

EAST AFR. PROT

72394
1919

42394

363

Latest Order
by Lt Col

1919

Mr R. S. Cookley
Refusal of permit to land

19 Dec

Last previous Paper

Request for information as to reasons.

70805

Mr. Burke

Pl. see 70805. There can be
no doubt that the ^{British Officer} ~~Govt~~ (does) justify
on these affidavits, in preventing
Mr Cookley from landing. The
question is how further we can
communicate the affidavits to the
Confidentiality, if course.

When Lt. Sykes called on Col. [unclear] that
(a) Mr Cookley had not seen the
affidavits, and only a general
knowledge of the complaints.
(b) He thought it probable that the complaints
affidavits are witnessed by the
General Manager, who wishes to
get the Superintendence for his own
protection.

To Gov. Conf 5 Feb 20

Subsequent Paper

32644

W. Cookley

(c) The man [unclear] was done at
[unclear]

made in the absence of that his
having any opportunity of cross examination
or testing their truth by the means - is
a "trusted source".

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That that would be so speaking generally,
but "trusted source" here is used specially,
as used in Ref^o to reports of the SPS,
unparadoxical & soon, & is only meant
to refer to similar sources.

And surely quite rightly so having
regard to the effect of action taken under the
provision which - effect - to cor - condemn a
man unheard.

~~The present case with a number of months
ago in the same way.~~

I don't know precisely to say that there
may not be a good deal of truth in the statements,
but there are few things more striking than the
way in which evidence of this sort withers under
a few trials - There has been an example lately
in a case in which this Office was interested in which
the whole evidence as given was even more damning
than this appears to be, but which under cross
examination dwindled into nothing.

[Handwritten signature]

W. B. B. B.

H. see Mr. Bottomley's minute as
to the Ordinance at (h).
Would you kindly let the Dept
have any views which you have
formed on this in reference to
Ord.

recd
13. 1. 20

Mr. Bottomley,
~~Mr. B. B.~~

Thank you for having seen, as I have it written
we have heard to last of this.

Thank Mr. Bottomley, means to take to the
M. G. A. Ord. which is a very good precedent (N. G. A. Ord. is similar to last) - but my complaint
is not against the form of the Ord. - but a demand
for the suspension of the Ord. both legal & procedural.

Legal - (This is a defect because the
circular given is defective - not as for as the court
orders' restriction decision) - I am sorry to say
this - I've cannot express the action taken from
legal point of view.

Defect altogether however from legal
point of view - I think it is certainly a defect

justice to deal so seriously with a man
(known as B.P.S.) in his absence, without
his having a chance to reply, upon such
worthless material as these affidavits.

It is also stated that he has committed
the following crimes -

Attempt to murder

Rape (many)

Capital offences of grossly foul

wounding with various intents

assault of all kinds.

If the authorities really believed all this, it would

be to have him tried & adjudged of his crimes.

19/1/20

reference to (1) that has been done to establish
the facts of the case. Of the R.P. 200 evidence
is given as material to the case. No. 5 (1)
that would have covered the case in person
to the court.

As to (2) the fact that the admission for (1) is really
refused to take a short cut & exclude the evidence
only to find the truth & expense of a trial
prosecution.

It is also stated that the evidence is really to establish
the facts of the case. Of the R.P. 200 evidence
is given as material to the case. No. 5 (1)
that would have covered the case in person
to the court.

Mr. H. Chad.

5(4) of the Highland D.D. on that
I had in mind in my minute of 24 Dec.

I'm acknowledging 70805 in showing my
but it is doubtful whether this action
was caused by the D.D. in its stand (along the
"ejaisem genus" point) & direct amendment
with some of 5(4) of the Highland D.D. — &
add on in the last para. of the Ridge
minute.

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L. Chad. 20.1.20

5 ft. ⁱⁿ ~~in~~

at once.

H. J. R.

21/1/20

Mr. J. Fisher

You have discussed it with Mr. Buckle &
now I send on a new 5 ft. which we
have prepared.

H. J. R.

2/4/20

THE MAGADI SODA COMPANY, LIMITED.

M. SAMUEL & CO. MANAGERS.

GRAND "SODAGADI, LONDON"
PHONE LONDON WALL 1893.

Shell House

25 & 27, Bishopsgate

London, E.C. 2. 19th Dec. 1919

GS/F

The Secretary of State,
Colonial Office,
DOWNING STREET, S.W.

357

Dear Sir,

We beg to request that we may be informed as to the reasons of the Protectorate Government for refusing permission to land to our Engineer - Mr. R. L. Cooksey -

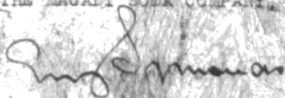
We received a letter from Mr. Bottomley, informing us that a cable had been received from the Governor, stating that this gentleman had been refused permission to land owing to a charge of cruelty to natives. We think, however, in order to deal with the outstanding questions of Mr. Cooksey's agreement with this Company, that we should have some further information.

We understood from your letter of the 15th October last, that a despatch was on its way from East Africa, and if this has been received you will, perhaps, be able to give us the information which we require.

We are, Dear Sir,

Yours faithfully,

THE MAGADI SODA COMPANY, LTD.



London Manager.

Recd 72394/19 cont

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ma

lc

DRAFT.

La Magasin Soda Co Ltd

5 January 1920

MINUTE.

Encl. 1

- Mr. P. B. Hill 3/12/19
- Mr. Parkman 3/12/19
- Mr. P. B. Hill 11/1/20
- Mr. Bolton 11/1/20
- Mr. H. L. ...
- Mr. H. ...
- Mr. G. ...
- Mr. Amery
- Lord Milner

I have decided to send the
 text of your letter of the 19th Dec
 of the 1st of the last
 with regard to the ~~affidavits~~ ^{action}
 in referring permission to Mr. P. B. Hill
 to land in the ~~district~~ ^{district only}
 upon the fact copies of the
 affidavits ~~received~~ ^{now} by certain
 nature's hands ^{now} received
 from the ~~fact~~ ^{fact} but ~~that~~
 they are ^{of} a confidential
 nature, they cannot be

in conn

2 1/2

commercially to you.

It is possible, understood that
the inquiry in the case was made
at the instance of the Company's
Manager ^{in Europe} is believed to be
on the telephone so that you
will be enabled to be able to
obtain from him the ^{which} report you
desire.

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Ind

Downing Street,
5 February, 1920.

DRAFT.

CONFIDENTIAL.

O.A.C.

MINUTE.

Mr.

Mr.

Mr.

Mr. Grindle.

Mr. H. Lambert.

Mr. H. Bond.

Mr. G. Piller.

Mr. Amery.

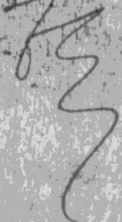
Lord Milner.

and 26/2/20

2 26/2/20

3/2/20

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Sir,

I have the honour to ack. the receipt of your Conf. despatch No. 169 of the 15th of October reporting the circs. in which Mr. R.L. Cooksley was prohibited from landing in East Africa.

2. I am advised that there is considerable doubt whether the action taken can be held to be covered by Section 5(a) of the Immigration Restriction Ordinance 1906, as the expression "or from any other trusted source" must be construed to have reference to sources of the same kind as those previously mentioned, and should accordingly be read ejusdem generis with "any Secretary of State or Colonial Minister etc. etc."

3. But, apart from the purely legal question, this method of procedure was not intended for cases which could be dealt with in the ordinary way in the Courts of the Prot., and it appears to me to be unfair to the person concerned as it affords him no opportunity of putting forward his case.

4. If the affidavits are reliable
they furnish ample ground for a prosecution
and, before considering the matter further,

I ~~will~~ request that you will inform me ^{why}
~~whether the evidence of the witnesses~~
~~was considered in a solemn and~~
~~in the ordinary way.~~
~~worthy to secure conviction~~

I have etc.,