

1934

KENYA

1934

23332

C0533/452

23332

Mr. J. Howard - exhibition from Kenya.

Previous

Subsequent

|              |       |
|--------------|-------|
| Reg 317      | 2 1/2 |
| Room 309     | 2 1/2 |
| Mr. Howard   | 2     |
| Room 311     | 1     |
| 298          | 2 1/2 |
| 297          | 2 1/2 |
| Room 309     | 2 1/3 |
| Mr. Brewster | 4     |
| Mr. Howard   | 4     |
| R 297        |       |



2 To Kenya, 3 (w/c) cons

2 JAN 1935

115/35

To Mr. Howard (1 and)

2/1/35

1/1/35

Mr. Governor Byrom

Finishes a report regarding the capture of Mr. Howard & the treatment accorded to him when in Kenya.

It is a pity that we were not aware of the existence of the correspondence with Sir Byrom's Dept. in 1934. (See copies in an envelope herewith).

In view of Mr. Howard's record I think that no further communication need be sent to him unless he returns to the Charge. He is resident in South Africa & if he is successful in getting questions asked in Parliament here, there is ample material in the former's debates for replies. ?ubby.

A. J. P. Smith  
22/1/35

A. J. P. Smith

4

1 copy

Returned to P.S.  
N. S. There are 44  
2

(See last paragraph of his letter No. 1.)

2/1/35

KENYA.

No. 17

CONFIDENTIAL.



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

February, 1955.

Sir,

No 2. I have the honour to refer to your despatch No. 3 of the 2nd January transmitting a complaint from a Mr. J. Howard regarding his treatment in this Colony.

2. The Commissioner of Police, to whom the complaint has been referred, reports that Mr. Howard was permitted to enter this Colony as a temporary visitor in April, 1954.

Subsequently information was received by the Police that Mr. Howard had, on several occasions, served terms of imprisonment in South Africa for theft and fraud. These convictions he subsequently admitted, but he had failed to disclose them in his immigration declaration form. A copy of his record, received from the South African Police, is enclosed.

In these circumstances the Commissioner of Police asked for and obtained my authority to declare Mr. Howard a prohibited immigrant under Section 5(d), Chapter 62 of the Laws of this Colony.

On being informed to this effect, and also that proceedings would be taken against him for furnishing false information to an immigration officer,

Mr. Howard

MAJOR THE RIGHT HONOURABLE

SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W. 1

Mr. Howard declared his intention to leave the Colony immediately by air and asked that he might not be detained to answer a charge which would involve the revealing of his criminal record in Court. He was accordingly permitted to leave the Colony and criminal proceedings were discontinued.

In regard to paragraphs 7 and 8 on page 5 of Mr. Howard's letter, I would observe that all Immigration Officers in this Colony are Europeans and British Subjects, and that Mr. Howard elected of his own accord to leave the Colony by air.

3. In regard to Mr. Howard's reference to the treatment accorded to him by the Department of Mines, Mr. Howard came to this Colony with a letter of introduction from the Parliamentary Secretary to the Board of Trade through yourself.

The Commissioner of Mines reports that on applying for an Exclusive Prospecting Licence in the Northern Frontier District Mr. Howard was placed in communication with the Officer-in-Charge of the District, and that on the 24th April last an area of 5050 square miles was closed and notice given that objections to the licence would be entertained within a specified period.

Subsequently, however, the Commissioner received warnings from, amongst others, the Department of Mines, Tanganyika, that Mr. Howard should be watched. He was stated to be buying stoppered bottles suitable for oil prospecting and to have boasted of certain diamond discoveries which he was intending to exploit.

Prospecting

See notes before the P.S. for 1924

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*See memo to the P.S. for 1924*

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Prospecting

Prospecting both for oil and for diamonds is expressly excluded in the Mining Ordinance under which application for the Licence had been made.

In all the circumstances the Commissioner of Mines was not prepared to recommend Mr. Howard for a Licence until more was known of his personal and professional record, and, as I have stated above, the matter closed with Mr. Howard's voluntary departure from the Colony in order to avoid a criminal prosecution.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*W. J. G.*  
Brigadier-General,  
GOVERNOR.



28469

COPY OF THE RECORD OF  
 JAMES HOWARD  
 FILED IN THE CRIMINAL BUREAU OF  
 THE SOUTH AFRICAN POLICE.

F.P. No. 5712/26.  
 Docket No. 3/2966.  
 F.P. Class:-  
 32. . CC. 21.  
 30. U. C. 27

|                   |           | Sentence  | Offence                     | Name convicted under |
|-------------------|-----------|---|-----------------------------|----------------------|
| A. Johannesburg.  | 16. 5. 08 | 6 Months H.L. & 4-Months H.L.                             | Fraud & Theft by conversion | James Howard.        |
| Rodepoort         | 15.11. 10 | 2 Months H.L.   | Fraud                       | do                   |
| Pretoria          | 18.10. 21 | 3½ Months H.L.  | Theft by F.P.               | " Alfred.            |
| Sup. Johannesburg | 27. 4. 22 | 15 Months H.L.  | Att. Fraud & Fraud.         | do                   |
| " do              | 13. 2. 24 | 2 Years H.L.  | do } counts.                | do                   |
| " do              | 21. 3. 27 | 2½ Years H.L. & Warned<br>by Judge                        | Fraud.                      | do                   |
|                   | 12. 4. 28 | WARNED BY BOARD OF VISITORS RE INDETERMINATE SENTENCE LAW |                             |                      |
|                   | 8. 5. 29  | RELEASED ON PROBATION UNTIL 20.7.29.                      |                             |                      |



23832/3/ Keny. p/r 3 7

C. O.



2 JAN 1935

Mr. <sup>22</sup> ~~Richard~~ Fleming <sup>12</sup> 22/7/34 f.

Mr. Parkinson.  
Sir G. Tomlinson  
Sir C. Bottomley.  
Sir J. Shuckburgh.  
Perm. U.S. of S.  
Partly. U.S. of S.  
Secretary of State.

in etc. to ask the

(i) receipt of your letter of the  
regarding your application  
from Kenya  
15th of November and to  
inform you that a copy of

**DRAFT.**

J. Howard, Esq.

~~your letter is being referred~~  
to the Governor of Kenya  
is being asked to  
with a request that he will  
furnish a report on the  
case.

FURTHER ACTION.

1/11/35

(Signed) J. E. W. FLOOD

15/14/34

9  
75

R

P.O. Box 6286

Johannesburg - Transvaal  
South Africa

The Hon

Secretary of State for the Colonies

Colonial Office - London - Eng.

18 DEC 1934  
C. O. REGY

Sir

Annex (3)

I would be pleased to put before you certain facts dealing with the treatment of Englishmen (Home Born) in the so-called Colonies built up & fought for by the same Homeborn Englishmen.

Firstly, I wish to deal with my own case & the enclosed cutting speaks for itself -

I was born at Old Dalby, Leicestershire, England & migrated to S. Africa in 1904 since when I have followed my profession as an Electrical Engineer in South Africa, Portuguese E. Africa & Kenya till 1922.

During the late war I served in S.A., S. German E. Africa, France & German West Africa & Nyasaland with the Northey Forces.

In 1917 I was discharged as permanently medically unfit & awarded the Silver Badge & Kings Certificate. I claimed no war pension but immediately started work in my profession & in 1918 migrated to Kenya to take up a position as Engineer on an Estate there eventually starting business for myself in Nairobi & in 1922 owing to family troubles & sickness returned to S.A. & again took up position on the mines.

copy to Kenya (2)

during this time I had been put to large expense through illness from my war services, & on applying to the different departments of pensions etc also to the Mines & Pensions Board, I was unable to get any satisfaction - or medical or - financial assistance through my not applying earlier or through my migrating to East Africa, in 1930 I was unable to move through my legs fixing in & other ailments & for thirteen (13) months was unable to move or follow my vocation the military refusing me medical aid, in 1931 after assistance through friends I was again able to get about & took up prospecting & opening up mining properties. During my sojourn in Kenya I was about the Country considerably & found several promising propositions which I secured in the event of my being able to go further later with same.

During my residence in P.A. I like many other war heroes found myself (owing to the awful & brutal & backbreaking experiences through which we passed for glory & the Country which we all loved & for humanity) in difficulties & trouble which the Laws of the Country did not allow of - but for which we had to pay the penalty & for which in any other Country but the British Empire it would have ended with the sentence being paid - but in the British Empire you pay all your life through the Bigoted & narrow-sighted

Laws - there is no justice attached to same. - as I can  
I shall prove to you in -

However having an Excellent Education &  
Being Ambitious I worked my way up & through  
my Trouble & in 1933 went on behalf of a Spe-  
cimen Coy to Tanganyika & there met with a  
certain amount of Success & in returning to SA  
joined up with another Coy The Southern  
Cross Geo (Pvt) Ltd of Reserve Bank Chambers  
Capetown - Mr Leslie Burgin - the Parliamentary  
Secretary of the Board of Trade who is their London  
Representative being informed of same -

This Coy is controlled by Mr Hugh Tevis an  
American & whom may be known to yourself  
& Mr Edwin E. Besscroft an Englishman &  
& a Mr Galpin a South African

These works were that I returned to Kenya  
in their Districts which I did & on my arrival  
I found that a cable had been sent to the  
Governor Sir Joseph Byrne notifying him of  
my arrival & on whose behalf, as they wished  
mining Concessions I interviewed the Mining  
Commissioner & other officials & after some  
time a concession on the Northern Frontier  
was Gazetted - but - I was not allowed to  
carry out any prospecting work & obstacles  
were placed in my way with no explanation  
given to my principles or myself. I was  
Kept hanging around for two (2) months

at considerable expense & eventually on the 22<sup>nd</sup> June 1954. I received a Phone message that I was required at the Immigration office & was ordered to leave the Country immediately by Imperial<sup>78</sup> air Mail the following Tuesday the 26 June 1954, I asked for an extension of time which was refused me - The reason for asking for an extension of time was that I had to leave the Company affairs my home affairs & everything in order, this was refused me & the cost £44 by air as against £16 by Boat was deemed me

Also I wish to point out that according to the laws appertaining to Immigration allows for the Governor using his prerogative & allowing a person (providing his bonifides are in order) to stay in the Country.

I left on the 26<sup>th</sup> by air (had to) leaving most of my belongings behind & on arrival at Salisbury (Rhodesia) one of my Directors Mr Beecroft met me & on the following day Mr Hugh Tervis called the Governor asking his permission for my return to finish my work & instruct the Consulting Ecologist Dr. Rennie as to the Deposits etc. - This was also refused. I proceeded to jobby by Train which cost another £10. £54 against £16. Since which I have had endless expenses incurred against me recovering my belongings - have lost an excellent position & publicity against myself.

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been robbed of everything I had & my interests as an Englishman taken from me by the unjust & ridiculous laws administered by a lot of useless individuals who pride themselves of being the Lords of the Earth - in fact a lot of useless Colonial Office Stiffs -

The outstanding facts I wish to bring to your notice & demand justice upon are as follows.

- (1) Why are Officials with no knowledge either of Mining or Geology, placed at the head of Affairs side (W.F. & Hoskum, Mining Commissioner (Nairobi))
- (2) Why was I not allowed to proceed, or some reason given me or my principles
- (3) Why is a Free Born (meaning a pure Englishman) Englishman denied the Freedom of his Land & Colonies which he has fought for & Foreigners principally Jews allowed to rob him & take his heritage
- (4) If a Governor is allowed to use his prerogative why make Fish of one & Flesh of another I demand the expulsion of others with records far worse than mine who he has allowed in the Colony.

- (6) Is Kenya the hunting ground of the East Africa  
 of English Society (Male & Female) only, can't  
 South Africans who has fought for it - get a look  
 in
- (7) Why is a man with not a drop of English or  
 British Blood placed in charge of the Immigration  
 Office.
- (8) If an Englishman is to be sent out of his own  
 Colonies. Can't he be spared the least expense  
 instead of being sent in a Luxurious Air liner  
 - at great cost & inconvenience to himself  
 & the loss of his position - his very existence
- (9) Is it in keeping with British Justice to  
 honour him out of his rightful heritage  
 after he has fought & been an Hero as there  
 was so much spent about & after he had  
 been brought to this stage by the effects  
 of being an Hero.  
Is this British Justice.
- (10) Is it British Justice - to - after a man  
 has paid the penalty to honour him out  
 of any existence - Has one no rights  
 even to live - or is for the Jews only  
 you get the Colonies for which  
 we fight - or for American Financiers  
 Is the British Govt to stoop to corruption



(11.) Why are the so-called Officials allowed to bring  
 expense & misery on people when sending them out  
 and why are they allowed to take their Belongings

(12.) If I was such an undesirable person, was I  
 allowed to enter Tanganyika in September 1933  
 & remain there till February 1934 & escape from  
 March 1934 till June 1934 without a word being  
 said — Can any Official or otherwise say  
 a word against me or my troops

(13.) I demand rehabilitation in Kenya & my  
 rights

As I can bring documentary evidence to all  
 the foregoing facts & it is my intention to bring  
 the fullest light before the House of Commons  
 as to the Administration of Tanganyika & the  
 officials I shall be glad if you direct  
 attention to my request

J. Heman

for the Englishman

Howard

*John Amosbury*  
*(Sunday Times)*  
H-11-34

END

# ENGLISHMAN REFUSED PERMISSION TO LAND IN UNION

## British Subject, British Parents— But Born in Japan

### IMMIGRATION FARCE

"SUNDAY TIMES" CORRESPONDENT

Durban, Saturday.

**A** YOUNG Englishman arrived in Durban last week in an English ship from England. He had a passport issued in London, which described him as a British-born subject. He is the son of purely English parents, but as he was born in Japan, where his father was stationed at the time, he was not allowed to land at Durban or to leave the ship, which flew the restricted immigrants' flag.

It was explained to him by an officer of the Immigration Department that any person born in Japan or any other non-scheduled country mentioned in the Immigration Quota Act of 1930, whether he was a British subject or not, could not be permitted to land in the Union unless he was in possession of a quota permit.

### SAVED BY LUCKY CHANCE

The Chief Immigration Officer explained that the Quota Act referred to the country of birth, but not to nationality.

Asked what the position would be of a South African national whose child was born in one of the non-scheduled countries, he said that as long as the child was a minor he would be admitted to the Union.

He could not say what the position would be if such a person remained away from the Union for more than 21 years and then tried to land here. He would need legal advice in such a case.

The young Englishman in this case was fortunate enough to have relatives in Natal to whom he sent a telegram asking one of them to come to his assistance.

The following day his relative arrived in Durban and the man was allowed to land and remain in the country for a strictly limited period on payment of a large deposit by the relative.

Had the relative not been within reach of Durban, the man would have been sent to Japan by the first available ship from Durban.

### EARN'S HIS KEEP



"Touleler," a Potgietersrusi baboon, regularly makes himself useful with a span of donkeys. He politely raises his large white helmet to passers by.

### CAR BUMPS ELEPHANT

Strange Incident

"GHOST" ELECTION