

1933

3196

p.o. file

CO 533/436

KENYA

1933

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REVISION OF RECORDS SECTION

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Parliamentary Questions

Kikuyu Guarantees

Kikuyu Control Association

Previous

quills

Subsequent

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21.5

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FILE A

HOUSE OF COMMONS

23/5/30
*29. Mr. Wedgwood.—To ask the Secretary of State for the Colonies, whether he has considered the memorandum, of which a copy was sent to him from the Kikuyu Central Association, complaining of the Native registration ordinance, the domestic servants ordinance, the squatters ordinance, the Native liquor ordinance, and the arrest of Natives in petty cases; and whether he will have these matters compared with the law and practice in other African Crown Colonies with a view to seeing whether some amelioration of the position of Kenya Natives is now practicable. [Wednesday 21st May.]

Latham Newcastle-under-Lyme

ORAL REPLY

The last correspondence which we have had from the Kikuyu Central Association is to be found on 16073/32. That paper was apparently ~~sent~~ ^{sent} by Mr. Allen for the attachment of some correspondence and has been lost, but has now turned up.

In it we have the memorandum from Johnstone Fenyetta which was sent direct by him to the Secretary of State. He was informed in reply that the Secretary of State would not comment on the matters concerned therein until he had received the Governor's observations.

No memorandum has been received since and I think it is ~~certain~~ ^{certain} that Mr. Wedgwood is referring to a new memorandum which is presumably coming through the proper channel. It will be noted that he says that a copy has been sent to the Secretary of State. I have ascertained that nothing has been received since the 1930 memorandum and the points mentioned in that do not cover those touched upon by Mr. Wedgwood. The Native Registration Ordinance, the Domestic Servants Ordinance, and the Squatters Ordinance are touched upon, but not very seriously.

certain that there is a law no. 3
on the way, but if that of 1932 is
in question the first sentence of
the Flood's draft may seem
disingenuous: it would be too late
to explain that "the various subjects"
means "the various" any subject.

I have had in a marginal
alternative.

CSB.
23.5.33

J.H.G.
23.5.33

S.P. advises the House, but would
be the best to provide him with a brief with
of points outstanding in connection with the
Native Legislation Ord^s. Could he have the
done by 1 pm tomorrow?

Est Lloyd
23/5/33

EXTRACT FROM OFFICIAL REPORT OF

24th MAY 1933

Copy to A. & Cor. etc. Then assemble
for 11/5/33/12.

To Cor. (4/p. 102 A. 1) 11/5/33 1/0/33

House on 8/5/33
R. 21/5/33



NATIVE REGISTRATION ORDINANCE.

The Native Registration Ordinance has been the subject of a good deal of heart-burning since it was introduced. Its amendment has been under consideration for some time and after the evidence given before the Joint Select Committee, Lord Passfield sent a despatch stating that he considered it necessary to examine the whole system in the light of the principles laid down in the Native Policy Memorandum. He then said that it would not be in accordance with the principles in that memorandum that the present discriminatory system should be maintained and invited the Governor to consider the abolition of the present system, or at any rate its revision so as to make it unobjectionable. He said that if the Governor considered that the present system should be replaced by an identification system he would be prepared to consider proposals to that end provided that they were non-racial in character.

The Governor replied by defending the existing system on account of its value to the natives and came to the conclusion that its retention was in the interests of the native in spite of the apparent unpopularity of the Registration Ordinance. He had the support of all his Executive Council in this view including the Rev. Canon Leakey, the Uninstituted Official Member representing native interests.

It was generally felt that the attitude of inaction taken by the Kenya Government could not be supported and that something or other must be done and on the 10th of May, 1933, the Secretary of State sent a despatch to the Governor in the course of which

stating that the power of demanding the registration certificate can be exercised only by officers of or above the rank of Assistant Sub-Inspector. In March this year we enquired how the matter was getting on and have now been informed that amendments to the Native Exemption Ordinance have been considered but that the Governor is deferring action pending a final decision on the Native Registration Ordinance. A draft despatch has been prepared calling attention to the despatch of the 10th of May, 1932, and expressing a hope that it will be possible at an early date for the Governor to put in some concrete proposals.

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G. D.

Mr. Flood. 23

Mr.

Mr.

Mr. Parkinson.

Mr. Temlinson.

X Sir C. Baskenley. 23.5.

Sir J. Shackburgh.

X Party U.S. of S. 23.5

Party. U.S. of S.

X Secretary of State.

D.Y.R.

replied 24/5

[I have not yet received any memorandum from the Kikuyu Central Association touching upon ~~the~~ the various subjects to which the Rt. Hon. Gentleman refers.] As regards the Native Registration Ordinance, correspondence has been proceeding with the Governor and I hope to receive definite recommendations ^{shortly} as soon as may be possible.

GERAL
DRAFT/REPLY
 to
 THE RIGHT HON. MR. WEDGWOOD.
 for
 WEDNESDAY, 24th May.

? Register
 From the above few lines description of the subjects dealt with. it would appear that the same point has not yet been made.

note - found
 (handwritten scribble)

With regard to the latter part of the question I would point out that conditions and circumstances differ in the different Territories ^{but} ~~that~~ comparisons ^{may possibly} ~~will~~ ~~certainly~~ ~~be~~ useful in considering what action can properly be taken in Kenya.

Note to be
 attached

24th MAY 1933**KENYA (TREATMENT OF NATIVES)**

Colonel WEDGWOOD asked the Secretary of State for the Colonies whether he has considered the memorandum, of which a copy was sent to him from the Kikuyu Central Association, complaining of the native registration Ordinance, the domestic servants Ordinance, the aqueducts Ordinance, the native liquor Ordinance, and the arrest of natives in petty cases; and whether he will have these matters compared with the law and practice in other African Crown Colonies with a view to seeing whether some amelioration of the position of Kenya natives is now practicable?

Mr P. CUNLIFFE-LISTER: From the right hon. and gallant Gentleman's description of the subjects dealt with, it would appear that the memorandum has not yet reached me. As regards the Native Registration Ordinance, correspondence has been proceeding with the Governor, and I hope to receive definite recommendations shortly. With regard to the latter part of the question, I would point out that conditions and circumstances differ in the different Territories, but comparisons may possibly be useful in considering what amount can properly be taken in Kenya.

Colonel WEDGWOOD: Will my right hon. friend consider in particular Tanganyika in connection with Kenya, with a view to seeing that there is similar treatment of native questions?

Mr P. CUNLIFFE-LISTER: It may be wise to compare, but it would be unwise to give any undertaking that the same system should be followed in each country. The best administrators, who have experience of Tanganyika and elsewhere, find that the same rules do not necessarily apply in all places.

Colonel WEDGWOOD: Does the right hon. Gentleman agree that occasional inquiries into the laws in adjacent or neighbouring Colonies would be wise, in order that the experience of one Colony could be obtained by another?

Mr P. CUNLIFFE-LISTER: Indeed, that is the real object of referring matters of this kind to the Colonial Office, where we are able to pool the collective experience of all the different Colonies and obtain one Colony in the light of the experience in another Colony.

Copy to Gov. 14/3/33

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