

1924  
~~1923~~

KENYA

C. O.  
7138  
13 FEB 24

DATE

(P.O.)

India Office. *Spelt*

8<sup>th</sup> February 1924.

282

Spelt

CIRCULATION

Kenya Indian Question

IMMIGRATION BILL

Sends copy of private telegram of 28.12.23  
from Vicary to SRS for India

MINUTES

Report for the record

Meeting

*HC* 14 Feb 24

Transit Paper

10/1/24

10/1/24 Senate

Subsequent Paper

MINUTES.

MINUTES NOT TO BE WRITTEN  
ON THIS SIDE.





Telegram from Viceroy, dated 28th December 1923.

Private. Following telegrams give Sapru's and Rushbrook Williams' accounts of conversations with the Colonial Office.

(Lp/m) 1. Begin: I had, to the best of my recollection, two conversations with James Masterton-Smith before the formula was settled finally. At the first conversation, which took place when Masterton-Smith lunched with me immediately after the Duke of Devonshire's speech, I expressed my dissatisfaction with it in so far as it shuts out Kenya from the scope of the Committee, the appointment of which I had pressed. Thereupon, Sir James drafted a formula which did not appeal to me and which I did not accept. There was no talk on this occasion of implementing the Cabinet's Kenya decisions, and there could be none, for no agreement was arrived at. The second conversation took place on the day the formula was finally accepted. This

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was in the presence of the Duke and Lord Peel, Sir James Masterton-Smith being also present. When the Duke asked me what I wanted to be done, I said that I was not asking him or His Majesty's Government to immediately go back on the Kenya decisions, but I certainly wanted him and His Majesty's Government to agree to our Committee making a full representation on the Indian position in Kenya, and the effect of Kenya decisions on that position, and I also pressed that the Duke should promise to give a full and careful consideration to the representation of our Committee. The Duke then said that what I was really wanting was a reconsideration of the Kenya decisions. I said frankly that I wanted that decision to be reconsidered though I realized that it could not be done immediately. I do not know what is precisely meant by the saying that it was clearly understood and accepted by me that His Majesty's Government would proceed to take action forthwith to implement the Cabinet's Kenya decisions contained in the White Paper irrespective of the Committee. If this means that I did not expect that the Colonial Office did not

concede

281

agreed that the Kenya decisions should be kept in suspense until the Council met, then it is true in the sense that no verbal agreement was arrived at between us. To the best of my recollection there was no reference during any conversation regarding any Immigration Bill. Indeed at the time the formula was settled, and before that, I did not possess any knowledge of the Immigration Bill. At a lunch given by Lord Peel, Masterton-Smith again met me and he asked me when the Committee would be coming to England. I said that I thought that the Committee would be appointed some time in March or April and might be in England by May. I added that I thought that the Government of India would not allow the grass to grow under their feet. Sir James expressed the wish that the later we sent the Committee the better it would suit the Colonial Office. He indicated his preference for October, or even a little later, as the time when the Committee might go. When this conversation took place I did not know of any urgency in connection with the Immigration Bill, of which I heard definitely on my landing in Bombay, and more definitely at Mysore from His Excellency and Sir B.N. Sarma. I do not recollect



recollect any further conversation with Masterton-Smith  
Ends.

(with Smith) 2. Begin. My recollection of interviews in question between Sir T. Bahadur Sapru and Sir J. Masterton-Smith is clear, but does not extend to verbatim remembrance of the phrases used by each party. I must confess that neither Sapru nor I myself realized that early legislation of the character of the proposed Immigration restrictions was contemplated. Had we done so, we should have spared no pains to clear up the matter. We both took Smith's provisos to apply to general terms of the Kenya award; and in particular to communal franchise and allotment of Indian representation. For Sapru had made it clear, time and time again, that pending the report of the Committee or Committees, he could agree to no measure which might lead to the worsening of Indian position. Impression left on Smith's mind in regard to the proposed date at which the Committee or Committees would come into operation is, according to my recollection, accurate. I fear that there has been a perfectly genuine misapprehension on both sides. My impression is that Sapru's anxiety

for early appointment of the Kenya Committee took rise in the news we received en route to India of the introduction of new legislation which he had not contemplated in his interviews with Basterion-Smith.

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for ~~any~~ appointment of the Kenya Committee  
took place in the news we received on 12/12/62 of India  
of the introduction of new legislation which he had  
not contemplated in his interviews with Masterton-  
Smith.

Downing Street,

9th February, 1924.

Dear Mr. Brown,

Sir James Marborton Smith has asked me to acknowledge the receipt of, and to thank you for your letter of the 9th of February enclosing copy of the Viceroy's private telegram of the 28th December.

Yours sincerely

(Sd/-) W. H. A. ...

S. K. Brown, Esq.,