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BOARD OF DEPUTIES OF
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COMMITTEE OF DEPUTIES
OF THE
BRITISH JEWS
AND
ANGLO-JEWISH ASSOCIATION.

COPY

*Correspondence between the Conjoint Foreign
Committee of the above Bodies and the Secretary
of State for Foreign Affairs as to treatment of
Jews of Roumania.*

PRINTED BY WERTHEIMER, LEA & CO.,
CIRCUS PLACE, LONDON WALL.

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CONJOINT FOREIGN COMMITTEE OF THE
JEWISH BOARD OF DEPUTIES AND THE
ANGLO-JEWISH ASSOCIATION.

36, FINSBURY CIRCUS, E.C.

19th May, 1893.

To the RIGHT HON. EARL ROSEBERY, K.G., P.C.,
Secretary of State for Foreign Affairs, &c., &c.,
FOREIGN OFFICE, WHITEHALL, S.W.

MY LORD,

We have to invite your Lordship's attention to certain events now passing in Roumania, which have produced a profound and well grounded feeling of dismay among the Jewish inhabitants of that country.

We are informed, on reliable authority, that a measure has passed the Chamber, which, if it become law, will result in the total exclusion of Jews from the public Elementary Schools of the country, towards the maintenance of which they are compelled to contribute.

Article 23 of the Constitution provides that "Education will be gratuitous; Elementary Schools will be established gradually throughout the country; the instruction in the Government Schools will be given gratuitously; Elementary education is obligatory for the young Roumanians wherever there are schools."

This Article therefore declares that free Public Elementary education is to be given to all children without exception.

The only difference between Roumanians and foreigners is, that in the case of the former, attendance at school is to be obligatory, whilst with foreigners, it is to be optional.

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Nothing was further from the intention of the legislator than to exclude any child who might wish to attend school.

Article 1 of the new Law, which has just passed the Chamber of Deputies, is as follows :—“ Elementary education is obligatory and gratuitous for the sons of Roumanians only ; Aliens will not be received in Elementary Schools (with the exception of the inhabitants of the Dobrudseha), unless they pay a special fee, which will be fixed by the regulations for giving effect to this law. In exceptional cases, the Minister can grant exemption from that fee. When the vacancies in the schools are insufficient, preference will be given to the children of Roumanians.”

The significance of the proposed law will be realised when we remind your Lordship that Jews, though natives of the country, are not regarded as Roumanians, unless they have been naturalised by Act of Parliament.

There can be no doubt as to the inevitable consequences of the new measure should it pass into law ; the Jews will be systematically excluded from all the Elementary Schools of the country, and, as to any exception by means of Ministerial interposition, experience has taught us how Ministerial decrees, and, above all, restrictive laws are interpreted in the case of Jews.

For many years past, schools have from time to time been closed to Jews by legislation similar to that which has just been commenced. Training Schools for Teachers, Military Schools, and schools for the children of soldiers are now accessible to Roumanians only, and yet they are all maintained out of the rates, to which the Jews are compelled to contribute heavily.

The same remark applies to Gymnasiums, Lyceums (high schools), and Central Schools for girls. Jews are excluded from these, as well as from competition for those travelling Scholarships, which are granted by Government. Nevertheless the Jews have to contribute towards the cost of these also

The Jews of Roumania prize the education of their children above all earthly blessings, and to deny them the educational advantages enjoyed by their neighbours, and for which they pay, as ratepayers, would be an act of the grossest injustice.

The Roumanian Government, in their correspondence with Mr. W. A. White, H.B.M.'s Representative at Bucharest, on the subject of the recognition of the Independence of Roumania, made constant reference to the necessity for the "assimilation" of the Jews with the non-Jewish inhabitants, and it was repeatedly urged that their complete emancipation must be deferred until this "assimilation" could be gradually effected.

We ask your Lordship to observe the cruel irony of subjecting an inoffensive Community to galling disabilities under the pretence that they are "unassimilated," and then passing laws which will prevent their receiving that education by which alone such assimilation can be effected. We earnestly appeal, therefore, to your Lordship to exert your powerful influence to prevent such a cruel act of injustice and oppression as would result from the passing of the law in question.

But, whilst we might, on the broad grounds of Justice and Humanity, seek your Lordship's good offices on behalf of the Roumanian Jews, we venture to rest our appeal on much higher ground. We submit that the treatment of the Jews in Roumania is a flagrant violation of the provisions of the Treaty of Berlin, and of the identic Note by which, in February, 1880, England, France, and Germany notified to the Roumanian Government their recognition of Roumanian independence.

The acceptance of the principle of religious equality was laid down by the Treaty of Berlin as a condition precedent to the independence of Roumania.

Articles 43 and 44 of that Treaty are as follows :—

Article 43. “The high contracting parties recognise the independence of Roumania, attaching thereto the conditions set forth in the two following Articles.”

Article 44. “In Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of various professions, and industries, in any locality whatsoever. The freedom of outward exercise of all forms of worship shall be assured to all persons belonging to the Roumanian State as well as to foreigners, and no hindrance shall be offered either to the hierarchial organisations of the different Communities, or to their relations with their spiritual chiefs. The subjects and citizens of all the Powers, traders or others, shall be treated in Roumania, without distinction of creed, on a footing of perfect equality.”

Mr. White, in his dispatch to Lord Salisbury, dated February 1st, 1879 (Blue Book, Roumania, No. 1, 1880, page 10), writes :—

“As regards the deduction which I have stated above that indigenous Jews must be now recognised as Roumanians, I have been assured by persons in and out of office that they see the necessity of a measure in that sense, but they are not agreed as to its nature and extent.”

At page 19 of the same Blue Book is set out the *précis* of a speech of M. Bratiano, Prime Minister of Roumania, delivered in 1879 in the Chamber of Deputies, in which the following passage occurs :—

He (Mr. Bratiano) is “aware that the wholesale admission of all Jews in Roumania to political rights would be an evil, but no Power has put forward any such demand, nor could it be conceded, but by removing the stigma attaching to an exclusion of Jews, (which savours of religious persecution

though due to other causes), the Roumanian Legislature will be able to grapple with this difficult problem, and remove all such reproaches in a way securing all national interests."

With a view to the naturalisation of certain classes of indigenous Jews, Article 7 of the Constitution which prevented the adoption of that course, was revised.

In a speech made on the 13th October, 1879, and to be found at page 68 of the Blue Book above referred to, M. Boeresco said :

"The protocols to the Treaty of Berlin show that all the Powers were agreed in their views, and their Ministers . . . were unanimous in declaring that we must conform to the Treaty, and that Article 44 contained not only the enunciation of a principle, but the obligation to put that principle into application . . . this system [naturalisation] best responds to the requirements of the country, and if applied seriously and efficaciously, puts us in conformity with the requirements of European diplomacy."

The system of naturalisation was therefore resorted to for the purpose of giving effect to Article 44 of the Treaty.

The Act of Parliament passed for this purpose declared that every person, without distinction of creed, whether enjoying any foreign protection or not, could acquire naturalisation by addressing an application to the Government, followed by ten years' residence in the country (certain classes of persons, including soldiers, who had served during the war being exempt from this long residence). But a Special Act, except in the case of the soldiers, was required for the naturalisation of each individual applicant, various documents, and evidence most difficult to obtain, are required in support of the application, and a fee of £10 is demanded, which it is only in the power of a few to pay.

On the 25th July, 1879, a Deputation from our Committee waited on the Marquis of Salisbury, then Secretary of State

for Foreign Affairs, with reference to this question. In the course of the remarks which his Lordship addressed to the Deputation, he said, "These evils attracted the attention of the Powers at Berlin, and they adopted the somewhat unusual if not unprecedented course of making their recognition of a great political change dependent upon certain modifications of the internal laws of the country. It was a great homage to the principles which all the civilised nations of Europe now recognise, and it was a very solemn international act from which I do not think the Powers will recede. . . . Roumania would have gravely compromised its own future chance of existence if she failed to pay a strict regard to International Law, and Treaty obligations."

Moreover, in the Identie Note presented to the Roumanian Government by England, France, and Germany, on the 20th February, 1880, the following passage occurs :—

"Her Majesty's Government cannot consider the new constitutional provisions which have been brought to their cognizance, and particularly those by which persons belonging to non-Christian creeds, domiciled in Roumania, and not belonging to foreign nationality, are required to submit to the formalities of individual naturalisation, as being a complete fulfilment of the views of the Powers, signatories of the Treaty of Berlin.

"Trusting, however, to the determination of the Prince's Government to approximate more and more in the execution of these provisions to the liberal intentions entertained by the Powers, and taking note of the positive assurances to that effect which have been conveyed to them, the Government" gave way, and thus relieved the Roumanian Government from a serious political crisis into which it had drifted.

Let us see how far this reliance on the honour of the Roumanian Government has been justified by the result, how far these assurances have been fulfilled by that Government.

There are in Roumania about 300,000 Jews. Some 888 soldiers who had served in the war obtained their naturalisation by a single Act, but, although applications from thousands of other Jews have been presented, less than a hundred have succeeded in obtaining naturalisation.

Thus the promises made to the Roumanian Jews have been utterly falsified, and the native-born Jews are still treated as foreigners.

In the question of Naturalisation lies the crux of the matter. It is by naturalization alone that the Jews (*i.e.* indigenous Jews) can acquire civil and political rights in Roumania. The Government contrive by pretexts and evasions, and by interposing formalities of a costly, dilatory, and harrassing character, to elude performance of the very easy terms on which the Powers generously allowed them to acquire their autonomy without immediately carrying out the terms of Article 44.

Nor is the Roumanian Government satisfied with neglecting to perform the provisions of Article 44 of the Treaty. They have actually, from time to time, since the date of that Treaty, forged new fetters whereby to debase and degrade their unhappy Jewish subjects.

Fresh restrictive laws have been enacted since 1879, by which the Roumanian Jews have been excluded from nearly every field of professional and commercial life, and hampered in their pursuits and occupations. They are even shut out by a Bill which has just passed the Senate from hospitals for the sick, which one would have thought would, at any rate, have been left open to the suffering poor without distinction of creed.

We have the honour to send your Lordship a translation of a Memorial recently presented by Jewish soldiers to the Roumanian Chamber of Deputies. This document furnishes detailed information as to the fresh restrictive laws above referred to. Your Lordship will learn from a perusal of this

document that, whilst it was intended by the Signatories of the Treaty of Berlin that every possible religious disability affecting the non-Christian subjects of His Majesty should be removed, instead of doing this, the Parliament has imposed upon them additional restrictions of a most galling character.

We therefore earnestly appeal to your Lordship to take such measures as may be necessary to prevent the enactment of the proposed Education Law, and to insist on the faithful performance of Article 44 of the Treaty of Berlin.

To recapitulate, the Roumanian Government have hitherto contrived, by specious promises and hollow assurances, and by an utterly illusory Naturalisation Act, to evade the performance of the provisions of Article 44 of the Treaty of Berlin. The Independence of Roumania was granted by the Powers on condition that these provisions were faithfully carried out. The Jews have waited with exemplary patience for their performance. Instead, however, of being endowed with the rights promised them, they have had fresh disabilities imposed upon them which have made their lives a burden. We venture to submit that the time has now arrived when Roumania should be required to fulfil the engagements which she contracted with the Great Powers. We cannot believe that Great Britain, as one of these Powers, is prepared to abandon the principle of Civil and Religious Liberty which it affirmed at Berlin in 1879 in the face of all Europe, and which her Ministers have since re-affirmed, in emphatic terms, over and over again, in connection with this subject.

We have the honour to be,

Your Lordship's obedient Servants,

ARTHUR COHEN,

President of the Jewish Board of Deputies.

JULIAN GOLDSMID,

President of the Anglo-Jewish Association.

[A Copy of the Memorial above referred to is sent herewith.]

Copy.

FOREIGN OFFICE,
16th August, 1893.

SIR J. WALSHAM, No. 40,
18th July, 1893.

GENTLEMEN,

With reference to your letter of the 19th May, relative to the effect of legislation in Roumania on the position of the Jews in that country, I am directed by the Earl of Rosebery to transmit for your information a copy of a report on the subject from Her Majesty's Minister at Bucharest.

I am, Gentlemen,
Your most obedient humble servant,

P. W. CURRIE.

CONJOINT FOREIGN COMMITTEE,
JEWISH BOARD OF DEPUTIES
AND
ANGLO-JEWISH ASSOCIATION.

Copy.

No. 40.

BUCHAREST,

18th July, 1893.

MY LORD,

In accordance with Your Lordship's Instruction No. 24, of 24th May, I have the honour to report on the question of the disabilities under which, according to the letter addressed to you on the 19th May by the Conjoint Foreign Committee of the Jewish Board of Deputies and the Anglo-Jewish Association, the Jews in Roumania are suffering.

Before dealing with the specific charges against the Roumanian Government contained in the above letter, it may perhaps render clearer what I have to say on the subject if I venture to make a few preliminary observations on the general position of Jews in this country.

Out of a population of under $5\frac{1}{2}$ million inhabitants there are about 400,000 Jews. Between 1850 and 1860 the Jewish population was said to have increased from 120 to 240,000, and I merely allude to these figures to show that whatever may be the disadvantages under which they live, and there are no doubt disadvantages, the Jews do not leave and are not compelled to leave the country.

Formerly, there were a considerable number of Jews enjoying the protection of some Foreign Power, but this protected class may be regarded as having almost completely ceased to exist, the various Powers having gradually withdrawn their protection, so that now only those Jews who happen to be *bonâ fide* subjects of a Foreign Power can claim the protection of that Power like any other of its subjects; but it is with regard to the remainder of the Jewish population, who, unless by some process they can become

Roumanians, are, so to speak, without any nationality at all, that the difficulty as to their status arises.

At present I am not aware—and I have made diligent enquiries both in official and private quarters on the point—of any law specifically directed against the Jews. They are regarded as Aliens, and subject, precisely as all Aliens domiciled in the country, to whatever laws may be applicable to residence, payment of taxes, tenure of real or other property, the right of naturalisation, and kindred matters.

Like other Aliens they may have their Churches and Schools, may engage in trade and all commercial and other pursuits without the slightest fear of being molested or persecuted, and as a matter of fact there is a very thriving mercantile community in Roumania. As far therefore as the law is concerned, the conditions laid down in the 44th Article of the Treaty of Berlin for the recognition of Roumania as an Independent State would appear to have been scrupulously borne in mind.

According to the 7th Article of the Roumanian Constitution, “*La différence de croyances religieuses et confessions ne constitue pas en Roumanie un empêchement à l’obtention des droits civils et politiques, non plus qu’à l’exercice de ces droits,*” and by Article 21, “*La liberté de conscience est absolue.*”

“*La liberté de tous les cultes est garantie en tant que leur célébration ne portera pas atteinte à l’ordre public ou aux bonnes mœurs.*”

So that unless the first paragraph of Article 44 of the Berlin Treaty was supposed to oblige the Roumanian Government to admit Aliens “to the enjoyment of civil and political rights as well as to public employment, functions, and industries” upon the same footing as Roumanians or naturalised Roumanians, so long as difference of religious creeds was not made a bar to such admission, I do not see that the existing

legislative measures in this country can be said to have been framed in contravention of the conditions on which the signatories of the Treaty of Berlin recognised the independence of Roumania.

I have thought it right to allude here to this particular Article of the Treaty because in the letter from the Jewish Associations special reference is made to it, and also because Roumanians alone or naturalised Roumanians are eligible for public posts, whether civil or military. Article 10 of the Constitution states as follows:—"Tous les Roumains sont égaux devant la loi et tenus de contribuer indistinctivement aux impôts et aux charges publiques."

"Ils sont seuls admissibles aux fonctions publiques, civiles et militaires. Des lois spéciales détermineront les conditions d'admissibilité d'avancement dans les fonctions de l'Etat."

"Les Etrangers ne peuvent être admis aux fonctions publiques que dans des cas exceptionnels et spécialement déterminés par les lois."

These remarks will show that legislation is not openly directed against the Jews, and that they are, according to law, on exactly the same standing, both as to obligations and privileges as other domiciled Aliens.

Any injustice or disadvantages to which they may consider themselves exposed arise from the partiality characterising the application to them of the laws as compared with their application to other Aliens, and this is especially noticeable in the matter of naturalisation, a question on which, if I am not mistaken, all the alleged disabilities will be found to hinge, but as I shall have occasion, when discussing the specific complaints raised by the Jewish population in connection with their position in this country, to refer to the partiality I have mentioned, and to explain its origin, I will not dwell upon the matter now.

The chief complaints against the Roumanian Government would appear to be :—

1. That the Jews are no longer allowed to send their children to Roumanian Schools where the education is gratuitous, although they pay taxes just as the Roumanians do.

2. That their children are debarred from obtaining Scholarships.

3. That they are compelled to serve in the Army as if they were Roumanians, and are yet deprived of all the advantages which would be granted to Roumanians in consequence of such service.

4. That they are deprived of the privilege of rising to the higher grades in any profession they may undertake.

5. That they are not admitted to the public Hospitals, and

6. That the difficulties placed in the way of their naturalisation are so great that the law in their case has become almost a dead letter.

With regard to the first complaint, it is perfectly true that the new Educational Law which passed the Chambers early this year, as reported in Mr. Hardinge's No. 24 of 24th April last, restricts with certain exceptions the advantage of free education in primary schools to the children of Roumanians, attendance at these schools in their case being obligatory.

Article 23 of the Constitution says : “ La liberté d'enseignement est garantie, en tant que son exercice ne portera pas atteinte aux bonnes mœurs ou à l'ordre public.

“ Il sera institué graduellement des Ecoles primaires dans toutes les Communes de la Roumanie.

“ L'enseignement sera gratuit dans les écoles de l'Etat.

“ L'instruction primaire sera obligatoire pour les jeunes Roumains partout où se trouveront instituées des écoles primaires.

“ Une loi spéciale réglera tout ce qui concerne l'Instruction Publique,” and it is in accordance with this last clause that the new Educational Law has been framed.

Until it passed, there were, I understand, some 9,000 Jewish children receiving free education, and they as well as the children of all other Aliens will in future be excluded from the benefit of free education, unless they come within the exceptions to which I have already alluded, these exceptions being that 20 per cent. of Alien children may, with the sanction of the Minister of Public Education in consultation with the district authorities be admitted to gratuitous education in the primary schools.

This was a compromise effected during the discussion of the Educational Bill, and is referred to in Mr. Hardinge's Despatch No. 15 of February 20th last, which calls attention to the very strong opposition there was at the time to the extension of free education to any but the children of Roumanians or of those who had obtained the status of Roumanians.

In making primary education obligatory as far as the children of Roumanians are concerned, the new law merely gives effect to the provision of the Constitution which I have quoted. With regard to the attendance of Alien children, there is no such obligation, and they will moreover be admitted hereafter to these primary schools on payment of a fee, which, although not yet fixed, will I am informed, be trifling in amount.

In respect to complaint (No. 2), that Jewish children are never permitted to hold Scholarships, I am informed by a foreigner residing here, who has for years past taken the greatest interest in all questions relating to the Jews, that although the difficulty on the subject of obtaining scholarships may be very general, there cannot be said to exist an absolute prohibition in the case of Jews, and he gave me an instance where a Scholarship of 5,000 frs. had been awarded to a Jewish candidate who had passed the examination with high honours.

With regard to the complaint (No. 3) that Jews are compelled

to serve in the Army, the statement given from the Jewish Association is correct. Jews domiciled or born in the country, and who are not *bonâ fide* subjects of a Foreign Power, are in respect of the conscription treated as if they were Roumanians ; as to other Aliens domiciled or born in the country, the same rule applies unless they can produce proofs of having fulfilled their military obligations in their own country, and in the event of such an Alien being, as is the case with a large proportion of Jews in this country, without any recognised nationality, he would unquestionably be required to serve in the Army precisely as if he were an Armenian, and unless he subsequently became naturalised, he could not advance to any grade higher than that of sergeant.

Neither birth in the country nor military service carries with it the Roumanian nationality. The justice of this and the other complaints I shall discuss later on.

With reference to the complaint (No. 4) that Jews are prevented from rising in any profession they may have embraced beyond the lower grades, it might be equally raised by any Alien, who happened not to have been naturalised. Only Roumanians, or those who have obtained the status of Roumanians, can claim to be promoted in their professions. The law makes no distinctions in this respect as between Jews and Christians. For instance, no Alien as such, whether Jew or Christian, could be called to the Roumanian bar, although he might practise as a Solicitor.

As to complaint No. 5, relating to the alleged exceptional treatment of Jews in respect to admission to the public hospitals, I am glad to be able to state, on the authority of the same gentleman whom I have before mentioned, that the result of his enquiries has been to show that no law exists imposing restrictions on Jews or other Aliens, and that his own experience, which extends over a long period, tends to prove that Jews are admitted into these hospitals on

the same footing as Roumanians, receiving medical attendance, medicines, and every necessary attention free of charge. When a Jew has not been admitted, it is only, he says, because there has not been room for him. His experience, he tells me, has quite recently been confirmed by a Jewish medical student, who attends one of the hospitals, and to whom he had purposely addressed himself for information on the point.

I now come to what in reality constitutes the chief complaint on the part of the Jews, namely, their inability to obtain naturalisation, except under very rare and very exceptional circumstances.

They are quite willing, they assert, to undergo all the obligations appertaining to Roumanians, so long as they are not deprived of the privileges enjoyed by Roumanians; but, at present, while performing all the duties of Roumanians, they are debarred from the advantage of being placed on the footing of Roumanians by the manner in which the law of naturalisation is applied.

The following is the law according to the Roumanian Constitution :—

ARTICLE VII.

1. L'étranger sans distinction de religion soumis ou non soumis à une protection étrangère peut acquérir la naturalisation dans les conditions suivantes :—

(a.) Il adressera sa demande de naturalisation dans laquelle il indiquera le capital qu'il possède, la profession ou le métier qu'il exerce et sa volonté d'établir son domicile en Roumanie.

(b.) Il habitera après cette demande 10 ans dans le pays, et prouvera par ses actes qu'il lui est utile.

2. Peuvent être exemptés du stage :—

(a.) Ceux qui auront apporté dans le pays des Industries

ou des inventions utiles ou qui auront fondé de grands établissements de Commerce ou d'Industrie.

- (b.) Ceux qui, nés et élevés en Roumanie de parents établis dans le pays, n'ont jamais été soumis, ni les uns ni les autres à aucune protection étrangère.
- (c.) Ceux qui ont servi sous les drapeaux pendant la guerre de l'Indépendance et pourront être naturalisés collectivement par une seule Loi et sans autres formalités.

3. La naturalisation ne peut s'accorder que par une Loi et individuellement.

5. Seulement les Roumains et ceux qui ont été naturalisés Roumains peuvent acquérir des immeubles ruraux en Roumanie.

ARTICLE VIII.

La naturalisation est accordée par le pouvoir législatif.

La naturalisation seule assimile l'étranger au Roumain pour l'exercice des droits politiques.

It will be seen that the law makes no exception as against the Jews, and also that without naturalisation no Aliens, be they Jews or Christians, can be assimilated to Roumanians, and enjoy the full rights of Roumanian subjects without naturalisation.

Looking to the number of Jews who come into Roumania from the neighbouring countries without any recognised nationality, the Roumanian Government say that if the naturalisation law were not made restricted in its application to them, the Roumanian nationality would gradually be swamped, and that they are justified in taking every precaution with a view to prevent such a catastrophe.

It was with this object in view that the Constitution (Article 3) laid down that "le territoire de la Roumanie ne peut être colonisé par des populations de race étrangère."

The Roumanian Government at the same time point out that many Jews are admitted to naturalisation, and that they are neither persecuted nor molested because they are Jews, nor are they prevented from taking up their domicile in Roumania. Like other domiciled Aliens, they enjoy the protection accorded by Article 4 of the Constitution, which lays down that—

“Tous les étrangers qui se trouvent sur le sol de la Roumanie jouissent de la protection qui les lois accordent aux personnes et aux biens en général.”

It will be seen, as I stated in the earlier part of this despatch, that all the disadvantages to which Jews as Aliens are exposed, are the result of the restricted manner in which the naturalisation law is applied to them. There are no disabilities in their case that do not exist in the case of other Aliens ; but there is this difference that, whereas the Roumanian Government are not disinclined to be liberal in granting naturalisation to Christian Aliens, who have previously been subjects of another country, and whose applications are not likely to be frequent, they are less inclined to be liberal in the case of Jewish aliens, who have no recognised nationality, as it would only be an encouragement for them to come into Roumania in even more considerable numbers than at present.

I have, etc.,

J. WALSHAM.





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