

EAST AFR. PROT
403215

F.O.
40321
Rec
Recd 4 JUL 17

para
following 1el.

1917

11 August

Last previous Paper.
M.O.
40013

ACQUISITION OF LAND BY FOREIGNERS

Considers very desirable promulgate Order on lines suggested. Attorney General however points out restrictions of Berlin Act. It would seem necessary to consult the F.O. on point.

Copy to Secret Com. 20 Aug 1917
Copy to Legation Harar (100) 23 Mar. (1888)

See ~~John~~ lay
See Butler

Drafts on 70. 39060 been up in view of
to have already commenced in the
suggested Ordinance as a ~~has~~ measure, but
no doubt without taking into account
the Berlin Act. Article 5 of the Berlin
Act (copy below) contains the following
sentence:

"Foreigners without distinction shall
enjoy the protection of their persons
and property, as well as the right
of acquiring and transferring movable
and immovable possessions, and

Next subsequent Paper

national laws and treatment in the
exercise of their profession?

The point raised by the
Attorney General is a
good one. Though we have held
that the Berlin Act is in
abeyance during the war so
far as enemies are concerned,
it might be difficult to hold
that it is in abeyance as regards
neutrals (Sweden) especially if
suggested to it. It is more important
to establish that there is a
association on the part of such
neutrals.

If once we can establish
such association on the part of
such neutrals, the matter is
straightforward, as we can
take action as suggested by
the B. of Trade (3825), quite
apart from the proposed Ordinance.
I presume that we had better

send to copy of 40321 and
ask whether this affects the
occurrence in the proposed Ordinance
as a war measure - send Law
also copy of 3827 and ask that
the Enquiries made at Stockholm
may be expedited, as if such
association on the part of Baron Ahten
etc can be established it is
enable action to be taken under
3825 in these particular cases,
quite apart from what is settled -
as regards the general question of
the Ordinance.

6/17/17
57 17/8/17

will read
Article 7 is a nuisance. We have
just come across in connection with the registration
of doctors & dentists under the L. & P. Law

In sending a copy of this telegram to
the F.D. I would say that the S. of B.
assumes that the p^{re} Govt. needs not
hesitate to pass the proposed ordinance
as a war measure.

HAB

17-8-17

at once

to J.R.

17/8/17

PARAPHRASE TELEGRAM

C. O.
40321

313

From the Officer Administering the Government
of the East Africa Protectorate to the Secretary
of State for the Colonies.

(Received, Colonial Office 6.15 p.m. 11th August, 1917)

610
34608

August 11th. Your cipher telegram of
July 19th I consider that pending a decision after
the war on imperial policy with regard to alienation
of the land to foreigners in British Colonies,
it would be very desirable to promulgate an ordinance
on the lines you suggest. It is however pointed out
by Attorney General that the provisions of
Article No. 5 of the Berlin Act 1885 gives foreign sub-
jects without distinction the right to acquire
immovable possessions in the "Conventional Congo
Basin" in which the protectorate is situated.
Presumably therefore it would be necessary to consult
Foreign Office in order that we may be advised
how objections based on Act, which may be raised
locally, should be met.

BOWRING.

20 Aug 47

Secret + Phenix



[Handwritten signature]
Li

Letter ref to Com. to Gen

(70.
35060)
[Vertical handwritten note]

(144376/C.150) of Aug

DRAFT.

Pls to pass
to

I am etc to
transmit to you to
be laid before the Soc.

MINUTE.

Draft on the acc

Mr. 52 18/8/47
Mr. Bottomley 18/8/47

copy of a del. from the

- Mr.
- Mr. Grindle.
- Mr. Lambert.
- Mr. Bond.
- Sir G. Fiddes.
- Mr. Steel-Maitland.
- Mr. Long.

As. Sec. of the EAD

regarding the proposed

amendment as a way

measure of a special

Ordinance in the EAD

to prevent the transfer

of lands to a Gov. District

Del EAD let 11 Aug
40321

Boyer 28 July
38257

The crown

to

to read to him

~~the proposed ordinance~~

~~the proposed ordinance~~

the proposed ordinance

the provisions of Article

the

No. 5 of Berlin Act

of 1815 upon the

proposed amendment of

the Ordinance

and to show that the

Protestant Govt. need

not hesitate to pass

the proposed Ordinance

as it was unopposed

I am also to

enclose a copy of a

letter which has been

sent from the B. of

Trade & to express

the hope that the

enquiries which are

being made by the

Minister at Stockholm

with regard to Baron

de Wicken Director &

Bank of the Commission

may be expedited. If

it is possible to

the existence of
establishment ~~that~~ ~~is~~

of every association in

the part of the Swedish

subject ~~is possible~~ ~~is possible~~

action to be taken in

such case as suggested

of the B. of Trade in advance

of the ...
the proposed Ordinance

11. 2
(signed) G. Grindle