

1924

KENYA

C.O.
1175
8 JAN 25

RECEIVED
OVERAGE COPYLON TEL

DATE
7th January 1925.

CIRCULATION :—
Mr.
Mr.
Mr.
Asst. U.S. of S.
Mr. [Signature]
Perf. U.S. of S.
Part U.S. of S.
Secretary of State.

NAIROBI RATING ORDINANCE.

In sending further explanation of reasons for Ordinance. Relates events which have led to present position and trusts non-disallowance may be retified by cable.

Previous Paper

Y 332

MINUTES

1. As regards ratifying non-disclosure the Ordinance is in force, and although I expect that the further reports will justify its enactment I think that it is reasonable that the S. of S. should wait for them before definitely endorsing the provisions of the measure. The delay has not affected the ratification of the Ordinance under the 1922 Act.

Jan 16 1925

Subsequent Paper

Jan 23/25

the alleged effect of § 14 of the new Ordinance in bearing from appearance at the proceedings of the persons most vitally interested, we are no further advanced, and there is no indication that the Kalyanji telegram, which we referred to in our letter of 6/9/24, has been looked up. We will still

write definitely to Mr. R. Hamilton re the J. C. A. and the

same point, and to the Governor, I believe that the J. C. A. should be asked to wait for the reports by which before long we may advise the H. M. that the

operation of the Ordinance, which is in force. Point out that the Indian Relief Association of 30 Dec. adopted certain defects and anomalies in the Ordinance revealed in its actual operation, particularly in relation to section 14, and say that the J. C. A. is unable to deal with their representations and the letters in support of same which have been received from persons here until he has received the Govt. report on their representations and will be ready to deal with them.

(L.S. 9.1.15)

Japan.

(I have been told by the large number of requests for documents by the J. C. A. that cannot possibly be answered by the J. C. A.)

In Japan that in the Ordinance in force in that country the Indian case appears to be as far as I can understand it like a mercantile case (as mentioned in Mr. R. Hamilton's letter) it is only

1) Jm. that we asked the Govt for a report
and as that it will be secret I think to say
when my report is up.

(60924)

N.B. that part of the trouble is due to the
detestable habit of the Indians in ^{communication} ~~the~~
direct instead of through the Govt. - this
they always will do & it always creates
delay. I think that when we do up
we should tell them that they must
address the Govt. this the Govt. & point out
that as we always refer to the Govt. nothing
but delay results from direct communication.

H2 10/1/25
I agree. Draft for cause at once
WOG 13-1-25

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

63

(Dated 7th January, 1925.)

(Received Colonial Office 8.25 p.m. 7th January, 1925.)

C.O.
1175

No. 8 7th January.

Your telegram of 1st January Nairobi Rating
Ordinances I am sending you further detailed reports
explaining legal position and reasons and object of pro-
posed ordinance. 1921 ordinance was found quite
unworkable owing to difficulty consequent on requirements
that procedure prescribed by clause 29 could only be
resorted to provided that action had been previously taken
under clause 28. Objections were raised to absence of
definition of "registered owners" clause 2 and liability
being undefined in clause 16 further difficulty owing to
Indians frequently changing names of places of business
and properties. Indians took advantage of these diffi-
culties to evade payment vide enclosure No. 1 to memoran-
dum by Town Clerk forwarded in my despatch No. 182 of 23rd
July. Council lost case on old ordinance and was
advised that further prosecution likely to be ^{vain} ~~in~~ vain
and certain to fail consequently essential to provide
for alternative measures of recovery by new ordinance.
Agree (to) last sentence paragraph 5 your despatch of
20 November but would point out that new ordinance pro-
vides for alternative action and it will be open to
municipality to pursue the course which is likely to
lead most effectively to recovery of debts. Debts by
Indians to municipality now amount to over £14000. Their
objection to pay really political now removed by their
agreement

M.S. 60914

Spn. 4278

Spn. 4278

agreement to the proposal for municipal representation
my telegram 338 of 26th November last.

Warmly trust that you will recommend none
disallowance of ordinance and inform me by cable. Assure
you that steps will be taken only to secure recovery
by most reasonable means. Essential that these taxes
be collected or other communities will also evade
liabilities. In any case the question of incidence
of taxes separate matter for enquiry by municipal com-
mission not affecting liability of Indians for arrears of
taxes paid by all other communities.

1175/25

Kenya

Booted & sent
4.55 p.m. 16.11.25
S.V.W.

Apr

~~C.O.D. Coding Section~~

DRAFT. code 14/25

16 January

transal

Nairobi

Ans-5799

Your tel 7th January No 8

MINUTE.

- Mr. Brett Jan 14
- Mr. Bottomley H. 1
- Mr. Strachey H.
- Mr. J. Shackleton
- Mr. G. ...
- Mr. G. ...
- Mr. H. Lambert 15
- Mr. J. ...
- Mr. ... at ... 16.1.25
- Mr. ...

I should prefer to wait for the reports by mail before tendering any advice to I.M. but this does not affect the operation of the Ordinance which is in force @ Indian

amson

Ratepayers Associations

teleham of 30th December

alleged certain defects and

anomalies in the Ordinance

as revealed in its actual

operation particularly in regard

to Section 14. I am unable to

deal with their representations and

the letters in support of them which

have been received from persons

here until I have received your

report on those representations when

you can best reply on these points

Yours