

EAST AFR. PROT.

22056

Proc
1878 11 10

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Naturalization of Aliens

Inquires whether legislation empowering fr. to grant certificates of naturalization to aliens would meet with the approval. Suggests that East, with its fr. land fr. & Councils, might now be styled a Colony. Unless name by Crown advocate.

H. Co.

Would you kindly minute?

H. J. R.

20/10

Mr. Fisher

East Africa is a place in which the law has jurisdiction under the Foreign Jurisdiction Act 1890. It is a protectorate & not part of Her Majesty's Dominion. It cannot therefore be a Colony within the meaning of the Naturalization Act 1870.

Further there is an objection from the point of view of international law to naturalizing persons in places which are not part of the dominion of

1910

15 June

next previous Paper.

Ans to Semi-officially 26 July 10
Copy comes 20 3 Jan 11 28986/10

1878 11 10
H. J. R.

subsequent Paper.

23832

the Crown.

Both reports sh^d in my opinion
be refused. The remedy is to
approve of Africa & make it part
of His Majesty's Dominion.

1717

Sir J. Hopwood

I fully sympathize with
Sir P. Fermar's view that he could do
what he proposes. Surely it is time that
the East African part of His Majesty's
Dominion should have a name: East Africa
has what "George" is?

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I think it would be well for
you to so reply to Sir
P. Fermar's view. Officially ...
to the committee ...
might take it up ...
if we have a name ...
George ...

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Downing Street,

August, 1910.

I have been asked to write semi-officially to you with regard to your confidential despatch of the 29th of June regarding the naturalization of aliens.

Uganda is a place in which His Majesty has jurisdiction under the Foreign Jurisdiction Act 1901. It is a protectorate and not part of His Majesty's dominions. It cannot therefore be a Colony, nor is it a British possession within the meaning of the Naturalization Act 1870.

Further there is an objection from the point of view of international law to naturalizing persons in places which are not part of the dominions of the Crown.

As a preliminary it would appear to be necessary to annex Uganda and make it part of His Majesty's

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Majesty's dominions, and, if you desire to proceed with the matter, it would be well to get your legal advisers to prepare, for transmission to us, a memorandum on the procedure to be adopted with a view to annexation.

I have written a similar letter to Sir P. Girouard on this subject.

Believe me,

Yours sincerely,



26 July 1910

My dear General

I have been asked to
write some-^{thing} especially to you with
regard to your confidential despatch
of the 15th of June regarding the
nationalization of aliens.

The authorities here fully sympathize
with your views but find it impossible
to do what you propose for the following
reasons.

The E. A. P. is a place in which
H. M. has jurisdiction under the Foreign
Trade Act.

Jurisdiction Act 1890. It is a
protectorate and is not part of H.M.'s
dominions. It cannot therefore be a
Colony, nor is it a British possession
within the meaning of the Naturalization
Act 1870.

Further there is an objection from the
point of view of international law
to naturalizing persons in places which
are not part of the dominions of
the Crown.

The remedy appears to be to annex the
S.A.P. & make it part of H.M.'s dominions
& if you desire to proceed with the matter

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to be well to go for
for transmission to us, a memorandum
the procedure to be adopted with a view
consentation.

They would of course have to consider whether
it would be possible or desirable to
annex the mainland dominions of the
Sultan of Zanzibar, but we might get
some assistance from the Foreign Office
on this point.

Believe me,

Yours sincerely,

(H. J. Read)

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GOVERNMENT HOUSE,

Nairobi,

DEC 18 1910

EAST AFRICA PROTECTORATE.

June 15th 1910.

CONFIDENTIAL (62)

(Incl. 3)

My Lord,

I have the honour to bring to Your Lordship's notice the important question of the naturalization of aliens in this Protectorate.

Memorandum
Jun. 6th

2. The point arose first, while these territories were still being administered by the Foreign Office, in connection with a Mr. Vladimir Verti and in reply to a reference made by Sir Arthur Hardinge it was laid down that there was no machinery by which an alien could become naturalized in a Protectorate.

3. This ruling has been our guide in dealing with all applications subsequently received, but it is not looked upon with favour by the general public here, which is naturally anxious to encourage immigration in every way.

4. I have therefore the honour to ask whether the introduction of legislation empowering the Governor to grant certificates of naturalization to aliens would meet with Your Lordship's approval.

F.

THE

H.

S. C. 171

LONDON, N.Y.

5. I attach a Memorandum by the Crown Advocate dealing with the subject.

6. I would venture to suggest that these territories, possessing as they do a Governor, Lieutenant Governor, Executive and Legislative Councils might with advantage be styled a Colony and not a Protectorate, as at present. The change in nomenclature would, I am sure, be acceptable to the non-official European population and would give East Africa a status to which I consider that its recent progress entitles it.

7. It is difficult to convince that population of the justice of granting portions of Sierra Leone, the Gold Coast, the Gambia and Southern Nigeria which are purely negro communities, and must remain so, the status of Colony and denying it to a country which contains a fairly large and growing British community engaged in all branches of business and agriculture. I would mention incidentally that the respective numbers of Europeans and natives in these various Colonies and Protectorates are:-

	<u>European</u>	<u>Coloured and native</u>
Colony and Protectorate of S. Nigeria	1,191	6,000,000
do. do. Gold Coast	646	1,426,000
do. do. Sierra Leone	444	50,000
do. do. Gambia		145,000
Protectorate of East Africa	5,500	2,500,000

7. I would point out finally that the jurisdiction of the Legislative Council of East Africa has extended

ENCLOSURE

Jespatch No. 372 of 15. 6 1910

22056

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Recd 18 JUL 10

THE QUESTION OF LEGISLATION TO CONFER UPON
THE GOVERNOR THE POWER TO GRANT CERTIFI-
CATES OF NATURALISATION AND BRITISH SUB-
JECTS ON ALIENS RESIDING IN THIS
PROTECTORATE.

-----:080-080:-----

1. In reply to a question addressed to me without notice in the Legislative Council I expressed the opinion that this Protectorate is not a British Possession for the purposes of the Naturalisation Act 1870, and that I had considerable doubt as to whether an Ordinance passed by the Council purporting to confer upon the Governor of the Protectorate the right to grant certificates of Naturalisation on aliens residing in the Protectorate would be approved. As the question was one which affected several residents in the Protectorate the Colonists' Association took the matter up and appointed a Special Committee consisting of, I believe, three lawyers to consider the matter.
2. I have recently received a letter from a Member of the Committee in which he writes "We (the Committee) are unanimously of the opinion that this 'Protectorate' as it is styled, is in fact a British Possession within the meaning of the Naturalisation Act and that there would be no reasonable objection on the part of anyone to the necessary Ordinance being passed". The writer does not state the grounds on which the Members of the Com- form their opinion that this Protectorate

possession. He, however, states that it is the view of the Committee that it would be desirable, should I find myself unable to agree with their opinion, that the matter should be referred to the Colonial Office for the purpose of ascertaining whether the Colonial Office Legal Advisers agree with my opinion.

3. I regret that, as I hold a very decided opinion that this Protectorate is not a Colony, plantation, island, territory or settlement within His Majesty's dominions and is therefore not a British Possession within the meaning of the Naturalisation Act, I am unable to advise His Excellency that there may not be reasonable objections to the enactment of such an Ordinance as required.

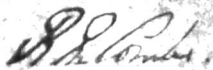
As the question is one of considerable importance to certain residents in the Protectorate I would recommend that the matter should be referred to the Secretary of State for the Colonies for the purpose of ascertaining if His Lordship holds the opinion that this Protectorate is a British Possession within the meaning of the Naturalisation Act, or whether the Protectorate be a British Possession or not, if an Ordinance conferring upon the Governor the power to grant certificates of Naturalisation on aliens residing in this Protectorate would be approved.

The broad question is whether for international purposes the Protectorate is to be treated as a British Possession for the purpose of the granting of certificates of Naturalisation as British Subjects to persons not being subjects of the Crown residing in this Protectorate, and in considering this question the fact

that a portion of the Protectorate is under the Sovereignty of the Sultan of Zanzibar and this should not be lost sight of.

5. The further question arises as to whether, if I am right in my opinion that a Protectorate is not a British Possession, Section 16 of the Naturalisation Act 1870 which expressly saves the validity of Naturalisation legislation passed in a British Possession should be read as precluding a legislative body in a British Protectorate from passing similar legislation.

6. As I am aware that certain aliens residing in this Protectorate feel aggrieved that they cannot, by such residence, become British Subjects I should be glad if the difficulties which I foresee in the way of the enactment of the Ordinance which is required should prove to be of no substance, or if of substance, if they can be removed.



CROWN ADVOCATE.

Nairobi,

6th. June 1910.