

X 10416

KENYA

X 10416

1927

CO 533/370

1927

Solicitors practising in Kenya

Previous

See P. 10413
series 26

Subsequent

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28

#101

Rooney T. A. J. 277

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Rooney 11/12

Seal 15 DEC 1927

X 11016
27

Sir P. P. P.

19 July, 1927

Just letter from one of his constituents,
Mr. Harris complaining that Kenya imposes
a condition of six months' residence in the
Colony before permitting a Solicitor to
practice. See's opinion

In strictness

Right we have your reasons please

The "legislation" referred to seems
to be the Rules of Court passed on 11/05/27 K

W. Neil

27/7/27

A I do not know the reasons that induced the
Judges to impose this residential qualification
Satisfactory proof of good character and honesty
appears to be sufficient to enable the C.J. to
admitting a candidate to practice. Perhaps we
might ask the legal origin of the rule

(5)

27/7

Let the O.A.G. that an enquiry
has been received regarding the requirement
in para III of Rules of Court No 8 of 1926
that six months residence is necessary

before admission to practice ^{any}

ask say 5/28 ^{would} be glad to learn

the spirit and origin of the rule

adding that 5/28 is advised as at A

And inform Sir John Power that

the O.M. has been asked regarding the

rule a question, viz, in application to the

Part III of the Rules of Court No. 2 of 1926

promises further reply

Special

(d) 28/1/27

69 PS

enclosure

I asked the library to look up and see if there
 could find any precedent for a residential qualification
 and they discovered ^{that} in the case of 1911, under the
 Rules of the Straits Court Ordinance requires that
 every person applying for admission to practice shall
 have resided three months in the Colony, unless the
 Court have a good reason to dispense with such residence
 also in the case of the Straits Settlements, Section
 72(3) of the Courts Ordinance requires that an applicant
 shall reside in the ^{Colony or the} F.M.S. for six months before any
 order shall be made by the Court on his petition for
 admission. In these circumstances, I think that a
 should be ^{admitted} but otherwise? ^{known by} as
 proposed, ending ⁱⁿ the reply to Sir John
 Power to the effect that there are precedents elsewhere
 for this requirement of the residential qualification

Key a
 (The Court Rules provide for the admission to
 practice of a person who comes specially to the
 Colony to appear in a particular case, and perhaps
 the residential qualification is thought desirable
 in order to prevent barristers who are merely paying
 visits to the Colony, taking the bread out of the
 mouths of the local lawyers. In any case, the
~~rule~~ nonsense of Mr. Fairlie's letter about the
 Loan seems to destroy any sympathy one might
 otherwise have with the writer)

W. H. Allen

2/9/27

about five other countries, it is
 reasonable that here should be
 an interval for any country
 beyond (the period between the
 finishing of a lawyer's education) and
 that is not an argument for
 to omit the residential qualification

Mr. Fairlie
 Mr. Fairlie does not understand
 he could not get a place here (Malaya)
 he does not understand

W. H. Allen
 W. H. Allen
 2/9/27

2 To Power (not airt) 10 AUG 1927

3 To Gen Galt same 10 AUG 1927
OK

J. Allen

No reply to no. 3. 1 reminder of

H. W. Allen

written

14/12

at all

no. 4 & 5
15/5/28
1024 copies
15 DEC 1927 9/2

Ans'd 15/02/28

Mr. Leed 6/8/27
Mr. Allen 1/10/27

X10246/27

3

- Mr. E. F. Hilditch
- Sir G. Strachey
- Sir J. Shawcross
- Sir G. Grenville
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lovat
- Mr. Amery

3d

to Amery

Sir

DRAFT.

Kenya
No 696
6/10/27

In view etc to inform you
that an enquiry has
been received regarding
the requirements, in
paragraph III of the
Kenya Statute of 1926
Nos 8 1926 that a
period of six months
residence in ^{the Colony} ~~the country~~
must be completed before
a barrister or solicitor
may be admitted to practice
in the Courts in ^{Kenya} ~~the Colony~~
I should be glad

2/10/28

75
7

11. Seal 6/8/27
12. Allen 6/8
Private Secretary

X 10016/27 Kenya

- Mr. E. J. Harlow
- Sir C. ...
- Sir J. ...
- Sir G. ...
- Sir C. ...
- Sir S. ...
- Mr. ...
- Lord ...



27

Aug. 1927

for the Private Secretary
Sip. adms

Dear Sir John Power

DRAFT.

Mr. Durbly-Pore

Sir John Power, N.P.

devises me to inform you.

in reply to your letter
of the 15 July 1927
concerning ...

from Mr. J. W. Fairlie
that enquiry has been
made of the Acting Governor
of Kenya regarding
the Rule of Court which
has recently been issued
in that (Blany) under

Part III of
Kenya Rules of Court - No 3, 1927
- Printed &
(X. 10016/27) -
has available

which a period of six
months residence is required
before an application as
barrister or solicitor may
be admitted to practise
in the Courts. The
Acting Governor's reply
will be communicated to
you in due course.

In the meantime
I enclose ^{herewith} to
you a copy of the ~~Rules~~
Rules of Court No 3 of 1926
in respect of which
appears to ~~be~~ ^{be} the
Rule which the Bank
has in mind, is
enclosed. It is ~~found~~
or inquiry that there
are precedents in other
Colonies for this requirement
of residential qualification
before admission to practise

Yours sincerely

TELEPHONE, BIRMINGHAM 1927

RECEIVED
21 JUL 1927
COL. OFFICE

TR.

SA 2416

1
6

22, CHESHAM PLACE.

S.W. 1.

19th July 1927.

10416

Ans'd 10 AUG 1927

My dear Amery,

I enclose letter received from Mr. J. W. Fairlie, one of my constituents, and should be very glad to hear from you on the point he raises.

Yours sincerely,

The Rt. Hon.
Lt. Col. L. Amery.

I would have to find some way of giving Colony for
6 (six) months before I could start a practice at
the Bar. in other words - I must either in 6
months enforced education, which as in my case, I could
afford to do, I must keep out of the Country. Now,
it appears to me, that the legislation by the King Gov^r,
which is quite recent, was enacted for the sole
purpose of keeping Bachelors & others who could be
practise at the Bar out of the Country, for the
benefit of the men now there, who I do not know
thought about the piece of legislation. Excepting
Henry Colley, they find the Bar not impious, and I
am the only one who depend some on visiting
John the Doctor, etc. - there is no objection to
a Bachelor, provided he is a suitable immigrant,
being allowed to start immediately on his arrival,
earning his living. Why then should King Colley

Fr 10
not make a law so to practically exclude persons
who want to practise at the King Bar? I believe
they are members in their own house. Well if the
argument is going to be put forward, I object as
a matter of propriety & a law passed in England to
my loan being given to by the British Gov^r to the
Gov^r of Kenya. It seems rather an absurd proposition
for them to send the English for a loan & at the
same time was legislated to of not to include, to practically
exclude, English Bachelors by this - what amounts to -
Europeanization, I believe - for even so in good as
in England in this time. In this country I
was at a lecture at the Royal Colonial Institute
a Bachelor last August, & there it was said the
British Gov^r was considering a loan of 5 million pounds
to the King Gov^r for construction of new roads in