

1923

KENYA

C.O.

63021

31 DEC 23

FROM

DATE

Colonial Office

FOR CIRCULATION :-

SUBJECT

Mr.

Mr.

Mr.

Asst. U.S. of S.

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Perm. U.S. of S.

Part. U.S. of S.

Secretary of State.

Immigration Bill

Note of meeting in S.S.S. room
on 18th December 1923.

Previous Paper

505 -
- 63021 -

MINUTES

1. 1stly.

801 31.12.23

See now despatch on 701/363²³/₂₄

Partly recd. - 24.1.24

atm

Part Recd ✓ 23
63021

1702

Subsequent Paper

505
63022/S.

Minutes of a meeting held in the Secretary of State's room to discuss the operation of the ~~Franchise and~~ Immigration Bill in Kenya. December 18th 1923.

Present:-

The Secretary of State for the Colonies
(Chamberlain)

The Secretary of State for India.

Sir J. Narleton Smith

Sir H. J. Read.

Mr. Bottomley.

Mr. Marsh.

Mr. Seal.

Sir Malcolm Seton

Sir Louis Hershaw.

1. The Secretary of State for India explained that he was anxious if possible to secure some postponement of the passage of the Bill in question ~~in the House~~, and that his anxiety in this respect had been increased by the outcome of the recent elections in India, which made the situation ^{in that country} much more difficult.

He enquired whether there was any real necessity to pass the Bill at once. He had understood that there was

emergency, and that the Govt of India
would be given ample time to consider
the measures intended to implement the
settlement reached in July. It did not
appear that there was any great influx
of Indians into the Colony at the
present time which required to be regulated.

He then said that he had
expected that the Committee which was
being ~~permanently~~ constituted by the Govt of India,
in pursuance of the decisions reached
at the Imperial Conference, to consider
matters affecting Indians domiciled in
the Colony, might have had an
opportunity of examining the Bill
before it was drafted, enacted. He
feared that if the Bill was hurried
through before the Govt of India had
been given sufficient time to
consider it, it would be suspected
that some racial discrimination
was ~~intended~~ intended. He enquired
whether there was any objection
to postponing consideration of the Bill

until after the elections had taken place
in the Colony next year?

Sir James Macintyre Smith explained
that the feeling of the Colonists was very
strong that the Immigration Bill should
proceed pari passu with the Franchise
Bill, and that neither should be subject
to any further delay. When Sir Robert
Corquhoun left this country in August
he did so with the definite understanding
that he was to proceed at once, in
concert with the Governor of Uganda,
to frame the necessary legislation to
implement the July decisions.

At the time of the Imperial
Conference some nervousness had been felt
in the C.O. at the extent of the concessions
made in order to induce Sir Tej Bahadur
Sapru to refrain from ~~resigning~~ ^{withdrawing} from the
Conference; but there had not been the
slightest mis-understanding with
him as to the position of the proposed
Committee with regard to Kenya. Several

care was taken to make it clear that the S. of S. could not undertake to admit of the questions which had been settled in July being re-opened for discussion by this Committee; and it was a fact the understanding in this office was that the Committee would not be constituted until the summer of 1924, by which time all the legislation proposed to implement the July decisions would be in force. The formation of Kenya had in fact been announced by telegram to the Government that the appointment of the Judicial Committee was not to delay the implementation of the decisions set out in the White Paper.

In regard to Sir Tey Sapiro, Sir James Baskerton-Smith said that when he called at the C.O. there was no doubt that he thoroughly understood that ^{appt. of the} the Committee would not be allowed to ^{affect the progress of the work necessary to give effect to} discuss the White Paper decisions; but since that interview it appeared that he had given to

would be regarded
the Colonies as a
single breach of the
agreement of July

the Govt of India a different view of the matter, which had led them to believe that the Committee might be allowed to take part in the consideration of the Bills now before the S. of S.

There was no doubt that such a course would cause the most serious trouble in ^{Kenya} ~~the Colonies~~, and he would be unable to advise the Secretary of State to take such a course. He saw great danger in any postponement of the Migration Bill.

2. In reply to a question by Lord Peel as to ^{the manner} ~~the manner~~ in which the C.O. proposed that the observations of the Govt of India should be ~~not~~ considered, Sir J. Baskerton-Smith suggested that if, when he received those views from the S. of S. for India, the S. of S. for the Colonies found himself in agreement with them, they might be communicated to the Government of Kenya with a view to the amendment of the Bills.

3. After some further discussion it was