

Enquires as to position of the Townships Ordinance, 1930.

Enquires whether reply to No.2 on 17046/31 & No.1. can now be given.

Sanction of the Townships Ordinance No. LXIII of 1930 ^{on 17046/31} has been in suspense pending a decision on 26107/31 E.A. with regard to action to be taken in respect of legislation and regulations discriminating against natives. I annex 26107/31, from which it will be observed that the matter is to be taken up s.o. with the Governors.

Accounted to
31.12.30
Came into
operation
1575731

17045/31

As Mr. Eastwood points out in his minute of 17045/31 on that paper, the relevant section in the Kenya Townships Ordinance is §.33 Sub-sections 44-49.

Sub-section 48 regarding Segregation is still a matter for decision. The Township Ordinance Rules No. 4 on 17046/31 have a bearing on this sub-section.

The Ordinance came into operation on 15th May 1931 and ? sanction need no longer be held up. (pp. to be sent to Sir G. Bottomley in August as directed on 26107/31)

A. G. Ross
21/7/33

This has waited so long that another month hardly matters
Wait till Sir C. Bottomley has discussed with Sir J. Bygon

J. J. [Signature]
22

Yes it is really quite unobjectionable in my opinion Govt. must have the power to lay down rules in the interest of black & white alike. The only thing is to see that the power is not allotted too far, and on that we must trust the local

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Handwritten 5
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17045/31

As Mr. Eastwood points out in his minute of
14.12.31. on that paper, the relevant section is the
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(A. Grossmith
21/7/33)

This has waited so long that another
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J. Austin
22

Yes: it is really quite undesirable in my opinion
Govt. must have the power to lay down rules in the interest
of black & white alike. The only thing is to see that the
power is not alienated too far, and on that we must trust the local

Sir C. Parkynson.

This is one of two bundles which have quite unnecessarily come with me for an unconscionable time. I had intended in any case to send them in the next few days but this one is relevant in connection with 45228/38 N.R. (sent on simultaneously) which has been dealt with both locally and here without any reference being made to previous papers.

The subject matters of the old papers are those of last Session, the "round-up" of racial discrimination points after the issue of the White Paper on native policy. You will see Sir R. Hamilton minuted on two points. On the second:-

As regards minor matters such as the carrying of lights at night by natives or night passes, local authorities must be largely guided by the varying circumstances of different townships. This applies generally to rules for decent conduct in townships, but it is no doubt possible that many existing rules specifically applied to natives might with advantage be made to cover all persons.

Rules forbidding a native, as such, to walk on a footpath if he is behaving properly otherwise are to my mind indefensible".

Then there is my minute of 1st July, 1933, reporting instructions from the Secretary of State, Sir P. Cunliffe-Lister, in which it was left to me to take s.o. action. I wrote to Sir R. Storrs on the question of natives in townships and particularly on the footpath question, and I think that it will be agreed that Mr. Mackenzie-Kennedy's reply and its

enclosure

*The old papers
sent to
the
1st*

*25 4 31 5
4 26 107/3*

reference to paper later

d. N. 7

attached 5 26 107

enclosure give a satisfactory explanation.

I am afraid that there is no doubt that I ought also to have written to Kenya on this point, but I suggest that the fact that the present by-laws have remained in force for several years without any protest makes it undesirable to create friction by raising the matter now.

The other point was racial segregation in townships, on which Sir R. Hamilton minuted that feelings which may be aroused by direct racial discrimination could be largely avoided by approaching the question as Tanganyika has done from the "town planning" angle, i.e. by fixing the type of building permitted in certain quarters". On that too, after my conversation with the Secretary of State, I should have written to Sir J. Byrne in Kenya at all events, and I am afraid that the certainty that the ventilation of the subject would have led to a storm of protest is not sufficient reason for not taking it up personally with the Governor. Actually it is not in East Africa essentially a matter of native discrimination and the troubles we have had in Kenya have concerned Asiatics. They have indeed only arisen in connection with the plots in Mombasa which in 1918 were leased by the Government under covenant that they should not be sub-let except on condition of European ownership and occupation. Any change of policy would not have affected our difficulties on that point, which was one of pledged faith to the

people

people who took up plots in the expectation that they would have only European neighbours.

Although I feel strongly that it is for the Governor to introduce generally an arrangement by which any European resident in a town would be exposed to the possibility of an Asiatic neighbour (however well-to-do) would seriously increase his difficulties in administering the country, I think that I should, even at this late stage, take the matter up with Sir Robert Brooke-Popham, and if you agree I would propose to do this in the course of the next few weeks.

Generally, I suggest that I should sort out the loose ends of these old papers in consultation with Mr. Boyd and Mr. Dawe.

10.3.36

WVS
Sir (Parliament agreed to B. Govt
that it is necessary, subject to
further discussion, to do the same
L. C. H. D.

28/1/36