

1923

KENYA

63022

31 DEC 23

DATE

24 November 1923

SECRET

FOUR CIRCULATION

SUBJECT

Immigration Bill

502

M. J. J. J.

Also attached

① letter from Lord ... 27.12.23

② letter from Staff ...

③ includes copies of ... from Govt of India ... 23.12.25

Registered for record

hatched
S

31.12.23

Mr. ...

Mr.

Mr.

Mr.

1923

Part of ...

Part of ...

Part of ...

Previous Paper ...

Am & Code ... 29.12.23
% Gov. (New ...) ... 27.12.23
Copy above & I. O. S. O. 29.12.23

Subsequent Paper

50 29

Man

le

Dear Mr. [Name]

I agree with the course suggested and

the Director is in the Director's proposals

and I must say I recall the like the fact

of the [Name] as before have perfectly

known the [Name] and [Name]

to [Name] in [Name]

to [Name] (and enclosed) which is just

as before - and also R. Corrada's telegram

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remains with the Director. As you shall know

at once in the [Name] [Name] it is

to let at the [Name] at [Name] - but

it is clear in that you should proceed with

your [Name] change of [Name] [Name]

with [Name]

of importance fact is that the [Name] [Name]

of [Name] [Name] [Name]

and Dec. 20. [Name] R. Corrada does

from the consequence of delay in introducing the

Immigration Bill provides that the "Colonists" are satisfied,
but we are satisfied with the principles of
the White Paper.

I would make to you of the Bill in the detail
is difficult - if not impossible - to resist.
In the circumstances we shall be obliged
to the Government to provide as proposed with the sanction
of the Bill to be an introduction of the Immigration Bill
and the Bill after has had time to discuss
considerable mass of the part of the Bill.
be present in separate construction.
The intention of the Government should be to
the introduction of the Bill so long as you remain in
the Bill in that it be no modification in the
principles contained in the White Paper.

Should be empowered to discuss the chief provisions
of the Immigration Bill, I can only suggest that the
stand over for the present. You will note that the Bill
does not attempt to deal with the proposal in the
Letter of the day.

27.12.23.

To the Hon. Secretary, "new proposal" that the "Lapin Com."

Pw 63022/25 Ken

PARAPHRASE telegram from the Governor of Kenya to the Secretary of State for the Colonies. Dated 27th December.

(Received Colonial Office 1.57 p.m. 27th December, 1923).

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Clear the line.

Secret and Personal 27th December. Your telegram of 26th December secret and personal I have delayed reply in order to make full enquiry. There is every probability of Indians refusing to take part in the elections. Varma has resigned from both executive and legislative Council on general grounds. Pass of the Franchise Bill which is generous measure in favour of the Indians will doubtless do much to ease the position as regards the Indians. In reply to (a) It is necessary for Franchise Bill to be passed first week in January as otherwise there will be no time to hold the elections before 21st February when the term of the present council expires. In reply to (b) feeling of elected members is that if Immigration Bill will be introduced soon after a few substantial amendments they will not oppose the passage of the Franchise Bill in first week January.

My ~~own~~ personal opinion is that if the Franchise Bills passed and any modification in the underlying principle of the Immigration Bill is made shortly after (as a result of possible change of Government or from other political cause) it will mean the gradual revival of the whole controversy and opposition. Colonists have every confidence in yourself and the Government but they fear gravely that unless the Immigration Bill is passed soon after the Franchise Bill conditions beyond your control may arise in England or India and the principles of the Immigration Bill may be imperilled.

I am sure you will understand the above view of the Colonists. We all recognize the wisdom of not rushing through the Immigration Bill without full consideration. You will be able to conjecture what is likely to happen when the new Parliament meets.

The ~~Colonist~~

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The India Office has now a full month for consideration of the Immigration Bill and only you can be the judge whether you are likely to be able to authorise introduction of that bill at the earliest possible date in January and alternatively what likelihood there is of Immigration Bill being altered in machinery & principle. So long as they are satisfied that no modification will be made in the White Paper principle, Ministers would not press for passage actually on or before January 15th.

BY ORDER.

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reading of the Bill, at all events, should be postponed until it has received and communicated to you the views of the Government of India.

I understood that the telegram which was sent to the Governor of Kenya after our conversation on Tuesday week referred only to the postponement of the Committee stage of the Bill. I feel extremely, however, anxious for reasons in favour of postponing the second reading, which, as the Viceroy has already said, would apply with equal force to the postponement of the second reading, which, as the Viceroy has said, would commit the Government to the details of the Bill. There was nothing in our conversation of last week which led me to understand that there could be any serious objection to this change of programme. (From a own point of view

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I do not see how it would be possible to fulfil the pledge which was given to me and which I conveyed to the Government of India, that they would be consulted upon this measure, if they are only given the opportunity of expressing their views after the principle of the Bill, as it now stands, has been agreed to on the second reading.

Yours sincerely,

Peel

COPY OF TELEGRAM.

From Viceroy, Department of Education, Health and Land,
to Secretary of State for India.

Dated Viceroy's Camp, Rangoon, 25th December, 1923.

Received 25th December, 1923, 10.15 p.m.

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Clear the Line.

Kenya Immigration Bill. We understand from your telegram of 22nd November that Colonial Secretary, while authorising publication, had not approved of Bill and that he had called for opinion of various communities to be sent to him by the Governor, after which you and we should be consulted. We also understood that we would be consulted before the Bill was proceeded with and this impression is confirmed by paragraph number five of Colonial Office letter to India Office, dated 29th September 1923. We received text of Bill on December 20th, and must take strong objection to being proceeded with and to second reading being concluded before end of the month, without giving us opportunity to consider and express our views, or His Majesty's Government to take them into consideration. We should like to have ascertained how the Bill is regarded by the public and are publishing the text in Gazette on December 29th. So far as opinion has declared itself, it is opposed to the Bill. We invite your attention to the published speech at Imperial Conference and specially to Premier's concluding speech, in which he stated that, while he saw no prospect of these decisions being modified, he would give careful attention to such representations as the Committee appointed by the Government of India might desire to make to him. This declaration was understood, and can only be understood as meaning that the Colonial Office, while holding out no prospect of modification of these decisions, would nevertheless

to hear representations of the

was taken to the intention

unfortunate that was not possible

to lead that position was

and the interest are share

We therefore strongly

and will participate in

we are before the

that the special attention of the Ministry



Telegram from [unclear] [unclear]

Copy the [unclear]

Private

[unclear] [unclear]

and [unclear] [unclear]

[unclear] [unclear]

decision [unclear] [unclear]

[unclear] [unclear]

views is [unclear] [unclear]

[unclear] [unclear]

substance [unclear] [unclear]

[unclear] [unclear]

decision [unclear] [unclear]

[unclear] [unclear]

never [unclear] [unclear]

[unclear] [unclear]

establish [unclear] [unclear]

[unclear] [unclear]

your [unclear] [unclear]

[unclear] [unclear]

has not yet [unclear] [unclear]

[unclear] [unclear]

of [unclear] [unclear]

[unclear] [unclear]

by you, and that [unclear] [unclear]

[unclear] [unclear]

proceedings, and our [unclear] [unclear]

[unclear] [unclear]

long interviews with [unclear] [unclear]

[unclear] [unclear]

understand that [unclear] [unclear]

[unclear] [unclear]

action on main [unclear] [unclear]

[unclear] [unclear]

but nowhere is there the faintest [unclear] [unclear]

[unclear] [unclear]

Committee should not be heard on the [unclear] [unclear]

[unclear] [unclear]

proposals to be

[unclear] [unclear]

submitted

the
all listed under the Government's decision to the
Colonial Office giving effect to that amount
of a vital of operation which economic interests
of the natives of both Dependencies required
(see para. 9 of this Paper). However, several
other matters have been raised in connection
with the proposals. No alteration will be possible for a
long time once they have become effective.

point of view of the Government's decision to the
Colonial Office giving effect to that amount
of a vital of operation which economic interests
of the natives of both Dependencies required
(see para. 9 of this Paper). However, several
other matters have been raised in connection
with the proposals. No alteration will be possible for a
long time once they have become effective.

I
If the second reading of the Bill is
passed on December 27th or before Committee can
make representations, we shall be confronted with
an accomplished fact that principle of Bill has been
accepted. Once Bill is passed the difficulty of
amendment in the near future will be insuperable, as
you know. Francis of Colonial Office to give
careful attention to Committee's representations will
be regarded as wholly illusory. Opposition to this
must yet finally surface, and is question immediately
arousing intelligent public opinion here. Once it
is realized in India that U.K.'s Government will not

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even give time for these proposals to be considered by the Committee, H.M.'s Government and my Government will, I feel certain, be accused of having tricked Indian people, and I am most anxious that we should place ourselves in the best position to answer such charges.

3. I beg you therefore to make the most strenuous attempt to obtain postponement of the second reading of the Immigration Bill, even if only for a period sufficient to enable us to clear up the serious situation indicated in your telegram.

4. I cannot say anything definite at present regarding the dates of representation of our views on the Bill, but will communicate earliest possible. We have only just received text of the Bill.

5. I am communicating substance of Colonial Office's view to Jarna, Sapru & Rushbrook Williams, and am requesting immediate reply without delaying until receipt of Masterton-Smith's memorandum which has not yet reached me. It will take time to reach Sapru and Istravally.

Telegram from the Viceroy,

Dated 23rd December 1923.

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CLEAR FOR LONE.

Private and personal. is continuation of private and personal telegram of the 23rd December. My private and personal telegram No. 4528 dated 21st December only reached you (at) afternoon (at) 10.30. Telegram to you had left.

2. I have communicated with Sapru but his answer cannot reach me before to-morrow evening at the earliest. He travels from Allahabad to Poona. My message was sent to him midday 26th at Poona.

3. Sapru's statements are definite, and if Sapru admits their correctness we have laboured under a very serious misconception. The same misconception unfortunately is generally present in the minds of the Indian public.

4. Even if the proposal to consult the Colonies Committee on the provisions of the Immigration Bill is proved to be "a new proposal and altogether different from the agreement reached between Sapru and the Colonial Office", nevertheless I should very earnestly urge its consideration and acceptance on its merits even now, and that second reading of Bill,

which

at the
a. ...

which ... of the ...
of the Bill ... until ...
Committee ...
also ...
for the ...
I am not laying ...
difficulties which ...
if the ... cannot be ...
which ...
the Committee ...
of ...
assured the Conference that ...
and discussion between ...
State for the Colonies and ...
Committee upon all questions affecting Brit. ...
domestic ...
particular Secretary ...
give ...
Government of ...
Though it may have been in the mind that the Committee
would not assemble before the Immigration Bill had been
passed, this was not made clear at the Conference as
far as I can discover, and premises by the Prime
Minister of full and careful consideration (? was

given

...lect or time...
...has certainly...
...the...
...of...
...the...
...with's statements...
...Statement of the...
...information of the...
...Statistic...
...in...
...the public have all along...
...have both taken action...
...stances based upon it...
...have been...
...and that neither you nor I were ever
informed until now of this private limitation?

26 Dec 1923

Dear Mr. [Name]

I think I had better

you see the [Name] [Name]

I am not sure that we shall

to you the first of [Name]

about the right of [Name]

to the [Name] of [Name]

26 Dec. 1923

Mr. W. H. Smith

I think I had better

you see the enclosed telegram

I am not sure that we shall

and for the first of all let

know you right to know

at the front of the letter

as to the meaning of the
Royal Commission.

The King has not yet been
able to see beyond his private
telegrams during the last two
days and it shows that the
authentic version of the circumstances
provided in your memorandum is
absolutely true to the

James
McClure

as to the meaning of the
Royal Conference granted.

The Vienna has not yet been
able to see beyond, but private
telegrams during the past two
days make it clear that the
authentic version of the circumstances
prevalent in your hemisphere is
absolutely true to the

James
M. [Signature]

COPY OF TELEGRAM.

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From Viceroy, Department of Education, Health and Lands,
to Secretary of State for India.

Dated Viceroy's Camp, Rangoon, 25th December, 1923.

Received 25th December, 1923, 10.15 p.m.

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~~Line.~~

Mya. Immigration Bill. We understand from your telegram of 22nd November that Colonial Secretary, while authorising publication, had not approved of Bill and that he had called for opinion of various committees to be sent to him by the Governor, after which you and I should be consulted. We also understood that I should be consulted before the Bill was proceeded with and this impression confirmed by paragraph number five of Colonial Secretary's letter to India Office, dated September 18th. We received text of bill on December 20th and just before proceeding to the being proceeded with and to second reading being completed before end of the month without giving us opportunity to consider and express our views, or His Majesty's Government to take them into consideration. We should like to have ascertained how the Bill is regarded by the public, and are publishing the text in Gazette on December 29th. So far as opinion has declared itself it is opposed to the Bill. We invite your attention to the published speech at Imperial Conference and specially to Premier's concluding speech, in which he stated that, while he saw no prospect of these decisions being modified, he would give careful attention to such representations as the Committee appointed by the Government of India might desire to make to him. This declaration was understood, and can only be interpreted as meaning, that the Colonial Office, while holding out the prospect of modification of these decisions, had no intention

SECRET

WHITE.

- Mr. [unclear]
- Mr. [unclear] 29/11/87
- Mrs. [unclear]
- Mr. Davis.
- Sir G. Grindle.
- Sir H. Ross.
- Sir J. Macdonald Smith.
- Mr. Oswald Gore.
- Director of Documents.

... to ...
 ...
 ...

... as ...
 ...
 ...
 ...
 ...

"Lord Peel, in ...
 ...
 ...
 ...
 ...

29/11/87

proceeding are all the
any portion of the
the private law

Chas. Fisher, for the
by the Court as to the
to the law
concerning the
which the
let the Court
was for to blame
upon the
said when in the
Yours

particulars are as follows
any portion of the
the purpose of the

White Paper, and the
legislation, and the
the subject has been
concerning, but also
which the
we understand that
was for to be an
upon the meaning of
said words in the

Yours sincerely

Governor
Raisin

Cashed by
J.C.
2-0 P.M.
29/12/23

29th December

No

Message of 24 December 1923.

I am glad to hear that the Bill will be introduced in the House of Representatives on 31st December and I am sure that it will be passed in due season so as to give time for holding elections before the migration date.

I have been told that the Government of India have made strong protest to the Government of India against introduction of the Bill until they have had time to consider the terms and express their views to the Government of India.

This protest is accompanied by a letter from the Government of India dated 15th November 1923.

The Government of India have expressed their views to the Government of India and I am sure that the Bill will be passed in due season so as to give time for holding elections before the migration date.

India Board to the fact of India before draft Ordinance
was enacted.

It is clear that some time must be given before
amendment bill is introduced. But if you have
had previous part of bill to be introduced. How
near when draft bill at earliest possible
moment, and I will telegraph to you as soon
as I can on the introduction of bill.
I am sure that alterations to bill detailed in
your telegram of 27th Dec. No. 395 have already
been telegraphed to India.

Dear Board: The fact of India before draft of Ordinance
was omitted.

It is clear that some things must be done before
amendment to be in order. But I hope you have
had previous part of letter to let you know how
much I am with you at earliest possible
moment, and I will telegraph to you
as I can on the night. The introduction of Bill
I am sure that alterations to Bill submitted to
you telegram of 27 Dec: No 395 have been
been telegraphed to India.

Parliamentary Secretary of State for the Colonies
Government of Kenya

Dear Sir,
22nd December 1923

Dear Sir,

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December 29th. Personal. With reference to your secret and personal telegram 27th December. As my official telegram of 29th December you will appreciate that I can only proceed in this matter with regard to political contingencies here and I must tender my request for delay of introduction of Bill solely upon the basis that Lord Peel is supporting the appeal of the Government of India for time for consideration. It is clear that postponement does not involve any question of modification of the principles laid down in the White Paper, and members of Legislative Council may be so informed.

DEVONSHIRE.

final paragraph was
over by me to Sir Malcolm
who concurred on Lord Peel's
I provided that it was under-
by C.O. that Lord Peel was
to place his own interpretation
the meaning of the principles
down in the White Paper.

(M.S. 29.12.)

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

Sent 2 p.m. 29th December 1923

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29th December. Your telegram of 24th December No. 395.
I note that Franchise Bill will be introduced in session
of Legislative Council beginning 31st December and I
assume that Bill will be passed during same session so
as to give time for holding Elections before 21st
February. Immigration Bill. I now learn that Viceroy's
Council only received text of Immigration Bill so late
as 20th December, and Government of India have made
strong protest to Secretary of State for India against
introduction of Bill until they have had time to consider
its terms and express their views to Secretary of State
for India. This protest is reinforced by Secretary of
State for India who points out that in House of Commons
on the 15th November specific statement was made on my
behalf that there would be full opportunity for con-
sideration by the Government of India before draft
Immigration Ordinance was enacted.

It is clear that more time must be given before Immigra-
tion Bill is introduced. Secretary of State for India
has pressed Government of India to let him have their
views upon Bill at earliest possible moment and I will
telegraph

telegraph to you as soon as I can authorize introduction of Bill. I assume that alterations to Bill detailed in your telegram of 27th December No. 395 have already been telegraphed to India.