



These are the other major points to which

- Sec 5 (4) insert the after "proceeds of"
- Sec 6 (1) before "shall be" insert "as in the case of" (as in Mr. Barthe's M.C.)
- Sec 7 line 2 Mr. Barthe has suggested provision for "availability" which submission occurs only in National Gauging Office provision preferred
- Sec 14 last words "the Act" which "this order"
- Sec 16 "provided they have made proper provision for police protection" - clause struck from Nald Sec 16. In Gauging Act 1900 §15 "public" - substituted for "police". I am sorry I do not see what the provision means in either case.
- In the Nald Act it may refer to the following section 17, which does not appear either in Gauging Act or in this Bill.

- Sec 31 line 2 after "make" insert "amend and repair" and before "cannot" insert "within"
- Sec 32 may not for "officers" substitute "Johannes, allowing amendments"
- Sec 33 (4) line 2 insert "any other construction"
- Sec 34 Gauging penalty, Rs 1000 reduced to Rs 700
- Sec 35 last line before "shall be" insert "as in the case of" (as in Mr. Barthe's M.C. - some view of reference as in sec 11)
- Sec 36 Gauging penalty, Rs 1000 increased to Rs 1500 (1900 Act) in this section the word "shall" is apparently in error for "may", the penalty is provided to "those in Nald Act"

The Bill now requires amendment throughout. There remains the points raised in Mr. Barthe's first letter to me forwarded to the Dept. which I think would be to 7-0.

? Is it 7-0. copy of Bill with amended provisions corrected and prepared, finally sent to the printer as proposed page of this document has it differs from Gauging Act 1900, send the substance

of Mr. Barthe's letter. & also call attention to the point in Sec 16 and the penalty in Sec 34 & 36 and ask for their views.

Yours truly  
H.B.L.

Mr. Antelmo

I agree with Mr. Risley's minute. § 16 seems to me unintelligible as it stands. I can find no meaning for the provision as to "police protection" unless the idea is that the matter is to get the police to watch the ship to prevent desertion. "proper provision to prevent desertion" seems to be the kind of phrase needed.

Proceed as proposed

H.B.L.  
8 May

W.H. May 19  
at once

Nald to  
Nald to

11 Kemp Beach Walk

O. K. file 22  
12904 x 10.06

REC-12 APR 06 177

I am enclosing  
Immigration Restriction  
have you ever viewed  
the modelled copy in  
Postal Immigration  
Immigration Restriction Act 1933  
reference to the  
copy as draft decree  
Postal copy appears  
has been as well &  
an indication to  
was written on  
official



appears not to have been necessary to especially  
 great desirability to have it necessary to especially  
 laws applicable to both of the States of the Union  
 on the same work. The nature of the application  
 I have no actual knowledge of the application  
 knowledge as to which it is necessary to have  
 the proper procedure - for the purpose  
 to the knowledge of the examination of the  
 matter of the law, but naturally the  
 been actually abolished in the means of support  
 both of the law, but naturally the  
 Sect. 6, Subsec. 8) will be on in European &  
 there is a bearing on the nature of the matter  
 to Sect 19 in words. The nature of the matter  
 other (not - - - - -) the matter  
 practicable - - - - - would be my opinion  
 to as the matter - - - - - to be

any

any difference in the treatment  
of nature's shade-conditions  
and nature's of "forms"  
being to give the experience  
to men of the in reality  
while to each community  
The diff. Rose could be worked  
out as to cause  
the maintenance of the

to add  
to a 411 of the blood a  
moment's time, and being  
hater of which is a some  
footing as a hair, seen  
to cause a dot of color  
which is brought to the  
surface of the skin  
in a number of cases  
seen as to cause in the

1906  
1907

11. Camp, 3/20/06  
Kemp, Et  
1906

12904  
REC. 12 APR 06

470

Rept. 1906  
for the water to add  
to the  
reference to the unappreciated  
has been the progress  
find the subject matter  
among the records of the  
of the Secretary of Health



1905  
1905

No 368  
August 16

W. S. ...



Enacted by His Majesty's Commissioner for the  
East Africa Protectorate.

H.M. Commissioner.

No. of 1906.

Restriction of Immigration.

It is hereby enacted as follows:-

Part I.

1. This Ordinance may be cited as the  
"Immigration Restriction Ordinance 1906".

2. In this Ordinance the following  
terms shall have the respective meanings here-  
by assigned to them unless the context  
otherwise requires; that is to say:-

"The Protectorate" shall mean the East Africa  
Protectorate.

"The Principal Immigration Officer" shall  
mean the officer appointed by the Commis-  
sioner to have charge of the administration  
of this Ordinance.

"Immigration Officer" shall mean the Principal  
Immigration Officer, any Assistant thereto,

or any other officer appointed by the Commissioner for the purposes of this Ordinance.

Appointments.

3. The Commissioner shall appoint an officer, (hereinafter referred to as the principal Immigration Officer), to have charge of the administration of this Ordinance, and may appoint such number of assistants to the Principal Immigration Officer as he may deem fit.

Exempted persons.

4. This Ordinance shall not apply to:-

(a) Any person possessed of a certificate in the form set out in Schedule A. of this Ordinance and signed by the Immigration Officer.

(b) The officers and crews of His Majesty's fleet or of the fleet of any friendly power.

(c) Any member of His Majesty's military forces.

(d) Any person duly accredited to the

Protectorate

Protectorate by or under the authority of the Imperial or any other Government.

(e) Any person the subject of a Foreign Power having treaty rights within the dominions of the Sultan of Zanzibar who is not a prohibited immigrant under Section 5 of this Ordinance and who is possessed of a guarantee in the form set out in Schedule B. of this Ordinance signed by the local Consular representative of such power.

(f) The wife, and any child appearing to the Immigration Officer to be under the age of sixteen, of a person not being a prohibited immigrant, provided they are not themselves prohibited immigrants under Subsections (b) (c) (d), (e) or (f) of Section 5 of this Ordinance.

(g) Any person who shall satisfy an Immigration Officer that he has been formerly domiciled in the Protectorate and that he

does

does not come within the meaning of any of the sub-sections (b), (c), (d), (e) and (f), of Section 5 of this Ordinance.

Prohibited Immigrants.

5. The immigration into the Protectorate by land or sea of any person being or appearing to be of any of the classes defined by the following sub-sections, herein after called "prohibited immigrant", is prohibited; that is to say:-

(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 a dangerous contagious disease.

(d) Any person who, not having received a free pardon, has been convicted in any country of murder or any offence 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 offences 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 person deemed by the Immigration Officer 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 III.

Examination of Immigrants.

6 (1) Any person desiring to enter the Protectorate shall before being allowed to do so, appear before the Immigration Officer who shall, after such examination as he may consider necessary, inform such person and the master of the ship, if any, which has

conveyed

conveyed him to the Protectorate, whether he is a prohibited immigrant or not. Provided that if such person withholds or conceals from the Immigration Officer any fact or information which would bring such person within any of the classes of prohibited immigrants defined in Section 5 of this Ordinance, he shall be deemed to have contravened this Ordinance.

(11) If such person appear on examination to be a fit and proper person to be received as an immigrant into the Protectorate, the Immigration Officer shall furnish him with a certificate in the form set out in Schedule A. of this Ordinance.

of police to pre-  
vent entry.

7. Any police officer or Immigration Officer may, subject to the provisions hereinafter contained, prevent any prohibited immigrant from entering the Protectorate by land or sea.

ful entry of prohibited immigrants.

8. Any prohibited immigrant making his way into or being found within the Protectorate shall be deemed to have contravened this Ordinance. Any person convicted under this Section 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 Protectorate.

Prohibited immigrant not released by mere entry.

9. No person who comes within the definition of a prohibited immigrant shall be released from the operation of this Ordinance, or allowed to be or remain in the Protectorate, 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 adduced within twelve months after any person has entered the Protectorate that he

he is of any of the classes whose entry is prohibited shall be sufficient evidence that such person was a prohibited immigrant, and such person shall be liable to be then dealt with as a prohibited immigrant.

summary arrest.

10. If there shall be reasonable cause to suspect that any person has contravened this Ordinance, and if in order to prevent justice from being defeated it is necessary to arrest such person immediately, it shall be lawful for any Immigration 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 a magistrate as soon as may be; or should the ship from which such person has 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.

11. Any person appearing to be a prohibited immigrant within the meaning of



section 5 of this Ordinance, and not coming within the meaning of any of the sub-sections (b)(c), (d), (e), or (f) of the said section 5, may be allowed to enter the Protectorate upon the following conditions:-

(a) He shall before landing deposit with the Immigration Officer,

(i) if a native of Asia or Africa, the sum of Rs 50.

(ii) Any other person, the sum of Rs 750.

(b) If such person shall, within one week after entering the Protectorate, obtain from the Immigration Officer a certificate that he does not come within the prohibition of this Ordinance his deposit shall be returned.

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

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

12. The Principal Officer may authorise the Principal Immigration Officer to make a search of the vessel, or agent of any vessel, for prohibited articles of any prohibited kind, and to bring such articles to a port of the Protectorate to a port of the Protectorate, or to the country of origin, and any such articles shall be his personal effects, and shall be taken by the Principal Officer on board such vessel.

13. Any person who shall be instrumental in bringing into the Protectorate any idiot or insane person without a written or printed authority signed by the Principal Immigration Officer shall be deemed to have contravened this ordinance and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person

whilst

whilst within the Protectorate.

among vessels.

14. Any Immigration Officer shall for the purpose of this Ordinance be empowered to board as often as may be necessary all ships entering inward at any port of the Protectorate in the performance of his duties under this Ordinance.

list of passengers when required.

15. The master of a ship arriving in any Protectorate port shall, upon being there-to requested by the Immigration Officer at such 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.

may be mustered before departure.

16. A master shall, if required thereto prior to his departure from Port, produce his Articles and muster his crew, and if it be found that any person named in the Articles, and who in the opinion of the Immigration Officer would be a prohibited immigrant, is not

not then present, such person shall be deemed to have entered the Protectorate contrary to this ordinance, but the Master and Agents of the ship, provided they have made proper provision <sup>to prevent desertion,</sup> ~~and other provisions,~~ shall not be responsible for any contravention of the provisions of this Section.

17. Should the Master of a ship charge any member of his crew or steward, or extra hand before a local Protectorate Court with a crime or offence committed at some time prior to arrival or during the vessel's stay in Port the magistrate may, at the request of the Immigration Officer and on representation by the Immigration Officer that the accused is a prohibited immigrant, in awarding punishment, order that, on expiry of the sentence or on the sooner readiness of his vessel to proceed to sea, the prisoner be taken from gaol and conducted in custody aboard his ship for conveyance away from the Protectorate. Any person contemplated

Provision by magistrates  
of a number of crew  
for return in  
custody to ship.

by this Section brought before a Magistrate and discharged shall be ordered by the Magistrate to be immediately conveyed back to his ship. An order shall not be made under this section in which the Magistrate shall be deemed necessary for the offence proper for trial

Regulation of intercourse between shore and vessel.

shall be deemed necessary

of this

as from the

by or

principal

Liability of Master and Owner.

10. ... or

from which an ...

landed or may be

and severally to a penalty not

Rs. 1,500 and not less

5

20

of

of each such prohibited immigrant landed or who may land and the vessel may be refused a clearance outwards until any penalty incurred has been paid and until provision has been made by the master to the satisfaction of the Principal Immigration Officer for the conveyance out of the Protectorate of each prohibited immigrant who may have been so landed, and the vessel may be made executable by a decree of His Majesty's High Court of the Protectorate or other Courts in which the owner is justiciable in satisfaction of any penalty imposed under this Section.

The word "clearance" as used in this Ordinance 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.

of each such prohibited immigrant landed or who may land and the vessel may be refused a clearance outwards until any penalty incurred has been paid and until provision has been made by the master to the satisfaction of the Principal Immigration Officer for the conveyance out of the Protectorate of each prohibited immigrant who may have been so landed, and the vessel may be made executable by a decree of His Majesty's High Court of the Protectorate or other Courts in which the owner is justiciable in satisfaction of any penalty imposed under this Section.

The word "clearance" as used in this Ordinance 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.

20. Any person being a prohibited land-

embarkation

of the ...

Officer for a

ate for a tem-

work visit, or for

pose of embarking

at in the Prot

to for some other

l be known as

and a

tion passes res-

ly and at

the forms pre-

rib-

under this Ord-

nance.

app- can

will attend before

dit

the Immigra

and shall answer

all such questions ... the Officer may put

in order to satisfy himself that the pass

to be granted and shall deposit with

him the appointed sum of money, that is to

say:-

(a) For



- (a) For a Visiting Pass the sum of Rs.150, with an additional sum of Rs.150 where the pass includes the wife and children of the applicant.
- (b) For an Embarkation Pass the sum of Rs.150 for each adult and Rs.75 for each child.

The word child, as used in this and the succeeding Sections, means a person appearing to the Immigration Officer to be under the age of sixteen years.

separate passes for wife other than husband

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

passes not granted as right.

23. No person shall be entitled of right to obtain a visiting pass or an embarkation pass and the Immigration Officer

appointed

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 Principal Immigration Officer or by the Commissioner.

24. A Visiting Pass shall be sufficient authority for the person or persons named therein to enter the Protectorate and to remain there during the period stated in the pass. Such period shall not exceed twenty-one days but any Immigration Officer appointed under the Ordinance may, for sufficient reason appearing, extend the period from time to time by an endorsement on the pass. No extension shall be made for more than fourteen days at a time, and no such pass shall be extended beyond six weeks from the date of the pass except with the consent of the Commissioner.

25. The money deposited for a Visiting

Pass

Period of Pass and Extension.

Turn of Deposit for a Visiting Pass.

by this Section brought before a Magistrate and discharged shall be ordered by the Magistrate to be immediately conveyed back to his ship. An order shall not be made under this Section in which the Magistrate shall find that the offence proper for trial

regulation of intercourse between shore and vessel.

shall be deemed necessary

coming out of this

as from the

by an

principal

Liability of Master and Owner.

13.

from which an

landed or may land

and severally to a penalty not

Rs. 1,500 and not less

of each such prohibited immigrant landed or who may land and the vessel may be refused a clearance outwards until any penalty incurred has been paid and until provision has been made by the master to the satisfaction of the Principal Immigration Officer for the conveyance out of the Protectorate of each prohibited immigrant who may have been so landed, and the vessel may be made executable by a decree of His Majesty's High Court of the Protectorate or other Court in which the owner is justiciable in satisfaction of any penalty imposed under this Section.

The word "clearance" as used in this Ordinance 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.

embarkation

20. Any person being a prohibited land-

... officer for a  
... ate for a tem-  
... pose of embarking  
... to for some other  
... l be known as  
... tion passes res-  
... the forms pre-  
... under this Ordi-  
... nance.

... all attend before  
the Immigra ... and shall answer  
all such questions ... Officer may put  
in order to satisfy himself that the pass  
... to be granted and shall deposit with  
him the appointed ... of money, that is to  
say:-

(a) For

- (a) For a Visiting Pass the sum of Rs.350, with an additional sum of Rs.150 where the pass includes the wife and children of the applicant.
- (b) For an Embarkation Pass, the sum of Rs.150 for each adult and Rs.75 for each child.

The word child, as used in this and the succeeding Sections, means a person appearing to the Immigration Officer to be under the age of sixteen years.

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

23. No person shall be entitled of right to obtain a visiting pass or an embarkation pass and the Immigration Officer

appointed

separate passes for  
 wife other than husband  
 & wife.

is not granted as  
 right.

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 Principal Immigration Officer or by the Commissioner.

24. A Visiting Pass shall be sufficient authority for the person or persons named therein to enter the Protectorate and to remain there during the period stated in the pass. Such period shall not exceed twenty-one days but any Immigration Officer appointed under the Ordinance may, for sufficient reason appearing, extend the period from time to time by an endorsement on the pass. No extension shall be made for more than fourteen days at a time, and no such pass shall be extended beyond six weeks from the date of the pass except with the consent of the Commissioner.

25. The money deposited for a Visiting

Pass

Period of Pass and Extension.

Turn of Deposit for a Visiting Pass.

Pass shall be returned to the depositor upon the passholder quitting the Protectorate within the time named in the pass or any extension thereof.

Effect of Embarkation Pass.

25. An Embarkation Pass shall be sufficient authority for the person or persons named therein to enter the Protectorate and to proceed with all reasonable speed to the Port specified therein for the purpose of embarking by the first available opportunity for the destination stated in the pass.

Extension.

21. An Embarkation Pass shall not be extended save by the Principal Immigration Officer for sufficient cause to him appearing.

Disposal of deposit for Embarkation Pass.

26. The money deposited for an Embarkation Pass shall be at once applied on the application of the person to whom it was granted and so far as the sum shall suffice  
for



for the purpose of obtaining a passport for the person or persons named in such pass to the specified place or destination. Any balance of the money deposited shall be returned to the depositor upon the sailing of the ship or may in the discretion of the Immigration Officer be expended in any other necessary or proper manner by desire of the depositor.

29. Any person being a prohibited immigrant within the meaning of this Ordinance who shall enter the Protectorate in pursuance of a Visiting Pass or an Embarkation Pass, and who shall remain in the Protectorate beyond the time allowed by such pass or by a lawful endorsement thereon, or who may misuse such pass, or allow any fraudulent use to be made of it, shall be deemed to have contravened this Ordinance and shall upon

conviction

penalty for overstaying  
the allowed by pass.

other offences.

conviction suffer forfeiture of the amount deposited by him and may 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 Protectorate.

PART IV.

Definition of adult.

30. Any person appearing to an Immigration Officer under this Ordinance to be over the age of sixteen years shall be regarded as an adult for the purposes of this Ordinance.

31. The Commissioner may from time to time make, amend and repeal rules for the better carrying out of the provisions of this Ordinance.

Illegally obtaining documents

32. Any person who shall by false declaration obtain either for himself or for another person, neither being entitled thereunto, any certificate or document intended to secure the entry into the Protectorate of any person in breach of the provisions of this Ordinance.

and any person who may fraudulently use any such certificate or other document, shall be guilty of a contravention of this Ordinance.

35. The following shall be contraventions of this Ordinance.

(a) Assisting any prohibited immigrant, to enter the Protectorate, or knowingly be a party to the introduction of any person of the class(s) of Section 5 hereof.

(b) Aiding or abetting a prohibited immigrant or any other person in any contravention of this Ordinance or of any Rules for the time being published hereunder.

(c) Resisting or obstructing actively or passively any Immigration Officer in the execution of his duty.

(d) Wilfully disobeying or disregarding any obligation imposed by or any lawful order made under this Ordinance or the Rules for the time being published hereunder.

Penialment.

24. Every person guilty of a contravention of this Ordinance or of any Rule for the time being published hereunder shall, where no penalty is expressly imposed, be liable to a fine not exceeding Rs.750 or, in default of payment thereof, imprisonment with or without hard labour for a period not exceeding six months, or he may be sentenced to such imprisonment without the option of a fine.

Penalty incurred by ship's master.

35. Any penalty incurred by the master of a ship shall be paid before the ship's clearance is granted. Notice in writing by the Immigration Officer to the Collector of Customs of any claim against the master, owners, or agents of a ship for a penalty shall be a sufficient authority to him to refuse the ship's clearance until such order is withdrawn or is set aside by the order or judgment of a Court. Such a notice to the Port Officer or Harbour Master shall be authority to him to refuse to take a ship or allow

allow it to go outside the Port to any other anchorage. When such notice is given the Immigration Officer shall with all speed inform the Principal Immigration Officer and take all such steps as may be necessary in order that proceedings in respect of the contravention may be instituted without loss of time.

enforcement of money  
penalty.

36. The enforcement of any money penalty may be either by criminal prosecution or by civil action at the instance of the Immigration Officer. All contraventions of this Ordinance or of the Rules for the time being published hereunder for which no special punishment is awarded or for which no greater punishment than a penalty of Rs.1,500 or imprisonment with or without hard labour is imposed, shall be cognisable in the court of any Magistrate of the first class who may in respect of any such contravention impose a penalty or punishment up to the said limits.

Such

allow it to go outside the Port to any outer anchorage. When such notice is given the Immigration Officer shall with all speed 777 inform the Principal Immigration Officer and take all such steps as may be necessary in order that proceedings in respect of the contravention may be instituted without loss of time.

36. The enforcement of any money penalty may be either by criminal prosecution or by civil action at the instance of the Immigration Officer. All contraventions of this Ordinance or of the Rules for the time being published hereunder for which no special punishment is awarded or for which no greater punishment than a penalty of Rs.1,500 or imprisonment with or without hard labour is imposed, shall be cognisable in the Court of any Magistrate of the first class who may in respect of any such contravention impose a penalty or punishment up to the said limits.

Such

imprisonment of money  
penalty.

Such imprisonment may in any criminal prosecution be awarded either absolutely or in default of the payment of a penalty.

Notwithstanding the foregoing provision the Magistrate of the first class having jurisdiction at any Port where a ship is detained under authority of this Ordinance shall have jurisdiction in any civil suit wherein a penalty not exceeding Rs. 7,500 is claimed from the master or owners or agents of the ship.

SCHEDULE A.THE EAST AFRICA PROTECTORATE IMMIGRATIONREGULATION ORDINANCE 1906.

(To whom it may concern).

This is to certify that the person hereunder described is a fit and proper person to be received as an Immigrant into the East Africa Protectorate.

Dated at

this                      day of                      19 .

Signature

DESCRIPTION.

Name .

Nationality.

Age.

Trade or calling.

Married or single.

Height. ft.                      in.

General Description.

Marks.

Signature of holder.



SCHEDULE A.THE EAST AFRICA PROTECTORATE IMMIGRATION  
RESTRICTION ORDINANCE 1906.

(To whom it may concern).

This is to certify that the person hereunder described is a fit and proper person to be received as an Immigrant into the East Africa Protectorate.

Dated at

this                      day of                      19 .

Signature

DESCRIPTION.

Name .

Nationality.

Age.

Trade or calling.

Married or single.

Height. ft.                      in.

General Description.

Marks.

Signature of Holder.

SCHEDULE A.THE EAST AFRICA PROTECTORATE IMMIGRATION  
RESTRICTION ORDINANCE 1906.

(To whom it may concern).

This is to certify that the person hereunder  
described is a fit and proper person to be  
received as an Immigrant into the East Africa  
Protectorate.

Dated at

this

day of

19 .

Signature

DESCRIPTION.

Name .

Nationality .

Age .

Trade or calling .

Married or single .

Height . ft.      in.

General Description .

Marks .

Signature of Holder .

SCHEDULE B.

THE EAST AFRICA PROTECTORATE IMMIGRATION  
RESTRICTION ORDINANCE 1906.

I (state rank, country, and where stationed) hereby certify that the bearer (name) is a subject and that he (or she) is a fit and proper person to be received as an Immigrant into the East Africa Protectorate.

L.S. Signature.  
Date.

DESCRIPTION.

Name.  
Age.  
Trade or Calling.  
Married or Single.  
Height ft. in.  
General Description.  
Marks.  
Signature of Holder.

*Working Copy*

C. O.  
12904  
REC'D  
REC'D 12 APR 06

AN ORDINANCE

Enacted by His Majesty's Commissioner for  
the East Africa Protectorate.

506

H.M. Commissioner.

No. \_\_\_\_\_ of 1906.

Restriction of Immigration.

It is hereby enacted as follows:-

Part I.

1. This Ordinance may be cited as the

"Immigration Restriction Ordinance 1906".

2. In this Ordinance the following

terms shall have the respective meanings  
hereby assigned to them unless the context  
otherwise requires; that is to say:-

"The Protectorate" shall mean the East Africa  
Protectorate.

"The Principal Immigration Officer" shall  
mean the officer appointed by the Commis-  
sioner to have charge of the administration  
of this Ordinance.

"Immigration Officer" shall mean the Prin-  
cipal Immigration Officer, any Assistant

thereto

art Title.

initions.

thereof, or any other officer appointed by the Commissioner for the purposes of this Ordinance.

3. The Commissioner shall appoint an officer, (hereinafter referred to as the principal Immigration Officer), to have charge of the administration of this Ordinance, and may appoint such number of assistants to the Principal Immigration Officer as he may deem fit.

4. This Ordinance shall not apply to:-

(a) Any person possessed of a certificate in the form set out in Schedule A. of this Ordinance and signed by the Immigration Officer.

(b) The officers and crews of His Majesty's fleet or of the fleet of any friendly power.

(c) Any member of His Majesty's military forces.

(d) Any

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

(e) Any person the subject of a Foreign Power having treaty rights within the dominions of the Sultan of Zanzibar who is not a prohibited immigrant under Section 5 of this Ordinance and who is possessed of a guarantee in the form set out in Schedule B. of this Ordinance signed by the local Consular representative of such power.

(f) The wife, and any child appearing to the Immigration Officer to be under the age of sixteen, of a person not being a prohibited immigrant, provided they are not themselves prohibited immigrants under Sub-sections ~~(d), (e),~~ <sup>or</sup> and (f), of Section 5 of this Ordinance.

(g) Any person who shall satisfy an Immigration Officer that he has been formerly domiciled in the Protectorate and that he

does not come within the meaning of any of the sub-sections (b), (c), (d), (e) and (f), of Section 5 of this Ordinance.

5. The immigration into the Protectorate by land or sea 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, that is to say:-

(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 a dangerous contagious disease.

(d) Any person who, not having received a free pardon, has been convicted in any country of murder or any offence for which a sentence of imprisonment has been passed for any term and who by reason of the circumstances connected therewith

therewith is deemed to be an undesirable immigrant but this provision shall not apply to offences of a political character not involving moral turpitude.

*any person*

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

*the 1*

(f) Any person deemed by the Immigration Officer 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.

Examination of Immigrants.

(1)

(1) Any person desiring to enter the Protectorate shall, before being allowed to do so, appear before the Immigration Officer who shall, after such examination as he may

consider

Z 84



consider necessary, <sup>inform</sup> before such person and the master of the ship, if any, which has conveyed him to the Protectorate whether he is a prohibited immigrant or not. Provided that if such person withholds or conceals from the Immigration Officer any fact or information which would bring such person within any of the classes of prohibited immigrants defined in Section 5 of this Ordinance he shall be deemed to have contravened this Ordinance.

(II) If such person appear on examination to be a fit and proper person to be received as an immigrant into the Protectorate the Immigration Officer shall furnish him with a certificate in the form set out in Schedule A. of this Ordinance.

7. Any police officer or Immigration Officer may, subject to the provisions herein after contained, prevent any prohibited immigrant from entering the Protectorate by land or sea.

lawful entry of prohibited immigrants.

8. Any prohibited immigrant making his way into or being found within the Protectorate shall be deemed to have contravened this Ordinance. Any person convicted under this Section 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 Protectorate.

prohibited immigrant not released by mere entry.

9. No person who comes within the definition of a prohibited immigrant shall be released from the operation of this Ordinance, or allowed to be or remain in the Protectorate, 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 adduced within twelve months after any person has entered the Protectorate that he is of any of the classes

classes whose entry is prohibited shall be sufficient evidence that such person was a prohibited immigrant, and such person shall be liable to be then dealt with as a prohibited immigrant.

10. If there shall be reasonable cause to suspect that any person has contravened this Ordinance, and if in order to prevent justice from being defeated it is necessary to arrest such person immediately, it shall be lawful for any Immigration or Police Officer to arrest such person forthwith without giving a warrant for that purpose, and he shall be required to bring such person before a Magistrate as soon as may be or should the ship from which such person has 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.

11. Any person appearing to be a prohibited immigrant within the meaning of

Section 5 of this Ordinance and not coming within the meaning of any of the sub-sections (b), (c), (d), e, or (f) of the said section 5 may be allowed to enter the Protectorate upon the following conditions:-

(a) He shall before landing deposit with the Immigration Officer

(i) if a native of Asia or Africa the sum of Rs. 50.

(ii) Any other person the sum of Rs. 750.

(b) If such person shall within one week after entering the Protectorate obtain from the Immigration Officer a certificate that he does not come within the prohibition of this Ordinance his deposit shall be returned.

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

In case of any person entering the Protectorate under this Section no liability shall attach to the vessel or the owners of the vessel in which he may have arrived at any port of the Protectorate.

trans for return of pro-  
ted passport.

12. The Commissioner may authorise the Principal Immigration Officer to make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in the Protectorate to a port in or near to such immigrant's country of birth and any such immigrant with his personal effects may be placed by a police officer on board such vessel.

in insane persons  
to the Protectorate.

13. Any person who shall be instrumental in bringing into the Protectorate any idiot or insane person without a written or printed authority signed by the Principal Immigration Officer shall be deemed to have contravened this Ordinance and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or

insane person whilst within the Protectorate.

14. Any Immigration Officer shall for the purpose of this Ordinance be empowered to board as often as may be necessary all ships entering inward at any port of the Protectorate in the performance of his duties under the Act.

15. The master of a ship arriving in any Protectorate port shall, upon being there to requested by the Immigration Officer at such 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.

16. A master shall, if required thereto prior to his departure from Port, produce his Articles and muster his crew and if it be found that any person named in the Articles and who in the opinion of the Immigration Officer would be a prohibited immigrant is

not

ordin. vessels.

*this Ordinance*

of passengers when  
sired.

may be mustered before  
ature.

not then present, such person shall be deemed  
 to have entered the Protectorate contrary  
 to this Ordinance, but the Master and Agents  
 of the ship, provided they have made proper  
 provision for police protection, shall not be  
 responsible for any contravention of the  
 provisions of this Section.

17. Should the Master of a ship charge  
 any member of his crew or stowaway or extra  
 hand before a local Protectorate Court with  
 a crime or offence committed at some time  
 prior to arrival or during the vessel's stay  
 in Port the magistrate may, at the request of  
 the Immigration Officer and on representa-  
 tion by the Immigration Officer that the  
 accused is a prohibited immigrant, in award-  
 ing punishment, order that, on expiry of  
 the sentence or on the sooner readiness of  
 his vessel to proceed to sea, the prisoner  
 be taken from jail and conducted in custody  
 aboard his ship for conveyance away from  
 the Protectorate. Any person contemplated

absent by  
 strate of a  
 er of crew.  
 r for return in  
 dy to ship.

by this Section brought before a Magistrate and discharged shall be ordered by the Magistrate to be immediately conveyed back to his ship. An order shall not be made under this Section in any case in which the Magistrate deems the crime or offence proper for trial in a higher court.

25  
 20  
 /  
 /

§18] Whenever it shall be deemed necessary for the effective carrying out of this Ordinance to regulate intercourse from the shore with any vessel in a port having on board any prohibited immigrant the Principal Immigration Officer may take such steps, with the approval of the Commissioner, as may appear proper in that behalf.



Liability of Master  
Owner.

19. 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 penalty not exceeding Rs.1,500, and not less than Rs.375 in respect of each such prohibited immigrant landed or who may land and the vessel may be refused a clearance outwards until any penalty incurred has been paid and until provision has been made by the master to the satisfaction of the Principal Immigration Officer for the conveyance out of the Protectorate of each prohibited immigrant who may have been so landed and the vessel may

be

be made executable by a decree of His Majesty's High Court of the Protectorate or other Courts in which the owner is justiciable in satisfaction of any penalty imposed under this Section.

The word "clearance" as used in this Ordinance 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.

20. Any person being a prohibited immigrant within the meaning of this Ordinance may apply to an Immigration Officer for a pass to enter the Protectorate for a temporary visit or for the purpose of embarking at a Port in the Protectorate for some other country. Such passes shall be known as visiting passes and embarkation passes respectively and shall be in the forms prescribed by the Rules made under this

## Ordinance.

21. The applicant shall attend before the Immigration 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:-

- (a) For a Visiting Pass the sum of Rs.150, with an additional sum of Rs.150 where the pass includes the wife and children of the applicant.
- (b) For an Embarkation Pass the sum of Rs.150 for each adult and Rs.75 for each child.

The word child as used in this and the succeeding Sections means a person appearing to the Immigration Officer to be under the age of sixteen years.

22. Except in the case of a person accompanied by his wife and children a separate Pass shall be required for each person

seeking

Apply and deposit before  
Immigration Passes

13

X

X

Rate passes for adults  
and their husband and wife.

X 13

14

seeking to enter the Protectorate for the purpose of a visit or for embarking.

Pass not granted as of

23. No person shall be entitled of right to obtain a visiting pass or an embarkation pass and the Immigration 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 Principal Immigration Officer or by the Commissioner.

Period of Pass and Extension

24. A Visiting Pass shall be sufficient authority for the person or persons named therein to enter the Protectorate and to remain there during the period stated in the pass. Such period shall not exceed twenty-one days but any Immigration Officer appointed under the Ordinance may, for sufficient reason appearing, extend the period from time to time by an endorsement on the pass. No extension shall be made for more than fourteen days at a time and no such pass shall be valid for more than one pass

pass shall be extended beyond six weeks from the date of the pass except with the consent of the Commissioner.

Sum of Deposit for a  
Visiting Pass.

25. The money deposited for a Visiting Pass shall be returned to the depositor upon the passholder quitting the Protectorate within the time named in the pass or any extension thereof.

Sum of Deposit for an  
Embarkation Pass.

26. An Embarkation Pass shall be sufficient authority for the person or persons named therein to enter the Protectorate and to proceed with all reasonable speed to the Port specified therein for the purpose of embarking by the first available opportunity for the destination stated in the pass.

Sum of Deposit for an  
Embarkation Pass.

27. An Embarkation Pass shall not be extended save by the Principal Immigration Officer for sufficient cause to him appearing.

Sum of Deposit for an  
Embarkation Pass.

28. The money deposited for an Embarkation Pass shall be at once applied on the application

application of the person to whom it was granted and so far as the sum shall suffice for the purpose of obtaining a passage for the person or persons named in such pass to the specified place or destination. Any balance of the money deposited shall be returned to the depositor upon the sailing of the ship or may in the discretion of the Immigration Officer be expended in any other necessary or proper manner by desire of the depositor.

Penalty for outstaying  
is allowed by pass

for offences.

Z 1-4

N 1-1

29. Any person being a prohibited immigrant within the meaning of this Ordinance who shall enter the Protectorate in pursuance of a Visiting Pass or an Embarkation Pass and who shall remain in the Protectorate beyond the time allowed by such pass or by a lawful endorsement thereon, or who may misuse such pass, or allow any fraudulent use to be made of it shall be deemed to have contravened this Ordinance and shall upon conviction

conviction suffer forfeiture of the amount deposited by him and may 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 Protectorate.

PART IV.

30. Any person appearing to an Immigration Officer under this Ordinance to be over the age of sixteen years shall be regarded as an adult for the purposes of this Ordinance.

31. The Commissioner may from time to time make rules for the carrying out of the provisions of this Ordinance.

32. Any person who shall by false declaration obtain either for himself or for another person, neither being entitled thereto, any certificate or document intended to secure the entry into the Protectorate of any person in breach of the provisions of this Ordinance,

*Falsely obtaining documents*

X

X

and

and any person who may fraudulently use any such certificate or other document shall be guilty of a contravention of this Ordinance.

33. The following shall be contraventions of this Ordinance:-

(a) Assisting any prohibited immigrant to enter the Protectorate or knowingly be a party to the introduction of any person of the class (e) of Section 5 hereof.

(b) Aiding or abetting a prohibited immigrant or any other person in contravention of this Ordinance or of any Rules for the time being published hereunder.

(c) Resisting or obstructing actively or passively any Immigration Officer in the execution of his duty.

(d) Wilfully disobeying or disregarding any obligation imposed by or any lawful order made under this Ordinance or the Rules for the time being published hereunder.



arment.

34. Every person guilty of a contravention of this Ordinance or of any Rule for the time being published hereunder shall, where no penalty is expressly imposed, be liable to a fine not exceeding Rs. 750 or, in default of payment thereof, imprisonment with or without hard labour for a period not exceeding six months, or he may be sentenced to such imprisonment without the option of a fine.

incurred by ship's

35. Any penalty incurred by the master of a ship shall be paid before the ship's clearance is granted. Notice in writing by the Immigration Officer to the Collector of Customs of any claim against the Master, owners or agents of a ship for a penalty shall be sufficient authority to him to refuse the ship's clearance until such order is withdrawn or is set aside by the order or judgment of a Court. Such a notice to the Port Officer or Harbour Master shall be authority

to him to refuse to take a ship or allow it to go outside the Port to any outer anchorage. When such notice is given the Immigration Officer shall with all speed ~~inform~~ <sup>before</sup> the Principal Immigration Officer and take all such steps as may be necessary in order that proceedings in respect of the contravention may be instituted without loss of time.

enforcement of money  
penalty.

36. The enforcement of any money penalty may be either by criminal prosecution or by civil action at the instance of the Immigration Officer. All contraventions of this Ordinance or of the Rules for the time being published hereunder for which no special punishment is awarded or for which no greater punishment than a penalty of Rs. 1,500 or imprisonment with or without hard labour is imposed shall be cognisable in the Court of any Magistrate of the first class who may in respect of any such contravention impose a  
penalty

(-)  
penalty or punishment up to the said limits .  
Such imprisonment may in any criminal prosecution be awarded either absolutely or in default of the payment of a penalty (c)

(-)  
Notwithstanding the foregoing provision the Magistrate of the first class having jurisdiction at any Port where a ship is detained under authority of this Ordinance shall have jurisdiction in any civil suit wherein a penalty not exceeding Rs.7,500 is claimed from the master or owners or agents of the ship.

SCHEDULE A.THE EAST AFRICA PROTECTORATE IMMIGRATIONRESTRICTION ORDINANCE 1906

(To whom it may concern.)

This is to certify that the person hereunder described is a fit and proper person to be received as an Immigrant into the East Africa Protectorate.

Dated at

this                      day of                      19                      .

Signature.

DESCRIPTION.

Name

Nationality

Age

Trade or calling

Married or single

Height    ft.                      in.

General Description.

Marks.

Signature of Holder.

SCHEDULE B.

THE EAST AFRICA PROTECTORATE IMMIGRATION

RESTRICTION ORDINANCE 1906.

③

I (state rank; country, and where stationed) hereby certify that the bearer (name) is a subject and that he (or she) is a fit and proper person to be received as an Immigrant into the East Africa Protectorate.

L.S.

Signature.

Date.

DESCRIPTION.

Name

Age

Trade or Calling

Married or Single

Height

General Description

Marks

Signature of Holder

Barth  
129074

E.A.T.

532

DRAFT

U.S.G.S.  
7.0

MINUTE.

- Mr. ~~Wells~~ <sup>30</sup>
- Mr. ~~Wells~~ <sup>30</sup>
- Mr. ~~Wells~~ <sup>31</sup>
- Mr. Andrews
- Mr. Os. 31
- Mr. Lucas.
- Mr. Graham.
- Sir M. O'Malley.
- Mr. Churchill.
- The Earl of Egin.

ans 21372

4 June 1906

Sir,

I refer to your letter of the 30<sup>th</sup> of Decem 1905. and previous corresp<sup>n</sup> relating to the restriction of immigration into Zanzibar and the E.A.T. I am directed

to refer you to the present copy to be sent to the Secretary to the Admiralty, the copy of the Admiralty's proceedings for the restriction of immigration into the E.A.T. in accordance

Production of the original  
(129074)

to copy from 1879 July 21372



Hotel Act, the words "provides they have made proper provision to prevent detention"

The wording of the Hotel Act above quoted also reproduced in § 15 of the 5th General Deere with the substitution of the word "public" for the words "police", but the punctuation of the section of the Act above will -

had R's opinion the better view by the alteration indicated above  
Should be noted that the former <sup>was</sup> ~~was~~ done in 539 and 531 of the 5th General Deere had been revised in 534 of the 5th Deere for £1000 to £750 and with the increase - 536 from £1000 to £1500

whether words appear to carry out the intention of the Act or better than that of the Hotel Act or the words of the Deere "provision for public protection" is not clear to H.

DRAFT

MINUTE

- Mr.
- Mr.
- Mr. Antrobus.
- Mr. Cox.
- Mr. Lucas.
- Mr. Graham.
- Sir M. O'Mearney.
- Mr. Churchill.
- The Earl of Elgin.

6  
The 5th Deere has been prepared by Mr. J. V. Burt  
Chief Judge of the C.A. 1844

will be intention of making them identical with the provision for which provision is made in § 39 and § 41 respectively of the Hotel Act

8. The 5th Deere has prepared by the present, the 2nd of the 5th Deere is to be the Hotel Act of 1844 on the ground that, in his opinion, it is to be drafted of the present owners, and suggests that there should be no little difficulty in the law affecting property in the same way

It is to be noted that the addition of the former provisions in the 5th Deere will result in the 5th Deere will result in the 5th Deere



