

922.

63

KENYA

30007

DATE

S.O.

18TH JUNE 1922

REC'D
SER 22 JUN 22

REGULATION :-

SUBJECT

MESSRS SCHAUER, WELTER & CO:

Encloses letter received from Messrs Criddle, Ord & Muckle re settlement of matter. Asks if app could be made with Permanent U.S. for firm to discuss matter.

Grindle
H. Lambert
H. Road
J. Masterton-Smith
Wood
Churchill

Previous Paper

MINUTES WITHIN

Gov
29620
22

Ans'd 21 June 22
Tel. to Gov - cons: 22 June 22
Ltr to Gov rec'd 23 June 22
A ans. to My 30620

Subsequent Paper

Gov
30400

MINUTES.

MINUTES NOT TO BE WRITTEN ON THIS SIDE.

20/10/40

Mr. Bottomley

Please see attached cover.

The position is that the firm of Behan Weston & Co. was during the war placed under a Controller as a firm in which enemies were interested, but was not liquidated. The Controller was the liquidator of enemy assets in Kenya. In 1920 a winding up order was obtained on the petition of creditors and an agreement was made for the purchase by a company called Kanton Estates Ltd from the liquidator of the assets in his hands. These have been handed over.

The firm had a claim against the military authorities for depredation & damage caused to its property during the war. This claim was naturally put forward by the Controller. Messrs. [unclear] who was supported by the Col. Smith & the C.O., but by the agreement he transferred it to Kanton Estates Ltd. Therefore prima facie the question is now simply one for Kanton Estates Ltd & the W.O.

Acting

It is however asserted that Col. Nalley, late Col. Sec. of Kenya, had given a promise that the Col. Govt. would assist in the settlement of the claim on even that they would settle it themselves. On the 27th Nov. 1940 we asked the Gov. for a full report, showing whether any difficulty had arisen which would impede a settlement. We sent a reminder on the 4th May.

Until we know all the facts we cannot say whether this has anything to do with the C.O. and if so, what is the best course to pursue; and

PUBLIC RECORD OFFICE					
2	3	4	5	6	
Reference -					
CO 538 288					
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all in any way coming up from Newcastle
interviewed Sir J. Martinton Smith on any other member
of the C.O. at the present stage.

I suggest that Mr. Short's P.S. might be
told what we said in para. 2 & 3 of desk. on 5/23/31,
that this can be communicated to the solicitors
with the addition that, until we get the report
for which we asked, there seems no point in
their sending a representative to London specially
to discuss the matter. [Although, if their representative
is at any time in London, there is of course no
objection to his calling on Mr. Dunlop].
I say that (or something in substance)
by telegram

19/6/32
19/11/32
did tell him
accepting

Agree. Is it really necessary

that Kenya should take six months to

throw a simple question of this sort?

Mr. H. G. S.

So passed? But he has been
telegraphed to the Gov. asking when the
debate may be started - 1/20 inf.
in Short's P.S.

[Kenya Secretariat work is not
good - but I suspect that the
local office there are fairly well
with this case.]

Mr. March, Mr. Short's P.S. 1/20 inf. as proposed?
was 30.6.32
by telegram

all our enquiries coming up from Newcastle to
inform Ed & Martinton Smith on any other member
of the C.O. at the present stage.

I suggest that Mr Short's P.S. might be
told what we said in para. 2 & 3 of dash. on 22/10/21
that this can be communicated to the selectors
with the addition that, until we get the report
for which we asked, there seems no point in
their sending a representative to London specially
to discuss the matter [though, if their representative
is at any time in London, there is of course no
objection to his calling on Mr Duke] & return to
Kaya by telegram.

omit. Don't
tell him
anything.

19/6/22

if necessary. Don't really necessary

that Kenya should take six months to
throw a doubt on the sufficiency of Mr. Short?

Mr. Short

So passed? But we have better
contactable to the Gov. asking when the
debate may be expected - 1/20 w/f.
Mr Short's P.S.

[Kenya Secretariat book is not
good - but I suspect that the
local Dept. there are fully responsible
in this case.]

Mr. Short's P.S. 20/6/22
- + then send papers to Dept. of the tel. to Mr.
H. J. R. 20/11/22

Letter sent
19/11/22

30-37

REC'D
EX-6 22 JUN 22

16th June, 1922.

Dear Private Secretary,

Mr. Shortt has received the enclosed correspondence from a firm of solicitors in his constituency and would be glad to know what he may say in reply. If the suggestion on page 3 of the typed letter is acceptable to you, will you name a time when the solicitors could send a representative to London to discuss the matter at the Colonial Office.

Yours sincerely,

P. T. Storey

The Private Secretary,
Colonial Office.

TELEPHONE NO. 1695 CENTRAL.
111 GATESHEAD.

TELEGRAMS "CRIDDLE, NEWCASTLE ON TYNE"

076

CRIDDLE, ORD & MUGDALE,
SOLICITORS,
COMMISSIONERS FOR OATHS.

J. M. L. CRIDDLE,
S. H. ORD,
ROF. MUGDALE.

*Northern Assurance Buildings,
2 Collingwood Street,
Newcastle upon Tyne.*

(ALSO AT 9, SWINBURNE STREET, GATESHEAD.)

8th June 1922.

Dear Mr Home Secretary,

Kenton Estates (East Africa) Limited.

May we ask your kind assistance in a matter which is of considerable importance to the above Company of which we are Directors. Our Company is the successor of Schauer Walter & Co Limited a Company registered in this country many years ago and owning properties in East Africa which were adjacent to those of our Company. Owing to certain Germans being associated with Schauer Walter & Co Limited in Africa, the property of the Company was, during the War, placed under control, but before this was done, Mr Holsappel, one of the signatories hereto (who is of course, a British subject) offered the property to the Military Authorities as a Hospital and Convalescent Home for white officers and men and the premises were at once taken over and used for that purpose.

As a matter of fact, the Company was officially acknowledged to be a British Company, the greater portion of the capital invested being British.

At the termination of the War, it was found that considerable damage had been done and damage and dilapidations amount to well over £4500. Mr Holsappel interviewed the Colonial Secretary

PUBLIC RECORD OFFICE, LONDON

CRIDDLE, ORD & MUCKLE,
SOLICITORS,
COMMISSIONERS FOR GATING.

J. H. L. CRIDDLE,
W. H. ORD,
ROBT. MUCKLE.

*Northern Assurance Buildings,
2 Coltingwood Street,
Newcastle upon Tyne.*

(ALSO AT 8, SWINBURNE STREET, GATESHEAD)

8th June 1922.

— 2 —

at Nairobi and so far as the latter was concerned he appeared to be anxious to have the claim settled and Mr Holsappel, on behalf of Kenya Estates Ltd offered to settle for an immediate payment of £3000.

Owing to some awkwardness on the part of Mr Adams the Controller in East Africa, difficulties were placed in the way and ultimately it became necessary for us to obtain an interview with the Colonial Office here supported by the Official Receiver of Companies in Liquidation who is the Liquidator of Schauer Walter & Co Limited. We should say that by arrangement with the Foreign Office, an undertaking was given by our Solicitors that this Company should be liquidated.

As you will see from the enclosed copy letter dated 23rd November 1921 an interview took place at which Mr Holsappel and Mr Muckle (our Solicitor) interviewed Mr H S Hughes of the legal department of the Colonial Office as a result of which some communication was addressed to the Governor of Kenya Colony, but the nature of this communication is unknown to us. From later correspondence, it would appear that no response has been forthcoming from Kenya Colony and coincident with this, we also understand that communications addressed to Mr Adams the Controller, by the Official

TELEPHONE NO. 1468 CRIDDLE.
111 SAFEBEAM

TELEGRAMS OFFICE: NEWCASTLE ON TYNE

CRIDDLE, ORD & MUCKLE,
SOLICITORS
COMMISSIONERS FOR OATHS

J. M. L. CRIDDLE.
W. H. ORD.
ROBT. MUCKLE.

*Northern Assurance Buildings,
2 Coltingwood Street,
Newcastle upon Tyne.*

(ALSO AT 9, SWINBURNE STREET, GATESHEAD)

8th June 1922.

of the treatment meted out to our Company in the matter and in
the circumstances trust that you can assist us as suggested.

Yours faithfully,

W. H. Ord
W. H. Ord

PRIVATE

The Right Hon. Edward Sherriff, K.C., M.P.,
Secretary of State for Home Affairs,
London.

1 Enc.

Letter to Messrs Jackson Old & Muckle
of the Colonial Office

680

23rd November 1921.

Sir,

re Schauer Welter & Co Ltd (in Liquidation)
No. 55986/21.

Adverting to our letters of the 8th and 10th inst. and to the interview granted by your Mr H C Bushe to our Mr Muckle in company with Mr Holzapfel on the 18th inst, we beg to supplement the statements in our said letters as follows:-

- Our clients (Kenton Estates (East Africa) Limited) claims arise under three heads namely -
- (1) Claim for Stores & Medical accessories &c. which were used by the Military (being taken over by the Authorities) and for which Mr Adams the as Controller lodged a claim for £1,900 - £1,600 say:- £1,500. 0
 - (2) Claim for dilapidations at the Sanatorium agreed at:- 550. 0
 - (3) Claim for ^{resto} at Fortuna 500. 0
 - (4) Claim for Missing Stores & furnishings estimated at over £2,000 say:- £3,000. 0
- £ 4,500. 0

Mr Holzapfel interviewed Mr Notley the Colonial Secretary at Nairobi, who stated that he was very desirous of amicably settling the claim and in fact appointed a Valuer to act with a Valuer appointed by Mr Holzapfel for the purpose of making a Schedule of dilapidations and things missing and the cost of putting the furniture still left at the Sanatorium into order was agreed at Rs. 5,500 or £550 (item 2).

With regard to item (1) this is the figure given to us by Mr Adams when in London in respect of which he stated he had lodged a claim as Controller.

Item (3) is a figure which has already been spent by our clients in restoring Fortuna Farm which had been practically

cred.

Item (4) is based on the Schedule taken by both the aforesaid Valuers. A further valuation was made as the cost would have been £300 which is excessive, but according to the opinion expressed at the time the value of missing articles would considerably exceed £2,000. They comprise the Silver, Silver Cutlery, Table Linen, Mats, Eiderdowns, Counterpanes and other bedding - in fact everything capable of easy transportation.

We may say that a complete Inventory of the Property and effects taken over and signed by the Officer Commanding in 1915 is in the possession of our Agents Messrs Barry Delaney & Russell at ~~Waterford~~ although a copy is also in our possession here and there can be no dispute with regard thereto.

The combined claims amount to about £4,500 but Mr Holzapfel informed Mr Netley that as a quick settlement he was prepared to accept £3,000. The Colonial Secretary considered this offer as accepted, but apparently his words were not so at the time owing to some question arising between the Administrative Department and the War Department, while in addition Mr Adams as Controller would not recognise our clients right in the matter.

Our Agents who took up the negotiations after Mr Holzapfel's departure from this country state that they think the matter would be settled without delay if an intimation were sent by the Secretary of State for the Colonies to the Colonial Secretary of the Governor of the Colony to deal with & close the matter.

So far as our clients rights are concerned, we hope to enclose with this letter, or forward later a communication from the Official Liquidator confirming that Kenton Estates

(East Africa) Ltd are the persons entitled to all rights property and claims which by law or equity vest in the Liquidator. If this could be confirmed in any communication addressed to the Governor of Kenya we think it would greatly assist matters.

The question as to how much should be paid will, we understand, raise no difficulty and therefore the only other matter is to decide who is to pay the agreed amount.

We submit that this is a matter which should be settled by the Department concerned and seeing that very generous terms of settlement have been suggested, and which apparently are approved by the Governor, it appears to us that no difficulty should arise therefrom.

We shall be glad to hear that a communication on the lines discussed at the above interview can be despatched namely:

"That in the opinion of the Secretary of State the matter is one which should cause no difficulty and that the Governor should deal with and close the matter without delay and also that Denton Estates (East Africa) Ltd appear to be the persons entitled."

We shall be pleased to furnish you with any further information you desire.

Our Mr Muckle will be in London on Monday the 26th inst and could call if necessary and an appointment for that purpose were sent addressed to him at,

Kenilworth Hotel,
Great Russell Street,
W. C. 1.

We are, Sir,

Yours faithfully,

Criddle Ord & Muckle.

The Under Secretary of State,
Colonial Office,
London.

21st June, 1922

Dear Mr. Shorey,

With regard to the letter from Messrs. Criddle, Ord and Mickle, which you sent to us on the 16th June, I enclose a copy of the communication to the Governor of Kenya of the 29th November, 1921, to which Messrs. Criddle, Ord and Mickle refer. This can be communicated to the firm of solicitors; but until we get the report for which we asked, there seems to be no point in their sending a representative to London specially to discuss the matter. We are reminding the Governor by telegram.

Yours very truly,

Shorey, Kaj.

Lot via written

HO / 30007 / 22 June

Jubson
22 June

Sent 11:10 am
22/6/22
W.P.B.

Remittance

DRAFT. Code
FD

Telegraph when reply was

Guano
Number

is expected to my
underdosed

MINUTE.

Dispatch of Nov 29

Mr. Lambing 21.6.22

Whitehouse wedgewood

Mr. Balthus (500000)

No 1822

Mr. SCHAEFER
markgate

Mr. Davis
stam

WELTER

Mathias Bergant

Sir H. Grindell.

Sir H. Read.

Sir J. Maesterson Smith.

Mr. Wood.

Mr. Churchill.

ROUSSEAU

685

No. 900 07/12

Sent 3:15 PM
20/6/12
Rush

Not by comb

DRAFT. (de
lee

Points A

Notes
128 June 7

Governor
Nairobi

unforgot

They led June 22

SENAUER

MINUTE.

WATER after wednesday

Mr. Seal 29/12

Mr. Batterbee

Mr. z 20
Mr. Davis Chair

hazardous
insert para 2.

Sir G. Grindle.

Sir H. Ross.

Sir J. Masterton Smith.

Mr. Wood.

Mr. Churchill.

PROGALPER.

Mahon
in 29/6/12 Kenya

685
B-2

No. 300 07/22

Not by mail

sent 3:15 PM
20/6/22
Amd 3

DRAFT. Loe
Lee

Part 1

123 June 1

Governor
Maine

unforgot

They let June 22

SCHAUER

MINUTE.

WARRERS after wednesday
pagandom
insert Part 2

Mr. Seal 25/6/22

Mr. Battenbee

Mr. 2 20

Mr. Davis 20

Sir G. Grinle.

Sir H. Bond.

Sir J. Matterton Smith.

Mr. Wood.

Mr. Churchill.

ROUGHIER

Mr. Mahon
Mr. George
Mr. Henry

PUBLIC RECORD OFFICE

END

TOTAL EXPOSURES →

PUBLIC RECORD OFFICE

THE PAGES IN THIS VOLUME ARE TOO
TIGHTLY BOUND FOR ALL WORDS TO BE
REPRODUCED IN ENTIRETY

Kenya

1922

VOL. 13

1

711) W/17721/4/43 2,000 12/22 H. F. R & L. Ltd. Copy 3

FROM	DATE	SUBJECT
<u>India Office</u>	9 Jan	Position of Indians
"	19 "	"
"	30 "	"
"	15 Feb	"
"	23 "	"
"	24 "	"
"	9 Mar	"
"	23 "	"
"	1 May	"
"	3 "	"
"	24 "	Asiatic Med. Subordination Pay
"	13 Jul	Position of Indians
"	26 Aug	"
"	29 "	"
"	8 Sep	"
"	13 "	"
"	30 Oct.	Immigration of skilled & unskilled labour to Kenya
"	7 Dec.	Loans for Indian Officers
"	8 "	Customs duties on cotton piece goods
"	21 "	"

Parliament. Houses of

House of Lords	3 Apr.	Native taxation & products
" " Commons	10 May	Harry Thuku Arrest of
" " "	27 Jul	Uasin Gishu railway.
" " "	29 "	Junior Postmasters, Class of passage
<u>Board of Trade</u>	24 Feb	Cement damaged in Anglo Egyptian
"	26 Jun	Flax growing
"	12 Jul	Repatriation of ex-military prisoners of war
"	18 Oct	Flax growing
"	28 Dec	Direct steamer service to E.A.

CO. 533

287

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Kennel

1923

VOL. 13 (Continued)

FROM	DATE	SUBJECT
<u>Treasury</u>	5 Jan	Pensions. Committee of re-established
"	15 "	Voluntary retirement. Delay of ^{service}
"	18 "	Passage allowances for wives + families
"	31 "	Asiatic staff. Free quarters.
"	"	Mr. K. M. Modi Pension.
"	1 Feb	Pensions. House allowances.
"	20 "	Currency Den C's 1920 + 1921
"	21 Mar	Mr. Mousanjee Jamnages Doroorkhanan
"	3 Apr	Rly + P.W.D. asst engineers salaries
"	10 May	Losses of kit in Chinese cyclone
"	12 "	Motor boat commandeered by shipping
"	"	Liquidation Dept.
"	1 Jun	B.E.A.D.C.
"	18 "	Replacement of motor boat requisitioned
"	14 "	B.E.A.D.C.
"	18 Jul	Non-European officials. Pensionable
"	"	Customs Revenue allocation
"	28 "	Asst engr, P.W.D. + Rly Salaries
"	17 Aug	Advances under Loan Act, 1914
"	21 "	House allowances
"	25 "	Asiatic medical subordinates
"	30 "	Sales of Imp. Govt surplus stores etc
"	1 Sep	Uganda Rly Marine Officers.
"	14 "	Mr. A. S. Kopadia. Retirement.
"	16 "	Damaged cement of Anglo-Egyptian.
"	22 "	B.E.A.D.C.
"	28 "	B.E.A.D.C.
"	2 Dec	B.E.A.D.C.
"	11 "	B.E.A.D.C. Empire Settlement
"	16 "	B.E.A.D.C.
"	24 "	B.E.A.D.C.

FROM	DATE	SUBJECT
<u>Treasury</u>	7 Nov	Mr. Geo. Ellis, Isobels + Marlon.
"	"	Pensions to service.
"	14 "	K. M. Modi Pension.
"	22 "	Loss of Govt stores
"	28 "	House allowances
"	6 Dec	Prison + Police gratuities.
"	15 "	Prison + Police gratuities
<u>War Office</u>	11 Dec	Military expenditure
"	"	" " Unclaimed pay
"	"	of native service corps
"	26 "	Military expenditure
"	15 Mar	Military expenditure
"	19 May	" " Winding up arrears
"	26 "	" " Customs duty
"	2 Aug	Officers seconded for service in Ind. by
"	19 "	Unclaimed balances due to native
"	2 Nov	Dept of Army officers to visit and
"	"	stay while at P.A.S. course

like a little word of thanks
from the C.O.

ack. escape. The
C.O. letter of 10 Jan.

on the subject generally.

It says that diff. is
to be taken into

consideration.

expressing the
for the action of the

Sup. for India matter.

Part of the de in the

matter made

that the necessary

revision of the R.D.

to enable the Gov.

to give effect to the

in terms representation

is already in hand.

accp
10-1-22

W.C.S. 10-1-22

to J. A.
15/1/22

MINUTES

MINUTES NOT TO BE WRITTEN
ON THIS SIDE

There is a little word of thanks
from the C.O.

of ad. recd. refer
to 800 letters of 10 Jan.
on this subject generally.

I say that I am
glad to take this
opportunity of
expressing his thanks

for the action of the
Soc. for media & the
rest of media on the
matter - and

that the necessary
revision of the R.O.
to enable the Gov.
to give effect to the
intent represented by

The ~~200~~ (10/22)

I want to know
(a) whether the
refers to the 1-0
letter of 9/1/22 which
was sent with our
enclosures, and (b)
whether any reply was
sent to 1-0 letter of
9-1-22.

Will you please
cancel the papers charging
this.

W. H. H. H.
21. 1. 26

Mr. Kinnear
as reply from
1-0
J. H.

Mr. [unclear]

Not long ago we talked over
the U. balance and the charges
on our new Police [unclear] [unclear]
[unclear].

Perhaps you are seeing [unclear]
I'm afraid to send you [unclear]

to 1.0. at the [unclear] we can
[unclear] no [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear]

W.C.S.
12.22

at present.
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]

Any further communication on this subject should be addressed to—

The Under Secretary of State for India,
Industries Department,
India Office,
London, S.W.

and the following reference quoted—

I. & O. 2763/21.

INDIA OFFICE,

1300
WHITEHALL,
LONDON, S.W.

RE-
REC-10 30 22

9 January, 1922.

Sir,

With reference to previous correspondence regarding Indian policy in Kenya, I am directed by Mr. Secretary Montagu to transmit, for the information of Mr. Secretary Churchhill, copy of a telegram from the Viceroy repeating a telegram from the East African Indian National Congress, which intimates that the local Indian community have informed the Governor that they are ready to accept the interim representation by four nominated members of the Legislative Council and the nomination of a member to the Executive Council proposed by Mr. Churchhill in the memorandum drawn up to serve as a basis of Indian policy. Copy of a telegram which has been received at this Office direct from Nairobi is also enclosed.

It will be remembered that in his telegram of 28th October communicated to this Office with your letter of 15th October, No. 50921/1921, Sir E. Northey reported that the Europeans agreed unanimously to the proposed interim nominations but that the Indians were inclined to prefer to await further discussions without acceptance of the nominations. In view of this report the Government of India, at Mr. Montagu's suggestion, telegraphed to the Indian Association at Nairobi advising reconsideration of their attitude and acceptance of the offered interim nominations. Information was subsequently received that the Indian community had intimated to the Governor on the 16th November, that they

were

The Under Secretary of State,

Colonial Office.

ted 24th
ember, 1921.

50921/21

were prepared to accept the interim offer after agreement on the main proposals should have been reached; Mr. Montagu, thereupon took steps through the Government of India and Mr. Andrews, to urge that the Governor's interim offer should be accepted, at once and not made contingent on an ulterior agreement on the main proposals. It will be seen that the Indian community have now accepted this advice.

Mr. Montagu thinks that Mr. Churchill will agree that in deciding to adopt this course the Indian community have shown a willingness to co-operate with the Government of Kenya on the lines of Mr. Churchill's proposals. He presumes that nothing now stands in the way of the proposed interim arrangements being carried into effect forthwith. At the same time he would ask that sympathetic consideration should be given to the request contained in the telegram which he has received from Nairobi that the number of interim nominations to the Legislative Council should be increased from 4 to 5 so as to admit of two representatives being nominated for Mombasa, two for Nairobi, and one for Kisumu.

I have the honour to be, Sir,

Your obedient Servant

R. J. Joyce

for Secretary

Industries & Overseas Dept.

*From Viceroy, Revenue and Agriculture Department,
24th December 1921.*

I. & O. 2763

13480

326 R.A. Our telegram dated 22nd December. Indians in Kenya. Following telegram received from East African Indian National Congress, Mombasa :—

“Under your advice and assurance, Standing Committee resolved that *interim* representations of Councils be accepted. Local Governments communicated (? with omitted) accordingly.”

*From Viceroy, Revenue and Agriculture Department,
24th December 1921.*

L & O. 2763

13480

326 R.A. Our telegram dated 22nd December. Indians in Kenya. Following telegram received from East African Indian National Congress, Mombasa :—

“Under your advice and assurance, Standing Committee resolved that *interim* representations of Councils be accepted. Local Governments communicated (? with omitted) accordingly.”

COPY OF TELEGRAM FROM NAIROBI TO MOMBASA

INDIA OFFICE. DATED 24TH DECEMBER, 1921.

Under moderate leaders influence congress decided to accept interim representation humbly respectfully request please grant five seats legislative council instead four. Two Mombasa two Nairobi one Kisumu all three important centres thus creating contentment. Congress.

COPY OF TELEGRAM FROM NAIROBI TO MOMBASA.

INDIA OFFICE, DATED 24TH DECEMBER, 1921.

Under moderate leaders influential congress decided to accept interim representation humbly respectfully request please grant five seats legislative council instead four. Two Mombasa two Nairobi one Kisumu all three important centres thus creating contentment. Congress.

COPY OF TELEGRAM FROM NAIROBI TO MONTASO.

INDIA OFFICE, DATED 24TH DECEMBER, 1921.

Under moderate leaders influence congress decided to accept interim representation humbly respectfully request please grant five seats legislative council instead four. Two Mombasa two Nairobi one Kisumu all three important centres thus creating contentment. Congress.

1922

KENYA

10

C.O.
1922
KES
Price 11 JAN 22

INDIA OFFICE.

DATE
10TH JANUARY, 1922.

FOR CIRCULATION
Mr. *B. M. ...* 11.1.22
Mr.
Mr.
Mr. Grindle
Sir H. Lambert
Sir H. Road 12/1/22
Sir J. Masterton Smith
Mr. Wood
Mr. Churchill

SUBJECT

POSITION OF INDIANS.

Suggests that announcement should be made publishing proposals in full with amendments and explaining that C.O. outlined them to Govt as a basis for further examination of problem. Also explanation should be given as stated to lack of agreement. Unless latter addition is made, it is unnecessary to include reference to obson recently received from Govt. of India.

Previous Paper

MINUTES

1300.

P. The previous papers required for this are not below; I have removed them from the bundle ref. in previous representation wh. is now with Sir J. Masterton Smith

I gather from your letter dated 1.0. 1922 to our now visiting the Govt of Kenya (ref. C.O. reference Feb 7 13 Dec. no 57193/14) that he may publish in full the memorandum in 40629/14 (with the papers with Sir J. Masterton Smith) annexed as in para 8 of C.O. letter 25 Dec. no 57193/14 with an explanatory note that the typ. letter (Col. ... (as set out in 1.0. letter) ... the position ...

Feb 15 Gm. 14 Jan 1922
Must send paper 12.1.22

Return of Paper

22/1/22

C.O.
C.E.
C.L.
PERMISSION OF THE
BOARD

MINUTES.

clear (I think) details.
 present. But I.O. now
 suggest that we had
 said that the Europeans
 objected to the policy,
 but that the Indians
 asked for certain
 changes in the proposals.
 This is what we do
 not propose to say.
 A point is that no
 reference to the media's
 views need to be given
 in the last para of the
 letter.

It is clear that the
 matter now deals
 with the S.O. & we need
 not consult I.O.
 further.

? Del. wish in caption
 as in para 2 of this
 minute - & send F.O.
 for info. paraphrase
 of the text, saying
 that S.O. after
 considering I.O. letter
 decided to comply.
 The

MINUTES NOT TO BE WRITTEN
ON THIS SIDE

and in connection to these
 views - & that as he
 did not find it
 desirable to include
 the suggestion in
 para 3 of I.O. letter,
 up to views of S.O. if
 India originally
 suggested by C.O. was
 not then included

Before Mr. Ambassador's minutes I
 had telephoned to I.O. on the
 previous evening of the first week
 of the last para (4). Mr. Walter had
 informed me that, although
 the S.O. were in favour of
 it (very clear), the S.O. were
 that he should not write
 further anything about the
 views of the Govt. of India.

That is all right - as my
 suggestion is because it was
 thought that the S.O. would
 write it.

Mr. Walter said that he
 thought it was better
 important to 3. But I
 think that the fact that
 discussion with the European
 delegation is now a matter
 in progress here, makes it

all the time
to attempt to
reason for
the

Oct 11, 22

Mr. ...

...

B

(1822/22)

... ..
... ..
... ..
... ..

13.12.22

INDIA OFFICE,
WHITEHALL,
LONDON, S.W.

C O
1822
REC
REC 11 JAN 22

10th January, 1922.

Any further communication on this subject
should be addressed to—
The Under Secretary of State for India,
Overseas Department,
India Office,
London, S.W.
and the following reference quoted—
I. & O. 36/22.

Secret & Pressing.

13

Sir,

I am directed by Mr. Secretary Montagu to acknowledge the receipt of Sir H. Read's letter marked Secret and Pressing, dated 4th January 1922, No. 63622/21, on the subject of Indian policy in Kenya.

As regards paragraph 4 of the letter I am to state for the information of Mr. Secretary Churchill, that in the circumstances Mr. Montagu agrees to the publication in full of the Outline of proposals which was communicated by Mr. Churchill to the Governor. He suggests that an announcement should be made publishing these proposals in full with the amendments suggested by paragraph 8 of Sir H. Read's letter of 13th December 1921, and explaining that the Secretary of State for the Colonies, as a preliminary to consultation with his colleagues in the Cabinet, outlined these proposals and communicated them to the Governor as a basis for the further examination of the problem in consultation with the leaders of all parties in Kenya but that the Governor was unable to secure agreement between the European and Indian communities.

Mr. Montagu would suggest for Mr. Churchill's consideration that, in order to explain this lack of agreement between the Europeans and Indians, it would be desirable that the announcement should add that the former found the basis of policy unacceptable, while the latter asked for certain changes.

The Under Secretary of State,
Colonial Office.

changes in the proposals as outlined.

(4) Unless the foregoing suggested addition is made to the announcement, Mr. Montagu considers that it is unnecessary to include any reference to the observations recently received from the Government of India; but, if it is decided to include such a reference, he requests that the formula suggested at the end of the letter from this Office dated 22nd December 1921, No. I. & O. 2648/21, may be adopted for the purpose.

63622/31

I have the honour to be, Sir,
Your obedient Servant,

J. G. D. D. D.

OFFICE, LONDON

1822/Kenya PARAPHRASE TELEGRAM from the Secretary of State for
the Colonies to the Governor of Kenya.

Sent 10.55 a.m. 14th January, 1922

Barkinson
15.1.22.
Bottomley
13.1.22.F.S.

With reference to my cypher telegram dated Decem-
ber 15th after fully considering the matter I have decided
that the proposals for the settlement of the Indian
question should not be published for the present.

COPIES
ALL
FOUR

PV 20

18

107 1926. Wages

Notes

ASSET

ind. dept. for budget
Minister's dept.

14 July 12

MINUTE

October 11/12
By Ministry 13.1.22 for

reference to a Mr. [unclear]
re. of your letter of 11/12
1000 [unclear] [unclear]
10 of [unclear] [unclear]
subject of [unclear] [unclear]
policy in [unclear]
to request that
you will inf.
W. Sec.

- Mr. [unclear]
- Mr. [unclear]
- Mr. J. [unclear]
- Mr. G. [unclear]
- Mr. W. [unclear]
- Mr. [unclear]

2/12/12 for [unclear]

1. 1922 Kenya.

17

This Draft not approved
18/1/22

DRAFT TELEGRAM (Cypher)

January 1922.

Governor Nairobi.

(89593/21)

1 MINUTE.

Mr. *Sturges*

Mr. *W. G. ...*

Mr.

Mr. ...

Mr. ...

+ Sir H. Road 13/1/22

+ Sir J. Masterton Smith 13/1/22

Mr. Wood.

Mr. Churchill.

5/1/22
Sturges

S. G. S. Judicial Kenya.

You have already approved publication of the "Secret Proposals" for which the Ministry are indebted to you. This draft proposes amending the results of discussion with L.C. 2. 1/1/22

My cypher telegram of 26th December 1920 should now be reworded to the effect of memorandum of the Colonial Office letter of 26th December 1920 substituting four lines of paragraph 2 B headed "qualifications" the words quote approximately ten per cent of the present Indian population, unquote. Explanatory note should be published with memorandum that quote Secretary of State for Colonies as a preliminary to consultation with his colleagues in the Cabinet outlined these proposals and communicated them to the Governor as a basis for further examination

of

of the problem in consultation with the
leaders of all parties in Kenya but ~~that~~
the Governor has been unable to secure
agreement between the European and Indian
communities on these lines unquote.

Telegraph date and manner of ~~applicatio~~

addressed
of the
Mr. Ch...
should
amen...
3th Dec
State
to
...
...
of

MINUTES

MINUTES NOT TO BE WRITTEN
ON THIS SIDE

have not particularly
find some) telephone
to proceed with the
So as to show that although
the Indian members to
take their seats by noon
the instructions are received.

4. But be sure that there is a
good plan of the map
given to the members as regards the
basic number of specimens (3)
and to say how the
specimens suitable is
being too inadequate to
be suitable to the Indians.

It is not very desirable that
the things Indian have should
be stipulated while they
are still on the way.

5. Therefore it will be better to
tell (instead of 3) to

of effect that the instructions
could be issued and that
the Indians may understand that
the instructions will be
taken in hand as soon as
the instructions are
received.

2. 1911

the basis of 1, 2, 5

(be sure not to be the
basis of the list. I have
of the part of the
construction of the
order to the
which
of the
of the

1911

38/1922.

TELEGRAM (sent) the Secretary of State for the Colonies
to the Secretary of State.

(sent) 11th February, 1922).

13th February.

Your telegram of 31st December additional
instructions providing for interim representation of
Indians Legislative Council signed by His Majesty the
King 11th February copies will be sent by first mail.
They have effect from date of receipt by you and in the
meantime you may announce that steps will be taken
for the nominations as soon as instructions received.
Previous instructions give power to nominate Indian to
Executive Council but you may prefer to wait till
other nominations can be made.

Any further communication on this subject should
be addressed to
The Under Secretary of State for the Colonies
Department of the Colonies
Whitehall, London, W.1.
and the following reference quoted
I & O 136/22

INDIA OFFICE,
WHITEHALL,
LONDON, S.W. 1

HOME OFFICE
RECEIVED
22 FEB 22

5/11/22 January 1922

With reference to your letter of 10th January, 1922, regarding the interim representation of the Indian community in Kenya on the Legislative and Executive Councils, I am directed by Mr. Secretary Montagu to enquire whether steps have yet been taken by the Governor to nominate four Indians to the Legislative Council and an Indian to the Executive Council in accordance with the proposals made by Mr. Churchill, in which the Indian community have now intimated their willingness to co-operate. Mr. Montagu notes that Mr. Churchill cannot see his way to increase the number of nominations to the Legislative Council from four to five.

Mr. Montagu thinks that Mr. Churchill will agree that an early announcement to the effect that these nominations, as agreed upon, have been made would, by creating a favourable atmosphere so far as the Indian community is concerned, assist materially in arriving at a settlement

The Under Secretary of State,
COLONIAL OFFICE.

of the general question of policy and will
discuss it.

I am Sir,

Your obedient servant,

J. M. G.



DRAFT

February 1922

Secretary of State
DEPARTMENT OF STATE

to acknowledge the receipt of

your letter

February 1922

Mr. [unclear] 62

1.9.130

regarding the nomination

Mr. [unclear]

of India

representative Council

Mr. [unclear]

and Executive Council of Kenya

Mr. [unclear]

Mr. [unclear]

and suggesting the desirability of an

Mr. [unclear]

Mr. [unclear]

early announcement to the effect

Mr. [unclear]

that these nominations had been

made

copy of [unclear]
to [unclear]

Secretary of State for India

That the draft

the Royal Sign Manual and Signet

for the amendment of the Constitution

of the Republic in a Bill of Councils

of Kenya has been submitted to

H. B. P. Council ^{that} Council of Ministers

~~understand that they are~~

at a meeting of the Council

~~on the basis of an Order in Council is issued~~

authorizing the Instructions, they will

then be submitted in printed form for

the signature of His Majesty the King

3. The Instructions, when

signed, will be countersigned

of Kenya.

DRAFT.

MINUTE.

from the

Montagu will observe

upon the Instructions are received

the Governor cannot

be the termination of the

and will be of the High Council

and a Member of

the Council, the Chancellor

and will be to inform the

of the Council

of the Council

of the Council

that the draft
Mullayal Sign: H. M. U. and signed
for the amendment of the Constitution

of the Executive and Executive Councils

of Kenya have been submitted to

H. M. U. Council ^{that} ~~was~~ ~~at~~ ~~the~~ ~~meeting~~

~~understand that they~~ ~~are~~ ~~not~~ ~~yet~~ ~~ready~~

~~at a meeting of the Council~~ ~~on the~~ ~~3rd~~

~~upon the basis of an order in Council~~ ~~is~~ ~~issued~~

submitting the Instructions, they will

be submitted in printed form for

the signature of His Excellency the King.

3. The Instructions will also

signed, will be a copy of the

of Kenya.

of Kenya.

of Kenya.

of Kenya.

DRAFT

MINUTE

from the
Government
Montagu will receive
the Instructions are received
the Governor cannot
the recommendation of the
Council of the Leg. Council.
The Hon. member of
the Council, Mr. Churchill
member, to inform the
Council of the
of the
of the
of the

J.C. - *[scribble]*
J 238

24

[scribble]

[scribble]

DRAFT.

Governor

[scribble]

MINUTE

Mr. [scribble]

Mr. [scribble]

Mr. [scribble]

Mr. [scribble]

Mr. [scribble]

Mr. [scribble]

Mr. [scribble]

Mr. [scribble]

Mr. [scribble]

[scribble]

[scribble]

[scribble]

[scribble]

[scribble]

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P. 100

prodan

M. 100

Boyle

Boyle

MINUTES

MINUTES NOT TO BE WRITTEN
ON THIS SIDE.

1871

Draw out these relations

you have seen the notes

of the 2d of the 2d

to the University's history

The notes in front

1871

1871

1871

The Under Secretary of State for
Industries

INDIA OFFICE,
WHITEHALL,
LONDON, S.W. 1



and the following reference quoted:
I. & O. 367.

7237
REC'D
15 FEB 22

Victoria 9920. I.O. Ex. No.
Bostandun, London.

Sir,

With reference to your letter of the 10th

referred to above, I am sorry to hear that the
by Mr. ... information ...
information ... telegraph ...
visited ... to ...

ed 1st
bruary
2.

ed 3rd
bruary
2.

Government Service

Kwanton

The Under Secretary of State,
Industries Office.

SECRET

Viceroy & Secretary of State for India

Dacca, 1st February 1947

Received 8 p.m. 1st February 1947

3681

Clear of...
 Reuter's... from London...
 received... on 30th January...
 Churchill... East Africa... announced
 decision that Highlands of Kenya will be ex-
 reserved for Europeans; rest...
 parts into East Africa will be strictly...
 and... comfort... will be marked...
 standard, regarding... European community...
 fully consulted... will not be denied...
 the occasion of this...
 appears to... the substance...
 could... address in this...
 and to add... at a very...
 juncture... are announced...
 has... India...
 North...
 directly...
 the...
 up by the...
 Africa to...
 interim offer...
 at...
 that a...
 effect of the...
 be so serious that we...
 take...
 us.

Paragraph 2. In the meantime, in order to
 be necessary, it is...
 you what...
 approval...
 will be glad

send us a telegram which...
 exact terms of the decision...
 may be necessary. Please telegraph...
 information a summary of what Churchill actually said...
 We see all that Churchill's reference to creation of
 Great East African Federation taken with his reference
 to the future of East Africa as a characteristic and
 fundamentally British Colony looking forward to self
 Government, will add to the appreciations which will
 be made in the rest of his speech. We should like
 to know whether this has been officially accepted as
 the present official policy in East Africa.

Secretary to the Government of India
 Revenue and Agriculture Department

CO 333 / 287
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 REPRODUCED BY
 PUBLIC RECORDS OFFICE

tly

Copy of telegram from Secretary of State to Viceroy,
Revenue and Agriculture Department dated
3rd February 1922.

29

501. Your telegram was dated 1st February. Main statements in Churchill's speech of 17th January regarding Indians are summarised as follows.

Speech. We have had some doubts as to how far as practicable we should like to see that our labour is not by itself to be a burden on the country. Kenya should help general inter-CE of the East. In the sphere in which India has entered as a partner, care should be taken to treat India's interests and citizens with the respect that is their due and to avoid legislation which inflicts arbitrary distinctions on those representing the enormous mass of India's British subjects. Churchill therefore asked that broad imperial view should be taken of position of Indians in Kenya and Uganda. In order to relieve European anxiety he stated "I am now in communication with Lord Delamere and we consider we are bound by undertakings given in the past to reserve the highlands exclusively for European settlers and we do not intend to depart from that pledge. That must be taken as a matter that has been definitely settled in all future negotiations." He continued we wish to see the principle of equal rights for all civilised men which means that native and Indians regarded well as equal. European standards will have to be applied and enjoyment of civic and political rights. Standard to be applied to this matter of greatest importance in which European community have a right to be fully consulted. He stated "We consider the interests of British settlers and native population alike require that all future immigration of Indians should be strictly regulated and that the same principle of equal rights and conditions for all civilised men shall rule in respect of immigration

immigration laws as in all other respects." Immigration law and administration more than almost any other must be subject of closest consultation between officials and existing residents. "We do not contemplate which will prevent Kenya becoming a distinctive and distinctively British colony looking forward in due course of time to complete self-government. The future of territories is to be studied and decided on his own view that this is their ultimate destiny, such a confederation to take its place among the Crown colonies on equal terms with the West African Colonies. Ends.

It must be understood that no decision has yet been made by the Home Office on matters outstanding. The Government and the Secretary of State did not purport to be a complete statement of the Government's policy on these matters.