

1921

KENYA

63

37101

Recd  
25 JUL 21

FROM  
C.A.G. NOTLEY.  
TEL.

DATE  
25th. JULY  
CIPHER

FOR CIRCULATION:—  
Mr.  
Mr.  
Mr.  
Mr. Grindle  
Sir H. Lambert  
Mr. H. Read  
Mr. G. Frides  
Mr. Wood  
Mr. Churchill

SUBJECT  
JUBALAND.  
  
C.A. reply to F.O. correct. No area asked for retention belong to Marehan. Important point of principle involved in this question whether Nomadic tribe shall be allowed to encroach beyond limits. Strongly urges that consent of Italian contention be refused quite definitely.

Previous Paper  
33933

MINUTES  
Copy to F.O. "late laid" - with  
ref to our letter on 26/7/21

Copy to F.O. on 33933  
being referred.

10/26/21  
10/26/21

Subsequent Paper  
10/26/21

TELEGRAM from the Officer Administering the Government of Kenya to the Secretary of State for the Colonies.

(Received Colonial Office 8.10 a.m. 24th July, 1921)

37101  
REC-29 JUL 21

22nd July With reference to your Confidential despatch of 14th June re Marehan.

Your reply to Foreign Office enclosed in it correct. No area <sup>is asked</sup> for retention belonging to Marehan.

Important point of principle involved in this question whether Nomadic tribe shall be allowed to encroach beyond their limits. This will ultimately occur also in Wajir and Lorian swamp area if concession made in case of Marehan. Most strongly urge that consideration of Italian contention be refused quite definitely.

HOTLEY.

37101/21 Kenya

Lully

27 Dec 29 July 1921

DRAFT.

Subst. 78.  
7.0.

Sir,

I am in ~~to~~

MINUTE.

Clak 27/7/  
Parkinson  
27/7/21

refer to the letters from this

Dept. No 26781/21 ~~of the~~

and No 33933/21 of the 14<sup>th</sup>

of June and the 29<sup>th</sup> of July

respectively, on the subject of

the proposed transfer to Italy of

part of Jubaland, and to ~~over~~

- Mr. ...
- Mr. Lambert.
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...

Rec'd to  
date

transmit to you, to be laid before the

Magistrates & Council of Keddleston, the

accomp. copy of a telegram wh. has

been received from the Govt of Kenya

regarding the Marehan.

(3) 1960 H J READ

1921

KENYA

69

44689

ROOM

DATE

C. A. G. JONES

1010

29ND JULY 1921

Fig. 6 of 21

CIRCULATION

SUBJECT

- Mr.
- Mr.
- Mr.
- Mr. Grindle
- Mr. B. Lambert
- Mr. H. Read
- Mr. G. Fiddes
- Mr. Wood
- Mr. Churchill

NATIVE LIQUOR ORDINANCE 1921

States reasons for introduction of Bill and regrets original legal report was not full enough.

Previous Paper

MINUTES

*Sp 20177*

*Mr. Battersby Mr. Stewart*

*Very clear. There is no question which the day does not answer in that it is to be done in the district to which has been a reference in the address.*

*1921*

*Mr. Battersby,*

*I cannot follow the C. A. G.'s reasoning as to s. 3. The installation of drinking booths is likely to be encouraged & the control of them hampered by any difficulties that are put in the way of the Govt's applying*

*Amend 1435 Cons 20 Sept 21  
Sp reminded Govt. 26 April 21*

Subsequent Paper

*Sp 33285*

*- 22*

2. <sup>is</sup> ~~is~~ any particular area  
 that imposes such difficulties  
 by making the <sup>or</sup> action de-  
 pendent on the <sup>request</sup> initiative of the  
 local authority <sup>(whose members</sup>  
 may conceivably have an interest  
 in the drinking establishments of  
 the neighbourhood) It wd be doubt-  
 ful whether it is to consider  
 any representation by the local auth<sup>y</sup>  
 but it seems very too far to take  
 away, as is done, his power of  
 acting independently of or even in  
 opposition to the local authority.  
 The object of <sup>the</sup> ~~the~~ authority over  
 drinking establishments when the  
 Ord<sup>n</sup> is applied is not attached by  
 this S. which only <sup>operates</sup> ~~operates~~  
<sup>operation</sup> before the Ord<sup>n</sup> is applied.  
 I recommend the deletion of the  
 proviso to S. 3.

2. I think a reference to an  
~~provision~~ <sup>provision</sup> as to cases to which the  
 Ord<sup>n</sup> is not applied <sup>should have been</sup>  
 made by the C. A. G.

22

9/19

I would observe a. in para  
 1 of his minute, and say  
 that before giving definite  
 instructions as to the  
 Amendment of the order  
 the S. G. will be glad  
 to be furnished with the  
 S. G.'s views on the merits  
 of these amendments, and  
 also what is proposed  
 with regard to regulation in  
 areas to which the order  
 Amendment is not applied.

WRS

14. 10. 21

Diff for comment. There is  
 certainly a curious discrepancy  
 of thought in para. 3 of  
 the despatch. U.C.I.

15. 9. 11

W. P. ...

22nd July, 1921.

Sir,

With reference to your despatch No. 746 of 11th May, on the subject of the Native Liquor Ordinance, 1921, I have the honour to inform you that the introduction of a new Bill was considered preferable to the removal of the suspension upon the 1915 Ordinance on account of the numerous alterations to the latter which were found desirable.

2. The provision in Section 3 for allowing the application of the Ordinance to different districts to depend upon a request from local authorities was the result of special representations by non-official members who were apprehensive that the Ordinance might lead to the installation of numerous drinking booths in the Townships and settled areas and wished therefore to retain a voice in its application.

3. Since the Governor-in-Council is the final authority on the matter, it would appear that such a policy contains every safeguard.

4. In explanation of the special provisions relating to the Provinces of Seyidie and Tanaland,

there -

THE RIGHT HONOURABLE

WINSTON CHURCHILL, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S. W.,

there has been from time immemorial a traffic in palm wine between the hinterland in which coconuts do not grow and the Coast areas in which they do grow. It was not thought desirable entirely to prohibit this traffic and the provisions in question were intended to control it.

5. Your instructions as to the nature of the report that should accompany each Ordinance that is passed are noted, and it is regretted that in this case the statement was not sufficiently full.

I have the honour to be,

Sir,

Your humble, obedient servant,

ACTING GOVERNOR.



*Amval*  
*33286*

*52*

DOWNING STREET,  
20 September, 1921.

Sir,

**DRAFT.**

N.Y.A.  
*1435*

O.A.G.

**MINUTE.**

- Mr. Batterbee. 16.9.21.
- Mr. ~~Batterbee~~ *Underhill* 17.9.
- Mr. ~~Batterbee~~ *Bokomley* 17.9.21
- Mr. Grindle. *17* *JP*
- Sir H. Lambert.
- Sir H. Read.
- Sir G. Fiddes.
- Mr. Wood.
- Mr. Churchill.

I have the honour to acknowledge the receipt of your despatch No. 1010 of the 2nd April containing your observations on the subject of the Native Liquor Ordinance, 1921, in reply to my despatch No. 746 of the 11th May.

2. ~~On my present information~~ *I might say* I am unable to ~~follow your reasoning with~~ *understand the view which has been taken* regard to Section 3 of the Ordinance. ~~prima facie~~ *prima facie*, it would appear, that the installation of drinking booths is likely to be encouraged and the control of them hampered by any difficulties that are put in the way of the Governor's applying the Ordinance to ~~any~~ *any* particular area. It would no doubt be ~~proper~~ *proper* for the Governor to consider any representations by the local authority, and there would be no objection to including a provision that the Governor-in-Council in applying the Ordinance to an area should do so in consultation with the local authority. But the section as

in making the Governor's action  
dependent upon <sup>a request from a</sup> local authority, and I  
confess that I am unable to follow your  
remark in paragraph 3 as to the Governor-  
in-Council being the final authority.  
Subject to any observations that you may  
have to offer I consider that the proviso  
in Section 3 should be deleted or at  
least modified to the extent of providing

that the Governor-in-Council should act  
in consultation with the local authority, <sup>provided for</sup>  
<sup>to override the said local authority when necessary.</sup>  
The control of the local authority over  
drinking establishments when the Ordinance is applied  
to an area would, of course, not be affected  
by the deletion of the proviso.

3. In paragraph 2 of my despatch of the  
14th May, I raised the question of making  
provision for the continuance of the present  
system of regulation in areas to which the new  
Ordinance has not been applied, but you have  
not made any reply on this point. I shall be  
glad to be informed what is proposed in the  
matter.

I have, etc.,

W. H. H. WILSON & CHURCHILL