to observe all British vessels at which a call is made en route by vessels on which they are travelling ~~Crete~~.

2. You will observe that Gibraltar, all Malta, Transjordania, Palestine is excluded from the arrangement.

(Signed) WINSTON S. CHURCHILL.

1921

90 194

GENERAL

367

39833

Rec'd 9 AUG 21

FROM: Foreign Office F 2859/223/23

DATE: 4 August.

FOR CIRCULATION:—

Mr.
Mr.
Mr.
Mr. Grindle
Sir H. Lambert
Sir H. Read
Sir G. Fiddes
Mr. Wood
Mr. Churchill

SUBJECT

Immigration & Landowning Rights of Japanese, Chinese & Coloured Persons

Desires a summary of legislation affecting the —— in Doms, Colonies, Prots & Mandated Territories

(Orig rec'd 40/39035/21 Doms)

Previous Paper

Answered 10 October 21.

R83

Subsequent Paper

40 42704/21 (Lond. immig.)
" 58271/21 Immigration
" 21785/22 (Chinese)

MINUTES

Mr Tilden

Colonial legislation does not as a rule discriminate between nationals of different foreign countries. It will probably be found that any immigration restriction, or special provisions regarding holding of land are common to "aliens" & that there are no special restrictions applicable to Chinese, Japanese or other coloured persons — with the exception of the Chinese Immigrs restrictions in the Malay Peninsula.

A list of Colony legislation rel. to immigration is attached to 40/39035/21 tho' there are probably later Ords: & a list* of Ords rel. to holding of land by aliens is given in 50117/20 Vol. but we have it empd as to either in

* This List has been thoroughly overhauled & revised

† should be regarded as superseded practically by List B

(9777/909) Wt. 4710/19 Gp. 163
W & S Ltd.

Tonga

Undesirable Immigrants Ordinance, No. 5 of 1920.

Trinidad and Tobago

General

Infirm Paupers Ordinance, Revised Ordinance No. 186.

Indian

Immigration Ordinance, No. 26 of 1916.
Amending Ordinances, Nos. 19 of 1918,
and 12 of 1919.

Turks and Caicos Islands

Pauper Immigrant Ordinance, No. 6 of 1898.
Pauper Immigrant Amendment Ordinance, No. 3 of 1899.

Uganda Protectorate

Immigration Restriction and Removal of Undesirables Ordinance, No. 10 of 1913.

Zanzibar Protectorate

Consolidation of Laws Decree, No. 7 of 1909, Chapter XX - Restriction on Immigration.

NOTE:- The above statement does not include references to legislation which has been passed recently in practically all Colonies, Protectorates and Mandated Territories prohibiting the entry of Former Enemy Aliens, except by a special permit, for a period of three years.

References to legislation
(1) regulating the entry of Alien Missionaries and teachers, and
(2) imposing restrictions on the landing and movements of aliens (on the lines of the Imperial Aliens Restriction Act, 4&5 Geo.V, Chap.12)

are also omitted. The former legislation was regarded as a temporary war measure which might subsequently be modified by amending legislation, whilst the latter legislation, though placed on the various statute books permanently, is only operative in time of war, national danger or great emergency.

-------oooOooo-------

September, 1921.

LIST B

39833.21 General.

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ACQUISITION OF LAND BY ALIENS

Legislation in force in Colonies and Protectorates, etc.

Bahamas

Naturalization (Amendment) Act 1866, 29 Vic. c.15.
Naturalization (Amendment) Act 1872, 35 Vic. c.9.

Barbados

Aliens Act, No. 3 of 1883.

Basutoland

No landed property can be acquired, held or disposed of. (Despatch from High Commissioner, 47168.19).

Bechuanaland Protectorate

No laws or regulations applicable to aliens alone, but see Proclamation of 10th June 1891, art.43 (re claims to land by Europeans) and art.45 (re concessions or grants by native chiefs).

Bermuda

Alien Act, No. 12 of 1907, secs. 1 - 9.
Alien Act, No. 3 of 1911.

British Guiana

Naturalization Ordinance, No. 4 of 1891, sec.2.
Companies (Consolidation) Ordinance, No. 17 of 1913, sec.252 as enacted by sec.19 of No. 15 of 1917.
Enemy Aliens (Holding of Land) Ordinance, No. 6 of 1919.

British Honduras

'Of the Status and Capacity of Aliens', Chapter 56, Consolidated Laws, sec.1.

British Solomon Islands Protectorate

No Laws or Regulations.

Brunei

No Laws or Regulations.

Cayman Islands

The Jamaica Aliens Law, No. 16 of 1871 is in force.

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Ceylon

No general legislation.

Cyprus

Ottoman Law No. 7 of 7 Sepher, 1284 (June 1867).
Protocol No. 8.
(see also last clause of art.25 of the Cyprus Courts of Justice Order, 13 November 1882).

Falkland Islands

Alien Ordinance, No. 5 of 1900, sec.11.

Federated Malay States

No general legislation.

Fiji

Aliens Ordinance, No. 6 of 1875, sec.2.

Gambia

No general Laws or Regulations.
(A private Ordinance is necessary in each instance to enable an alien to acquire real property in the Gambia).

Gibraltar

Titles to Land Consolidation Order in Council, 28 May, 1888, secs. 6 & 7, amended by sec.2 of Ordinance No. 4 of 1919.

Gilbert and Ellice Islands

King's Regulation 2 of 1908, relating to the proprietorship of Fanning Island and Washington Island.
Native Lands Ordinance, No. 16 of 1917, amended by No. 1 of 1919.

Gold Coast

Former Enemy Aliens (Restriction on Immigration) Ordinance, Chapter 179, Revised Laws 1920, sec.10a as enacted by sec.3 of Ordinance No. 19 of 1921 (in force till 28th August 1922).
(this Ordinance applies also to Ashanti and the Northern Territories of the Gold Coast).

Grenada

Naturalization of Aliens Act, Chapter 139 Revised Laws 1911, secs. 2 & 3.

Hongkong

Aliens (Rights of Property) Ordinance, No. 1 of 1853.
Companies Ordinance, No. 58 of 1911, sec.253, as amended by sec.18 of No. 22 of 1913.

Jamaica

Aliens Law, No. 16 of 1871.

Johore

No Laws or Regulations.

Kedah

No Laws or Regulations.

Kelantan

In Kelantan long established custom has prescribed that no person other than a subject of His Highness the Sultan is eligible to acquire an interest in landed property without the express sanction of His Highness the Sultan in Council, but this custom has not yet been embodied in any law. (Despatch from High Commissioner, 58708.19 Malay States).

Kenya

Crown Lands Ordinance, No. 12 of 1915 (see sec.71, re transfer of land between parties of different races).
Alienation of Immovable Property Restriction Ordinance, No. 12 of 1917 ('in operation during the continuance of the present war').

Leeward Islands

Naturalization Act, No. 4 of 1880, sec.2.

Malta

No statutory provisions.

Mauritius

Imperial Order in Council of 15 January 1842 (Proclamation 21 June 1842).

New Hebrides

No special Regulations.
So far as concerns the acquisition of land from natives, aliens come under the provisions of article XXVII of the Anglo-French Convention of 1906, and of Joint Regulation No. 1 of 1908, and in other respects their position as regards real estate would be governed by the laws of the nation for whose régime they may have opted. (Despatch from Resident Commissioner, 57128.19 Western Pacific).

Nigeria

Native Lands Acquisition Ordinance, No. 32 of 1917 (applies to Southern Provinces only): also Regulations No. 23 of 1917.
Land and Native Rights Ordinance, No. 1 of 1916 (applies to Northern Provinces).

North Borneo

North Borneo

Secs. 28, 29 (also 50) of the Land Proclamation (Amendment) 1913.

Northern Rhodesia

Naturalisation Order in Council, 16 July 1914, art.III.

Nyasaland Protectorate

No specific restrictions on the acquisition of land by subjects of friendly alien Governments. (Despatch from Governor 50401.19).

Perlis

? No Laws or Regulations.

Saint Helena

No legislative provisions.

Saint Lucia

Civil Code 1879, art.19 (see also art.552).

Saint Vincent

British Nationality and Status of Aliens Ordinance, No. 26 of 1915, sec.3.

Seychelles

Imperial Order in Council of 15 January 1842 (Proclamation 21 June 1842).

Note - the above Order in Council relates to Mauritius and its Dependencies. At the time of the issue of the above Proclamation the Seychelles were then Dependencies of Mauritius, and the Proclamation still applies to Seychelles.

Sierra Leone

Aliens Naturalization and Acquisition of Property Ordinance, No. 5 of 1907, sec.15.

Somaliland Protectorate

No legislation.

Southern Rhodesia

Naturalisation Order in Council, 7 March 1899, art.III.

Straits Settlements

Aliens' Property Ordinance, No. 13 of 1875.

Swaziland

Transvaal Law No. 3 of 1885 relating to Coolies, Arabs, and other Asiatics.
Transvaal Proclamation of 24th January 1887 (amending the above Law).

Tanganyika Territory

No Laws or Regulations.

Tonga

Art.540 of the Law of Tonga.
(Leases are granted to Foreigners upon applications approved by the Government and for periods of 21 years for town sites and 50 years for agricultural holdings).
(Despatch from High Commissioner, 71613.19 W. Pacific).

Trengganu

No foreign person or Company (the word 'foreign' meaning other than a Trengganu subject) is eligible to acquire rights over landed property, exceeding in all 500 acres of mining land or 3,000 acres of agricultural land without the approval of His Highness the Sultan and the British Government. (Trengganu Government Proclamation, undated - copy with 58708.19 Malay States).

Trinidad and Tobago

Aliens (Land-holding regulation) Ordinance, No. 36 of 1921.

Turks and Caicos Islands

Ordinance No. 8 of 1857, ('An Ordinance to authorise Aliens to hold Houses, Lands, Salinas, and Salt-ponds under Lease within these Islands').

Uganda Protectorate

No general legislation.

Weihaiwei

No special Laws or Regulations.

Zanzibar Protectorate

No general legislation.
See emergency regulations of 25th February 1918, made under the British Protectorates (Defence) Order in Council 1916.
also
Former Enemy Alien Restriction Decree, No. 10 of 1921, sec.4 (in force till 10th January 1923).

----oOo----

The above statement does not include references to provisions existing in the legislation of some of the Colonies and Protectorates forbidding the acquisition of any interest by an enemy alien in immovable property sold by the Custodian (or a Liquidator) of Enemy Property, except with the authority of the Governor given with the consent of the Secretary of State.

It should be noted, too, that provisions exist in some instances in oil mining legislation providing that prospecting licences or mining leases may be granted only to British subjects or British Companies.

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September 1921.

FINAL FORM DRAFT. circulated to Depts. (Corrections &c. made by Depts. shown in red ink). Confidential

39833.21 39833.21 General

STATEMENT GIVING INFORMATION AS TO LEGISLATIVE PROVISIONS EXISTING IN COLONIES, PROTECTORATES AND MANDATED TERRITORIES AFFECTING THE IMMIGRATION OF JAPANESE, CHINESE AND OTHER COLOURED PERSONS.

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BRITISH GUIANA
JAMAICA
TRINIDAD AND TOBAGO

~~Legislation~~ Although the immigration of indentured labour has now ceased, legislation exists in these three Colonies providing for the immigration of labourers, under a system of indenture, from such ports or places as the respective Governors may by Proclamation name. Indentures are for the period of 5 years (in the case of females 3 years). ~~Immigration Departments are set up by~~ The legislation in question ~~to~~ authorises provide for the allotment and proper supervision of such indentured immigrants.

Under ~~the above system of indenture~~ their legislation the recruiting of East Indians for employment in these Colonies took place until 1917, when the system came to an end, and, in the case of British Guiana all existing indentures were cancelled in April 1920. Negotiations with the Government of India are in progress with a view to the resumption of immigration into British Guiana only. Such immigration would be without indenture and entirely voluntary.

The British Guiana legislation referred to above relates to immigration of Asiatics except Chinese but, additionally, there is in this Colony an Ordinance providing for immigration of non-Asiatics under a system of contract labour. In the latter instance the period of indenture is not stipulated.

FIJI

Legislation is in force in Fiji regulating (1) Indian Immigration and (2) Polynesian Immigration - both under a system of indenture. The term of indenture may not exceed a period of 5 years.

The ~~immigration~~ introduction of Indians under indenture ~~has now~~ ceased, the existing indentures ~~being cancelled from~~ on the 1st January 1920 ~~and there are at present no special restrictions upon the immigration of Indians into Fiji~~.

~~The renewal of Indian immigration into Fiji is at present under discussion with the Government of India.~~

CEYLON
MAURITIUS
SEYCHELLES

In Ceylon the recruiting and immigration of coolies from India is allowed. There is no indenture system and legislation in this Colony provides that Indians so recruited are free to quit on giving a month's notice, unless under

written

CEYLON (contd.)
MAURITIUS
SEYCHELLES

written contract of service (which may not exceed three, or in the case of Government service five, years).

In the case of Mauritius and Seychelles, Indian immigration has ceased but the Labour Law in each instance allows and regulates the recruiting and immigration of labourers from British India and elsewhere, and sets up an Immigration Department for the proper supervision of such labour. Contracts of service for any period exceeding one calendar month must be in writing, and may not exceed 5 years.

HONGKONG

A Chinese Immigration Ordinance in force in Hongkong gives the Governor in Council power to prohibit or regulate the immigration of Chinese from any port or place at any time he is satisfied that, by reason of an outbreak of bubonic-plague, cholera, small-pox or other disease (at such port or place) there is a danger of the introduction of the same into the Colony.

STRAITS SETTLEMENTS

FEDERATED MALAY STATES

The Labour Codes of the Straits Settlements and the Federated Malay States regulate immigration in these places, and contain special provisions both as to Chinese and also Indian immigrants.

Labour agreements (i.e. verbal engagements to labour) are limited to a period not exceeding one month or 30 days work. Any engagement to labour for more than these periods is only valid by contract in writing. Chinese and Indians are specifically prohibited from entering into any such contracts.

(Note - Special legislation is also in force in the above places regulating the immigration of natives of Netherlands India for purposes of contract labour).

JOHORE
KEDAH
KELANTAN
PERLIS
NORTH BORNEO

Enactments are in force in these Territories making provision for the immigration of Indians and the supervision of such immigrants.

In Kedah, Kelantan and Perlis contracts of service entered into by Indian immigrants are terminable (by the immigrant or by the employer) at a month's notice.

In Johore

JOHORE (contd.)
KEDAH
KELANTAN
PERLIS
NORTH BORNEO

In Johore no contract made with an immigrant for any period exceeding a calendar month is valid.

(Note - Special legislation is in force in Johore regulating the immigration of natives of Netherlands India for purposes of contract labour).

In North Borneo contracts may be for a definite period not exceeding 3 years or for an indefinite term terminable (by the employer or immigrant) on a month's notice.

The immigration and employment of Chinese labourers to and in North Borneo is regulated by the Chinese Immigration Committee set up by an Ordinance passed in 1919. Contracts, apparently, are, if verbal, for one month and renewable month by month, and, if written, limited (with certain qualifications) to a period not exceeding 2 years.

GOLD COAST
SIERRA LEONE

The immigration into the Gold Coast of indentured labourers of other than European or West African origin or descent is not permitted except with the written consent of the Governor.

Ordinances are also in force in both the Gold Coast and Sierra Leone requiring the registration of arrivals (and departures) of all Asiatic (as well as European) passengers, but these measures are merely for statistical purposes.

Apart from the foregoing instances and certain temporary legislation restricting the entry of former enemy aliens for a period of three years, none of the immigration legislation in force in the Colonies, Protectorates etc., specifically discriminates in any way against race or nationality (coloured or otherwise).

The entry and residence of all aliens in the fortress Colonies of Gibraltar and Malta is rigorously restricted. An alien can enter Gibraltar by special permit only, and any alien intending to take up residence in Malta must present himself at the Police Office and make a declaration stating his nationality and other particulars.

Immigration legislation exists in the large majority of Colonies, etc., restricting immigration with a view to keeping out such classes as paupers, vagrants, undesirable characters, etc. In some instances a deposit is required from the immigrant as security against any pauper charges which may be incurred on his account - the deposit (or balance thereof) being returnable at the expiration of a specified period. Special attention is, however, drawn to the following provisions contained

in Colonial

in Colonial legislation by virtue of which power exists to make a discrimination against any particular race or nationality:-

Bermuda The Governor in Council may by Proclamation, if considered desirable, prohibit the immigration of passengers of any particular nationality or class.

Jamaica The immigration of any person who fails to pass a dictation test (in English, French, Spanish or such other language as the Governor may from time to time approve) is prohibited.

Northern Rhodesia
Southern Rhodesia The Administrator in each of these Territories may prohibit the immigration of any person or class of persons deemed, on economic grounds or on account of standard or habits of life, to be undesirable inhabitants.

(Any person may also be excluded if unable, by reason of deficient education, to read and write any European language to the satisfaction of an immigration officer).

-------oooOooo-------

MINUTES.

MINUTES NOT TO BE WRITTEN ON THIS SIDE.

summarised form. I think Mr Shipway had better be asked to prepare statements.

(Received 18.VIII.21 unof).

J.M.S. 11/8/21

(I'm careful about Canadian)

~~Mr. Dixon,~~
~~Mr. Fiddian,~~
Mr Grindle

I annex copies of

Lists giving
(a) immigration legislation: and
(b) legislation affecting the acquisition of land by aliens,
in Cols. Prots. etc.

Two Draft Statements giving, respectively, the information asked for by F.O. regarding immigration into, and landowning rights in, Cols. Prots. etc., of Japanese, Chinese and other coloured races (or persons).

Copies (in duplicate) of the above Statements in final form - one set for transmission to F.O. and the other to remain attached to this paper.

The Lists referred to above (which are comprehensive) may be useful on some future occasion. In any event, their compilation was a necessary preliminary to the preparation of the Statements now submitted.

The Draft Statements were circulated simultaneously to all Depts.

for obsns and criticisms, and corrections rendered necessary, as a consequence, are shown in red ink in Draft Statements annexed. Apart from the Kenya information contained in the landowning statement (as to which see minuted attached) the additions or corrections have not been considerable.

Information as to Papua, Samoa, and other places directly administered by Dom. Govts. are omitted - see decision by Mr. J.F.N.Green (copy attached).

In view of Mr. Grindle's comment in his minute arising out of the Kenya paragraph, I have marked both the Statements 'CONFIDENTIAL'.

Mr Pitcheaver has rendered me valuable assistance in the preparation of these Returns

W.S. 28.IX.21.

This must have given Mr Shipway & Mr Pitcheaver a lot of trouble. The memoranda have been checked by Depts and all that seems necessary now is to send them in their final form to F.O.

28/9/21

Ge. This is very creditable to Mr Shipway & Mr Pitcheaver.

G.P. 30.9.21

This shd. eventually be seen by the offices concerned

AF.

Seen W.S. 15.X.21.
M.G.Y. 15/10/21

T.O.

FINAL FORM

(DRAFT: Circulated to Depts. Corrections & made by Depts. shown in red ink).

Confidential

39833.21 General

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STATEMENT GIVING INFORMATION AS TO LEGISLATIVE AND OTHER PROVISIONS EXISTING IN COLONIES, PROTECTORATES AND MANDATED TERRITORIES AFFECTING THE LANDOWNING RIGHTS OF ALIENS.

(1) Japanese, Chinese and other Coloured Races.

(2) Aliens generally.

---

(1) Japanese, Chinese and other Coloured Races.

With the exception of ~~Apart from~~ the two instances mentioned below, there is no legislation in force in the Colonies, Protectorates, etc., differentiating between Japanese, Chinese, or other coloured races and aliens of any other nationality.

Kenya. There are no restrictions on Japanese or Chinese as such, but:

A. As regards the sale of leases of Crown Lands by auction, the following provision is made in the Crown Lands Ordinance 1915.

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(1) Agricultural Land. Section 28 of the Ordinance provides that the Land Officer (now the Commissioner of Lands) shall in the notice of sale state whether persons other than Europeans will be permitted to bid for the lease of the farms. This provision gives effect to the policy definitely adopted in 1908 reserving the Highlands of East Africa for European settlement.

(2) Town Plots. No restriction as to bidders is provided. A policy of reserving portions of townships for residential or business occupation by Europeans and Asiatics respectively was at one time adopted but is now suspended pending reconsideration.

B. As regards transfers, the Crown Lands Ordinance gives the Governor in Council a power of veto on transfers between parties belonging to different races. Previously all transfers of land were subject to this veto; but when the present Crown Lands Ordinance was passed in 1915 it was only thought necessary to retain this power in so far as it was required to maintain the policy of reservation of agricultural land in the Highlands referred to above, and to protect native owners of land from victimisation by Europeans and other speculators.

Apart from the above there are no restrictions on the land-owning rights of aliens in Kenya.

Trinidad & Tobago by aliens and companies under alien control. By this Ordinance neither land nor a mortgage on land in the Colony can be held by an alien except under a licence granted by the Governor. It is further provided that no property can be held in trust for an alien by any person without the licence of the Governor.

~~Note - It is the intention in many of the other West Indian Colonies, and also in the Falkland Islands, to pass legislation similar to the Trinidad and Tobago Ordinance referred to above.~~

Bahamas;

FINAL FORM

(DRAFT: Circulated to Depts. Corrections to be made by Depts. shown in red with).

Confidential

39833.21 General

387

STATEMENT GIVING INFORMATION AS TO LEGISLATIVE AND OTHER PROVISIONS EXISTING IN COLONIES, PROTECTORATES AND MANDATED TERRITORIES AFFECTING THE LANDOWNING RIGHTS OF ALIENS.

(1) Japanese, Chinese and other Coloured Races.

(2) Aliens generally.

---

(1) Japanese, Chinese and other Coloured Races.

~~Apart from~~ With the exception of the two instances mentioned below, there is no legislation in force in the Colonies, Protectorates, etc., differentiating between Japanese, Chinese, or other coloured races and aliens of any other nationality.

Kenya. ~~There are various local restrictions in Kenya on the acquisition and occupation of landed property by Asiatics and under the Crown Lands Ordinance passed in 1915 the Governor in Council is given a power of veto on transfers between parties belonging to different races.~~

~~A special Ordinance was passed in 1917 prohibiting the selling, leasing, sub-leasing, etc., of any immoveable property to any person not a British subject or a native of any Protectorate of His Majesty without the consent of the Governor in Council, but it is not intended that this Ordinance should remain on the statute book after the conclusion of peace.~~

Swaziland. It is enacted by certain Transvaal legislation (which is in force in Swaziland) that persons belonging to any of the native races in Asia shall not be capable of being owners of fixed property in the Protectorate except in localities appointed by the Government.

---

(2) Aliens generally.

The position of aliens generally as regards landowning rights is summarised briefly below:-

Trinidad and Tobago. ~~An Ordinance has been passed recently in Trinidad and Tobago to~~ The Aliens (Land-holding) Regulation Ordinance 1921 regulates the holding of land ~~by~~ in Trinidad and Tobago by aliens and companies under alien control. By this Ordinance neither land nor a mortgage on land in the Colony can be held by an alien except under a licence granted by the Governor. It is further provided that no property can be held in trust for an alien by any person without the licence of the Governor.

~~Note. It is the intention in many of the other West Indian Colonies, and also in the Falkland Islands, to pass legislation similar to the Trinidad and Tobago Ordinance referred to above.~~

Bahamas;

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Bahamas
Barbados
Bermuda
British Honduras
British Guiana
Cayman Islands
Falkland Islands
Fiji
Grenada
Hongkong
Jamaica
Leeward Islands
Mauritius
Northern Rhodesia
Nyasaland Protectorate
Saint Lucia
Saint Vincent
Seychelles
Sierra Leone
Southern Rhodesia
Straits Settlements
Turks and Caicos Islands
Weihaiwei

In these Colonies, etc., real and personal property may be acquired held and disposed of by an alien subject in all respects as by a natural-born British subject.

This right, except in the cases of the Nyasaland Protectorate and Weihaiwei, is expressly conferred upon aliens by legislation. In regard to Fiji ~~and the Nyasaland Protectorate~~ the privilege is limited to subjects of friendly alien Governments. In the Bahamas, also, an Act of 1866 limits such concession to aliens who are subjects of states at amity with Great Britain, but a later Act passed in 1872 would seem to confer the right upon all aliens. The Bahamas Act of 1866 further enacts that any such grant of land shall be for a period not exceeding 21 years.

In many instances, however, it is stated that such right does not carry with it certain qualifications as, e.g., to sit as members of the local legislature, to vote at elections, etc.

In Bermuda the sanction of the Governor is required before an alien can acquire by deed any land in those Islands. The holding of such land by aliens is limited to 2,000 acres in the whole.

In British Guiana foreign companies must obtain a licence from, and in Hongkong the special consent of, the Governor in Council in order to hold land. In the former Colony special legislation has also been passed prohibiting enemy aliens from acquiring land except by licence issued by the Governor.

In the Turks and Caicos Islands land can only be obtained under lease for a period not exceeding 21 years, though provision exists for a renewal of any such lease.

NOTE It is the intention in many of the West Indian Colonies, and also in the Falkland Islands, to have legislation similar to the Trinidad and Tobago Aliens (Land holding) Regulation Ordinance 1921.

Cyprus. In Cyprus aliens have been conceded the right to hold immoveable property under Ottoman Law.

Basutoland. No landed property in the Territory can be acquired, held, or disposed of by aliens or others. The land is occupied by the natives under the Communal System.

Bechuanaland Protectorate. There are no laws or regulations in the Protectorate on the subject applicable to aliens alone. Claims by any person of European birth or descent, in respect of land within the Protectorate, are valid only when approved by the High Commissioner, and concessions and grants by native Chiefs are valid only when sanctioned and approved by the Secretary of State.

Gibraltar. An alien who has been domiciled and actually resident in Gibraltar for 15 years (and also duly registered as an inhabitant) may acquire land.

Gibraltar (contd.)

Gibraltar (contd.) Land derived by descent, inheritance or will can also be held by an alien but if the period of residence has been less than 15 years he may only do so under licence granted by the Governor.

Gilbert and Ellice Islands. Native land (to an extent of not more than 5 acres in any one of the islands) may, subject to the approval of the High Commissioner for the Western Pacific, be leased for a period not exceeding 99 years.

In addition, a King's Regulation passed in 1908 relating to the proprietorship of Fanning Island and Washington Island (both now included in the Gilbert and Ellice Islands Colony) provides that no alien may acquire any interest in any land of those Islands without the consent of the High Commissioner.

Kelantan. By long-established custom it is prescribed that no person other than a subject of His Highness the Sultan can acquire an interest in landed property without the sanction of His Highness the Sultan in Council.

~~New Hebrides. No sale or grant of land by a native to a non-native is valid except it is effected by a written document, which must be signed by a duly authorised government officer, and within six months registered in the High Court.~~ (omit)

Nigeria. No person who is not a native of Nigeria can acquire any interest or right in or over any lands within the Protectorate from a Native without the approval of the Governor. (the Southern Provinces)

No person who is not a native of the Northern Provinces of Nigeria can acquire any title to the occupation and use of land in the Northern Provinces without the approval of the Governor.

North Borneo. Any alien desirous of obtaining land from a Native must make application to the Collector of Land Revenue who, if he sees fit to sanction the same shall, if the native owner consent, acquire the land on behalf of the Government and fix the premium and quit-rent at which the land shall be leased by the Government to the applicant.

Tonga. Land can only be held by a foreigner upon lease or permit signed by the Minister of Lands. Such leases are limited to 21 years for town sites and 50 years for agricultural holdings.

Trengganu. No foreign person or Company (the word 'foreign' meaning other than a Trengganu subject) is eligible to acquire rights over landed property exceeding in all 500 acres of mining land or 3,000 acres of agricultural land, without the approval of His Highness the Sultan and the British Government.

British Solomon

Gibraltar (contd.) Land derived by descent, inheritance or will can also be held by an alien but if the period of residence has been less than 15 years he may only do so under licence granted by the Governor.

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No person who is not a native of the Northern Provinces of Nigeria can acquire any title to the occupation and use of land in the Northern Provinces without the approval of the Governor.

North Borneo. Any alien desirous of obtaining land from a Native must make application to the Collector of Land Revenue who, if he sees fit to sanction the same shall, if the native owner consent, acquire the land on behalf of the Government and fix the premium and quit-rent at which the land shall be leased by the Government to the applicant.

Tonga. Land can only be held by a foreigner upon lease or permit signed by the Minister of Lands. Such leases are limited to 21 years for town sites and 50 years for agricultural holdings.

Trengganu. No foreign person or Company (the word 'foreign' meaning other than a Trengganu subject) is eligible to acquire rights over landed property exceeding in all 500 acres of mining land or 3,000 acres of agricultural land, without the approval of His Highness the Sultan and the British Government.

British Solomon

Final Form. Copy to remain attached to 39833.21

Confidential.

Draft

391

STATEMENT GIVING INFORMATION AS TO LEGISLATIVE PROVISIONS EXISTING IN COLONIES, PROTECTORATES, AND MANDATED TERRITORIES AFFECTING THE IMMIGRATION OF JAPANESE, CHINESE AND OTHER COLOURED PERSONS.

BRITISH GUIANA ✓

JAMAICA ✓

TRINIDAD AND TOBAGO ✓

Although the immigration of indentured labour has now ceased, legislation exists in these three Colonies providing for the immigration of labourers, under a system of indenture, from such ports or places as the respective Governors may by Proclamation name. Indentures are for the period of 5 years (in the case of females 3 years). The legislation in question authorises the establishment of Immigration Departments to provide for the allotment and proper supervision of such indentured immigrants.

Under this legislation the recruiting of East Indians for employment in these Colonies took place until 1917, when the system came to an end, and, in the case of British Guiana all existing indentures were cancelled in April 1920. Negotiations with the Government of India are in progress with a view to the resumption of immigration into British Guiana only. Such immigration would be without indenture and entirely voluntary.

The British Guiana legislation referred to above relates to immigration of Asiatics except Chinese ~~(but, additionally, there is in this Colony an Ordinance providing for immigration of non-Asiatics under a system of contract labour. In the latter instance the period of indenture is not stipulated.)~~

FIJI

Legislation is in force in Fiji regulating (1) Indian Immigration and (2) Polynesian Immigration - both under a system of indenture. The term of indenture may not exceed a period of 5 years.

The introduction of Indians under indenture ceased some years ago and the indentures existing on the 1st January 1920 were then cancelled.

CEYLON ✓

MAURITIUS

SEYCHELLES

In Ceylon the recruiting and immigration of coolies from India is allowed. There is no indenture system and legislation in this Colony provides that Indians so recruited are free to quit on giving a month's notice, unless under written contract of service ~~(which may not exceed three, or in the case of Government service five, years)~~.

In the

CEYLON ✓ (contd.)
MAURITIUS ✓
SEYCHELLES ✓

393

In the case of Mauritius and Seychelles Indian immigration has ceased but the Labour Law in each instance allows and regulates the recruiting and immigration of labourers from British India and elsewhere, and sets up an Immigration Department for the proper supervision of such labour. ~~Contracts of service for any period exceeding one calendar month must be in writing, and may not exceed 5 years.~~

HONGKONG

A Chinese Immigration Ordinance in force in Hongkong gives the Governor in Council power to prohibit or regulate the immigration of Chinese from any part or place at any time he is satisfied that, by reason of an outbreak of bubonic-plague, cholera, small-pox or other disease (at such port or place) there is a danger of the introduction of the same into the Colony.

STRAITS SETTLEMENTS ✓
FEDERATED MALAY STATES ✓

The Labour Codes of the Straits Settlements and the Federated Malay States regulate immigration in these places, and contain special provisions both as to Chinese and also Indian immigrants.

Labour agreements (i.e. verbal engagements to labour) are limited to a period not exceeding one month or 30 days work. ~~Any engagement to labour for more than these periods is only valid by contract in writing. Chinese and Indians are specifically prohibited from entering into any such contracts.~~

(Note - Special legislation is also in force

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Johore

The Labour Code (Amendment No. 10 of 1924) provides for the protection & supervision of Indian & Chinese immigrants.
Contracts may be for a period of 1 month or 30 days

In Johore

CEYLON ✓ (contd.)
MAURITIUS ✓
SEYCHELLES ✓

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(Note - Special legislation is also in force in the above places regulating the immigration of natives of Netherlands India for purposes of contract labour).

~~JOHORE~~
KEDAH ✓
KELANTAN ✓
PERLIS ✓
NORTH BORNEO ✓ ~~Johore~~

Enactments are in force in these Territories making provision for the immigration of Indians and the supervision of such immigrants.

In Kedah, Kelantan and Perlis contracts of service entered into by Indian immigrants are terminable (by the immigrant or by the employer) at a month's notice.

In Johore

JOHORE (contd.)
KEDAH
KELANTAN
PERLIS
NORTH BORNEO

In Johore no contract made with an immigrant for any period exceeding a calendar month is valid.

(Note - Special legislation is in force in Johore regulating the immigration of natives of Netherlands India for purposes of contract labour).

In North Borneo contracts may be for a definite period not exceeding 3 years or for an indefinite term terminable (by the employer or immigrant) on a month's notice.

The immigration and employment of Chinese labourers to and in North Borneo is regulated by the Chinese Immigration Committee set up by an Ordinance passed in 1919. Contracts, apparently, are, if verbal, for one month and renewable month by month, and, if written, limited (with certain qualifications) to a period not exceeding 2 years.

GOLD COAST
NIGERIA
SIERRA LEONE

The immigration into the Gold Coast of indentured labourers of other than European or West African origin or descent is not permitted except with the written consent of the Governor.

The immigration into Nigeria of any indentured labourer who is not a native of Nigeria is prohibited except with the consent in writing of the Governor.

Ordinances are also in force in both the Gold Coast and Sierra Leone requiring the registration of arrivals (and departures) of all Asiatic (as well as European) passengers, but these measures are merely for statistical purposes.

Apart from the foregoing instances and certain temporary legislation restricting the entry of former enemy aliens for a period of three years, none of the immigration legislation in force in the Colonies, Protectorates, etc., specifically discriminates in any way against race or nationality (coloured or otherwise).

The entry and residence of all aliens in the fortress Colonies of Gibraltar and Malta is rigourously restricted. An alien can enter Gibraltar by special permit only, and any alien intending to take up residence in Malta must present himself at the Police Office and make a declaration stating his nationality and other particulars.

Immigration

Final Form.

Copy to remain attached to 39833.21

Confidential.

General.

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STATEMENT GIVING INFORMATION AS TO LEGISLATIVE AND OTHER PROVISIONS EXISTING IN COLONIES, PROTECTORATES AND MANDATED TERRITORIES AFFECTING THE LANDOWNING RIGHTS OF ALIENS.

(1) Japanese, Chinese and other Coloured Races.

(2) Aliens generally.

---

(1) Japanese, Chinese and other Coloured Races

With the exception of the two instances mentioned below, there is no legislation in force in the Colonies, Protectorates, etc., differentiating between Japanese, Chinese or other coloured races and aliens of any other nationality.

Kenya. There are no restrictions on Japanese or Chinese as such, but

A. As regards the sale of leases of Crown Lands by auction, the following provision is made in the Crown Lands Ordinance 1915 -

(1) Agricultural Land. Section 27 of the Ordinance provides that the Land Officer (now the Commissioner of Lands) shall in the notice of sale state whether persons other than Europeans will be permitted to bid for the lease of the farms. This provision gives effect to the policy definitely adopted in 1908 reserving the Highlands of East Africa for European settlement.

(2) Town Plots. No restriction as to bidders is provided. A policy of reserving portions of townships for residential or business occupation by Europeans and Asiatics respectively was at one time adopted but is now suspended pending reconsideration.

B. As regards transfers, the Crown Lands Ordinance gives the Governor in Council a power of veto on transfers between parties belonging to different races. Previously all transfers of land were subject to this veto; but when the present Crown Lands Ordinance was passed in 1915 it was only thought necessary to retain this power in so far as it was required to maintain the policy of reservation of agricultural land in the Highlands referred to above, and to protect native owners of land from victimisation by Europeans and other speculators.

Apart from the above there are no restrictions on the land-owning rights of aliens in Kenya.

Swaziland. It is enacted by certain Transvaal legislation (which is in force in Swaziland) that persons belonging to any of the native races in Asia shall not be capable of being owners of fixed property in the Protectorate except in localities appointed by the Government.

---

(2) Aliens generally.

Mr. Dixon

(a) The F.O. requests are for

(1) Immigration Legislation ....
as regards "Dominions, Colonies, Protectorates & Mandated territories":

(2) Land owning rights .....
as regard "the various parts of the British Empire":

(b) The memos prepared are -

(1) headed – Immigration Legislation – in "Colonies Protect? and Mandated territories –" but containing no info. as to any mandated territory

(2) headed – Land owning rights ... in "Colonies, Protes & Mandated Territories" and containing Tanganyika Territory among a group of Colonies &c having no general laws &c on the subject.

—

Mandate Territories under the S.G. Dom. need not be considered: but a decision is required as to (a) whether anything – & if so, what – should be inserted in respect of Cameroons & Togoland: and (b) whether Tanganyika should remain in (2). Is there not some provision in the diff. mandates affecting rights of foreigners generally in this matter?

J.C.S. 3/10/21

Mr Gladstone
Mr Fiddian

What F.O. want is information as to any special provisions affecting Chinese Japanese and other coloured persons as to immigration, & take it that the reason why no special mention of T.T. is made in our memo. is that there is no legislation there dealing specifically with the immigration of Asiatics & the only immigration legislation in T.T. is the ordinary immigration legislation applying to aliens generally, to which reference is made at the top of page 4 of the immigration memo. I don't think we need trouble about Cameroons or Togoland as to land owning rights

I do not see any need to modify our memo

~~[illegible]~~

send the memoranda to F.O. as they stand

C.W.S.

3/10/21

I think we should say that the mandate for T.T., Cams & Togoland, which are still in draft form, contain provisions as to the entry & residence of aliens & as to the transference of native lands. C.S. 3/10/21 HF 5 [illegible]

Mr Smith

(2) Aliens generally

The position of aliens generally as regards landowning rights is summarised briefly below:-

Trinidad and Tobago. The Aliens (Land-holding) Regulation Ordinance 1921 regulates the holding of land in Trinidad and Tobago by aliens and companies under alien control. By this Ordinance neither land nor a mortgage on land in the Colony can be held by an alien except under a licence granted by the Governor. It is further provided that no property can be held in trust for an alien by any person without the licence of the Governor.

Bahamas	Grenada	Saint Vincent
Barbados	Hongkong	Seychelles
Bermuda	Jamaica	Sierra Leone
British Honduras	Leeward Islands	Southern Rhodesia
British Guiana	Mauritius	Straits Settlements
Cayman Islands	Northern Rhodesia	Turks and Caicos Islands
Falkland Islands	Nyasaland Protectorate	Weihaiwei
Fiji	Saint Lucia	

In these Colonies, etc., real and personal property may be acquired held and disposed of by an alien subject in all respects as by a natural-born British subject.

This right, except in the cases of the Nyasaland Protectorate and Weihaiwei, is expressly conferred upon aliens by legislation. In regard to Fiji the privilege is limited to subjects of friendly alien Governments. In the Bahamas, also an Act of 1866 limits such concession to aliens who are subjects of states at amity with Great Britain, but a later Act passed in 1872 would seem to confer the right upon all aliens. The Bahamas Act of 1866 further enacts that any such grant of land shall be for a period not exceeding 21 years.

In many instances, however, it is stated that such right does not carry with it certain qualifications as, e.g. to sit as members of the local legislature, to vote at elections, etc.

In Bermuda the sanction of the Governor is required before an alien can acquire by deed any land in those Islands. The holding of such land by aliens is limited to 2,000 acres in the whole.

In British Guiana foreign companies must obtain a licence from, and in Hongkong the special consent of, the Governor in Council in order to hold land. In the former Colony special legislation has also been passed prohibiting enemy aliens from acquiring land except by licence issued by the Governor.

In the Turks and Caicos Islands land can only be obtained under lease for a period not exceeding 21 years, though provision exists for a renewal of any such lease.

NOTE - It is the intention in many of the West Indian Colonies, and also in the Falkland Islands, to pass legislation similar to the Trinidad and Tobago Aliens (Land-holding) regulation Ordinance, 1921.

Cyprus

Cyprus. In Cyprus aliens have been conceded the right to hold immoveable property under Ottoman Law.

Basutoland. No landed property in the Territory can be acquired, held, or disposed of by aliens or others. The land is occupied by the natives under the communal system.

Bechuanaland Protectorate. There are no laws or regulations in the Protectorate on the subject applicable to aliens alone. Claims by any person of European birth or descent, in respect of land within the Protectorate, are valid only when approved by the High Commissioner, and concessions and grants by native Chiefs are valid only when sanctioned and approved by the Secretary of State.

Gibraltar. An alien who has been domiciled and actually resident in Gibraltar for 15 years (and also duly registered as an inhabitant) may acquire land.

Land derived by descent, inheritance or will can also be held by an alien but if the period of residence has been less than 15 years he may only do so under licence granted by the Governor.

Gilbert and Ellice Islands. Native land (to an extent of not more than 5 acres in any one of the Islands) may, subject to the approval of the High Commissioner for the Western Pacific, be leased for a period not exceeding 99 years.

In addition, a King's Regulation passed in 1908 relating to the proprietorship of Fanning Island and Washington Island (both now included in the Gilbert and Ellice Islands Colony) provides that no alien may acquire any interest in any land of those Islands without the consent of the High Commissioner.

Kelantan. By long-established custom it is prescribed that no person other than a subject of His Highness the Sultan can acquire an interest in landed property without the sanction of His Highness the Sultan in Council.

Nigeria. No person who is not a native of Nigeria can acquire any interest or right in or over any lands within the Southern Provinces of the Protectorate from a native without the approval of the Governor.

No person who is not a native of the Northern Provinces of Nigeria can acquire any title to the occupation and use of land in the Northern Provinces without the approval of the Governor.

North Borneo. Any alien desirous of obtaining land from a Native must make application to the Collector of Land Revenue who, if he sees fit to sanction the same shall, if the native owner consent, acquire the land on behalf of the Government and fix the premium and quit-rent at which the land shall be leased by the Government to the applicant.

Tonga. Land can only be held by a foreigner upon lease or permit signed by the Minister of Lands. Such leases are limited to 21 years for town sites and 50 years for agricultural holdings.

Trangganu. No foreign person or company (the word 'foreign' meaning other than a Trengganu subject) is eligible to acquire rights over landed property exceeding in all 500 acres of mining land or 3,000 acres of agricultural land, without the approval of His Highness the Sultan and the British Government.

British Solomon Islands Protectorate	Gambia	Saint Helena
Brunei	Gold Coast	Somaliland Protectorate
Ceylon	Johore	Tanganyika Territory
Federated Malay States	Kedah	Uganda Protectorate
	Malta	Zanzibar Protectorate
	Perlis	

No general laws or regulations affecting the rights of aliens to acquire, etc., land exist in these Colonies, Protectorates, etc.

In the Gold Coast Colony former enemy aliens are prohibited from acquiring any land or interest in land until August 1922, and in the Zanzibar Protectorate until January 1923.

It is the practice in the case of the Gambia to pass a private Ordinance in each instance whenever it is desired to grant rights of this nature to any alien or alien company.

Note - In some instances there has been inserted in the legislation of Colonies which have passed measures regulating the prospecting for and mining of oil, a provision confining the grant of licences and leases for such purpose to British subjects or British Companies.

--------oooOooo--------

Colonial Office,

September, 1921.

re Land (Native Rights &c Clause).

General. 400
39833.21.

Mr. Ellis
Mr. Bottomley,

The section as to Kenya requires some expansion. Whatever we say may lead to trouble and the wording needs careful scrutiny.

After discussion with you I suggest the following.

"KENYA"

"A. As regards the sale of leases by auction of Crown Lands, the following provision is made in the Crown Lands Ordinance 1915.

(1) Agricultural Land. Section 27 of the Ordinance provides that the Land Officer (now the Commissioner of Lands) shall in the notice of sale state whether persons other than Europeans will bepermitted to bid for the leases of the farms. This provision gives effect to the policy definitely adopted in 1908 reserving the Highlands of East Africa for European settlement.

(2) Town Plots. No restriction as to bidders is provided. The policy of reserving portions of townships for residential or business occupation by Europeans and Asiatics respectively was adopted but is now suspended pending reconsideration.

B. As regards transfers, the Crown Lands Ordinance gives the Governor in Council a power of veto on transfers between parties belonging to different races. Previously all transfers of land were subject to this veto; but when the present Crown Lands Ordinance was passed in 1915, it was only thought necessary to retain this

power

"power in so far as it was required to "maintain the policy of reservation of "agricultural land in the Highlands re- "ferred to above, and ~~also~~ to protect "native owners of land from victimisa- "tion by Europeans and other specula- "tors.

Apart from the above there are no restrictions in ~~the~~ a to land-owning rights of aliens in Kenya

So far as Kenya is concerned, the form adopted for the memorandum is unfortunate, as it throws our policy into somewhat lurid relief. Is it necessary to differentiate between Japanese, Chinese and other coloured races and aliens generally? We are not asked for a memorandum making this differentiation and of course whatever restrictions apply to aliens generally apply to Asiatics. Can we not furnish one statement only and put what is said as to Kenya and Swaziland in the body of the statement, and leave the Japs or anybody else who reads the statement to draw their own deductions."

As to Uganda, Nyasaland and Zanzibar, I have made the necessary corrections. ~~but~~ No difficulty arises as to these.

N.J.B.
15. IX. 21.

We cannot get off with less than has Butler has put down as regards Asiatics. But I entirely agree that ~~we should propose a distinction~~

in form it would be much better not to advertise the colour distinctions by making a separate chapter of them

C.A.S. 15.9.21

Mr. Bottomley.

This is wanted for the info of our representatives at the Washington Conference, at which China & Japan will be represented, & India, & Ceylon, not represented. The F.O. memo. prepared for the purpose deals with the Immigration question dominion by dominion & frankly refers to restrictions on Japanese immigration. I presume the land owning memo. will take the same form.

Of course the memoranda will be conf[idential].

In the circumstances I should be inclined to begin by saying that there are no restrictions on Japanese or Chinese as such, but as there are as above.

We can safely do so? GB 16.9.21

Then let the Kenya section be as in [—]

J.E. 17.9.21 above Mr. Gindle

Jasper 17.9.21

Mr. Downie,

I would suggest that you should include in the Memoranda you are preparing for F.O. re Immigration legislation affecting, and Landowning rights of Japanese, Chinese and other coloured races in the Dominions, any available information in respect of places directly administered by Dominion Governments, as, e.g. Papua, Western Samoa, South-West Africa Prot.

I annex for your use copies of such legislation as I have come across affecting these territories viz:-

Papua Aliens Ordinance No. 26 of 1911 (see sec.1 re capacity of aliens to hold land).
Immigration Restriction Ordinance, No. 2 of 1908.

Western Samoa Samoa Immigration Order 1920.
Samoa Immigration (Amendment) Order 1920
Samoa Immigration (Amendment) Order 1921.

South-West Africa Protectorate Restriction on Entry Proclamation, No. 30 of 1920 (note sec.4 re land).

W.S. 5.11.21

Mr Shgiway

Thanks. It has been decided to ask Doms to prepare their own memoranda

J. MG 10.9

Mr J.F.N. Green.

Will you kindly give a decision as to whether I shall include in, or omit from, the Statements I am preparing in respect of Colls. Protectorates and Dominions, any information available in respect of the above places? W.S. 12.11.21

Please omit. We have asked Doms to supply. J.MG 12.9

Mr Shgiway.

...onial Office.

39833
9 AUG 21

2859/223/23.

FOREIGN OFFICE, S.W.1.
August 4th, 1921.

Sir,

To 61/14/20 Dom.

With reference to your letter of January 18th last, containing suggestions for a memorandum on Australian and Canadian legislation restricting the immigration of Japanese, I am directed by the Marquess Curzon of Kedleston to transmit, herewith, for the information of Mr. Secretary Churchill, a printed copy of the memorandum in which your suggestions are embodied.

2. In view of the forthcoming Conference on Pacific questions it is desired to collect further information on this and kindred subjects in a convenient form, and Lord Curzon would be glad to know if there are any further additions or corrections to be made in this memorandum to bring the information up to date and make it sufficiently comprehensive.

3. Also, His Lordship would like to be supplied as soon as possible with similar information in Immigration Legislation affecting Chinese in Australia and Canada; also - in a brief and summarised form - with information regarding Immigration Legislation affecting (a) Japanese (b) Chinese (c) other coloured persons in all other British Dominions, Colonies, Protectorates and Mandated territories.

4. Finally, it would be of advantage to be informed in the same way and in brief outline, what legislation - if any - exists affecting the landowning rights of (a) Japanese (b) Chinese (c) other coloured races in the various parts of the British Empire.

I am, etc.,

(Sgd.) V. Wellesley.

der Secretary of State,
onial Office.

[F 1144/223/23]

No. 1.

Memorandum respecting Australian and Canadian Legislation restricting the Immigration of Japanese.—(Received March 31.)

1. *Australia.*

AUSTRALIAN legislation has the effect of restricting the immigration of Orientals, but is not directed against any nationality by name, the desired end being obtained by the imposition of the so-called "education test." Intending immigrants who fail to write at dictation, when required by the appointed officer, a passage of not less than fifty words in any "prescribed"* language are prohibited from entering Australia. Those immigrants who succeed in evading officers or in entering where no officer is stationed are liable to be required to pass the dictation test, and on failure to be treated as prohibited immigrants. All prohibited immigrants who are found in the Commonwealth are liable to imprisonment for six months and to deportation. Certificates of exemption from the dictation test may be issued by the Australian Minister for External Affairs, enabling persons to enter and reside for a named period; but such certificates may be cancelled, and upon cancellation or expiry the holders may be deported as prohibited immigrants.

Provision is contained in the Commonwealth Immigration Acts for exempting from the dictation test the subjects or citizens of any country with which arrangements have been made with Parliamentary sanction to regulate their admission.

The Australian Immigration Acts are:—

1. "Immigration Restriction Act, 1901" ("H.C.T.," vol. 24, p. 163).
2. "Immigration Restriction Amendment Act, 1905" ("H.C.T.," vol. 25, p. 768).
3. "Contract Immigrants Act, 1905."
4. "Immigration Restriction Act, 1908" ("H.C.T.," vol. 26, p. 450).
5. "Immigration Restriction Act, 1910" ("H.C.T.," vol. 26, p. 452).
6. "Immigration Act, 1912" ("S.P.," vol. 106, p. 721).

During 1915–1916 negotiations were in progress relative to the proposed adhesion of Australia to the Anglo-Japanese Commercial Treaty, 1911, which accords (article 1) to British and Japanese subjects reciprocal freedom of entry, travel and residence. One of the stumbling-blocks was the question of Japanese immigration. It would appear that the Japanese Government pressed the Commonwealth Government to adhere to this treaty, offering to give the same undertaking with regard to restricting the immigration of their nationals as had been given by Japan to Canada and the United States of America; but Mr. Hughes, while ready to agree to the proposal that Japan should receive "most-favoured-nation" treatment in the matter of tariffs, did not accept the Japanese proposals with regard to immigration. As a result, Australia has never adhered to the treaty. It may be observed that this is true of all other parts of the Empire in the Pacific.† F 223/223/23. C.O. letter of 18.1.21.

2. *Canada.*

(a.) *Lemieux Agreement.*

Japanese immigration into Canada was regulated by an exchange of notes (23rd December, 1907), which was the result of the visit to Japan in 1907 of Mr. Rodolphe Lemieux, Postmaster-General and Minister of Labour. In his first note, Mr. Lemieux recognised that the Japanese Government cannot accede to his request for a numerical limitation to emigration; but that they are willing to restrict voluntarily, within reasonable limits, the volume of immigration. To this note Count Hayashi replied:— C.O. Confidential Print 39876, section F 223/223/23.

"Although the existing treaty between Japan and Canada absolutely guarantees to Japanese subjects full liberty to enter, travel and reside in any part of the Dominion of Canada, yet it is not the intention of the Imperial Government to insist upon the complete enjoyment of the rights and privileges guaranteed by those stipulations when that would involve disregard of special

* "European" in Act of 1901 altered to "prescribed" in amending Act of 1905.

† For Canada and the Anglo-Japanese Commercial Treaty, see p. 3.

conditions which may prevail in Canada from time to time. Acting in this spirit and having particular regard to circumstances of recent occurrence in British Columbia, the Imperial Government have decided to take efficient means to restrict emigration to Canada. . . . ."

The two notes, thus interchanged, were to be read before Parliament; but the details of the arrangement have always been treated as strictly confidential and have never been published.

According to these details, regulations (*a*) would be sent at once to the Governors of the prefectures of Japan, and regulations (*b*) to Japanese consuls in Canada.

Under (*a*), the Japanese Government would give permission to emigrate to Canada to the following classes of emigrants only :—

1. Those who had previously resided in Canada and held certificates of residence issued by the Japanese consular authorities, and their wives and children;
2. Personal or domestic servants specially engaged by Japanese residents in Canada;
3. Contract emigrants;

And, also, emigrants brought in under contract by Japanese resident agricultural holders in Canada.

All the above classes of emigrants would have to be provided with certificates as to their *bona fides* issued by the Japanese consular authorities.

Under (*b*), Japanese consular authorities in Canada were not to issue certificates with regard to contract emigrants unless satisfied that such contracts had the approval of the Canadian Government. As an exception to this rule, they might issue certificates to Japanese resident agricultural holders who required Japanese labour for the working of their agricultural lands, at the rate of from 5 to 10 labourers for 100 acres held by the applicant. In issuing such certificates, Japanese consular authorities were warned to pay special attention to the *bona fides* of the applicants, and to the state of the labour market and of public feeling.

These regulations were shown by the Japanese Minister for Foreign Affairs to the British Ambassador, with a note to the effect that the domestic and agricultural labourers mentioned in the regulations were not to exceed 400 annually.*

In return, the Canadian representative assured the Japanese Government that the regulations would be construed in a fair and reasonable spirit; and that *bonâ fide* merchants, tourists and students coming from Japan itself or from Hawaii would not be affected by the Alien Labour Act.

(b.) *Canadian Immigration Act* 1910.

Apart from the restrictive arrangement of 1908, Japanese immigration into Canada is governed by the Canadian Immigration Act of 1910 (with its amendments of the 4th April, 1911; the 22nd August, 1914; the 6th June, 1919, and the 10th November, 1919).† The provisions of this act are of general application and regulate immigration into Canada not only from foreign countries but also from countries within the British Empire.

Section 2 of the 1910 Act, exempts from the meaning of the act all "non-immigrant classes," *i.e.*, Canadian citizens, diplomatic and consular officers with their families and suites, British military and naval officers, tourists, students, members of dramatic, artistic, athletic organisations, when travelling on business connected therewith, ministers of religion, authors, lawyers, physicians, professors, commercial travellers, &c.

Section 3 specifies the "prohibited classes," viz., persons afflicted with loathsome diseases, physically and mentally defective persons, criminals, prostitutes, beggars, charity immigrants, spies, conspirators, &c. Further, after the 1st July, 1919, "illiterates" would be excluded and a literary test imposed, in order to exclude "persons over 16 years of age . . . . who cannot read the English or the French language, or some other language or dialect."

Section 37 lays down that immigrants may be required to possess a prescribed amount of money varying "according to the race, occupation or destination" of the person concerned.

* According to a memorandum submitted by the Japanese consul-general at Ottawa to the Canadian Government (27th November, 1912) the number of emigrants going to Canada as household servants and agricultural labourers, so far from reaching the maximum of 400, averaged only thirty-seven per annum during four years (1908–1912). C.O., Confidential Print. "Dominions No. 55," p. 56, see F 223/223/33.

† Chinese immigration is specially provided for by the Chinese Immigration Act.

Section 38 provides for the prohibition of immigrants not coming to Canada by continuous journey from their country of origin; and also for the prohibition or limitation of immigrants "belonging to any nationality or race by reason of any economic, industrial or other condition temporarily existing in Canada, or because such immigrants are deemed unsuitable having regard to the climatic, industrial, social, educational, labour or other conditions or requirements of Canada, or because such immigrants are deemed undesirable owing to their peculiar customs, habits, modes of life and methods of holding property, and because of their probable inability to become readily assimilated."

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List A

39833.21 General

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IMMIGRATION LEGISLATION IN FORCE IN COLONIES AND PROTECTORATES, ETC.

Bahamas

Immigrant Paupers Prevention Act, 7&8 Edw.7, Ch.9.
Immigrants Act, 10&11 Geo.5, Ch.17.

Barbados

Immigration of Paupers (Prevention) Act, No. 14 of 1909 (Revised Edition 1912).
Immigration of Paupers (Prevention) Amendment Act, No. 50 of 1916.

Bermuda

Immigration Act, No. 58 of 1902
and amending Acts Nos. 4 of 1907,
10 of 1912,
26 of 1912,
17 of 1919,
and 11 of 1920.
See also sec.1(6) of the Government Control Act, 1919.

British Guiana

General

Destitute and Criminal Immigrants Regulation Ordinance, No. 4 of 1896, as in Revised Edition of 1905.
Destitute and Criminal Immigrants Regulation Amendment Ordinance, No. 5 of 1906.

Non-Asiatic

Non-Asiatic Immigration Ordinance, No. 10 of 1890, as in Revised Edition of 1905.

Asiatic

Immigration Ordinance, No. 18 of 1891, as in Revised Edition of 1905 (s.114 repealed by No. 13 of 1921).
and amending Ordinances Nos. 24 of 1905,
19 of 1907,
9 of 1908,
5 of 1911, (Exemption).
25 of 1911, (Desertion).
3 of 1912, (Medical Inspection).
31 of 1916.

British Honduras

Immigrants Ordinance, No. 20 of 1921.

Brunei

See the Aliens Registration Enactment, No. 5 of 1920.

Cayman Islands

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Article 1 of the Anglo-Japanese Commercial Treaty of the 3rd April, 1911, accords reciprocal national treatment as regards entrance, travel, residence, &c. Apprehension was felt in Canada that the accession of the Dominion to the treaty would enable the Japanese Government to invoke the right of national treatment and thus obtain discrimination in favour of Japanese immigrants, so that, whilst the provisions of the Canadian Immigration Act would be enforced against all the rest of the world, including the British Empire, it could not be enforced against Japan. However, during the course of 1911, the Japanese Government gave assurances to the authorities both in the United Kingdom and in Canada that it was their intention to maintain their policy with regard to the restriction of immigration of Japanese labourers to Canada. Further, the Japanese Government accepted the following interpretation of article 1 of the treaty :—

> "The provisions of article 1 do not interfere with any immigration legislation of either of the Contracting Parties that does not in any way differentiate against the subjects of the other Contracting Party as compared with the subjects or citizens of the most-favoured-nation."

It will be observed that, in view of this interpretation Japanese immigration is subject to the conditions of "The Canadian Immigration Act, 1910," and that the treatment to which Japanese immigrants to Canada are entitled is not national but most-favoured-nation.

On the 1st May, 1913, Canada acceded to the Anglo-Japanese Commercial Treaty on the following conditions :—

1. Nothing in the said treaty shall be deemed to affect any of the provisions of the Immigration Act of Canada.
2. Article 8* of the said treaty shall be deemed not to apply to Canada.
3. It is understood that the Imperial Japanese Government are fully prepared to maintain and intend to maintain with equal effectiveness the limitation and control which they have since 1908 exercised in the regulation of emigration from Japan to Canada.

* This article guarantees freedom from duty (on Great Britain's part) or fixed customs rates (on Japan's part) for certain specified articles of trade between Japan and the United Kingdom.

LIST A.

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Keep with 39833.21 General.

IMMIGRATION LEGISLATION

IN FORCE IN

COLONIES AND PROTECTORATES, ETC.

Bahamas

Immigrant Paupers Prevention Act, 7 & 8 Edw. 7, Ch.9.
Immigrants Act, 10 & 11 Geo.5, Ch.17.

Barbados

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7 Octr. 21.

Sir,

With further reference to your letter F. 2859/223/23 of the 4th of August, and in continuation of the letter from this Dept of the 19th ultimo (39033/21), I am directed by M. Secy. C. to transmit to you, for the info of the Marquess Curzon of Kedleston, the accompanying Statements giving information as to

1. Legislative provisions

MINUTE.

Mr. Smith 4/10/21
Mr. Fiddian
Mr.
Mr. Grindle.
Sir H. Lambert.
Sir H. Read.
Sir G. Fiddes.
Mr. Wood.
Mr. Churchill.

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Dom

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(Copies in cover attd)

existing in Colonies, Protectorates and mandated Territories affecting the immigration of Japanese, Chinese and other coloured persons.

2. Legislative and other provisions existing in Colonies, Protectorates and Mandated Territories affecting the Land-owning rights of aliens.

I am to add that the Mandates for Tanganyika Territory, Cameroons and Togoland, which are still in draft form, contain provisions as to the Entry and Residence of aliens and as to the transference of native lands.

(Sgd.) G. GRINDLE.

LIST A.

Keep with 39833.21 General.

IMMIGRATION LEGISLATION IN FORCE IN COLONIES AND PROTECTORATES, ETC.

Bahamas

Immigrant Paupers Prevention Act, 7 & 8 Edw. 7, Ch.9.
Immigrants Act, 10 & 11 Geo.5, Ch.17.

Barbados

Immigration of Paupers (Prevention) Act, No.14 of 1909 (Revised Edition 1912).
Immigration of Paupers (Prevention) Amendment Act, No.50 of 1916.

Bermuda

Immigration Act, No.58 of 1902 and amending Acts
Nos. 4 of 1907,
10 of 1912,
26 of 1912,
17 of 1919,
and 11 of 1920.
Immigrant Labour Act, No 2 of 1922.
See also sec.1(6) of the Government Control Act 1919.

British Guiana

General
Destitute and Criminal Immigrants Regulation Ordinance, No 4 of 1896, as in Revised Edition of 1905.
Destitute and Criminal Immigrants Regulation Amendment Ordinance, No.5 of 1906.

Non-Asiatic
Non-Asiatic ~~Exclu~~ Immigration Ordinance, No 10 of 1890, as in Revised Edition of 1905.

Asiatic
Immigration Ordinance, No 18 of 1891, as in Revised Edition of 1905 (s.114 repealed by No 13 of 1921).
and amending Ordinances Nos.24 of 1905,
19 of 1907,
9 of 1908
5 of 1911, (Exemption).
25 of 1911, (Desertion).
3 of 1912, (Medical Inspection).
31 of 1916.

British Honduras

Immigrants Ordinance, No.20 of 1921.

Brunei

General
See the Alien Registration Enactment, No.5 of 1920.

Indian
Indian Immigration Enactment No.11 of 1920.

Cameroons Territory

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IMMIGRATION LEGISLATION IN FORCE IN COLONIES AND PROTECTORATES, ETC.

Bahamas

Immigrant Paupers Prevention Act, 7 & 8 Edw. 7, Ch.9.
Immigrants Act, 10 & 11 Geo.5, Ch.17.

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Immigration of Paupers (Prevention) Act, No.14 of 1909 (Revised Edition 1912).
Immigration of Paupers (Prevention) Amendment Act, No.50 of 1916.

Bermuda

Immigration Act, No.58 of 1902 and amending Acts
Nos. 4 of 1907,
10 of 1912,
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See also sec.1(6) of the Government Control Act 1919.

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19 of 1907,
9 of 1908
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25 of 1911, (Desertion).
3 of 1912, (Medical Inspection).
31 of 1916.

British Honduras

Immigrants Ordinance, No.20 of 1921.

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General
See the Alien Registration Enactment, No.5 of 1920.

Indian
Indian Immigration Enactment No.11 of 1920.

Cameroons Territory

Cameroons Territory

Proclamation No 31 (1st August 1921) applying the Immigration Restriction Ordinance of Nigeria, No 65 of 1917.

Caymans Islands

Immigration of Paupers (Prevention) Law, No.5 of 1916.
Immigration of Paupers (Prevention) Amendment Law, No.2 of 1918.

Ceylon

General
Destitute Immigrants Regulation Ordinance No.12 of 1907.
and amending Ordinances Nos. 3 of 1910,
and 14 of 1911.

Indian
Contracts for hire and Service Ordinance, No 11 of 1865:
amended by Nos 16 of 1905 and 41 of 1916.

Note:- Ordinances also exist in Ceylon regulating the employment of Indian Labourers on Estates (No.13 of 1889: amended by Nos. 7 of 1890, 9 of 1909 and 3 of 1914: see also Nos. 9 of 1912, 16 of 1915, 25 of 1916 and 29 of 1916) and the emigration of Indians and Ceylonese (Nos.3 of 1847, 1 of 1874, 4 of 1882 - amended by 22 of 1884 - and 22 of 1917).

Cyprus

Vagrants' Exclusion Law, No.1of 1882.
Aliens Law, No.8 of 1921.

Falkland Islands

Aliens Ordinance, No.5 of 1900.

? sec.3(1)(a) of the Peace Preservation South Georgia (Aliens) Ordinance, No.6 of 1919, re power of the Stipendiary Magistrate of South Georgia to prohibit the landing in the Dependency of any alien he may deem to be of an undesirable character.

Federated Malay States

General
Pauper Aliens Exclusion Enactments,
Negri Sembilan No.5 of 1902.
Pahang No.6 of 1902.
Perak No.6 of 1902.
Selangor No.9 of 1902.

Indian and Chinese
Netherlands Indian Labourer's Protection Enactments,
Negri Sembilan No.19 of 1909.
Pahang No.26 of 1909.
Perak No.19 of 1909.
Selangor No.17 of 1909.
Netherlands Indian Labourers' Protection Amendment Enactment (Federal) No.23 of 1910.

Labour Code 1912 (Enactment No.6of 1912, amended by Enactments Nos.12of 1913, 27 of 1913, 32 of 1914, 18 of 19 1917, 2 of 1918, 22 of 1918, 1 of 1919, 17 of 1919, 31 of 1919, and 24 of 1921).
Part IV - Provisins relating to Immigration.
Chapter III - arrival, examination and detention of immigrants;

Chapter Iv

Federated Malay States (contd.) 409

Chapter IV - special provisions relating to Chinese immigrants.
Chapter V - special provisions relating to Indian immigrants.
Part VI - Indian Immigration Fund.

Fiji

General
Immigrants Ordinance, No.17 of 1909.
Immigrants Amendment Ordinance, No.7 of 1917.
See also the Immigrants (Bonds) Ordinance, No.27 of 1916.

Indian
Indian Immigration Ordinance, No.1 of 1891,
and amending Ordinances Nos. 8 of 1906,
6 of 1907,
4 of 1908.
2 of 1912,
4 of 1913,
29 of 1915,
28 of 1917,
22 of 1919 (Cancellation of Indentures)
34 of 1920 (Return Passages Extension).
See also the Estates Holdings Ordinance, No.27 of 1914.

Polynesian
Polynesian Immigration Ordinance, No.5 of 1888.
and amending Ordinances, Nos.4 of 1906 and 12 of 1913.

Gibraltar
Aliens Order in Council 1885.
Aliens Order Extension Order in Council 1900.
Srangers' Ordinance, No.9 of 1889.

Gilbert and Ellice Islands
Gilbert and Ellice (Consolidation) Ordinance, No.17 of 1917
Part VI - exclusion of destitute and undesirable persons.

Gold Coast
Regulation of Immigrants Ordinance, Chap.175 Revised Laws 1920.
European and Asiatic Passengers Ordinance, Chap.176 Revised Laws 1920.
Immigration of Labourers Restriction Ordinance, Chap.177 Revised Laws 1920.
Immigrant Paupers Ordinance, Chap.178 Revised Laws 1920.

Grenada

Immigrants Ordinance No.15 of 1919.

Hongkong

General
Travellers Restriction Ordinance, No.19 of 1915.
? see also the Imbecile Persons Introduction Ordinance, No.1 of 1904 and secs. 21 et seq of the Vagrancy Ordinance, No.9 of 1897 (amended by No.5 of 1913).

Chinese
Chinese Immigration Ordinance, No.3 of 1895.

Malta

"The Aliens Laws" Ordinance No.1 of 1899, amended by Ordinances Nos.13 of 1899, 4 of 1900 and 18 of 1920.

Mauritius

General

Destitute ansd Criminal Immigrants Regulation Ordinance, No.8 of 1907.

Indian

Labour Ordinance, No12 of 1922;

Note:- Ordinance No.12 of 1881 regulates the emigration en Indian Immigrants.

Nigeria

Immigration Restriction Ordinance, No.65 of 1917.
Immigration Restriction (Amendment) Ordinance, No.21 of 1920.

North Bornee

Indian Immigration Proclamation, ~~Xxxxxxxxxx~~ No.4 of 1891
Decrepit and Destitute Aliens Ordinance, No.1 of 1915.
Chinese Immigration Committee Ordinance No.1 of 1919.

Northern Rhodesia

Immigrants Regulation Proclamation No.15 of 1915.
Immigrants Regulation Amendment Proclamation, No.6 of 1916.

Nyasaland Protectorate

Immigration Restriction Ordinance, No.4 of 1913.

Palestine

Immigration Ordinance, dated 26th of August 1920.
See Palestine Gazette dated 16th of September 1920.
Regulation under Immigration Ordinance, dated 1/7/21.
See Palestine Gazette dated 1st July 1921.
Public Notice dated 1st of August 1921.
See Palestine Gazette dated 15th of August 1921.
Public Notice dated 7th of September 1921.
See Palestine Gazette dated 15th of October 1921.

Perlis

Indian Immigration Enactment, No.2 of 1329.
Indian Immigration Amendment Enactment No.8 of 1338.
Tamil Immigration Fund Enactment, No.3 of 1329.
Tamil Immigration Fund Amendment Enactment, No.5 of 1338.

Saint Lucia

Undesirable Immigrants Ordinance, Revised Ordinance, No.35.
Undesirable Immigrants Amendment Ordinance, No.7 of 1922.

Saint Vincent

Saint Vincent

Infirm Paupers and Immigrants Regulation Ordinance, No.12 of 1897.

Seychelles

General

Undesirable Immigrants Ordinance, No.10 of 1921.

Indian

Mauritius Labour Ordinance No.12 of 1878 and amending Ordinance No.1 of 1879 as extended to Seychelles by Mauritius Proclamations Nos.7 and 9 of 1879 respectively; and also Seychelles principal amending Ordinances Nos. 1 of 1902 (amended by sec 1 of No.5 of 1910) and 15 of 1903.

Note:- Mauritius Ordinance No.12 of 1881 (which is in force in Seychelles) regulates the emigration of Indian immigrants.

Sierra Leone

Immigrant Paupers Ordinance, No.24 of 1909.
European and Asiatic Passengers Ordinance, No.2 of 1916.

Somaliland Protectorate

Vagrants Exclusion Ordinance, No.4 of 1920.

Southern Rhodesia

Immigrants Regulation Ordinance, No.7 of 1914.
and amending Ordinances, Nos. 28 of 1914,
and 14 of 1916.

Straits Settlements

General

Passengers Restriction Ordinance, Ordinance No. 169, Revised Edition 1920.

Indian and Chinese

Netherlands Indian Labourers' Protection Ordinance, No. 21 of 1908.

Labour Ordinance, No.19 of 1920.
Part II - Labour Agreements and Contracts.
Part III- Arrival Of Immigrants.
Part IV - Chinese Immigrants.
Part V - Indian Immigrants.
Part IX - Indian Immigration Fund.

Note:- Part XII of the above Labour Ordinance regulates the emigration of Asiatics.

Tanganyika Territory

Restriction of Immigration Proclamation No.7 of 1920.
Restriction of Immigration Amendment Proclamation No.14 of 1920.
Restriction of Immigration Ordinance No.1 of 1922.

Tonga

Cayman Islands

Immigration of Paupers (Prevention) Law, No. 5 of 1916.
Immigration of Paupers (Prevention) Amendment Law, No. 2 of 1918

Ceylon

General

Destitute Immigrants Regulation Ordinance, No. 12 of 1907.
and amending Ordinances Nos. 3 of 1910,
and 14 of 1911.

Indian

Contracts for Hire and Service Ordinance, No. 11 of 1865:
amended by Nos 16 of 1905 and 41 of 1916.

Note - Ordinances also exist in Ceylon regulating the employment of Indian Labourers on Estates (No. 13 of 1889: amended by Nos. 7 of 1890, 9 of 1909 and 3 of 1914; see also Nos. 9 of 1912, 16 of 1915, 25 of 1916 and 29 of 1916) and the emigration of Indians and Ceylonese (Nos. 3 of 1847, 1 of 1874, 4 of 1882 - amended by 22 of 1884 - and 22 of 1917).

Cyprus

Vagrants' Exclusion Law, No. 1 of 1882.
Aliens Law, No. 8 of 1921.

Falkland Islands

Aliens Ordinance, No. 5 of 1900.

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Federated Malay States

General

Pauper Aliens Exclusion Enactments,
Negri Sembilan No. 5 of 1902;
Pahang No. 6 of 1902;
Perak No. 6 of 1902;
Selangor No. 9 of 1902.

Indian and Chinese

Netherlands Indian Labourers' Protection Enactments,
Negri Sembilan No. 19 of 1909;
Pahang No. 26 of 1909;
Perak No. 19 of 1909;
Selangor No. 17 of 1909;
Netherlands Indian Labourers' Protection Amendment Enactment (Federal) No. 23 of 1910.

Labour Code 1912 (Enactment No. 6 of 1912, amended by Enactments Nos. 12 of 1913, 27 of 1913, 32 of 1914, 18 of 1917, 2 of 1918, 22 of 1918, 1 of 1919, 17 of 1919 and 31 of 1919).
Part IV - Provisions relating to Immigration.
Chapter III - arrival, examination and detention of immigrants;

Chapter IV

Tonga

Undesirable Immigrants Ordinance No.5 of 1920.

Trinidad and Tobago

General

Infirm Paupers Ordinance, Revised Ordinance No.186.

Indian

Immigration Ordinance No.26 of 1916.
Amending Ordinances Nos. 19 of 1918
and 12 of 1919.

Turks and Caicos Islands

Pauper Immigrant Ordinance No.6 of 1898.
Pauper Immigrant Amendment Ordinance, No.3 of 1899.

Uganda Protectorate

Immigration Retsriction and Removal of Undesirables Ordinance No.10 of 1913.

Zanzibar Protectorate.

Consolidation of Laws Decree, No.7 of 1909, Chapter XX - Restriction on Immigration.

NOTE:- The above statement does not include references to legislation which has been passed recently in practically all Colonies, Protectorates and Mandated Territories prohibiting the entry of Former ~~Alien~~ Enemy Aliens, except by a special permit, for a period of three years.

References to legislation
(1) regulating the entry of Alien Missionaries and teachers, and
(2) imposing restrictions on the landing and movements of aliens (on the lines of the Imperial Aliens Restriction Act, 4 & 5 Geo.V, Chap.12)

are also omitted. The former legislation was regarded as a temporary war measure which might subsequently be modified by amending legislation, whilst the latter legislation, though placed on the various statute books permanently, is only operative in time of war, national danger or great emergency.

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August 31st 1922.

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Chapter IV - special provisions relating to Chinese immigrants;
Chapter V - special provisions relating to Indian immigrants.
Part VI - Indian Immigration Fund.

Fiji

General

Immigrants Ordinance, No. 17 of 1909,
Immigrants Amendment Ordinance, No. 7 of 1917.
See also the Immigrants (Bonds) Ordinance, No. 27 of 1916.

Indian

Indian Immigration Ordinance, No. 1 of 1891,
and amending Ordinances Nos. 8 of 1906,
6 of 1907,
4 of 1908,
2 of 1912,
4 of 1913,
29 of 1915,
28 of 1917,
22 of 1919 (Cancellation of Indentures).
34 of 1920 (Return Passages Extension).
See also the Estates Holdings Ordinance, No. 27 of 1914.

Polynesian

Polynesian Immigration Ordinance, No. 5 of 1888.
and amending Ordinances, Nos. 4 of 1906
and 12 of 1913.

Gibraltar

Aliens Order in Council 1885.
Aliens Order Extension Order in Council 1900.
Strangers' Ordinance, No. 9 of 1889.

Gilbert and Ellice Islands

Gilbert and Ellice (Consolidation) Ordinance, No. 17 of 1917.
Part VI - exclusion of destitute and undesirable persons.

Gold Coast

Regulation of Immigrants Ordinance, Chap.175 Revised Laws 1920.
European and Asiatic Passengers Ordinance, Chap.176 Revised Laws 1920.
Immigration of Labourers Restriction Ordinance, Chap.177 Revised Laws 1920.
Immigrant Paupers Ordinance, Chap.178 Revised Laws 1928.

Grenada

Immigrants Ordinance, No. 15 of 1919.

Hongkong

Hongkong

General

Travellers Restriction Ordinance, No. 19 of 1915.
? see also the Imbecile Persons Introduction Ordinance, No. 1 of 1904 and secs. 21 et seq of the Vagrancy Ordinance, No. 9 of 1897 (amended by No. 5 of 1913).

Chinese

Chinese Immigration Ordinance, No. 3 of 1895.

Note - Ordinances also exist in Hongkong regulating the residence of Chinese within the Colony (No. 3 of 1888 amended by No. 24 of 1913), and the emigration of Asiatics (No. 30 of 1915).

Jamaica

General

Immigration Restriction Law, No. 36 of 1919.

Indian

Immigration Protection and Regulation Law, No. 23 of 1879.
Amending Laws Nos. 20 of 1891;
sec.48 of 22 of 1896;
12 of 1897;
2 of 1899;
13 of 1903;
13 of 1905;
33 of 1912;
40 of 1916;
vide also Nos. 29 of 1906, 31 of 1910 and 2 of 1915.

Immigration Finance Law, No. 18 of 1879.
Amending Laws Nos. 14 of 1891;
13 of 1903;
Schedule A of 24 of 1904;
20 of 1905;
15 of 1911;
13 of 1917;

Johore

Indian Immigration Enactment, No. 8 of 1911.
Indian Immigration Amendment Enactment, No. 6 of 1919.
Indian Immigration Fund Enactment, No. 5 of 1920.
(See also the Netherlands Indian Labourers Protection Enactment of 15 December 1909).

Kedah

Indian Immigration Enactment, No. 8 of 1328.
Tamil Immigration Fund Enactment, No. 14 of 1328.
Tamil Immigration Fund Amendment Enactment, No. 6 of 1338.
Indian Immigration Amendment Enactment, No. 4 of 1339
Tamil Immigration Fund Amendment Enactment, No. 5 of 1339.

Kelantan

Indigent Alien Immigration Enactment, No. 6 of 1914.
Indian Immigration Enactment, No. 18 of 1910.
Indian Immigration Fund Enactment, No. 5 of 1920.

Kenya

Kenya

Immigration Restriction Ordinance, No. 17 of 1906.
Amending Ordinances, Nos. 27 of 1910;
4 of 1913;
5 of 1918;
12 of 1919;
6 of 1922.

Leeward Islands

~~Immigrant Paupers Act, No. 9 of 1891.~~
~~Immigrant Paupers Act 1891, Amendment Act, No. 6 of 1898.~~
Immigrant Paupers and Criminals Admission Act, No. 16 of 1922.

Malta

"The Aliens Laws" Ordinance No. 1 of 1899, amended by Ordinances Nos. 13 of 1899, 4 of 1900 and 18 of 1920.

Mauritius

General

Destitute and Criminal Immigrants Regulation Ordinance, No. 8 of 1907.

Indian

Labour Ordinance, ~~No. 13 of 1878 as in Revised Edition of 1905~~ No 12 of 1922
~~and see principal amending Ordinances Nos. 1 of 1879,~~
~~26 of 1903, 23 of 1905, 9 of 1907, 13 of 1908, 45 of 1914,~~
~~and 22 of 1919.~~

Note - Ordinance No. 12 of 1881 regulates the emigration on Indian immigrants.

Nigeria

Immigration Restriction Ordinance, No. 65 of 1917.
Immigration Restriction (Amendment) Ordinance, No. 21 of 1920.

North Borneo

Indian Immigration Proclamation, No. 4 of 1891.
Decrepit and Destitute Aliens Ordinance, No. 1 of 1915.
Chinese Immigration Committee Ordinance, No. 1 of 1919.

Northern Rhodesia

Immigrants Regulation Proclamation, No. 15 of 1915.
Immigrants Regulation Amendment Proclamation, No. 6 of 1916.

Nyasaland Protectorate

Immigration Restriction Ordinance, No. 4 of 1913.

Perlis

Indian Immigration Enactment, No. 2 of 1329.
Tamil Immigration Fund Enactment, No. 3 of 1329.
Tamil Immigration Fund Amendment Enactment, No. 5 of 1338.
Indian Immigration Amendment Enactment, No. 8 of 1338.

Saint Lucia

Saint Lucia

Undesirable Immigrants Ordinance, Revised Ordinance, No.35.
Undesirable Immigrants Amendment Ordinance, No. 7 of 1922.

Saint Vincent

Infirm Paupers and Immigrants Regulation Ordinance, No. 12 of 1897.

Seychelles General
Indian Undesirable Immigrants Ordinance, No 10 of 1921.

Mauritius Labour Ordinance No. 12 of 1878 and amending Ordinance No. 1 of 1879 as extended to Seychelles by Mauritius Proclamations Nos. 7 and 9 of 1879 respectively; and also Seychelles principal amending Ordinances Nos. 1 of 1902 (amended by sec.1 of No. 5 of 1910) and 15 of 1903.

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Sierra Leone

Immigrant Paupers Ordinance, No. 24 of 1909.
European and Asiatic Passengers Ordinance, No. 2 of 1916.

Somaliland Protectorate

Vagrants' Exclusion Ordinance, No. 4 of 1920.

Southern Rhodesia

Immigrants Regulation Ordinance, No. 7 of 1914.
and amending Ordinances, Nos. 28 of 1914;
and 14 of 1916.

Straits Settlements

General

Passengers Restriction Ordinance, ~~No. 14 of 1919.~~ Ordinance No. 169, Rev. Ed 1920

Indian and Chinese

Netherlands Indian Labourers' Protection Ordinance, No. 21 of 1908.

Labour Ordinance, No. 19 of 1920
Part II - Labour Agreements and Contracts.
Part III - Arrival of Immigrants.
Part IV - Chinese Immigrants.
Part V - Indian Immigrants.
Part IX - Indian Immigration Fund.

Note - Part XII of the above Labour Ordinance regulates the emigration of Asiatics.

Tanganyika Territory

Restriction of Immigration Proclamation, No. 7 of 1920.
Restriction of Immigration Amendment Proclamation, No. 14 of 1920.
Restriction of Immigration Ordinance, No. 19 of 1924

Tonga