

Memorandum

on the Enclosure to the Secretary of State's despatch
No. 224 of the 16th December, 1935.

It was found necessary to effect several modifications in the provisions of the Tanganyika Ordinance but these were made only in order to simplify the draft Ordinance and at the same time adapt it to the more primitive conditions existing in the Colony. I do not consider that the modifications will result in the Societies not being afforded a reasonable opportunity of establishing themselves.

Para. 3. The reasons for the proposed prohibition of credit transactions have been detailed in para. 7 of my letter to the Resident Commissioner, No. 42, of the 20th April, 1934. The prohibition is intended to be a temporary measure only, to cease when the native has mastered the principles of sound cash transactions. Private traders do not, I believe, give much credit in the Colony as it is impossible to sue the native should he ultimately decline to pay.

Paras. 4 and 5. Clause 4 (2). I would tentatively suggest that the limit of liability should be the member's entrance fee and membership subscription.

Clause 17 was included as cases have arisen where societies have refunded the entrance fee of a retiring member.

Para. 6. A provision could be added to Clause 5 under which the Resident Commissioner could be empowered to permit the formation of larger or smaller societies in cases where it is proved to his satisfaction that unnecessary hardship would be caused by a rigid insistence on this upper or lower limit. Larger or smaller societies should, however, be discouraged

be discouraged and, except in exceptional circumstances, prohibited.

- Para. 7. If it is necessary that the societies should be bodies corporate in order to hold land, section 19 of the Tanganyika Ordinance could be adapted in its entirety in place of Clause 14.
- Para. 8. The reason for the objection to Clause 16 is not quite clear to me. Certainly a member may have more than one next-of-kin and they would all share in any moneys due to him, in accordance with native custom.
- Para. 9. Clause 17. The question mentioned by Mr. Kennedy has never, so far as I am aware, arisen in the Gilbert Islands but, where the members of a society so desire it, an optional rule could be added to the effect that a retiring member should be entitled to a share of the society's assets.
- Para. 10. I would suggest that the addition of the words "or of the next-of-kin in the case of a deceased member" should be inserted between "past member" and "for the debts" in Clause 17.
- Para. 11. Clause 19 (1) should be amended as suggested by Mr. Kennedy.
- Para. 12. It should be made clear that all sums due under the Ordinance are recoverable by civil process.
- Para. 13. As far as the Gilbert Islands societies are concerned there is not objection to the proposed amendment of section 33 (c) and an addition to the rules giving to general meetings the power to vary the entrance fees or annual subscription.
- Para. 14. Clause 34 (1) (a) and (b). I have suggested above that it may be desirable for the societies to be bodies corporate.

corporate. Failing this, the clause will have to be amended, probably by the deletion of the words "a society or" and the substitution of the words "of a society" for "thereof".

Para. 15. Clause 37. I am unable to comment on this as I have not seen the despatch in question.

Para. 16. Rule 4. Even if this official is called Manager in the printed rules he can still be called Interpreter, or any other term they consider appropriate, by the natives.

Para. 17. Rule 10. This rule should be deleted on the amendment of Clause 19 (1).

Para. 18. Clause 34 should be altered in order to make Rules 11 and 12 intra vires.

Rule 11 could be added to as follows, - "Such reduction may not exceed half the amount of his salary in any one month", or words to that effect.

Rule 12 could be amended by the addition of the words, "not exceeding the sum of ten shillings" after "shall be by fine".
