

EAST AFR. PROT.

22480

No. 22480

29 JUN 05

No. 325

(Subject.)

Deportation of Undesirables

1905
June 5

at previous Paper.
156/4

Reports as to difficulty of finding a part of Am. dominions, the Govt. of which will consent to receive undesirables. The only alternative is to return them to place of origin which in the case of England will be a costly proceeding. Request instructions as to how this cost should be defrayed. Propose to take steps to prevent undesirable landing.

Mr. ~~Scott~~ Ridley

Reply that the provisions of the Order in Council were not meant to meet the case of ordinary thieves & rogues rather than persons of a high class. Such persons must be dealt with by imprisonment [in the Penitentiary] - it would not conduce to good feeling if the worst facts of the empire were brought in a competition for showing their rogues a real other. The basis of population

Copy comes to 50

Omit [], as under sec. 22 of the Ord. a sentence of imprisonment may be carried into effect elsewhere.

at subsequent Paper

31159

is opposed to the power of transfer for
the purpose of final imprisonment
should only be used for political
purposes.

Added that there is no objection
in principle to legislation for the
creation of a committee. ~~that~~
we shall try to see the draft
of what he proposes.

W.C. 1/7

that the accompanying copy of
Concept ^{is} will be of use to his legal
adviser in preparing the necessary
Ord ^{is} - I say that

I send copy of the concept to the
70. with refer to $\frac{90}{23152}$?

W.C. 1/7

H. 2. R.

1/7

See 23152
subject to my minute on that paper
? Proceed as proposed

H. 2. R. 1/7

~~W.C. 1/7~~

W.C. 1/7

W.C. 1/7
14425/03
23152/05
70 is printed
in front of
70.
The concept
not been for
at 70.
55015
25/7

22480

Commissioner's Office, Bombay

Mombasa

June 5th 1905

31

EAST AFRICA PROTECTORATE.

No. 295.

13644

In obedience to the instructions contained in your telegram of 4th ultimo I have the honour to submit the following report on the difficulties experienced in deporting undesirables from the Protectorate.

2. The subject of deportation is covered by Articles 24-27 of the Order in Council, 1902. It is laid down in Article 25 that the place of deportation " shall be a place in some part (if any) of His Majesty's dominions to which the person belongs, or the Government of which consents to the reception of persons deported under this Order, or to some place under the Protection of His Majesty;" and Article 27 provides that, " subject

H. M. Principal Secretary of State
for the Colonies,
Downing Street,
LONDON.

to the other provisions of this Order, all expenses of removal of prisoners and others, and the expenses of deportation, and of the sending of any person to Zanzibar, or to any part of His Majesty's dominions or Protectorates, including expenses of maintenance, shall be defrayed as the Secretary of State directs."

8. The natural objection of one Colony or Protectorate to receive from another undesirable characters has become much marked with the increase of such persons on this coast since the Boer war. Before that date, though there were grumblings, the undesirables were passed on from one place to another; but the South African Colonies have now definitely refused to permit them to land. Indigent persons are also forbidden to land at Aden, in accordance with the terms of a notification published in December 1907. It has thus become practically impossible to find a part of H.M. dominions the Government of which will consent to receive undesirable bad characters, a considerable number of whom are, I regret to say, resident in East Africa. The only alternative that remains is to return them to their place of origin, which, if the place of origin is England, would be a costly proceeding.

33

I have the honour to request your instructions as to how this cost should be defrayed.

4. There are certain persons in the Protectorate jails at the present time whom I should like to deport on the termination of their sentences, as I am convinced that if they are permitted to remain in the Protectorate they are likely to be dangerous to peace and good order. I have the honour to transmit herewith for your information a copy of a sworn declaration respecting a prisoner named Pooks who is an instance of the class of person frequently met with here. I am informed that besides the four occasions that this man has been convicted in Mombasa, he has also been in prison at Nairobi and in Zanzibar and German East Africa.

5. In conclusion I have the honour to state that I propose taking steps shortly to prevent as far as possible undesirables from landing in East Africa.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

J. Stewart

C. O.
22480
Recd
29 JUL 05

I Robert William Hamilton, Judge of the High Court
make oath and say as follows:-

That Arthur Felham Fooks was in June 1900 convicted
in Mombasa of theft and sentenced to 3 months imprisonment
since that date he has been twice convicted of vagrancy in
Mombasa. In February 1905 he was convicted in Mombasa
of forgery for the purpose of cheating.

He is in my opinion a bad character and his remaining
here would be dangerous to the good order of the Protectorate.

(Sd) R. W. Hamilton,

Judge of the High Court.

SWORN AT MOMBASA
This 20th day of Feb. 1905
Before me
(Sd) H. O. Dolbey
Registrar.

Mombasa June 5th

STP O. STEWART.

No. 425

Reference C.O. 21 of 4th May.

Inclosure 1.

Received

by me

Notarisation of Under-Indicates

20/2/05

DRAFT.

The U.S.P.
70

MINUTE.

- Mr. Boston 24/10/18/8
- Mr. P. W. [unclear]
- Mr. Antrobus.
- Mr. Coz.
- Mr. Lucas.
- Mr. Graham.
- Sir M. Ommalley.
- The Duke of Marlborough.
- Mr. Lyttelton.

Ind
 Sir
 With ref. to your letter
 of the 28th of June last,
 am directed by H. Secy
 by letter to transmit
 to you, to be laid before
 the Marquess of Lansdowne,
 the accompanying copy
 of correspondence on the subject
 of the deportation of
 undesirable, from the
 East Africa Prot^{ct} and
 the restriction of the
 immigration of such persons
 into the Protectorate.

Com. 22: 24 April (1887)
 Com. 22: 4 May (1887)
 Com. 20: 25 June (1888)
 Com. 20: 349 (1888)

City Comm.

Copy Comm 349. 24/10/18/8

HAC

Comm. E.A.P.
22480

16 Aug
July 1905

DRAFT.

at Lt. Prot. no. 348.

Sir,

Ind:

In Stewart

MINUTE.

- Mr. ~~Sutherland~~ 23/7 1905/8.
- Mr. ~~Barley~~ 26/7
- Mr. ~~Read~~ 8
- Mr. Antrobus.
- Mr. Cos.
- Mr. Lucas.
- Mr. Graham.
- Sir M. Ommamary.
- The Duke of Marlborough
- Mr. Lyttelton.

- 70. 20 Apr. 1903 (14925/03)
- 70. 20-10 June (")
- 70. 29 July (")
- 70. 21 Apr. 1904 (14224/04)
- 70. 6 May (")
- 70. 20 June (2105)
- 70. 18 June (")
- 70. 28 June 1905 (21251)
- 70. 16 Aug 1905 (21480)
- 70. (21480)

I have the hon. to ack. the
 acct. of your despatch no:
 325 of the 5th of June
 last, and to inform you
 that the provisions as to
 deportation contained in
 the East Africa Order
 in Council, 1902, were
 not intended to meet
 the case of ordinary
 thieves, and requests such
 as the man Forks
 referred to in your
 despatch, and that
 these cases must be
 dealt with by imprisonment
 - not. The power of

Copy 20
24/6

deportation, as opposed
to the power of the law
for the purpose of
punish.
Federal imprisonment,
should only be used
for political offenders.

2. Have to point out
to you that it would
not conduce to good
feeling if the several
parts of the Empire
were to engage in a
competition for
planting their eyes
on each other

3. New ^{have} objection
in principle of
Cyprianism for the

exclusion of academic persons
amongst the teachers the students
and the accompanying
copy of correct ^{will}

2. In ordinary circum-
stances it is the duty
of the heads of each
part of the empire to
restrain their
members within its
boundaries and to attempt to
transfer the burden of
some other part of
which would not lead
to unity & goodfeeling

retention of
on the subject of the immigration
into England

to give to you 37
legal advisers in
preparing the necessary
Bill. I shall be glad
to see the Bill in
draft form before
it is enacted.

J