

38013

1913
NOV 09

Governor. No.

Board 594

1909

4 Oct

Last Previous Paper.

2957

2957

~~Mr. Bunker~~
Mr. Bunker Read

I have attached (1) a copy of the Native Patent & Labour Regulations No. 3 of 1909 which is repealed by this ordinance.

(2) a copy of the Masters & Servants Ord. No. 8 of 1906.

For the purpose of easier reference, I have underlined in red all differences in the two Ordinances (1906 and 1909).

It will be seen that the differences may be divided into -

(A) Detail where the 1909 Ord. follows 1906 Ord.

(B) large additions - i.e. §§ 16-22 Apprenticeship contracts; §§ 24-22 Care of Servants; §§ 33-39 Labour Agents.

(A)

Handwritten notes in left margin: "Under Order 5 and 11 20.10.1909"

Text at bottom left: "A & E W. 1909-11-09 Next subsequent Paper"

Handwritten notes at bottom left: "7666/10"

certain points may perhaps be noticed:

§2. The ordinance is confined to servants who are Arabs or natives of Africa (not of European or Asiatic origin). This seems to be justified in the vic. explained in CA's memo: para 2. - ~~increasing number of the important question of imported laborers from the East Indies (see also the memo referred to).~~

§6(d). A stipulation is now made for contracts to state that employer will pay wages at monthly or smaller intervals unless otherwise expressly desired by the employee.

This meets Mr. Holt's views (see his memo: in 13729 p. 5 top and p. 2 bottom).

§11. Contracts - other than those of apprenticeship - are not valid for more than two years. The 1906 Ord. had three years. Para. 3 p. 2 of M.O.

Holt's memo: raises query: as to the three year period, but in view of the sections 16-23 apprenticeship contracts, it is clearly desirable to cut down the period of validity (cf. para 7 of his) Baynes Sadler's desq. in 13729).

in addition to contracts - 2
with 24 12 (a) (i)
extended to other
kind contracts (for
months of hours - see
the 2 (17) 2 SR.

"wages at any period or at any rate - other than monthly, - contract - shall be determinable by the contract" - shall be determinable by the contract at the close of any day "without notice."

I think this needs consideration. (a) No contract is to be attested, acc. to § 6 (e) unless it sets as accurately as may be the remuneration to be paid.

(b) Determinability without notice at the close of any day is also in the 1906 Ord. It does not seem very satisfactory for either party. Thus, the servant is protected by provisions requiring 24-32 hours' notice. Even so, it is not all why only monthly payment (contracts are attested in this way, why not weekly payment contracts also?)

§§ 13 and 14 (of the 1906 Ord.). Provision for payment in kind is abolished. This appears to be justified. (cf. para 7 of his) Baynes Sadler's desq. in 13729 & Mr. Holt's memo. enclosed therein para. 4, p. 3) & it is satisfactory to note the progress of the matter which enables him to understand currency.

406
DESPATCH

E. AFR. PROT.
38012

C. O.
38012
REC'D
27 NOV 09

1001 No.
14593
909
Oct
Previous Paper
32652
11 Dec 1906
15 Dec 1906
24 Oct 1907

DEPORTATION OF MARIA THEREZA DOLLARS

States the Boma Trading Company has applied for exemption from import duty. Asks if there is any arrangement with the Abyssinian Government which renders it undesirable for us to allow dollars to be imported into the Prot: with the knowledge that they are intended for use in Abyssinia. Requests decision.

Mr. Read,

We had better ask the Foreign Office whether any arrangement exists with the Abyssinian Government which renders it undesirable for us to allow Maria Theresa dollars to be imported into the East Africa Protectorate with the knowledge that they are likely to find their way into Abyssinia. Subject to the Foreign Office reply on this point, I think we should send a copy of this despatch to the Treasury, and say that, if they agree, we propose to tell the Governor that it is not desirable to do anything which may appear to give the dollars a position similar to that of the legal tender currency of the Protectorate, or anything which would hamper us in prohibiting the importation of the dollars hereafter if it should be found necessary to eliminate them from the currency, (in the same way as in Nigeria recently); and that they should

should, therefore, continue to be treated like all other
trade articles imported into the Protectorate, and should
be subject to the import duty of 10%.

283

6. 21/11

So, hand ?

1. 28

2. 21/11

at home

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CAN

38012
REC'D
NOV 09

GOVERNMENT HOUSE,

Nairobi,

October 18th 1909.

497

EAST AFRICA PROTECTORATE.

No.593

My Lord,

I have the honour to submit for Your Lordship's decision a question which has arisen in connection with the importation of Maria Thereza dollars.

2. These dollars, as Your Lordship is doubtless aware, constitute the only currency accepted in the Northern districts of this Protectorate and in parts of Somaliland and Abyssinia. The Boma Trading Company has accordingly, in order to conduct its operations in these regions, found it convenient to import them and has applied for exemption from import duty.

3. It appears that this can only be granted on coins when legally current in the Protectorate and dollars are not legal currency. On the other hand rupees and cents are useless in the districts referred to.

4. A further question arises in connection with our Treaty obligations towards Abyssinia. A very considerable portion of the business of the Company is transacted in Abyssinia and therefore the dollars

in

H.M. PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.

in question would almost inevitably pass over the border into that country very quickly. I should be glad to know whether any arrangement exists with the Abyssinian Government which renders it undesirable for us to allow dollars to be imported into this Protectorate with the knowledge that they are intended for use in Abyssinia.

5. I may mention that these dollars cost only 9d or so in Austria and the profit to be made by importing them, even subject to a duty of 10%, is very considerable, as their local value is Rs.2/-
or 2.8₈d.

I have the honour to be
Your Lordship's humble
obedient servant,

R. J. ...
GOVERNOR.

38012
1909. E.A.P.

Cie

DRAFT

msd 40611

John

Under Secretary of State,
FOREIGN OFFICE

Downing Street,

1 December, 1909.

MINUTE.

Sir,

- Mr. Butler *Dec 1*
- Mr. *f*
- Mr. Just.
- Mr. Antrobus.
- Mr. Cox.
- Sir C. Lucas.
- Sir P. Hopwood.
- Col. Seely.
- The Earl of Crewe.

I am directed by the Earl of Crewe to transmit to you to be laid before Secretary Sir E. Grey, a copy of a despatch from the Governor of the East Africa Protectorate relating to the importation of Maria Theresa dollars.

2. Before considering the question raised by the Governor, Lord Crewe would be glad to be informed whether any arrangement exists with the Abyssinian Government which renders it undesirable to allow dollars to be imported into the

East

n^o 593. Oct. 18. D