

1933

1933

3046

CO 533/432
KENYA

3046

Townships Ordinance

Previous

17045/31

Subsequent

By 1971

10/2

By 1971

20/6

By 1971

21/7

By 1971

22/8

By 1971

23/9

By 1971

24/10

By 1971

25/11

By 1971

26/12

By 1971

3046

FILE A

- 1. Governor Byrne 31 _____ 10th Jan. '33
Enquires as to position of the Townships Ordnce. 1930.
- 2. Governor Byrne 343 _____ 5th June. 1933.

Sanction of the Townships Ordinance No. LXIII of 1930 has been in suspense pending a decision on 26107/31 E.A. with regard to action to be taken in respect of legislation and regulations discriminating against natives. Annex 26107/31 from which it will be observed that the matter is to be taken up s.o. with the Governor.

*Received to
31.12.30
Case in
Operation
15747.51*

17045/31

As Mr. Eastwood points out in his minute of 14.6.31. on that paper, the relevant section in the Kenya Townships Ordinance is s.33 sub-sections 44-49. Sub-section 48 regarding Segregation is still a matter for conson. The Township Ordinance No. 4 on 17045/31 have a bearing on this subsection. The Ordinance came into operation on 16th May 1931 and 7 sanction need no longer be held up. (pp. to be sent to Sir C. Bottomley in August as directed on 26107/31)

*Ch...
21/7/33*

*This has waited so long that another month hardly matters!
Wait till Sir C. Bottomley has discussed with Sir J. Byrnes*

*J.P. ...
22*

Yes: it is really quite undesirable in my opinion Govt. must have the power to lay down rules in the interest of black & white alike. The only thing is to see that the power is not exercised too far, and in that we must trust the local

Sir C. Parkinson.

This is one of two bundles which have quite unnecessarily been with me for an unreasonably long time. I had intended in any case to send them on in the next few days but this one is relevant in connection with 45228/38 N.R. (sent on simultaneously) which has been dealt with both locally and here without any reference being made to previous papers.

The subject matters of the old papers arise out of Lord Passfield's "round-up" of racial discrimination points after the issue of the White Paper on native policy. You will see Sir R. Hamilton minuted on two points. On the second:

"As regards minor matters such as the carrying of lights at night by natives or night passes, local authorities must be largely guided by the varying circumstances of different townships. This applies generally to rules for decent conduct in townships, but it is no doubt possible that many existing rules specifically applied to natives might with advantage be made to cover all persons.

Rules forbidding a native, as such, to walk on a footpath if he is behaving properly otherwise are to my mind indefensible.

Then there is my minute of 1st July, 1933, reporting instructions from the Secretary of State, Sir P. Cunliffe-Lister, in which it was left to me to take s.o. action. I wrote to Sir R. Storrs on the question of natives in townships and particularly on the footpath question, and I think that it will be agreed that Mr. Mackenzie-Kennedy's reply and its

enclosure

The other bundle...

26 11 31
4 26/07/31

45228/38 N.R. ...

107

attached to 1107

enclosure give a satisfactory explanation.

I am afraid that there is no doubt that I ought also to have written to Kenya on this point, but I suggest that the fact that the present by-laws have remained in force for several years without any protest makes it undesirable to create friction by raising the matter now.

The other point was racial segregation in townships, on which Sir R. Hamilton intimated that feelings which may be aroused by direct racial discrimination could be largely avoided by approaching the question as Tanganyika has done from the 'town planning' angle, i.e. by fixing the type of building permitted in certain quarters. On that too, after my conversation with the Secretary of State, I should have written to Sir J. Byrne in Kenya at all events and I am afraid that the certainty that the ventilation of the subject would have led to a storm of protest is not sufficient reason for not taking it up personally with the Governor. Actually it is not in East Africa essentially a matter of native discrimination and the troubles we have had in Kenya have concerned Asiatics. They have indeed only arisen in connection with the plots in Mombasa which in 1918 were leased by the Government under covenant that they should not be sub-let except on condition of European ownership and occupation. Any change of policy would not have affected our difficulties on that point, which was one of pledged faith to the

people

people who took up plots in the expectation that they would have only European neighbours.

Although I feel strongly that pressure on the Governor to introduce generally an arrangement by which any European resident in a town would be exposed to the possibility of an Asiatic neighbour (however well-to-do) would seriously increase his difficulties in administering the country, I think that I should, even at this late stage, take the matter up with Sir Robert Brooke-Popham, and if you agree I would propose to do this in the course of the next few weeks.

Generally, I suggest that I should cut off the loose ends of these old papers in consultation with Mr. Boyd and Mr. Dawa.

Wes

10.3.38

*See Richardson's report to B. G. ...
through A. ... subject to ...
further ...
has had.*

Wes 28/6/38

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4
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10.3.38

Sir Charlesson agreed to B but thought A unnecessary, subject to further discussion, which he has had now.

Wals 28/6/38

GOVERNMENT NOTICE NO. 729

THE TOWNSHIPS ORDINANCE, 1930.

RULES.

IN EXERCISE of the powers conferred upon him by the Townships Ordinance, 1930, His Excellency the Governor has been pleased to make the following Rules:

1. These Rules may be cited as "the Townships (Licence Fees Amendment) Rules, 1932, and shall be read and construed with the Townships (Licence Fees) Rules, 1932, hereinafter referred to as "the Principal Rules".

2. Rule 6 of the Principal Rules is hereby amended by the insertion of the words "and under the Townships Ordinance, 1930," after the words "(Chapter 83 of the Revised Edition)".

By Command of His Excellency the Governor.

Nairobi,
3rd November, 1932.

E. B. HOSKING,
for Colonial Secretary.



KENYA

No. 343

6 2
GOVERNMENT HOUSE

NAIROBI

KENYA

5th June, 1933.

Sir,

I have the honour to enquire whether a
reply may now be given to Kenya despatches No. 26
of the 14th January, 1931 and No. 31 of the 10th
January, 1933 on the subject of the Townships
Ordinance, 1930.

No 2
17045/31
no 1

I have the honour to be,

Sir,

Your most obedient, humble servant,

W. G. ...
BRIGADIER GENERAL

GOVERNOR.

THE RIGHT HONOURABLE

MAJOR SIR PHILIP GUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.1.



KENYA.

No. 31.

7 EN
GOVERNMENT HOUSE,
NAIROBI,
KENYA

10th January, 1933.

Sir,

No 2
11045/31

With reference to Kenya despatch No. 26 of the 14th January, 1931, I have the honour to enquire whether His Majesty has yet been advised not to exercise his power of disallowance in respect of Ordinance No. LXIII of 1930 entitled an Ordinance to Consolidate and Amend the Law relating to Townships.

I have the honour to be,

Sir,

Your most obedient, humble servant,

J. D. ...
Brigadier-General.

G O V E R N O R .

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING-STREET,
LONDON, S.W.1.