

519

EAST AFR PROT.

36/50

Recd JUL 20

W. H. K. CONF 107  
WHING

1920

Mrs COOKSLEY

1400 Wood P.

3260

...seasons will be ... lowered ...  
to the Protectorate ...  
... not taken against ...

Mr. Cooksley

July 13, 1920

As per ...

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I should be ...

CBS 277/20

F.T.O.

557  
283  
A. W. H. G. & Co. Ltd.  
LONDON

Bel Bostonley

It was the who to dispatch is

rather extraordinary.

John suggests however that it will be rather tedious if we take up individual records, other than reports made by the 8th and ordered to be kept. [I think we should discuss already of who is unable to approve the action taken.]

It was that what happened was that they did not think they had sufficient evidence to satisfy a court & accordingly took a course which eliminated all such troublesome things as evidence & proof. The Security of the Court was - secret as without realizing how near an injustice they might be doing to the man.

Indisputably they acted illegally & I think they acted not unfairly.

17/1/20

See 4/1/20

? & negotiate "ad hoc" the  
new that for collective procedure  
under the Municipalities Act  
OWB should not be employed  
in cases which can be dealt with  
in the Court of the City

17/1/20

at 17/1/20

NO. 107

GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA

CONFIDENTIAL

9th June 1920.

36155

JUL 20 1920

My Lord,

I have the honour to acknowledge the receipt of Colonel Amery's Confidential Despatch of 5th February regarding the circumstances in which Mr Cooksley was prohibited from landing in this country.

2. It is unfortunate that no charges were laid against Mr Cooksley at the time of their occurrence and were only preferred after he had left the country. It is assumed that the silence of the sufferers was due to the normal timidity exhibited by natives in charging Europeans criminally, and the facts only came to light when the natives, apprehensive of Mr Cooksley's impending return, shewed signs of renouncing their employment rather than put up with a recurrence of the behaviour of which Mr Cooksley was alleged to be guilty.

3. The facts reported by the District Commissioner, Ngong, were laid before the Attorney General by the Acting Commissioner of Police. Unfortunately both these officers were absent from the country

RIGHT HONOURABLE

VISCOUNT MILNER, P.C., G.C.B., G.C.M.G., &amp;c. &amp;c.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

the country, but while there is no record of the fact, it must be believed that the consideration of the matter was not overlooked. After the lapse of so many months the most important evidence, to wit, medical, would necessarily have been lacking and if Mr Barth gave an opinion as to the advisability of prosecution it must have been adverse. On the other hand there was no reason to disbelieve the affidavits supported as they were by the evident dread of the natives in the employ of the Company, spread so strong as to cause them to leave that service on the rumour of Mr Cooke's return. The Acting Commissioner of Police took the precaution to enquire as to the legality of preventing the return of so undesirable an immigrant; further investigation was made at the suggestion of the Attorney General whose opinion was forwarded under my Confidential Despatch No. 169 of 15th October, 1913, and two more corroborative affidavits were received. The Acting Commissioner of Police subsequently took action.

4. The ruling in paragraph 2 of Colonel Amery's despatch is noted, and it is admitted that the course put forward in paragraph 3 thereof would, had circumstances allowed, have been adopted, although as I have endeavoured above to shew, it was not feasible in this instance.

5. I trust that Your Lordship will agree that the action of the officers concerned was in the best interests of the Protectorate and only taken after full

after full consideration. Their action should  
I think, be supported on more grounds  
though its legality gives

to be,  
Your Lordship's  
humble obedient servant.

*Howing*  
Acting Governor.

552  
PUBLIC RECORD OFFICE LONDON

Proc  
36105/2

553

DRAFT.

For Mr. Northey  
Kenya

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MIRUTZ.

- Mr. Northey
- Mr. ... 3/8.20
- Mr. ... 3/8/7
- Mr. ...
- Sir H. ...
- Sir G. ...
- Col. ...
- Lord ...

the ... to ...

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The views expressed in the ...

Restriction Order should not  
be employed in cases which  
can be dealt with in the  
courts of the district

DEAN MILNER