u) 13/5/27
 JJJ (13.5.27) atome

W. Allen

B. v. Vide mins.

(Ha) *W* 12/8

Probably they haven't caught up
with the areas: but ~~that is~~ ask when
the copies may be expected

W. Allen

17/6

at all

ka

W. Allen

B. v. vide mins.

532

(11a) ~~CP~~ 12/8

Probably they haven't caught up
with the copies: but ~~ask when~~
the copies may be expected

W. Allen

17/8

stall

Downing Street.

22 August, 1927.

533

Sir,

I have the honour to invite your attention to my despatches No. 1114 of the 29th of January, 1926, and No. 1140 of the 3rd of December, and to state that I shall be glad to learn when I may expect to receive printed copies of the Form of Instructions to be issued to applicants for Certificates of Naturalization.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(for the Secretary of State)
(Signed) W. CRAMSDY GORE.

OFFICER ADMINISTERING

THE GOVERNMENT OF

KENYA.

Reference 16/8/27
17/8/27

6.28

5.710

25 Kenya

534

C. D.
11/17/27
19

Answer
10503/27

22 Aug, 1927

- Harding.
- Seachen.
- J. Shackburgh.
- G. Gindie.
- C. Davis.
- S. Wilson.
- Ormsby-Gore.
- and Lovat.
- Amery.

Sir,

I have etc. to invite your attention to ~~the~~ ^{my} Amery's death

no. 114 of the 29th. of Jan'y, 1926

o no. 1140 of the 3rd. of Dec.

& to state that I shall be glad to be ~~informed~~ ^{learn} when

I may expect to receive printed copies of the Form of Instructions to be issued to applicants for Certificate

RAFT:

726

Department of State

Blair

(for the Secretary of State)
(Signed) W. ORMSBY GORE.



KENYA

No. 1436

GOVERNMENT HOUSE,

NAIROBI,

KENYA.

19th November, 1925.

CO
57157
REC'D
REG 2. DEC 25

535

Sir,

of Instructions.

With reference to Mr. (now Viscount) Harcourt's circular despatch of the 28th of April, 1915, regarding the procedure to be adopted in respect of naturalization in a Colony not possessing Responsible Government, I have the honour to enclose copies of a Form ~~of~~ Instructions which it is proposed to print for the convenience of applicants. Before doing so, I consider it advisable to submit the form for your review in order to ensure that it is in accordance with the most recent legislation on the subject. I shall be grateful if any necessary corrections may be indicated.

I have the honour to be,

Sir,

Your most obedient humble servant,

G. A. H. Hutt
GOVERNOR'S DEPUTY.

RIGHT HONOURABLE
LT. COL. L.C.M.S. AMBRY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.1

General Notice No.

536

Applications for Certificate of Naturalization
BRITISH NATIONALITY AND STATUS OF ALIENS ACT
1914.

The following Instructions, governing applications for certificate of Naturalization by aliens resident in a Colony not possessing Responsible Government, are published for general information:-

The Act requires an applicant to satisfy the Governor -

- (a) That he has resided in His Majesty's Dominions for not less than FIVE YEARS in the following manner; that is to say, for one year immediately preceding the application in the Colony, and for a period of four years within the last eight years before the application either in the Colony or in some other part of His Majesty's Dominions;
- (b) That he is of good character and has an adequate knowledge of the English language;
- (c) That he intends, if his application is granted, either to reside in His Majesty's Dominions or to serve under the Crown.

1. An application for a Certificate of Naturalization must be by way of a Memorial addressed to the Governor.

2. The applicant's Memorial must show the following particulars:-

Full Name (x)
 Address
 Trade or Occupation
 Place (p) and date of birth (where known)
 Nationality (xx)
 Married, single, or widower (widow)
 Date of Marriage
 Name of wife
 Names and Nationality of Parents.

If the applicant is known by a name other than his original name both should be stated, thus:- (A.B.) (original name), commonly known as "C.D.")
 The place of birth should be stated, so far as practicable in the form of a postal address, showing the province or other division of the country as well as the town or district in which the applicant was born.

General Notice No.....

536

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Nationality (xx)
Married, single, or widower (widow)
Date of Marriage
Name of wife
Names and Nationality of Parents.

.....
If the applicant is known by a name other than his original name it should be stated, thus:- (A.B." (original name), commonly known as "C.D.")
The place of birth should be stated, so far as practicable in the form of a postal address, showing the province or other division of the country as well as the town or district in which the applicant was born
.....

1) Nationality should be described accurately by reference to the Sovereign State of which the applicant is a subject, e.g., a Russian Pole or a Finn should be described as a Russian; a Prussian Pole or a Hanoverian as a German. If an applicant has lost the nationality he acquired at birth, or acquired any other nationality, his original nationality should nevertheless be specified, with a statement of the circumstances in which it was lost or the new one acquired.

The MEMORIAL must also show -

- (a) That the applicant has fulfilled the conditions with respect to residence in the British Dominions required by the Act (see above). Full details should be given both as to the time and place of residence during a period of at least five years immediately preceding the application. If these five years have not been spent entirely within the British Dominions details both as to residence in the British Dominions and residence elsewhere over such longer period, not exceeding eight years, as may comprise five years' residence in the British Dominions should be shown.

The details should be set out clearly by dates and addresses as follows:-

	<u>Years.</u>	<u>Months.</u>
From.....to.....at.....		
From.....to.....at.....		
From.....to.....at.....		

- (b) That the applicant intends if his application is granted, either to reside in His Majesty's Dominions, or to serve under the Crown.

3. For the purpose of the requirements of the Act as to residence whether in the Colony or elsewhere in His Majesty's Dominions, residence will be taken as meaning continuous personal residence, subject to such brief and occasional periods of absence as may seem to the Governor not inconsistent with essential continuity of residence. Any period of absence, however brief, must be stated in the Memorial in the way indicated above.

4. If the applicant desires that the Certificate should extend not only to him personally but also to any child or children of his, being minors, the Memorial should contain a statement to that effect, and should give the full name, the date and place of birth and the present place of residence of any child whose name is sought to be included in the Certificate.

5. The statements in the Memorial must be supported by a Statutory Declaration made by the applicant.

Statutory Declaration means a declaration of the nature provided for the Statutory Declarations Act, 1935. If the law of the Colony contains no provision for such declarations, an affidavit will be necessary.

6. The statements in the Memorial with respect to residence must be verified by a like declaration made by some person who is able to testify thereto. This declaration must repeat specifically, as to both time and place, the statements which it purports to verify. The declarant must be -

- (a) a natural born British subject;
- (b) not the agent or solicitor of the applicant;
- (c) able to testify to the facts of residence from personal knowledge and not from information only.

538

These particulars and also the declarant's place of residence and occupation must be set out in the declaration.

The manner in which knowledge of the facts of residence was acquired must be stated in detail. A statement that it was acquired through "business transactions" cannot be sufficient unless it is made plain that the business transactions were of such a nature, or carried on in such circumstances, as to give the declarant the knowledge to which he testifies.

Should there be no one such person who is able from personal knowledge to testify to the facts of residence during the full statutory term of five years, declarations by two or more persons may be submitted, made either jointly or by each declarant separately, so as to cover the whole term.

Each declarant must set out the particular facts of residence as to which he has personal knowledge; and in the case of a joint declaration each declarant must state separately with regard to himself the particulars under headings (a) (b) and (c) above.

When any part of the residence relied upon is residence in any other part of His Majesty's Dominions, the Governor will be prepared to accept a declaration made in that part which is proved to him to be of a binding character. In case of residence in any other British Possession, however, if possible, either the declarant should be accompanied by a written statement made by such an official as to the position and credibility of the declarant. In case of residence in the United Kingdom a statutory declaration made under the Statutory Declarations Act, 1835, must be furnished.

The statement in the Memorial must, in addition, be verified generally and the good character and loyalty of the applicant must be vouched for by statutory declarations made in like manner by our persons, each of whom must be -

- (a) a householder;
- (b) a natural born British subject; and
- (c) not the agent or solicitor of the applicant.

These particulars and also the declarant's place of residence, his occupation, and the period during which he has personally known the applicant must be set out in the declaration.

The declaration may be made by the declarants jointly, or by each separately. In the case of a joint declaration each

each declarant must state separately with regard to himself the particulars under headings (a) (b) and (c) above.

The person who makes a declaration for the purposes of Article 6 of these Instructions may also, if he is a householder, make a declaration for the purposes of this Article.

8. A declaration made for the purposes of these Instructions must not be made before a person who is the agent or solicitor of the applicant.
 9. The Memorial to which any declaration made for the purposes of these Instructions relates must be made an exhibit to this declaration in such a way as to make it clear that the declaration does relate to that Memorial.
 10. The statements in the Memorial and the declarations will be made the subject of independent enquiry directed by the Governor.
 11. When a Certificate is granted, further Instructions as to making and registering the Oath of Allegiance will be issued.
- The above Instructions are not applicable in the case of a man who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved in the case of persons relying on service under the Crown, or where the certificate sought comes within one of the following exceptional classes, viz., Certificates of Naturalization which the Governor empowered to grant:
- (a) to a person with respect to whose nationality as a British subject a doubt exists (s.4 of the Act);
 - (b) to minors in special cases (s.5 of the Act);
 - (c) to persons who have been naturalized under repealed Acts (s.6 of the Act).
- Special instructions should be applied for by persons desiring these certificates.

Jewell 25.1.26

Gov. 57157/25 Kenya

540

Mr. Allen 27/1
Mr. Whisley 27/1

Mr. Mackey
J. Shuckburgh.
C. Davis.
G. Grindle.
J. Masterloh Smith.
Ormsby-Gore.
Amery.

Handwritten: 10503/27
Signature: [Illegible]

C. D.
R 27 JAN
D 27

Handwritten: please for.

RAFT.

Downing Street

January 1926

NYA

Sir,

Sir,

Grigg

I have the honour to acknowledge the receipt of your despatch No.1436 of the 19th November enclosing copies of a Form of Instructions which it is proposed to print for the convenience of applicants for certificates of naturalisation.

*Instructions are reproduced
instructions (A) accompanying
under despatch of 28 April
and require the
following amendments:-*

2. (1) The footnote regarding "nationality" requires amending ^{ment} as a result of the War; since, with the exception of the description of a Hanoverian ^{as a} German the examples given are now incorrect. The examples should, therefore, be omitted and should be replaced by the insertion of the following words after the

words

words "is a subject" viz:-

"regard being had to the changes of nationality resulting from the Peace Treaties concluded after the Great War".

(2.) The footnote relating to "Statutory Declarations"^{which is} taken from instructions sent to the Colonies generally is not suitable for adoption verbatim in ~~the~~ instructions for use in a particular Colony in which case the wording of the footnote should be more precise. The passage "If the law of the Colony makes no provision" should, therefore, be revised.

(3) The last paragraph of Section 6 should be amended by the insertion of the following words which have been omitted after the words "should be" in line 6, viz:- "a responsible public official in the Possession or the declaration should be"

3. Subject to the above amendments, I approve of the issue of the Form. I shall be glad to receive six copies of it when printed.

I have etc.,

(Signed) L. S. AMERY

29 January, 1926.

Sir,

I have the honour to acknowledge the receipt of your despatch No.1436 of the 19th November enclosing copies of a Form of Instructions which it is proposed to print for the convenience of applicants for certificates of naturalisation.

2. These Instructions are reproduced from Instructions(A) accompanying the Circular despatch of 26th April 1915 and require the following amendments:-

(1) The footnote regarding "nationality" requires amendment as a result of the War: since, with the exception of the description of a Hanoverian as a German the examples given are now incorrect. The examples should, therefore, be omitted and should be replaced by the insertion of the following words after the words "is a subject" viz:- "regard being had to the changes of nationality resulting from the Peace Treaties concluded after the Great War."

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VISION,
 LIEUTENANT COLONEL,
 SIR E.W.M. GRIGG, K.C.V.O., C.M.G., M.B.E.,
 Ac., Ac., Ac.

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VERNON,
LIEUTENANT COLONEL,
SIR E. N. M. GRIGG, K.C.V.O., C.M.G., D.S.O.,
AC., AC., AC.

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543

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Sir,

Your most obedient,

humble servant,

(Signed) L. S. AMERY

Gov. 57157/1
KENYA

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And

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J. Harding.

trachey.

Shuckburgh.

Grindla.

Davis.

Wilson.

nsby-Gore.

Clarendon.

ery.

C. D.
R 1 DEC
D 1 11

3. December 1926

Sir

~~811~~

FT.

1140

para 3.7
with reference to my
despatch No. 114 of the
29th of January 1926,
have the honor to
inquire when I may
expect to receive
printed copies of the
Form of Instructions to be
issued to applicants for
certificates of naturalisation

(Signed) L. S. AMERY

1140

Downing Street.

3 December, 1926.

545

Sir,

With reference to paragraph 3 of my despatch No. 114 of the 29th of January 1926, I have the honour to enquire when I may expect to receive printed copies of the Form of instructions to be issued to applicants for certificates of Naturalization.

I have the honour to

Sir,

Your most obedient,
humble servant,

(Signed) L. S. AMERY

TENANT COLONEL,

SIR E. W. M. GRIGG, K.C.V.O., C.M.G., D.S.O.,

AC.,

AC.,

AC.,