

1924
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KENYA

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31 JAN 24

Date

29 Jan. 1924

10. (Personal for S. G. S. for I.)

Scatch

REGULATION

INDIAN QUESTION - IMMIGRATION BILL

Mr. Calder

Letter for S. G. S. for India on

regarding proposed marriage

21

of ...

Previous Page

MINUTES

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Reported for ...

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(Letter of S. G. S. let. 23. 30 Jan)

S. G. S.

U.S. G. S. (part 7)

U.S. G. S. (part 1)

South Road

12 B. ...

Subsequent Paper

To ...

Telegram from the Secretary of State for the Colonies
to the Governor of Kenya.

Sent 1.15 p.m., 30th January, 1924.

Priority A.

30th January Secret and Personal.

Following telegram has been sent to Government of India
by Secretary of State for India embodying statement
which will probably be made by Viceroy to Legislative
Assembly 31st January. Statement is sent for your
information and must not be made public in Kenya until it
is known that it has actually been made by Viceroy.
Telegram begins:-

If the Viceroy wishes to make some reference
to the question of the control of immigration into Kenya
the following terms are suggested:-

"A Draft Ordinance, prepared by the Government
of Kenya and Uganda, was sent to the Imperial Government
and a copy was furnished to the Government of India. We
find that before our final observations were received in
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was referred back to East Africa for re-drafting and at the same time the Governor of Kenya was requested to furnish particulars of the population and distribution of persons of various races during 1925, and he was also requested to supply particulars on various points as to the way in which it was intended that effect should be given to actual administration to the proposed provisions of the Draft Ordinance.

I am informed that His Majesty's present Ministers in London will study the Governor's reply and the re-drafted Ordinance and will be guided by the further information which they receive when the new Draft Ordinance is before them.

I am assured that ample opportunity will be afforded to the Government of India for expressing its views on the new draft, and further that the Secretary of State for the Colonies will give his earnest attention to any representations that the Colonial Committee may desire to make upon the measure whether as a bill or as an enacted Ordinance." Telegram sent.

You will understand that Colonial Committee is the Indian Committee referred to in statement made in Imperial Conference 22nd October.

Thomas.

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I am informed that His Majesty's present Ministers in London will await the Governor's reply and the re-drafted Ordinance and will be guided by the further information which they receive when the new Draft Ordinance is before them.

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You will understand that Colonial Committee is the Indian Committee referred to in statement made in Imperial Conference last October.

Yours,

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was referred back to West Africa for redrafting and at the same time the Governor of Sierra was requested to furnish particulars of the immigration and naturalization of persons of various races during 1923, and he was also requested to supply particulars on various points as to the way in which it was intended that effect should be given in any case to the provisions made in the Draft Ordinance.

I am informed that His Majesty's present intention is to send the Governor's reply and the Draft Ordinance and will be guided by the further information which they receive when the new Draft Ordinance is received here.

I am assured that ample opportunity will be afforded to the Government of India for expressing its views on the new Draft, and further that the Secretary of State for the Colonies will give his exact attention to any representations that the Colonial Committee may decide to make upon the measure whether as a Bill or as an enacted Ordinance." Telegram ends.

You will understand that Colonial Committee is the Indian Committee referred to in statement made in Imperial Conference 31st October.

Thomas.

Secretary of State.

Sir William Duke, the Permanent Under Secretary of State at the India Office, came over to see me this morning to tell me that Sir Sydney Olivier was anxious to have a talk with you next Monday morning about the Indian question in Kenya with particular reference to the Immigration Bill whereby the control of over Immigration into Kenya is to be strengthened. As you know, the new Immigration Bill is intended to give effect to that part of the decisions contained in the White Paper (issued by the late Government in July last) which deals with the question of immigration (pages 17 and 18). I understand from Sir William Duke that the Viceroy has to make some reference to the new Immigration Bill in a public speech on the 11th of this month, and that the new Secretary of State for India wishes to bring the question before the Cabinet next Monday afternoon in order that the Viceroy may have immediate instructions as to what he can say about the Bill which (as you know) has aroused intense feeling in India.

The present position is that the Draft Bill submitted by the Governor of Kenya (after consultation with the Governor of Uganda) has been sent back to the Governor by your predecessor for revision. But there are so many complicating factors in this Kenya controversy that you will wish to have a preliminary discussion with Sir Herbert Read, Mr. Bottomley and myself early Monday morning before you have your talk with the new Secretary of State for India.

If you have not already done so I suggest that it would be an advantage to you to read through the White Paper, of which I attach a copy. You should also read the agreed statement made by the late Prime Minister at the Imperial Conference which you will find on pages 133 and 134 in the Summary of the Proceedings of the Conference, which I also attach.

26.1.24

INDIA OFFICE, S.W.1.
29th January 1924.

My Dear Thomas

With reference to the Kenya business, I should be very glad if you would consent to our putting into the telegram of which you handed me a draft, a little more to soothe the susceptibilities of our Indians, who are extremely excited about this business. I should like to put in after the word "measure" the words "was not regarded as satisfactory and" etc. I should also like to add at the end the following words, "and that provided that the Government of India's Colonial Committee can be re-constituted at a sufficiently early date; their observations on the draft will be welcomed." As you no doubt know, we have advocated some independent enquiry being made by some

enclosed
to be done

the Right Hon. J.H. Thomas, MP.

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some impartial authority, such as Sir Frederic Lugard, into the extent of the necessity for further control over immigration in the economic interests of Kenya. Speaking with a good deal of personal experience of the contacts between Indians and Africans, and having heard the views of all sides last summer upon this subject, I must tell you that my impression is that the danger to the economic interests of Africans from the immigration of Indians is small, unobscure and is really only strongly publicised because of the political apprehensions of the white settlers. Indian immigrants had settled in the British West Indies never did any economic injury, and certainly did a great deal of economic good, to the negro and creole populations, and so far from the Governments of such communities predominantly of African population in the West Indies being afraid of Indian immigration on behalf

behalf of their people. The Government of India is now being persuaded by the Government of British Guiana to allow a limited immigration scheme to be organised from India to Guyana. Prima facie, then, with experience of these contacts, ~~therefore~~ ^{therefore} have always rather held a brief for Africans as distinct from Indians. I am very suspicious of the soundness of the foundations of this scare about the economic danger to the interests of the Africans, and personally, I should very much like to see the situation reviewed by some independent authority. If without solid foundation, in order to reassure your white settlers, the position is at all likely to be strained against Indian immigration, as the character of the draft ordinance sent home seems to render conceivable, you are only going to exacerbate Imperial trouble in the future. I have not myself seen the reasoned case accepted by the

Colonial

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Colonial Office as a basis for the judgment that Indian immigration must be restricted in defence of the native. If this has been drawn up in any suitable form, I should be very much obliged if you could let me see it. .

Yours sincerely

Edney Oliver

I will miss you up this evening on the chance of being able to see you, if you get any news to send ^{the exhibition} ~~to~~ I suggest to you don't, I need not trouble you further at present.

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INDIA OFFICE,
Whitehall, S.W.1.

29th January 1924.

My dear Thomas,

Many thanks for your reply of this date on the subject of my proposed message to the Viceroy on the Kenya Immigration Bill. We have accepted your suggestion for the latter part of the message, and I enclose a copy of the full telegram as we are sending it.

Yours sincerely
E. J. Thomas

The Right Hon. J.H. Thomas, M.P.

If the Viceroy wishes to make some reference to the question of the control of immigration in Kenya the following terms are suggested:-

A Draft Ordinance, prepared by the Governments of Kenya and Uganda, was sent to the Imperial Government and a copy was furnished to the Government of India. We find that before our final observations were received in London the result of examination of the Draft Ordinance by the late Secretary of State for the Colonies was that the measure was not regarded as satisfactory, and was referred back to East Africa for re-drafting and at the same time the Governor of Kenya was requested to furnish particulars of the immigration and emigration of persons of various races during 1923, and he was also requested to supply particulars on various points as to the way in which it was intended that effect should be given in actual administration

administration to the proposals made in the Draft Ordinance.

I am informed that His Majesty's present Ministers in London will await the Governor's reply and the re-drafted Ordinance and will be guided by the further information which they receive when the new Draft Ordinance is before them.

I am assured that ample opportunity will be afforded to the Government of India for expressing its views on the new Draft, and further that the Secretary of State for the Colonies will give his earnest attention to any representations that the Colonial Committee may desire to make upon the measure whether as a Bill or as an enacted Ordinance. *Ind of cancelled copies*

Downing Street,

29th January, 1924.

My dear Olivier,

I have given my immediate attention to your letter of today about the message to the Viceroy upon the Kenya Irrigation Bill. There is no difficulty about the first amendment that you wish me to accept in the Draft, namely, the insertion of the words "was not regarded as satisfactory and" after the word "measure", but I must say quite frankly that the second amendment proposed by you has caused me considerable embarrassment. There has been trouble enough already over the status of the contemplated Colonial Committee in relation to Kenya, and I am particularly anxious not to add to the misunderstandings that already exist. At the same time I appreciate to the full your difficulties and those of the Government of India at the present time, and in order to help you I am prepared to agree

agree to the substitution of the following for the last paragraph of the statement:-

"I am assured that ample opportunity will be afforded to the Government of India for expressing its views on the new Draft, and further that the Secretary of State for the Colonies will give his earnest attention to any representations that the Colonial Committee may desire to make upon the measure whether as a Bill or as an enacted Ordinance".

I trust that the additional words (underlined) will give you what you want.

As it is important to me to be able to inform the Governor of Kenya as soon as possible of the exact text of the statement which the Viceroy is authorized to make, I shall be obliged if you will let me have a message by tomorrow mid-day telling me whether you agree to the revised formula. I shall of course secure that there is no publication in Kenya until the Viceroy's statement has been made in India.

John G. Jones
(2) J. G. Jones

Downing Street,

29th January, 1924.

My dear Olivier,

I have given my immediate attention to your letter of today about the proposals of the Viceroy upon the Kenya Indemnity Bill. There is no difficulty about the first clause if you wish me to accept in the Bill, the insertion of the words "and as satisfactory" after the word "and", but I must say frankly that the amendment proposed by you has caused me considerable embarrassment. There has been trouble enough already over the status of the contemplated Colonial Committee in relation to Kenya, and I am particularly anxious not to add to the misunderstandings that already exist. At the same time I appreciate to the full your difficulties and those of the Government of India at the present time, and in order to help you I am prepared to

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Downing Street,

29th January, 1924.

My dear Olivier,

I have given my immediate attention to your letter of today about the pressure put upon the Viceroy upon the Kenya Indemnity Bill. There is no difficulty about the first amendment that you wish me to accept in the Bill. As regards the insertion of the words "and the Government is satisfied with the result," I must say frankly that the Government proposed by you has caused me considerable embarrassment. There has been trouble enough already over the status of the contemplated Colonial Committee in relation to Kenya, and I am particularly anxious not to add to the misunderstandings that already exist. At the same time I appreciate to the full your difficulties and those of the Government of India at the present time, and in order to help you I am prepared to

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John Sedgwick
(Sd) J. H. Thomas

No return to be made for registration

[Handwritten initials]

Priority A.

Codes sent 1.15 pm 30th Jan. '24
[Handwritten initials]

Confidential Code

DRAFT.

30th January

Secret and Personal

Nairobi

Following telegram has

MINUTE:

been sent to Government

Mr. Woodhouse

of India by S. P. S. for

30/1/24

attn

India Embassy statement

Mr C. Davis.

which will probably be

Mr G. Grindle.

made by Vicroy to

Mr H. Read.

Legislative Assembly

Mr J. Masterton Smith.

31 January

Statement to

Mr Ormeby-Gore.

sent for your information

Duke of Devonshire.

and may not be used

public in Kenya until it
is known that ~~it has~~
it
has actually been made by
Viceroys. Telegram begins

Of the Viceroys

(Taken
from X)

. . . suggested & invited

Comms. A draft Ordinance

. . . . or as an amended

Ordinance end of inverted

Comms. Telegram begins

You will understand that

Colonial Committee is the
Committee referred to in statement
made in Imperial Conference
31 October

public notice until it
is known that ~~it has~~
it
has actually been made by
Viceroy's Telegram begins

Of the Viceroy

(Taken
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courses, Telegram ~~is~~

You will understand that

Colonial Council is the ~~higher~~

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31st October

See