

1921

KENYA

C.O.
59593

DATE

REF
REC 1 1/2

GOVERNOR
MORTHEBY
CIPHER
TEL.
Recd 2.5.a.m.30/11/21.

29TH NOVEMBER 1921

183

CIRCULATION:-

SUBJECT

POSITION OF INDIANS

Reports agreement by compromise has proved impossible. States demands of both sides. Recommends final decision be postponed until European deputation has been heard but if must be decided now submits suggestions. Recommends publication of proposals and emphasises serious position.

Kindle
Lambert
Brid 11/21/21
Sir J. Masterton Smith
P. H. Mitchell
S.A.

MINUTES

Sir H. Wood,

I attach a minute by Mr. Freeston on this and 59594.

(1) On the question of the reply to the European application for a Delegation to be received before a decision is taken, I have no comments except that of course we must expect that the Indians will send a similar application.

There is I think no need to limit the proposed Delegation to the suggestions for a settlement which have been the subject of local discussion. If any other settlement is possible, it should not be excluded from consideration.

(2) As to publication. We have nothing to show what has been published in India. The Rhodesia papers annexed show:-

Issue of October 14th. Nairobi telegram of October 14th

The Governor of Kenya had given the leading
Indians

Previous Paper
59594
Further this (copy) 13 Nov 1921
Copy to J.O. 19 Dec 1921
to J.O. and Quarterly 19 Dec 21
J.O. to J.O. 4 Jan 22 1922
Miss

Subsequent Paper

J.O.
59796

Indians details of the proposals, which the Indians promised to keep secret, but found unacceptable.

of October 28th. Outline of proposed terms of settlement reported from Nairobi on October 16th, but attributed to current rumour there. The terms are necessarily compressed, but generally accurate.

It was essential that the Governor should take the leaders of both sides pretty fully into confidence and as they had to consult those whom they represented, it is not surprising that rumour has represented very accurately the actual proposals.

On the question of full publication, it seems to me to be essential, and my only hesitation is as to the form of publication. The criticisms of the Government of India on the terms have been received to-day in the paper *South Africa* which is still unminuted below. The outline if published, should therefore be represented to be exactly what it was, that is to say, the basis for local examination suggested by the Secretary of State as a preliminary to consulting his colleagues in the Cabinet. That should protect us from any complaint either from the

India

See letter to Sir E. Northey
of 26 Aug - 41679

Draft for reply by the S.S.S.
- a draft instruction

Ev
59593/24 *King*

S. 18
Address
22 6 11

Downing Street,
7 December, 1921.

183

My dear Sir,

I enclose copies of two telegrams which have come from Northey on the Indian question, with drafts of the replies which I propose to send and of a letter to the India Office on the question of publication. I want you to see these drafts before they go off.

I feel satisfied that I must see the European deputation, which will probably start in a few days. The delay of six weeks or so is negligible.

On the question of publication, the summaries which have been published in Rhodesia and, apparently, also in India, make further secrecy out of the question, but you will of course wish it to be made clear that you have not accepted the outlines of settlement which I proposed. The draft official letter covers this point.

Yours sincerely

S. S. S.

RIGHT HONOURABLE
S. MONTAGU M.P.

S. J. ...
...
INDIA OFFICE,

WHITEHALL, S.W.1

9th December, 1921.

10th

190

My dear Winston,

Thank you for sending me the two telegrams from Northey. I cannot raise any objection to your proposal to delay a decision until you can meet the European delegation at the end of January and hear what they may have to say, because I appreciate that it is essential that both sides should have the fullest opportunity of stating their case before a far-reaching decision is taken and that from this point of view a further delay of six weeks is not important. From another point of view, however, it appears to me that there may be considerable inconvenience in this further delay because of the tendency of these successive postponements to exhaust the patience of the Indian community.

This Indian question, or rather the present aspect of it, has been under discussion since the middle of 1919. The case on both sides was stated last

Rt. Hon. Winston S. Churchill,
M.P.

last summer by an Indian deputation and by representatives of the Europeans, and as a result of personal consultation with the Governor he was instructed to explore the possibility of an agreed settlement on the basis of certain proposals and to forward his final recommendations by despatch to reach the Colonial Office early in December. We pointed out at the time that the delay until December appeared more than sufficient.

I have done, and am doing, all that I can to restrain Indian impatience and avoid recourse to aggressive tactics on their part. Hitherto these efforts have been successful, and it appears that the Indian attitude is more patient and forbearing than that of the Europeans. I see, for example, that Northey himself admits that the Europeans already have an organisation complete for resistance as a last resource, and I should have thought he might have warned them that the Government will not be influenced by threats of forcible or unconstitutional action.

The Indians on the other hand have hitherto exercised great self-restraint but we cannot rely on their maintaining this attitude indefinitely when they know that the Europeans are seeking to insure themselves against a failure in argument by making open preparations for an appeal to force; the further delay will perhaps be attributed to the threat implied by these preparations, and the Indians may conclude that there is nothing to be lost by following the European example. I am informed that the more advanced section will endeavour to persuade the meeting of the Eastern African Indian National Congress, which is to be held this month, to pass a Resolution in favour of non-payment of taxes, and that the danger of this being carried will be all the greater if by the time the Congress meets there is not evidence of the question of Indian policy being any nearer a decision. Such action, though far less drastic than what is already threatened by the Europeans, would of course be lamentable, but would not be altogether surprising unless we can enable the moderates to avoid exasperation at the further delay and persuade the Congress to acquiesce

acquiesce in it.

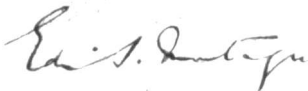
If, therefore, you feel that you must see the European delegation, I would suggest that the Indian community should simultaneously be invited to send a further deputation to take part in the discussions here at the end of January with a view to a final decision being reached by His Majesty's Government. It is true that they had a deputation in this country last summer, but the European point of view was heard at the same time and full account was taken of it; moreover matters have considerably advanced since then, and if the venue of the discussions is to be transferred again to this country it seems only reasonable that the Indians should have the same opportunity as the Europeans of putting their own case. They will certainly wish to be heard, and it might smooth matters over and allay their impatience at the further delay which will be involved if they were spontaneously invited to send a deputation at the same time as the Europeans.

There is one other point which appears to me of some importance. The Europeans in the very

message in which they ask you to receive their delegation state that even the basis of your proposed policy and the most important case of its application (namely the grant of a common electoral roll) are unacceptable to them. If this is so, it is difficult to see on what lines any discussion with them can proceed; the formula which you propose as a basis of policy, or some similar formula, and the grant of electoral rights to Indians, appear to be the only basis of policy consistent with the resolution of the Imperial Conference. I take it that there can be no prospect of the foundations of Indian policy being changed in the manner which the Europeans desire, so that (unless they can be convinced by argument) there will be little to discuss. I would suggest that in any case, with a view to avoiding disappointment, they should be informed that your readiness to receive their delegation must not be regarded as an admission that the general basis of the policy propounded by the Governor is subject to alteration, and that it is only on some such

such basis that there is room for any discussion of its detailed application.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "E. S. Dantigny". The signature is written in dark ink and is positioned below the typed text "Yours sincerely,".

Mr. Board

Col. Bedford called today
about Indians in Kenya - the
Eastern department & publication of
the S. H.'s secret instructions.

Told him that as I was waiting
for instructions on these points
as a result of communication between
Mr. Chandler & Mr. Heritage. I followed
up on a very confidential matter that the
secret instructions given to the Eastern
Department by S. H. in the
of [unclear] - with a view of agreement
and [unclear] [unclear] about
[unclear] on [unclear].

He suggested that the matter might
be ripe for a question next week. I
suggested to combine interviewing an
Official with asking questions in the House
was not even far from the [unclear].

The ^{position} [unclear] will no doubt be
reported before next week if action
is [unclear] is then in the line
suggested by the Department.

Col. Bedford 12.12.21

L. J. MacIntosh

You had all this in connection with
the [unclear] letter she sent off today
Sund 12/12

India Office or the Government of India. The question is for consideration whether it should not also be stated that the Governor has not been able to secure agreement between the European and Indian communities on the lines indicated, and that criticisms of the proposals have been received from the Government of India, in whose view the terms, while marking a considerable advance in the direction of the policy which they have advocated, do not go far enough in that direction.

It should also be stated that a Delegation representing the views of the European settlers will arrive in England in January next, and that no decision will be taken before then.

It will be necessary to send to the India Office a copy of the Governor's two telegrams confidentially, and it might be as well to make sure that they have no objection to the proposed publication.

?Reply to the Governor's code telegram 59584 as in Mr. Freeston's minute, and acknowledge by cypher telegram the receipt of the long message referring to our

code telegram and promising
further telegram as to publication
at an early date.

And consult the India Office
as proposed above.

W.C.F.
1.12.21.

I agree.

H.J.R.
1.12.21.

The Secretary of State will
wish to see the telegram to Sir
W. Northey, in draft (and typed)

Please draft for reason.

at once

Secretary of State

India Office in Kenya

I have already seen
General Northey's telegram of the
29th of November stating that
agreement by compromise between
Europeans and Indians in Kenya
has proved impossible; and
informing you that a Deputation
of the Europeans, headed by Lord
Delamere, is due to arrive in
England early next month, and asks
to be allowed to have an interview
with you before any further
decision is given.

General Northey recommends
that you should postpone a de-
cision until you have received the
Deputation; and also advises that

code telegram and promising

further telegram as to publication at an early date.

And consult the India Office as proposed above.

W.C.E.
1.12.21.

I agree.

H.J.R.
1.12.21.

The Secretary of State will wish to see the telegram to Sir W. Northey in draft (and typed).

Please draft for me.

At once.

J.V.S.
1.12.21.

Secretary of State.

Indian policy in Kenya

I have already seen

General Northey's telegram of the 29th of November stating that agreement by compromise between Europeans and Indians in Kenya has proved impossible; and informing you that a Deputation of the Europeans, headed by Lord Delamere, is due to arrive in England early next month, and asks to be allowed to have an interview with you before any further decision is given.

General Northey recommends that you should postpone a decision until you have received the Deputation; and also advises that

the

the "secret" proposals which you handed to him before he left England should no longer be kept secret as they have already been published in Rhodesian and Indian newspapers.

1. As to receiving the Delegation. You have already instructed me verbally that it is your intention to promise to receive Lord Delamere and his colleagues towards the end of January, and to give an undertaking that no decision shall be reached until the Deputation has been heard. A draft telegram so informing General Northey is attached for your consideration.

I am quite clear that you should receive the Deputation and that no decision should be taken until you have seen them but I am inclined to think that it would be as well if you were to inform Mr. Montagu semi-officially that you propose to do so instead of merely sending him a copy of your reply after it has been sent. You will recall that it was left between Mr. Montagu and yourself that an endeavour should be made to obtain a local settlement of this question before the question of a Royal Commission (which is favoured by the Indian Government and by the India Office) was considered. Mr. Montagu cannot make any serious point of the delay involved in

waiting to receive the Deputation because obviously the alternative of a Royal Commission puts off a decision for many months, but if your undertaking to receive the Deputation is given without prior consultation with the India Office, a point of procedure can be made against us without any clear advantage.

2. Publication. I agree with General Northey that the summaries of the "secret" proposals that have already appeared in Rhodesian and Indian newspapers make it desirable to publish the proposals officially and in extenso. So many parties have had to be consulted by General Northey in his endeavour to obtain a settlement that there is no object in attempting to maintain secrecy any longer. Clearly we must consult the Indian Office upon the question of publication, and a draft letter is attached for your consideration. In addition to authorising General Northey to publish the proposals in full, it is suggested in paragraph 5 of the draft letter that he should be authorised to state officially at the same time that he has been unable to secure agreement on the lines of these proposals and further that the proposals them-

themselves have been criticised by the Government of India as not going far enough. This latter point is included in the draft letter in order to anticipate a suggestion that the India Office will certainly make.

Wm PA

As
S.N.W.

1
HM
6

Mr. Bottomley

200

Sir J. Mackintosh Smith has asked me to let you know that the S.O.F.S. spoke to him last night about the attached ltr. from Genl. Northey.

1.) Subject to the advice of the Dept. the S.O.F.S. propose to reply that Genl. Northey may inform the leaders of the proposed delegation that no decision shall be taken upon the question of Indian policy in Kenya till he has heard personally the views of the delegation, whom he will be able to see at the end of Jan. '22.

2.) The S.O.F.S. wishes to know what the Dept. has to say upon the point of publication raised in the penultimate para. of Genl. Northey's ltr. of 29/11/21.

Robt.

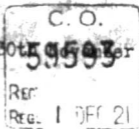
21/12/21

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

Dated 29th November

201

(Received Colonial Office 2.5 a.m. 30th November 1921)



November 29th.

Indian Policy. I regret delay in reporting which is entirely due to length of time which Europeans and Indians have taken to consult their constituents. Agreement by compromise has proved impossible. Indian demands are as follows:- A common electoral roll with a £500 qualification or an annual income of £100 reasonable knowledge of reading and writing English: constituencies to be twelve half of which Indians. Interim representation to be one executive councillor and five legislative. Immigration laws to remain as they are. No segregation of any sort. Highlands in the first instance to be sold entirely Europeans to respect pledge, lowlands entirely to Indians; after which no restriction of transfer.

On the other hand Europeans entirely object to common franchise considering that it is not safe to give even communal franchise to Indians. They urge permanent and exclusive reservation of Highlands for Europeans by statute or ordinance. They hold out for the entire principle of segregation of races and the restriction of immigration for Europeans and Indians equally. They have put forward long memorandum which I (am) forwarding by mail putting forward their contentions and they urgently request that deputation arriving in England about January 6 headed by Lord Delamere be allowed to see you before any further decision is given. Deputation represents very deep feelings of practically the whole European community.

They

They wish to represent their case to you after the most careful consideration.

I recommend that you postpone decision until ²⁰² you have seen the deputation but if the final (?decision) must be made and announced immediately I advise that Indians are given one nominated seat Executive Council and five elected members on legislative council on communal basis with £500 property qualification or an income of £100 reasonable English speaking and writing test. Europeans to give up coast seat retaining ^{low} then. That Highlands should remain European. That segregation be maintained in residential areas of townships but not in commercial areas and that immigration laws remain as they are.

Your proposals have been published in Rhodesian and Indian papers and I advise that they be no longer kept secret. Please telegraph immediately instructions on this. Despatch follows by next mail.

I communicated (?) August 12th separate telegram from Europeans. Finally I would impress on you once again the very serious position which I am satisfied will occur if the demands of Indians are acceded to in toto.

^{Europeans}
~~Indians~~ have organisation complete for resistance as last resource.

NORTHEY

*Have done
(see red copy)*

*Sent 11:50 am
13/12/21
awfB
Dayshine*

43

DRAFT, TELEGRAM (Code)

OR

NAIROBI. (59584/21)

13 December

unwanted

Your telegram of 29th
Whim Tactlet *ineptitude*

November No. 506 you may inform

MINUTE.

Parkinson 2.12.21.
Ratcliffe 2/12/21

leaders of proposed delegation that
deaf address *spycraft* *annulating*
no decision will be taken as to

Indian policy in Kenya *until I have*

heraldic heard personally their views. *silver*

sanctimonious *abominable*
I shall be able to see delegation

absent
end of January.

Roughlier.

after

Paraphrase telegram from the Secretary of State for
the Colonies to the Governor of Kenya.

(Sent 11.30 a.m 13th December, 1921)

With reference to your cipher telegram of 29th
November Indian policy. Invite reference to my
telegram of 13th December as to postponement decision
pending hearing of delegation. Will reply at early
date as to publication of proposals for settlement.

inson 2.12.21

omley 2.12.21

ead 2.12.21

Masterton-

J.M.S.2.12

Sutherland

urchill.

Goy/59593 Kenya.

Secret and Pressing.

Downing Street,
13th December, 1921.

Sir,

I am directed by Mr. Secretary Churchill to acknowledge the receipt of your secret letter No. I & O, 2209 of the 30th of November transmitting a paraphrase of a telegram from the Viceroy of India on the subject of Indian policy in Kenya.

(2) In this connection I am to enclose, for the information of Mr. Secretary Montagu, copies of two telegrams received from the Governor of Kenya. In reply to the code telegram No. 506 of the 29th of November, Mr. Churchill has requested the Governor to inform the leaders of the proposed delegation that no decision will be taken as to Indian policy in Kenya until he has heard personally the views of the delegation, which he will be able to see at the end of January.

3. In reply to the cipher telegram of the 29th of November, of which a paraphrase is enclosed, Mr. Churchill

has

Ans 6362

DRAFT.

Secretary of State
for India
Industries Department,
India Office.

MINUTE.

- Mr. Parkings. 2.12.21.
- Mr. Bottomley. 2.12.21
- Mr.
- Mr. Girdle.
- Mr. H. Road.
- Mr. J. Masterton Smith. 5.12.
- Mr. Churchill.

Tel. (Paraphrase) 29th Nov.
59593/21.
Tel. 29th November.
59594/21.

drafts.

has for the present merely informed the Governor that he will notify him of his decision as to the publication of the proposals for a settlement of the Indian question at an early date.

4. Before taking a decision on the question of publication, Mr. Churchill wishes to ascertain the views of the Secretary of State for India. If it is the fact that an outline of the proposals has already been published in Rhodesian and Indian papers, it seems desirable that the proposals should be published officially. Mr. Churchill has no information as to publication in Indian papers, but he finds that in a paper dated the 28th of October (The Kenya Herald) there is an outline of the proposed terms of settlement reported for Nairobi on the 16th of October, attributed to "current rumour". The terms are necessarily compressed, but are generally accurate. If Mr. Montagu sees no objection, he proposes now to authorize the Governor to publish the proposals in full, making it clear that they are a basis for the further examination of the problem by the Governor in Kenya which Mr. Churchill suggested as a preliminary to consultation with his colleagues in the Cabinet.

5. It is also for consideration whether at the same time the Governor should be authorised to state officially that he has been unable to secure agreement between the European and Indian Communities on the lines of these proposals, and that criticisms of them have been received from the Government of India, in whose view the proposals, while marking a considerable advance in the direction of the policy which they have advocated, do not go far enough in that direction.

6. Further, the Governor might announce at the same time that Mr. Churchill will hear personally the views of the proposed delegation at the end of January before any decision is taken on this question, although no doubt this will already be generally known in Kenya when the Governor conveys to the leaders of the delegation the message referred to in paragraph 2 of this letter.

7. I am to request that an early reply may be sent to this letter stating whether Mr. Montagu concurs in the action proposed in paragraph 3 and whether he is of opinion that the Governor should

Handwritten notes:
 ... the ...
 ...
 ...
 ...
 ...

be authorised at the same time to make the further announcements indicated in paragraphs 4 and 5.

8. If the proposals are now to be published officially, the memorandum forwarded under cover of Colonial Office letter No. 41679/21 of the 26th of August (Secret) (41679/21.) would be amended by the deletion of the last four lines of the paragraph headed "Qualifications", for which would be substituted the words "approximately 10 per cent of the present Indian population."

(44436/21)

(20) H. J. [unclear]

201/34500/2, R

18th December,

My dear Edwin

Many thanks for your letter of the 10th about Kenya position. The two telegrams have been sent to M and the letter to the India Office about publication has also been sent. I hope you will have the reply by

I will of course see an Indian deputation and Indian community (like the European community) will be so, but I am hardly prepared to invite them to send a deputation again. They sent one last year and the Europeans did not, although they arranged for some of East Africans who were here to see me.

I am afraid that I cannot adopt your suggestion that the scope of the discussion with the Europeans be restricted. If they are to be heard at all, they have a right to state their case generally: the local side of my proposals has broken down and if I am not more successful than Northey in bringing them to agree to proposals

proposals I must reconsider the position and, for that purpose, listen to what they have to say.

Further, I want to hear their case, and I should very much like you to hear it too. If we see them together, as I hope you will agree to do, they will be satisfied that they have had every opportunity of putting their points to the Government and you will be able to impress them with the wider aspects of the question.

(SD)W. S. C.

The Rt. Hon. E. S. Montagu, M. P.

201/54593/11

In SAC's signature

Downing Street,
19th December, 1921.

DRAFT.

Right Honourable
E.S. Montagu, M.P.

MINUTE

Wednesday 14.12.21

- Mr.
- Mr.
- Mr. Grindley
- Mr. H. Lambert
- Mr. H. Road: 14/11
- Mr. J. Masterion Smith
- Mr. J. Sutherland
- Mr. Churchill
- Mr. S. J.
- Mr. Smith's minute of
- Mr. S. J.

h. v. h. arch

Many thanks for your letter of the 10th about the Kenya position. The two telegrams have been sent to Northey, and the letter to the India Office about publication has also been sent. I hope you will have the reply expedited.

I will of course see an Indian deputation if the Indian community (like the European community) ask me to do so, but I am hardly prepared to invite them to send a deputation again. They sent one last summer and the Europeans did not, although they arranged for some of the East Africans who were here to see me.

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should very much like you to hear it too. If we see
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be satisfied that they have had every opportunity
of putting their points to the Government and you
will be able to impress them with the wider
aspects of the question.

(Squ) W.S.C.