

DOMESTIC

EAST AFR. PROT.
ZANZIBAR

No 568

Individual.

(Subject.)

905

Immigration to Zanzibar

Transmits copy despatch from Mr Carr

respecting restriction of

(Minutes.)

Mr Reed

Mr. Ridley to see
of 11/11

11/11
at 11/11

H. J. R.

11/11

Mr. Ridley to see

- Sun 11/11 -

Rec'd by
& To 4 June 1906. 12904

Previous Paper.

588
6 JAN 08

The Under-Secretary of State for Foreign Affairs presents
his compliments to the Under-Secretary of State for the Colonies
and, by direction of the Secretary of State, transmits herewith
copy of the under-mentioned paper relative to

Foreign Office,

December 30, 1905.

Reference to previous Letter.

F.O.
41759
/05

F. O. November 24, 1905

Description of Inclosure.

Name and Date.	Subject.
M ^r . Case N ^o . 150 November 16, 1905	Restriction of immigration into Zanzibar.

568

752

EAST AFRICA.

Rec^d
6 JAN 06

[December 16.]

CONFIDENTIAL.

Section 1.

No. 1

Mr. Cave to the Marquess of Lansdowne. (Received December 16.)

(No. 150.)

My Lord,

Zanzibar, November 16, 1905.

I HAVE the honour to transmit to your Lordship herewith, with reference to my despatch No. 126 of the 25th ultimo, two copies each of the Restriction of Immigration Decree, which was issued by His Highness the Sultan on the 15th instant, and King's Regulation No. 3 of 1905, which was published simultaneously, making the Decree applicable to all persons subject to the Zanzibar Order in Council of 1897.

The lack of any proper definition of the "officer" mentioned in the Decree, to which my attention was drawn in your Lordship's despatch No. 54 of the 27th June last, has been remedied by the insertion of clause 26 in Part IV.

I am forwarding a copy of the Decree to the Colonial or Consular authorities at all ports which are in communication with Zanzibar.

I have, &c.

(Signed) BASIL S. CAVE.

Inclosure 1 in No. 1.

ZANZIBAR.

Notice.

THE following Regulations made by His Britannic Majesty's Agent and Consul-General, and allowed by the Secretary of State, are published for general information.

(Signed) BASIL S. CAVE,
His Britannic Majesty's Agent and Consul-General.

Zanzibar, November 15, 1905.

KING'S REGULATIONS UNDER ARTICLE 47 OF "THE ZANZIBAR ORDER IN COUNCIL, 1897."

No. 3 of 1905.

Restriction of Immigration.

1. "The Immigration Restriction Decree, 1905," signed by His Highness the Sultan of Zanzibar and published to-day, is hereby made applicable to all persons subject to "The Zanzibar Order in Council, 1897."
2. These Regulations shall come into force on the 1st January, 1906.
3. These Regulations may be cited as "The Restriction of Immigration Regulations, 1905."

(Signed) BASIL S. CAVE,
His Britannic Majesty's Agent and Consul-General.

Zanzibar, November 15, 1905.

Decree by His Highness Sayyid Ali-bin-Mamoud, Sultan of Zanzibar.

Restriction of Immigration.

PART I.

1. This Decree shall be known as "The Immigration Restriction Decree, 1905."
2. This Decree shall not apply to—

(a.) Any person possessed of a certificate in the form set out in Schedule (A) of this Decree and signed by the First Minister of the Zanzibar Government or his deputy or other officer having charge of the administration of this Decree.

(b.) The officers and crew of any vessel of His Britannic Majesty's fleet or of the fleet of any other Power.

(c.) Any person duly accredited to Zanzibar by or under the authority of the Imperial or any other Government.

(d.) Any person, the subject of a foreign Power having Treaty rights in Zanzibar, who is not a prohibited immigrant under clause 3 of this Decree and who can produce a guarantee in the form set out in Schedule (B) of this Decree signed by the local Consular Representative of such Power.

(e.) The wife, and any child appearing to the officer having charge of the administration of this Decree to be under the age of 16 years, of a person not being a prohibited immigrant, provided that they are not themselves prohibited immigrants within the meaning of sub-sections (b), (c), (d), (e), or (f) of section 3 of this Decree.

(f.) Natives of Persia, Arabia (exclusive of the Levant), of the British, Italian, German, and Portuguese Protectorates on the East Coast of Africa and of the islands adjacent thereto, including Madagascar, who are not prohibited immigrants under sub-sections (b), (c), (d), (e), or (f) of section 3 of this Decree.

3. The immigration into the Islands of Zanzibar and Pemba of any person being or appearing to be of any of the classes defined by the following sub-sections (hereinafter called "prohibited immigrant") is prohibited, namely:—

(a.) Any person without visible means of support or any person who is likely to become a pauper or a public charge.

(b.) Any idiot or insane person.

(c.) Any person suffering from a loathsome or dangerous contagious disease.

(d.) Any person who, not having received a free pardon, has been convicted in any country of murder or any crime for which a sentence of imprisonment has been passed for any term, and who, by reason of the circumstances connected therewith, is deemed to be an undesirable immigrant; but this provision shall not apply to crimes of a political character not involving moral turpitude.

(e.) Any prostitute, and any person living on or receiving, or who may have lived on or received, any part of the proceeds of the prostitution of others.

(f.) Any persons deemed by the First Minister to be an undesirable immigrant in consequence of information or advice received from any Secretary of State or Colonial Minister, or through diplomatic channels or any Minister of a foreign country, or from any other trusted source.

PART II.

4. Any person who desires to land at Zanzibar shall, before being allowed to do so, appear before an officer appointed for that purpose, who shall, after such examination as he may consider necessary, inform such person, as well as the master of the ship which has conveyed him to Zanzibar, whether he is a prohibited immigrant within the meaning of this Decree.

5. If such person prove on examination to be a fit and proper person to be received as an immigrant into Zanzibar, the officer shall furnish him with a certificate in the form set out in Schedule (A) and, if not, shall specify the conditions, if any, on which he can be allowed to land.

6. Any officer appointed under this Decree may, subject to the provisions hereinafter contained, prevent any prohibited immigrant from entering the Islands of Zanzibar and Pemba.

7. Any person who contravenes this Decree by coming within the said islands in contravention of the provisions of this Decree shall be deemed to have contravened this Decree. Any person who, under this Decree, may, in addition to liability to removal or otherwise, be imprisoned with or without hard labour for any term not exceeding six months; provided that such imprisonment shall cease if and when arrangements are made for the deportation of the offender from the said islands.

8. No person who comes within the definition of a prohibited immigrant shall be released from the operation of this Decree, or allowed to land or remain in the said islands, merely because he has not been notified not to land, or because he may have been allowed to land through oversight or through want of knowledge that he was a prohibited immigrant. Proof may be adduced within three months after any person has entered the said islands that he was at the time of his entry one of any of the classes whose entry is prohibited, and such person shall be liable to be treated as a prohibited immigrant.

9. If there shall be reasonable cause to suspect that any person has contravened this Decree, and if, in order to prevent justice from being defeated, it is necessary to arrest such person immediately, it shall be lawful for the officer or police officer to arrest such person forthwith without having a warrant for that purpose, and he shall be required to bring such person before the Court by which he is judiciable forthwith, or should the ship from which such person landed be on the point of departure, then such person may be handed over to the custody of the master of the ship, who shall be obliged to receive and keep him on board.

10. Any person appearing to be a prohibited immigrant within the meaning of section 3 and not coming within the meaning of sub-sections (b), (c), (d), (e), and (f) of the said section 3 may be allowed to enter the said islands upon the following conditions:—

(a.) He shall, before landing, himself deposit with the officer (1) if a native of Asia the sum of 50 rupees, (2) any other person, the sum of 700 rupees.

(b.) If such person shall within one week after entering the said islands obtain from the First Minister a certificate that he does not come within the prohibition of this Decree the deposit shall be returned.

(c.) If such person shall fail to obtain such certificate within one week the deposit may be forfeited and he may be treated as a prohibited immigrant.

In the case of any person entering the said islands under this section no liability shall attach to the vessel or to the owners of the vessel in which he may have arrived at any part of said islands.

11. The First Minister may authorize the officer to make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in the said islands to a port in or near to such immigrant's country of birth, and such immigrant with his personal effects may be placed by a police officer on board such vessel.

12. Any person who shall be instrumental in bringing into the said islands any idiot or insane person without a written or printed authority signed by the First Minister shall be deemed to have contravened this Decree, and, in addition to any other penalty, shall be liable for the cost of the maintenance of such idiot or insane person whilst in the said islands.

13. Any officer for the purposes of this Decree shall be empowered to board as often as may be necessary all ships entering inward at any port of the said islands in the performance of his duties under this Decree.

14. The master of a ship arriving at any port of the said islands shall, upon being thereto requested by the officer at the port, furnish to him a list in duplicate, signed by himself, of all passengers and other persons then on board not forming a portion of the regular crew of the vessel.

15. A master shall also, if required thereto prior to his departing from the said islands, produce his articles and muster his crew, and if it be found that any person named in the articles, who, in the opinion of the officer, would be a prohibited immigrant, is not then present, such person shall be deemed to have contravened this Decree, and, in addition to any other penalty, shall be liable for the cost of the maintenance of such person whilst in the said islands. The master and agent of the ship, provided that they are acting in good faith, shall not be responsible for any contravention of the provisions of this section.

16. Whenever it shall be deemed necessary for the effective carrying out of this Decree to regulate intercourse from the said islands with any vessel in the port having on board any prohibited immigrant, the officer may issue such orders with the approval of the First Minister as may appear proper.

17. The master and owner of any vessel in which any prohibited immigrant may be landed or may land shall be liable to a fine not exceeding a maximum penalty of 1000 in respect of each prohibited immigrant landed or who may land, and the vessel may be retained in dock and subject to any penalty incurred has been paid and until provision has been made by the master to the satisfaction of the officer for the conveyance out of the said islands of each prohibited immigrant who may have been so landed, and the vessel may be made executable by a Decree of the Court by which the owner is justiciable in satisfaction of any penalty imposed under this section. The word "clearance" as used in this Decree includes all the documents ordinarily issued by the Collector of Customs to a ship about to leave port, including the document known as the bill of health.

PART III.

18. Any person being a prohibited immigrant within the meaning of this Decree may apply to the officer for a pass to enter the said islands for a temporary visit or for the purpose of embarking at the port for some other country. Such passes shall be known as visiting passes and embarking passes respectively, and shall be in the forms prescribed by the Regulations made under this Decree. The words "the port" mean any port in the Islands of Zanzibar and Pemba.

19. The applicant shall attend before the officer, and shall answer all such questions as the officer may put in order to satisfy himself that the pass ought to be granted, and shall deposit with him the appointed sum of money, that is to say:—

For a visiting pass the sum of 150 rupees, together with an additional sum of 150 rupees where the pass includes the wife and children of the applicant.

For an embarkation pass the sum of 150 rupees for each adult and 75 rupees for each child.

The word "child" as used in this and succeeding sections means a person appearing to the officer to be under the age of 16 years.

20. Except in this case of a person accompanied by his wife and children, a separate pass shall be required for each person seeking to enter the said islands for the purpose of a visit or for embarking.

21. No such person shall be entitled as of right to obtain a visiting pass or an embarkation pass, and the officer appointed to issue such passes shall have the discretion to grant or refuse any such pass, subject, however, to any direction which may be given him by the officer or by the First Minister.

22. A visiting pass shall be a sufficient authority for the person or persons named therein to enter the said islands and to remain there during the period stated in the pass. Such period shall not exceed twenty-one days, but any officer appointed under the Decree may, for sufficient reason appearing, extend the period from time to time by an indorsement on the pass. No extension shall be made for more than fourteen days at a time, and no such pass may be extended beyond six weeks from the date of the pass except with the consent of the First Minister.

23. The money deposited for a visiting or embarkation pass shall be returned to the depositor upon the pass-holder quitting the said islands within the time named in the pass or any extension thereof, or may, in the event of the pass-holder failing to quit the said islands within the specified time, be applied by the officer, in so far as the sum deposited shall suffice therefor, in obtaining a passage for the person or persons named to their destination. Any balance of the money deposited shall be returned to the depositor as hereinbefore provided, or may, in the discretion of the officer, be expended in any other necessary or proper manner by the desire of the depositor.

24. Any person being a prohibited immigrant within the meaning of the Decree who shall enter the said islands in pursuance of a visiting pass, and who shall remain therein beyond the time allowed by such pass or by a verbal indorsement thereon, or who may misuse the pass or show any fraudulent use to be made of it, shall be deemed to have contravened this Decree, and shall, upon conviction, suffer forfeiture of the amount deposited by him and render himself liable to the punishment prescribed by section 5 of the Decree.

16. Whenever it shall be deemed necessary for the effective carrying out of this Decree to regulate intercourse from the shore with any vessel in the port having on board any prohibited immigrant, the officer may take such steps with the approval of the First Minister as may appear proper in that behalf.

17. The master and owner of any ship from which any prohibited immigrant may be landed or may land shall be liable jointly and severally to a maximum penalty of 1000 in respect of each prohibited immigrant landed or who may land, and the vessel may be refused a clearance outward until any penalty incurred has been paid and until provision has been made by the master to the satisfaction of the officer for the conveyance out of the said islands of each prohibited immigrant who may have been so landed, and the vessel may be made executable by a Decree of the Court by which the owner is justiciable in satisfaction of any penalty imposed under this section. The word "clearance" as used in this Decree includes all the documents ordinarily issued by the Collector of Customs to a ship about to leave port, including the document known as the bill of health.

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The word "child" as used in this and succeeding sections means a person appearing to the officer to be under the age of 14 years.

20. Except in this case of a person accompanied by his wife and children, a separate pass shall be required for each person seeking to enter the said islands for the purpose of a visit or for embarking.

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East Africa Protectorate 1905

Vol 9.

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Individuals

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Edme Radcliffe Lt. Col. G.	28 Nov	Lecture on region around Victoria Nyanza
Ege C.	1 Sept	Mr. Welcher
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"	31 May	"
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