

1924

KENYA

14

53

C. O.  
38489

12 AUG 24

FROM  
Geo. Raymond

Vol.  
251

DATE

10th. Aug. 1924

OR CIRCULATION :-

Mr. P. J. Ke

Mr.

Mr.

Asst. U.S. of S.

Swift Road  
3/5/24

Perm. U.S. of S.

Part U.S. of S.

Secretary of State

Masters & Servants Ordinance

Transectly has reconsideration of the illegality of the allowance & that - he allowed to remain in force pending receipt of full explanatory material by Lt. Col. ...

Previous Paper

3990

MINUTES

I am new to this question  
but I think that as regards  
principle and policy there is little  
to add to the full minutes on  
~~subject~~ 23446. As to this the  
only new point in the telegram  
which is of weight is that  
the Chief Native Commissioner  
initiated and supports the new  
Ordinance. The statements that

11 Aug 24

David ...

Subsequent Paper

disallowance " or, in other words  
 to cancel H. M.'s disallowance  
 as specified to him. This, I take  
 it, it would, in any case, be  
 impossible to do technically; and  
 it appears that all that is  
 required will be secured if the  
 procedure indicated in paragraph 6  
 of my Dep. on 23446 is carried  
 out i.e. when disallowance of  
 the 1924 Ordinance is promulgated  
 by the Govt. a further Ordinance  
 shall be passed revising the 1918  
 Ordinance in such a manner as to  
 anything lawfully done under the 1924  
 Ordinance. The 1924 Ordinance and  
 have been in force between the dates

date on which the ~~provision~~ is

divulged & the contracts

referred to in this telegram will

thus remain in force & cannot be

interfered with. Judging from the

last sentence of the telegram, it

is in doubt whether the first

understands the position

I will suggest telegraphing Vancouver

as in draft herewith

(The Legislative Council

met on the 20<sup>th</sup> &

the 21<sup>st</sup> if possible, so that I

Edw. G. [unclear]

I have never heard of cancelling a disallowance.  
I do not say that before promulgation it could  
not be done - but there is no point in  
creating such a precedent (a very bad one) in  
a case such as this where there appears to  
be no likelihood of the House being assented to  
as it stands.

AGB

date, on which the contract  
divulgence & the contract  
referred to in this telegram will  
thus remain in force & cannot be  
interfered with. Lodging from the  
last sentence of the telegram, it  
is in doubt whether the first  
understands the position.

I will suggest telegraphing Vancouver  
as in draft herewith

(The Legislative Council  
met on the 20<sup>th</sup> of  
Feb. 1911. 100 votes, 80 votes)  
E. J. 6/11/11

I have never heard of cancelling a disallowance.  
I do not say that before promulgation it could  
not be done - but there is no point in  
creating such a precedent (a very bad one) in  
a case such as this where there is at least  
the probability of the issue being asserted to  
as a fraud.

W. B.

38489

12 AUG 24

TELEGRAM from the Governor of Kenya to the Secretary of State for the Colonies. 540

Dated 10th August.

(Received Colonial Office 12.25 p.m. 11th August 1924)

251 10th August

*Govt 23446*

Your despatch of 3rd July No.695. Omission to which my attention has been drawn is regretted. It was not considered necessary nor did my legal adviser(s) so suggest to reserve assent in view of the fact that the main principle of the Bill appeared to be already accepted in other ordinance(s) while further explanation not given in view of the fact that the Bill passed without a division after reference to Special Committee. Earnestly beg you to reconsider promulgation of disallowance and permit the Ordinance to remain in force pending receipt of full explanatory memorandum by the Chief Native Commissioner which will follow by first mail and subject to legislation being passed as proposed below. Chief Native Commissioner by whom the Bill was initiated and introduced strongly urges this course in the interests of the Native Community as a whole. In the meantime emergency legislation can be introduced to provide, first that existing contract(s) made (under) Resident Natives Ordinance of 1916 shall remain in force until 31st December. Secondly that no penalty shall in the meantime be enforceable against the Natives under the new Ordinance which was not in effect before its introduction. The Ordinance has been accepted by all communities as a sound and necessary measure. It has not been criticised in any Native quarter not by any

Native representative and it is believed to be in the best interests of the Natives. Hundreds of contracts have already been entered into under this Ordinance and the possibility of considerable interference with all labour contracts not only on estates but also on the railway likely to result if promulgation of disallowance made without due preparation.

CORYNDON.

File 38485/24

Keura

Contract

14.5 pm  
18/8/24

18 AUG  
19

Priority

Ind

For telegram 10<sup>th</sup> August

25/1 of 10th Jan

views that

DRAFT. Telegram code

Evema Halls

receipt of full explanation

despatch promised before

MINUTE.

considering further question

Mr. Machh 16/8/24

Mr. ...

of policy involved @ in

Mr. ...  
Mr. ...

the meaning H. in the King

By H. Road 18/8/24  
18/8 stand

having signified disallowance

Lord Arnold  
Mr. Thomas

of the Ordinance promulgation

of disallowance must

proceed @ ...

referred to in last ...

Handwritten signature