

No. 38052/2

SUBJECT

CO 533/455

Legislative Council Appointment

Previous

23021/34

Subsequent

1936

Ch. Leg. Co.

25/1/35
2
Reports from apppt of Mr. M. A. R. Vidal
in place of Mr. La Fontaine & asks
that it may be submitted to H. M. End
list of members as at 23/1/35.

2. Confirm the provisional apppt
of Mr Vidal to be temporarily
a Nominated Official Member
of the Legis. Cmt, in His
name.

C. J. P. Smith
14.2.35

W. H. ...
14.2.35

To Kenya, 144 (1 answer) 20 FEB 1935
DESTROYED UNDER STATUTE

3. Lawrence Byrne 140 _____ 14 March '35
State that he has provisionally apptd. Mr S. H. ... to be
temporarily a Nominated Official Member of the Leg. Council in the
place of Mr ... & requests this apptd may be submitted to H. M.
End list of members of the Leg. Council as at 13 March '35.

3. Confirm the provisional apppt
of Mr Pagan to be temporarily
a Nominated Official Member of
the Legis. Cmt, in His name

C. J. P. Smith
9/4/35

W. H. ...
9/4/35

To Kenya, 265 (3 answer) 15 APR 1935
DESTROYED UNDER STATUTE

5. A/Governor Wade 154 _____ 23 March 35

Reports the provisional appointments of Capt Todell & Mr Barton as nominated official members & records the definite appt. as nominated official members of Messrs Gardner & La Fontaine, Encls. list of members as at 23 Mar.

! was confirm the provisional appointment of Capt. Todell & Mr Barton. Carry H.M. decision

For the definite appointment of Messrs Gardner & La Fontaine & Messrs (the name) (the name)

J.P. Thumt (C.C.D.)
(P. Hunter) 29 at

DESTROYED UNDER STATUTE

To Kenya, 333 (5 answered) 9 MAY 1935

DESTROYED UNDER STATUTE

To London Gazette a May 35

8. A/Governor Wade 216 _____ 1st May 35

States that Mr Wilson has been provisionally apptd. to be temporarily nominated unofficial member of the Leg. Council during the absence of Mr. Hamilton. Request this appt. may be submitted to H.M. & encls. a list of members of the Leg. Council as at 1st May 35.

Propose J. Wilson is most suitable!

Confirm the provisional appt in H.M.'s name. (of his)

C. P. Hunter 28/5/35

(We are not told how long Mr. Hamilton will be away)

(P. Hunter)

29 at

DESTROYED UNDER STATUTE

To Kenya, 403 (8 answered)

3 JUN 1935

Edg. H. See
Mr. Hunter 29/5/35

A/Governor Wade 95 Conf. _____ 12 July 35

Requests that provisional appt. of Mr. P.O. Gilbert vice Mr. Hazen may be submitted to H.M. & enquire whether the words 'to be capable of exercising his functions' in Article 101 of Legal Instructions were applicable to Mr. Hazen's absence while performing special duties in the Provi District.

It will be seen from paragraph 2 of the despatch that it was contemplated that Mr. Pazan would be absent from Nairobi for several days. Actually he was away from the 27th of June to the 30th of June only. Nevertheless it was necessary that

that the Official majority should be preserved in Legislative Council during that time and at all times during the particularly difficult session. It seems that the Unofficial Members have questioned the procedure adopted by the Acting Governor in declaring Mr. Fazan, in the words of Article XXI of the Royal Instructions, "incapable of exercising his functions as a member of the Council" on his departure for Harok. I see nothing wrong in the procedure, and had Mr. Fazan's absence been of longer duration I do not think any question could have arisen. Subject to legal observations reply that the Secretary of State agrees with the advice given to the Acting Governor with regard to the replacement of Mr. Fazan in the Legislative Council as described in the third paragraph of the despatch. And confirm in His Majesty's name the temporary appointment of Mr. C.O. Gilbert as a nominated Official Member of the Legislative Council.

C.P. ... 23/8/35

I think it is clear from the last paragraph of Article XXI of the Royal Instructions of 29.3.34, that the Governor was wrong and the Elected Members on this occasion were right.

The words "to be incapable of exercising his functions", which appear in paragraph 1 of Article XXI, apply only to Members definitively appointed, and they do not appear in paragraph 3 of that Article which deals

Could the words 'to be incapable of exercising his functions' apply to Members appointed provisionally? I think not. The Council should be held to have the right to elect its members.
24/8/35

deals with the period of appointment of nominated Official Members, provisionally appointed.

Since the number of nominated Official Members is limited to nine under Art. XIV of the R.I., and there was no vacancy to which Mr. Gilbert could be appointed the number of nominated Official Members during the brief period 27-30 June was clearly one in excess of that permitted under the R.I., and Mr. Gilbert's appointment was irregular.

?Reply explaining accordingly and say that if Mr. Gilbert's vote was necessary to enable any measure to be passed or if his presence was necessary to form a quorum in the Council, it would appear that validating legislation will be necessary.

M. Kennedy 23/8/35

That from the point raised by Mr. Kennedy of a doubtful whether Mr. Fazan was incapable.

See Bahamas 68003/35. H.D.

I have no note of any holidays or leave which will help, but absence on duty in another part of the territory seems a likely valid interpretation. The proper course would have been for the Gov. to request Mr. Fazan's presence and...
J. Ferguson

26/8/35

I think that, in the circumstances of this case, Mr. Fazan was "incapable of exercising his functions" within the meaning of Article XXI of the Royal Instructions of 29/8/34 (cf. the decision in Reg. v. White L.R. 2 Q.B. 557).

With regard to the point in Mr. Kennedy's minute of 25/8/35, Article XXI of the Royal Instructions provides that "Whenever any Nominated Member of the Legislative Council shall ... be declared ... to be incapable ... the Governor may ... provisionally appoint some person ...". Further, it provides that "Every person so provisionally appointed shall be to all intents and purposes a Nominated Member of the Council ...". It would appear, therefore, that a ^{person} provisionally appointed ^{to} nominated member is on the same footing as a ~~regularly~~ nominated member, and that consequently he can be replaced temporarily if he is "incapable ..." etc.

I think, therefore, that we should reply that the Secretary of State agrees with the view expressed in paragraph 3 of No.10 that the words "incapable of exercising his functions" in Article XXI of the Royal Instructions were applicable to the circumstances of this particular case.

2/9/35.

A. Duncan.

I agree with Mr. Duncan. Incapacity must be taken to mean being unable, for any reason, whether mental or physical infirmity or any other, to attend the meetings of the Council, and in that case there can be no doubt that

that Mr. Fazan was so incapable, owing to his having been sent away on special duty. If he had been ill there would be no doubt whatever that he was incapable and in any event the decision as to incapacity rests with the Governor, who is empowered to declare any member incapable by instrument under the Public Seal. A case might arise where a member had brought himself into general disrepute by some flagrant scandal, which had not yet got the length of putting him in gaol, but which was of such a nature that it would clearly render it undesirable for him to sit in Council. In such an event I think the Governor would be fully justified in proclaiming incapacity.

J. E. W. Flood

5.9.35.

The opinion expressed in my minute of 3/9/35 about ~~the~~ of course, to the particular circumstances of the present case.

6/9/35 A. Duncan.

Para. 1 of the attached draft despatch goes a little further than we are asked to go (see para. 6 of No. 10), but it does not matter.

Para. 3, however, approves something which, ^{apparently,} we are not asked to approve. I should delete it because, having regard to the provisions of the last paragraph of Article XXI of the R.I., it appears to have been unnecessary to revoke Mr. Pillay's provisional appointment. That appointment

^{Notes}
Tapes when the ^{Notes} ~~Sovino~~ signed an instrument under the Public Seal delegating M. Fozan to be capable of exercising his functions.

6/9/35 M. D. Wilson

Thanks
J. E. G. Ford
6.9.

By air mail 7/9/35
M. D. Wilson
M. Fozan
to note

To Kenya Council (10 answer) 7 SEP 1935

12. Kenya No 572 — 7.11.35

Recommends definitive appointment of D. Wilson as a nominated unofficial member to represent interests of African community which Mr. Huxford also has resigned.

D. Wilson is, by all accounts, eminently suitable to represent the interests of the African Community, a duty which he will share with Canon Durso.

Confirm the provisional appointment of D. Wilson as in No. 9, adding that Mr. Huxford has also been pleased to give directions for the definitive

of D. Wilson
definitive appointment as a nominated unofficial member of the Kenya Council in the place of Mr. Huxford. (The definitive appointment to be gazetted)

Appropriate
19.11.35
Clearly the right man for the job.

Director
19/11

J. E. G. Ford
19.11

Sir J. Huxford

I send this on haste because it concerns a definitive appointment of a Legislative Councillor to represent native interests and partly in order that you may be aware of Mr. Huxford's resignation.

Whatever the reasons, the Government has found an excellent successor.

as proposed?

W.E.B. 20.11.35

At ca

J. Huxford
20/11

12A Kenya No 949 (12 answer) 23 NOV 1935

By air mail 23/11/35
DESTROYED UNDER STATUTE

To Kenya 949 (12 answer)

To Hon. Mr. Huxford 2.12.35

15 Gov. Byrne - No. 590 - 16-11-35

States that he has provisionally appointed D.
M. R. Vidal & S. H. Fagan in place of Mrs.
S. H. La Fontaine, & D. S. H. C. Boulderson requesting
request that the appts. may be submitted to
H.C. - Encls. list of members of the Leg. C. as
of 11-11-35

Confirm the provisional
Appointments of Mr Vidal and
Mr Fagan to be temporarily
Nominating Official members of
the Leg. C. in their
name

name

C. J. ...
18/11/35

Stamps
18/12

18-11-35

16
11/12

To Kemp, 1032 (15 Award)

31 DEC 1935

16

C. O.

Mr. ^{23/12/35} ~~hark~~ ^{23/12/35} /ss
Mr. *f*

- Sir C. Parkinson.
- Sir G. Tomlinson
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permi. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.



31 December 1935.

Sir,

DRAFT.

(15)

Kenya.
No. 1032
Lansdown.

I have etc. to ack
the receipt of your despatch
No. 590 of the 16th of November,
and to inform you that His
Majesty has been pleased to
confirm the provisional appointment
of Mr. Kenneth Richard Reynolds
Vidal, Acting Provincial Commissioner,
Central Province, and Mr. Sydney
Herbert Sagon, C.B.E., Officer in
Charge, Masai District, to be
temporarily nominated official members
of the Legislative Council in the
place of Mr. Sydney Herbert La Fontaine,
D.S.O., O.B.E., M.C., and Mr. George
Henry Carmel Boulderson respectively,
who are absent from the Colony
on leave.

FURTHER ACTION.

(Signed) J. H. THOMAS *I have etc.*

501/2

158

KENYA.
No. 590



RECEIVED
74 DEC 1935
GOVERNMENT HOUSE
NAIROBI,
KENYA.

16 November, 1935.

Sir,

(4)

Amended (16)

With reference to your despatch No. 265 of the 15th of April, 1935, I have the honour to inform you that, in accordance with Article XXI of the Instructions under the Royal Sign Manual and Signet dated the 29th of March, 1934, I have provisionally appointed Montagu Richard Reynolds Vidal, Esquire, Acting Provincial Commissioner, Central Province, and Sidney Herbert Fazan, Esquire, C. B. E., Officer in Charge Masai District, to be temporarily Nominated Official Members of the Legislative Council, in the place of Sydney Hubert La Fontaine, Esquire, D.S.O., O.B.E., M.C., and George Henry Carne Boulderson, Esquire, respectively, now absent from the Colony, on leave.

2. I have the honour to request that these provisional appointments may be submitted to His Majesty.

3. I enclose, for your information, a list of Members of the Legislative Council as at the 11th of November, 1935.

I have the honour to be,
Sir,
Your most obedient, humble servant,

H. J. G. G. G.
BRIGADIER-GENERAL,
GOVERNOR.

THE RIGHT HONOURABLE
MALCOLM MACDONALD, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1.

PUBLIC RECORD OFFICE					
1	2	3	4	5	6
Reference -					
C.O. 533 / 455					
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COLONY AND PROTECTORATE OF KENYA.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL.

17. XI. 35.

PRESIDENT:

His Excellency the Governor: Brigadier-General Sir Joseph Aloysius Byrne, G.C.M.G., K.B.E., C.B.

EX-OFFICIO MEMBERS:

Colonial Secretary	Hon. A. de V. Wade, C.M.G., O.B.E.
Attorney General	Hon. W. Harragin, K.C.
Treasurer	Hon. G. Walsh, C.B.E.
Chief Native Commissioner	Hon. H. R. Montgomery
Commissioner for Local Government, Lands and Settlement	Hon. W. M. Logan, O.B.E.
Director of Medical Services	Dr. the Hon. A. R. Paterson
Director of Agriculture	Hon. H. B. Waters
Director of Education	Hon. L. G. Morris, O.B.E.
General Manager, Kenya and Uganda Railways and Harbours	Brig. Gen. the Hon. Sir Godfrey D. Rhodes, C.B.E., D.S.O.
Director of Public Works	Hon. H. L. Sikes
Commissioner of Customs	Hon. G. D. Kirsopp

NOMINATED OFFICIAL MEMBERS:

Hon. T. Fitzgerald, C.M.G., O.B.E.	Postmaster General
Hon. H. G. Pilling, C.M.G.	Deputy Colonial Secretary
Hon. H. R. E. E. Welby	Prov. Commissioner, Rift Valley
Hon. T. D. H. Bruce	Solicitor General
Major the Hon. H. H. Brassey-Edwards	Deputy Director (Animal Industry)
Hon. E. B. Hosking, O.B.E.	Commissioner of Mines
Hon. H. M. Gardner	Conservator of Forests
Hon. M. R. R. Vidal (Acting)	Ag. Prov. Commr., Central Prov.
Hon. S. H. Fazan, C.B.E. (Acting)	Officer i/c, Masai District

EUROPEAN ELECTED MEMBERS:

Hon. F. A. Bemister	Mombasa
Major the Hon. F. V. Cavendish-Bentinck ..	Nairobi North
Hon. Conway Harvey	Nyanza
Hon. A. C. Hoey	Uasin Gishu
Lt. Col. the Hon. J. G. Kirkwood, CMG, DSO ..	Trans Nzola
Major the Hon. G. H. Riddell, M.V.O.	Kiambu
Capt. the Hon. H. E. Schwartz	Nairobi South
Lt. Col. the Hon. Lord Francis Scott, DSO ..	Rift Valley
Major the Hon. Sir R. de V. Shaw, Bt., MC ..	Ukamba
Hon. E. H. Wright	Aberdare
(Vacant)	Coast

INDIAN ELECTED MEMBERS:

Hon. H. S. Mangat	Hon. Shamsud-Deen
Dr. the Hon. A. C. L. de Souza	Hon. A. B. Patel (acting)
	Hon. D. D. Puri (Acting)

ARAB ELECTED MEMBER:

Sheriff Abdulla bin Salim

NOMINATED UNOFFICIAL MEMBERS:

Ven. Archdeacon the Hon. G. Burns, O.B.E. } Dr. the Hon. C. J. Wilson, M.C. }	Representing the interests of the African Community.
Hon. Sir Ali bin Salim, K.B.E., C.M.G.	Representing the interests of the Arab Community.

CLERK OF THE LEGISLATIVE COUNCIL:

Mr. J. F. G. Aughton (Acting)

REPORTERS:

J. H. Gitaham and A. H. Edwards.

15th November 1935.

127
28, BRAYCOLE PLACE,
WIMBORNE,
DORSET.
TEL. WIMBORNE 4111

Dear Preston,

I enclose a private letter, which please return, from E. T. Wilson who is one of the latter interests members. He is, as you know, an excellent fellow, experienced, intelligent, well-educated, same as with the interests of these at heart. When he was serving in the Army, before he went on home to the States, he has easily the most popular office with the unofficers, and now that he has retired to America there would be no better person to represent either latter interests, fair play or sanity. He is quite fearless and he does not believe in using the secret store until

AIR MAIL

KENYA
No. 572



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
15 NOV 1935
C. O. REGY

7 NOVEMBER, 1935.

Sir,

(9)
With reference to Sir Philip Cunliffe-Lister's despatch No. 405 of the 3rd June, 1935, conveying His Majesty's confirmation of the provisional appointment of Christopher James Wilson, M.C., M.D., to be temporarily a Nominated Unofficial Member of the Legislative Council to represent the interests of the African community during the absence from the Colony of Mr. Rupert William Hemsted, C.M.G., O.B.E., I have the honour to inform you that Mr. Hemsted has, by writing under his hand, resigned his seat on the Council.

Amended (13)

2. Under the powers conferred upon me by Article XXI of the Instructions passed under the Royal Sign Manual and Signet dated the 29th March, 1934, I have provisionally appointed Dr. Wilson to be temporarily a Nominated Unofficial Member of the Council in Mr. Hemsted's place. I recommend his definitive appointment, and have the honour to ask that His Majesty's pleasure may be ascertained.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Brigadier-General,
GOVERNOR.

THE RIGHT HONOURABLE
MALCOLM MACDONALD, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.

C. O.

AIR MAIL

Mr. Flood. 5-9

Mr. Duncan Please see my minute. H.D.

Mr. Flood 6 fs

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Downing Street,

7 September, 1935.

Sir,

I have etc. to acknowledge

the receipt of Mr. Wade's Confidential

despatch No. 95 of the 12th of July

and to state that I agree with the

advice tendered to ^{him} Mr. Wade, as reported

in the third paragraph of his despatch,

to the effect that Mr. Fazan, owing to

his absence from Nairobi, was

~~temporarily~~ " incapable of exercising his

functions as a member of Council, and ^{that} ~~was~~

^{he should be} ~~properly~~ so declared ^{under} ~~in accordance with~~

XXI

Article 22 of the Royal Instructions.

2. I also have to inform you

that His Majesty has been pleased to,

approve the provisional appointment of

Mr. Cyril Owen Gilbert to be a member of

Council during the period of Mr. Fazan's

~~temporary~~ incapacity.

Man, etc

(Sgd.) MALCOLM MACDONALD

DRAFT.

C. D.
7 SEP
R
D

KENYA.

CONFIDENTIAL.

GOVERNOR,

FURTHER ACTION.

during the period of Mr. Fazan's incapacity, and I have the honour to ask that this provisional appointment may be submitted to His Majesty.

4. Mr. Fazan returned to Nairobi on the 30th of June, and as there appeared no necessity to send him back to Narok, I instructed him to take his seat on the Legislative Council on the 1st of July. Before he did so I signed an Instrument, under the Public Seal of the Colony, declaring Mr. Fazan to be capable of exercising his functions as a Member of the Council, and revoking Mr. Gilbert's provisional appointment.


5. On the 2nd of July Lord Francis Scott, under Standing Rule and Order No. 35, moved the adjournment of the House and, in speaking to the motion, suggested that the number of nominated official members was one in excess of that permitted under Article XV of the Royal Instructions. The Attorney General, acting on my instructions, intervened in the debate and explained the position, but, at the request of the Elected Members, undertook that the steps taken would be reported to you for a decision.

6. I shall be glad to know if you agree with the view expressed in paragraph 5 of this despatch that the words "to be incapable of exercising his functions" in Article XXI of the Royal Instructions were applicable to the circumstances of this particular case.

I have the honour to be,

Sir,

Your most obedient humble servant,



ACTING GOVERNOR.

KENYA

No. 216



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
27 MAY 1935
C. O. REGY

7th
MAY, 1935.

Sir,

No 10
23024/34

Amended (g)

I have the honour to refer to your despatch No. 339 of the 2nd of May, 1934, and to inform you that in accordance with Article XXI of the Instructions passed under the Royal Sign Manual and Signet dated the 29th of March, 1934, I have provisionally appointed Christopher James Wilson, Esquire, M.C., M.D., to be temporarily a Nominated Unofficial Member of the Legislative Council to represent the interests of the African Community during the absence from the Colony of Rupert William Hemsted, Esquire, C.M.G., O.B.E.

2. Dr. Wilson was formerly Deputy Director of Medical Services in Kenya and since his retirement has resided in the Colony. I am satisfied that he is the most suitable person to take Mr. Hemsted's place. I shall be glad, therefore, if this appointment may be submitted to His Majesty.

3. I enclose a List of Members of the Legislative Council as at 2nd of May, 1935.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Acting Governor.

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

16
COLONY AND PROTECTORATE OF KENYA.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL.

2nd MAY, 1955.

PRESIDENT:

His Excellency the Acting Governor, A. de V. Wade, Esq., O.B.E.

EX-OFFICIO MEMBERS:

Colonial Secretary	Hon. H. G. Pilling, C.M.G. (Ag.)
Attorney General	Hon. W. Harragin, K.C.
Treasurer	Hon. G. Walsh, C.B.E.
Chief Native Commissioner	Hon. S. H. La Fontaine, D.S.O., O.B.E., M.C., (Ag.)
Commissioner for Local Government, Lands and Settlement	Hon. W. M. Logan, O.B.E.
Director of Medical Services	Dr. the Hon. A. R. Paterson
Director of Agriculture	Hon. H. B. Waters
Director of Education	Hon. E. G. Morris, O.B.E.
General Manager, Kenya and Uganda Railways and Harbours	Brig. Gen. the Hon. Sir Godfrey D. Rhodes, C.B.E., D.S.O.
Director of Public Works	Hon. H. L. Sikes
Commissioner of Customs	Hon. G. D. Kirsopp

NOMINATED OFFICIAL MEMBERS:

Hon. T. Fitzgerald, O.B.E.	Postmaster General
Hon. H. R. E. E. Welby	Prov. Commissioner, Rift Valley
Hon. G. H. C. Boulderson	Prov. Commissioner, Coast
Hon. T. D. H. Bruce	Solicitor General
Major the Hon. H. H. Brassey-Edwards	Deputy Director (Animal Industry)
Hon. M. R. R. Vidal (Acting)	Ag. Prov. Commr., Central Province
Hon. S. H. Fazan, C.B.E. (Acting)	Officer i/c, Masai District
Capt. the Hon. M. G. St. C. Tisdall, M.C. (Ag.)	Ag. Commissioner of Mines
Hon. C. J. T. T. Barton, O.B.E. (Acting) .	Ag. Deputy Colonial Secretary

EUROPEAN ELECTED MEMBERS:

Hon. F. A. Bemister	Mombasa
Major the Hon. F. W. Cavendish-Bentinck	Nairobi North
Hon. Conway Harvey	Nyanza
Hon. A. C. Hoey	Jasin Gishu
Lt. Col. the Hon. J. G. Kirkwood, C.M.G., D.S.O.	Trans Nzoia
Major the Hon. G. H. Riddell, M.V.O.	Kiambu
Major the Hon. R. W. B. Robertson- Eustace, D.S.O.	Coast
Hon. H. E. Schwartz	Nairobi South
Lt. Col. the Hon. Lord Francis Scott, D.S.O.	Rift Valley
Major the Hon. Sir Robert de Vere Shaw, Bart., M.C.	Ukamba
Hon. E. H. Wright	Aberdare

INDIAN ELECTED MEMBERS:

Hon. Isher Dass	Hon. N. S. Mangat
Hon. J. B. Pandya	Hon. Shamsud-Deen

Dr. the Hon. A. C. L. de Souza

ARAB ELECTED MEMBER:

Sheriff Abdulla bin Salim

NOMINATED UNOFFICIAL MEMBERS:

Ven. Archdeacon the Hon. G. Burns, O.B.E.)	Representing the interests of
Dr. the Hon. C. J. Wilson, M.C. (Ag.))	the African Community.
Hon. Sir Ali bin Salim, K.B.E., C.M.G.	Representing the interests of the Arab Community.

ACTING CLERK OF THE LEGISLATIVE COUNCIL:

Mr. J. F. G. Troughton.

COLONY AND PROTECTORATE OF KENYA.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL.

2nd MAY, 1955.

PRESIDENT:

His Excellency the Acting Governor, A. de V. Wade, Esq., O.B.E.

EX-OFFICIO MEMBERS:

Colonial Secretary	Hon. H. G. Pilling, C.M.G. (Ag.)
Attorney General	Hon. V. Harragin, K.C.
Treasurer	Hon. G. Walsh, C.B.E.
Chief Native Commissioner	Hon. S. H. La Fontaine, D.S.O., O.B.E., M.C. (Ag.)
Commissioner for Local Government, Lands and Settlement	Hon. W. M. Logan, O.B.E.
Director of Medical Services	Dr. the Hon. A. R. Paterson
Director of Agriculture	Hon. H. B. Waters
Director of Education	Hon. E. G. Morris, O.B.E.
General Manager, Kenya and Uganda Railways and Harbours	Brig. Gen. the Hon. Sir Godfrey D. Rhodes, C.B.E., D.S.O.
Director of Public Works	Hon. H. L. Sikes
Commissioner of Customs	Hon. G. D. Kirsopp

NOMINATED OFFICIAL MEMBERS:

Hon. T. Fitzgerald, O.B.E.	Postmaster General
Hon. H. R. E. E. Welby	Prov. Commissioner, Rift Valley
Hon. G. H. C. Boulderson	Prov. Commissioner, Coast
Hon. T. D. H. Bruce	Solicitor General
Major the Hon. H. H. Brassey-Edwards	Deputy Director (Animal Industry)
Hon. M. R. R. Vidal (Acting)	Ag. Prov. Commr., Central Province
Hon. S. H. Fazan, C.B.E. (Acting)	Officer i/c, Masai District
Capt. the Hon. E. G. St. C. Tisdall, M.C. (Ag.)	Ag. Commissioner of mines
Hon. C. J. T. T. Barton, O.B.E. (Acting)	Ag. Deputy Colonial Secretary

EUROPEAN ELECTED MEMBERS:

Hon. F. A. Bemister	Mombasa
Major the Hon. F. V. Cavendish-Bentinck ..	Nairobi North
Hon. Conway Harvey	Nyanza
Hon. A. C. Hoey	Uasin Gishu
Lt. Col. the Hon. J. G. Kirkwood, C.M.G., D.S.O. ..	Trans Nzoia
Major the Hon. G. H. Riddell, M.V.O.	Kiambu
Major the Hon. R. V. B. Robertson- Eustace, D.S.O.	Coast
Hon. H. E. Schwartz	Nairobi South
Lt. Col. the Hon. Lord Francis Scott, D.S.O.	Rift Valley
Major the Hon. Sir Robert de Vere Shaw, Bart., M.C.	Ukamba
Hon. E. H. Wright	Aberdare

INDIAN ELECTED MEMBERS:

Hon. Isher Dass	Hon. N. S. Mangat
Hon. J. B. Pandya	Hon. Shamsud-Deen
Dr. the Hon. A. C. L. de Souza	

ARAB ELECTED MEMBER:

Sheriff Abdulla bin Salim

NOMINATED UNOFFICIAL MEMBERS:

Ven. Archdeacon the Hon. G. Burns, O.B.E.	Representing the interests of
Dr. the Hon. C. J. Wilson, M.C. (Ag.)	the African Community.
Hon. Sir Ali bin Salim, K.B.L., C.M.G.	Representing the interests of
	the Arab Community.

ACTING CLERK OF THE LEGISLATIVE COUNCIL:

Mr. J. F. G. Troughton.

KENYA

No. 154.



GOVERNMENT HOUSE
NAIROBI,
KENYA.

RECEIVED
23 APR 1935 23
O. O. REGY

MARCH, 1935.

5

Answer (10)

No 2

Sir,

With reference to your despatch No. 144 of the 20th of February, 1935, I have the honour to inform you that, in accordance with the terms of Article XXI of the Instructions under the Royal Sign Manual and Signet dated 29th of March, 1934, Sir Joseph Byrne has provisionally appointed Captain Edward Gordon St. Clair Tisdall, M.C., Acting Commissioner of Mines to be a Nominated Official Member of the Legislative Council in the place of Ethelbert Bernard Hosking, Esquire, O.B.E., now absent from the Colony.

2. I have also to inform you that I have similarly provisionally appointed Cecil James Juxon Talbot Barton, Esquire, O.B.E., Acting Deputy Colonial Secretary to be a Nominated Official Member, in the place of Henry Guy Pilling, Esquire, C.M.G., now acting in the office of Colonial Secretary, and as such an Ex-Officio Member of the Council.

3. I have the honour to request that these appointments may be submitted to His Majesty.

4. In your despatch No. 668 of the 17th of August, 1934, you conveyed His Majesty's confirmation of the appointment of Mr. Harold Mence Gardner to be temporarily.....

No 16
2302/34

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.

temporarily a Nominated Official Member of the Council in the place of Colonel Roger Wilkinson, D.S.O., while in your despatch No. 818 of the 5th of October, 1934, you intimated His Majesty's confirmation of the appointment of Mr. Sydney Hubert La Fontaine, D.S.O., O.B.E., M.C., in the place of Mr. Harold Robert Montgomery, who was then acting as Chief Native Commissioner. As you are aware, Colonel Wilkinson is now no longer in the public service of the Colony, while Mr. Montgomery has been promoted to the substantive post of Chief Native Commissioner. I therefore recommend the definitive appointment of Messrs. Gardner and La Fontaine as Nominated Official Members of the Legislative Council, and shall be glad if His Majesty's pleasure may be ascertained.

5. I enclose, for your information, a list of Members of the Legislative Council as at the 21st of March, 1935.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Admiral

ACTING GOVERNOR.

COLONY AND PROTECTORATE OF KENYA,

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL.

21st MARCH, 1935.

PRESIDENT:

His Excellency the Acting Governor, Mr. A. de V. Wade, O.B.E.

EX-OFFICIO MEMBERS:

- Colonial Secretary Hon. H. G. Pilling, C.M.G. (Ag.)
- Attorney General Hon. W. Harragin, K.C.
- Treasurer Hon. G. Walsh, C.B.E.
- Chief Native Commissioner Hon. S. H. La Fontaine, D.S.O., O.B.E., M.C., (Ag.)
- Commissioner for Local Government,
 - Lands and Settlement Hon. W. M. Logan, O.B.E.
 - Director of Medical Services Dr. the Hon. A. R. Paterson
 - Director of Agriculture Hon. H. B. Waters
 - Director of Education Hon. E. G. Morris, O.B.E.
 - General Manager, Kenya and Uganda Railways and Harbours Brig. Gen. the Hon. Sir Godfrey D. Rhodes, C.B.E., D.S.O.
 - Director of Public Works Hon. H. L. Sikes
 - Commissioner of Customs Hon. G. D. Kirsopp

NOMINATED OFFICIAL MEMBERS:

- Hon. T. Fitzgerald, O.B.E. Postmaster General
- Hon. H. R. E. E. Welby Prov. Commissioner, Rift Valley
- Hon. G. H. C. Boulgerson Prov. Commissioner, Coast
- Hon. T. D. H. Bruce Solicitor General
- Major the Hon. H. M. Massey-Edwards Deputy Director (Animal Industry)
- Hon. M. R. R. Vidal (Acting) Ag. Prov. Commr., Central Prov.
- Hon. S. H. Fazan, C.B.E. (Acting) Officer i/c, Masai District
- Capt. the Hon. J. G. St. C. Misdall, M.C. (Ag.) Ag. Commissioner of mines
- Hon. C. J. J. T. Barton, O.B.E. (Acting) . Ag. Deputy Colonial Secretary

EUROPEAN ELECTED MEMBERS:

- Hon. F. A. Bemister Mombasa
- Major the Hon. F. M. Cavendish-Bentinck . Nairobi North
- Hon. Conway Harvey Nyanza
- Lt. Col. the Hon. J. G. Kirkwood, CIG, DSO. Trans Nzoia
- Major the Hon. G. H. Riddell, M.V.O. .. Kiambu
- Major the Hon. R. W. B. Robertson-
Eustace, D.S.O. Coast
- Hon. H. E. Schwartz Nairobi South
- Lt. Col. the Hon. Lord Francis Scott, DSO. Rift Valley
- Major the Hon. Sir Robert de Vere
Shaw, Bart., M.C. Ukamba
- Hon. D. H. Wright Aberdare
- Comdr. the Hon. F. J. Couldrey (Ag.) .. Usain Gishu

INDIAN ELECTED MEMBERS:

- Hon. Isher Dass Hon. N. S. Mangat
- Hon. J. B. Pandya Dr. the Hon. A. C. L. de Sousa
- Hon. B. S. Varma (Ag.)

ARAB ELECTED MEMBER:

Sheriff Abdulla bin Salim.

NOMINATED UNOFFICIAL MEMBERS:

- Ven. Archdeacon the Hon. G. Burns, O.B.E.)
- Hon. R. W. Hemsted, C.M.G., O.B.E.) Representing the interests of the African Community.
- Hon. Sir Ali bin Salim, K.B.E., C.M.G. Representing the interests of the Arab Community.

ACTING CLERK OF THE LEGISLATIVE COUNCIL:

Mr. J. F. G. Troughton.

3 70

KENYA.

NO. 110.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
- 8 APR 1935
C. O. REGY

14th MARCH, 1935.

Sir,

No 16
23021/34

With reference to your despatch No. 668 of the 17th of August, 1934, I have the honour to inform you that, in accordance with the terms of Article XXI of the Instructions under the Royal Sign Manual and Signet dated 29th of March, 1934, I have provisionally appointed Sidney Herbert Fazan, Esq., C.B.E., Officer-in-Charge, Masai District, to be temporarily a Nominated Official Member of the Legislative Council, in the place of Harold Mence Gardner, Esq., now absent from the Colony.

Answer (4)

2. I have the honour to request that this appointment may be submitted to His Majesty.
3. I enclose, for your information, a list of Members of the Legislative Council as at 12th March, 1935.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

BRIGADIER-GENERAL,
GOVERNOR.

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.

COLONY AND PROTECTORATE OF KENYA,
LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL.

12th March, 1935.

PRESIDENT:

His Excellency the Governor, Brigadier-General, Sir Joseph Aloysius Byrne,
G.C.M.G., K.B.E., C.B.,

EX-OFFICIO MEMBERS:

Colonial Secretary.....	Hon. A. De V. Wade, O.B.E.
Attorney General.....	Hon. W. Harragin, K.C.
Treasurer.....	Hon. G. Galsh, C.B.E.
Chief Native Commissioner.....	Hon. S. H. La Fontaine, D.S.O., O.B.E., M.C., (Ag)
Commissioner for Local Government, Lands and Settlement.....	Hon. J. M. Logan, O.B.E.
Director of Medical Services.....	Dr. the Hon. A. R. Peterson.
Director of Agriculture.....	Hon. H. B. Waters.
Director of Education.....	Hon. E. G. Morris, O.B.E.
General Manager, Kenya and Uganda Railways and Harbours.....	Brig-Gen. the Hon. Sir Godfrey D. Rhodes, C.B.E., D.S.O.
Director of Public Works.....	Hon. H. L. Sikes.
Commissioner of Customs.....	Hon. G. D. Kirsopp.

NOMINATED OFFICIAL MEMBERS.

Hon. T. Fitzgerald, O.B.E.....	Postmaster General.
Hon. H. G. Pilling, G.M.G.....	Deputy Colonial Secretary.
Hon. H. R. E. L. Welby.....	Provincial Commissioner, Rift Valley.
Hon. G. H. C. Boulderson.....	Provincial Commissioner, Coast.
Hon. T. D. H. Bruce.....	Solicitor-General.
Major the Hon. H. H. Brassey Edwards.....	Deputy Director (Animal Industry).
Hon. E. B. Hosking, O.B.E.....	Commissioner of Mines.
Hon. J. R. R. Vidal.....	Ag. Provincial Commissioner Central Province.
Hon. S. H. Fezan, C.B.E.....	Officer-in-Charge, Masai District

EUROPEAN ELECTED MEMBERS.

Hon. F. A. Bemister.....	Mombasa.
Major the Hon. F. Cavendish-Bentinck.....	Nairobi North.
Hon. Conwy Harvey.....	Nyanza.
Lt. Col. the Hon. J. G. Kirkwood, G.C.M.G., D.S.O.	Trans Nzoia.
Major the Hon. G. H. Riddell, M.V.O.	Kiambu.
Major the Hon. R. B. Robertson- Eustace, D.S.O.....	Coast.
Lt. Col. the Hon. Lord Francis Scott, D.S.O.	Rift Valley.
Hon. H. E. Schwertze.....	Nairobi South.
Major the Hon. Sir Robert de Vere Shaw, Bart., M.C.....	Ukamba.
Hon. E. H. Wright.....	Aberdere.
Comdr. the Hon. F. J. Couldrey (Ag).	Uasin Gishu.

INDIAN ELECTED MEMBERS.

Hon. Isher Dass.	Hon. Nihar Singh Hanget.
Hon. Jagannath B. Pandya.	Dr. the Hon. A. C. L. de Souza.
Hon. B. S. Verma (Ag).	

ARAB ELECTED MEMBER.

Sheriff Abdulla bin Selim.

NOMINATED UNOFFICIAL MEMBERS REPRESENTING THE INTERESTS OF THE AFRICAN
COMMUNITY.

Ven. Archdeacon the Hon. G. Burns, O.B.E.
Hon. R. W. Hemsted, C.M.G., O.B.E.

NOMINATED UNOFFICIAL MEMBER REPRESENTING THE INTERESTS OF THE ARAB
COMMUNITY.

Hon. Sir Ali bin Selim, K.B.E., C.M.G.

ACTING CLERK OF THE LEGISLATIVE COUNCIL.

Mr. J. F. G. Troughton.

**COLONY AND PROTECTORATE OF KENYA,
LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL**

12th March, 1935.

PRESIDENT:

His Excellency the Governor, Brigadier-General, Sir Joseph Aloysius Byrne,
G.C.M.G., K.B.E., C.B.

EX-OFFICIO MEMBERS.

Colonial Secretary..... Hon. A. De V. Wade, O.B.E.
Attorney General..... Hon. J. Harragin, K.C.
Treasurer..... Hon. G. Walsh, C.B.E.
Chief Native Commissioner..... Hon. S.H. La Fontaine, D.S.O.,
O.B.E., M.C., (Ag).

Commissioner for Local Government,
Lands and Settlement..... Hon. J. H. Logan, O.B.E.
Director of Medical Services..... Dr. the Hon. A.R. Paterson.
Director of Agriculture..... Hon. H.B. Waters.
Director of Education..... Hon. E.G. Morris, O.B.E.
General Manager, Kenya and Uganda
Railways and Harbours..... Brig-Gen. the Hon. Sir Godfrey D.
Rhodes, C.B.E., D.S.O.
Director of Public Works..... Hon. H.L. Sikes.
Commissioner of Customs..... Hon. G.D. Kirsopp.

NOMINATED OFFICIAL MEMBERS.

Hon. T. Fitzgerald, O.B.E..... Postmaster General.
Hon. H.G. Pilling, G.M.G..... Deputy Colonial Secretary.
Hon. H.R.E.B. Welby..... Provincial Commissioner, Rift
Valley.
Hon. G.H.C. Boulderson..... Provincial Commissioner, Coast.
Hon. T.D.H. Bruce..... Solicitor-General.
Major the Hon. H.H. Brassey Edwards..... Deputy Director (Animal Industry).
Hon. E.B. Hosking, O.B.E..... Commissioner of Mines.
Hon. A.R.R. Vidal..... Ag. Provincial Commissioner Central
Province.
Hon. S.H. Fazan, C.B.E..... Officer-in-Charge, Masai District.

EUROPEAN ELECTED MEMBERS.

Hon. F.A. Bemister..... Mombasa.
Major the Hon. F.J. Cavendish-Bentinck... Nairobi North.
Hon. Conway Harvey..... Nyanza.
Lt. Col. the Hon. J.G. Kirkwood, G.M.G., D.S.O. Trans Nzola.
Major the Hon. G.H. Riddell, M.V.O. Kiambu.
Major the Hon. R.W.B. Robertson-
Eustace, D.S.O. Coast.
Lt. Col. the Hon. Lord Francis Scott, D.S.O. Rift Valley.
Hon. H.E. Schwartze..... Nairobi South.
Major the Hon. Sir Robert de Vere Shaw,
Bart., M.C. Ukamba.
Hon. E.H. Wright..... Aberdare.
Comdr. the Hon. F.J. Couldrey (Ag). Uasin Gishu.

INDIAN ELECTED MEMBERS.

Hon. Isher Dass..... Hon. Nohar Singh Hanget.
Hon. Jagannath B. Pandya..... Dr. the Hon. A.C.L. de Souza.
Hon. B.S. Verma (Ag).

ARAB ELECTED MEMBER.

Sheriff Abdulla bin Selim.

NOMINATED UNOFFICIAL MEMBERS REPRESENTING THE INTERESTS OF THE AFRICAN
COMMUNITY.

Ven. Archbishop the Hon. G. Burns, O.B.E.
Hon. R.W. Hemsted, G.M.G., O.B.E.

NOMINATED UNOFFICIAL MEMBER REPRESENTING THE INTERESTS OF THE ARAB
COMMUNITY.

Hon. Sir Ali bin Selim, K.B.E., G.M.G.

ACTING CLERK OF THE LEGISLATIVE COUNCIL.

Mr. J.F.G. Troughton.

KENYA.

No. 57.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED

14 FEB 1935

C. O. REGY

25th JANUARY, 1935.

Sir,

18 on

23021/34

With reference to your despatch No. 818 of the 5th October, 1934, I have the honour to inform you that, in accordance with the terms of Article XXI of the Instructions under the Royal Sign Manual and Signet dated March 29th, 1934, I have provisionally appointed Montagu Richard Reynolds Vidal, Esq., acting in the office of Provincial Commissioner, Central Province, to be temporarily a Nominated Official Member of the Legislative Council, in the place of Sydney Hubert La Fontaine, Esq., D.S.O., O.B.E., M.C., who is at present acting as Chief Native Commissioner, and is therefore an ex-officio Member of the Legislative Council.

Amend (2)

2. I have the honour to request that this appointment may be submitted to His Majesty.

3. I enclose, for your information, a list of Members of the Legislative Council as at 23rd January, 1935.

I have the honour to be,

Sir,

Your most obedient, humble servant,

H. G. G. G.
BRIGADIER-GENERAL,
GOVERNOR.

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.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL.

PRESIDENT:

23rd January, 1935.

His Excellency the Governor, Brigadier-General Sir Joseph Aloysius Byrne;
G.C.M.G., K.B.E., C.B.

EX-OFFICIO MEMBERS.

- | | |
|---|---|
| Colonial Secretary..... | Hon. A. de V. Wade, O.B.E., |
| Attorney General..... | Hon. W. Herregin. |
| Treasurer..... | Hon. G. Walsh, C.B.E. |
| Chief Native Commissioner..... | Hon. S.H. Le Fontaine, D.S.O.,
O.B.E., M.C. (Ag). |
| Commissioner for Local Government,
Lands and Settlement..... | Hon. M. Logen, O.B.E. |
| Director of Medical Services..... | Dr. the Hon. A.R. Paterson. |
| Director of Agriculture..... | Hon. H.B. Waters. |
| Director of Education..... | Hon. E.G. Morris, O.B.E. |
| General Manager, Kenya and Uganda
Railways and Harbours..... | Brig-Gen. the Hon. Sir Godfrey
D. Rhodes, C.B.E., D.S.O. |
| Director of Public Works..... | Hon. H.L. Sikes. |
| Commissioner of Customs..... | Hon. G.D. Kirsopp. |

NOMINATED OFFICIAL MEMBERS.

- | | |
|--|---|
| Hon. T. Fitzgerald, O.B.E..... | Postmaster General. |
| Hon. H.G. Pilling, C.M.G..... | Deputy Colonial Secretary. |
| Hon. H.R.E.E. Selby..... | Provincial Commissioner, Rift
Valley Province. |
| Hon. G.H.C. Boulderson..... | Provincial Commissioner, Coast
Province. |
| Hon. T.D.H. Bruce..... | Solicitor-General. |
| Major the Hon. H.E. Brassey-Edwards..... | Deputy Director Animal Industry. |
| Hon. E.B. Hosking, O.B.E..... | Commissioner of Mines. |
| Hon. H.M. Gardner..... | Conservator of Forests. |
| Hon. M.R.R. Vidal..... | Ag. Provincial Commissioner,
Central Province. |

EUROPEAN ELECTED MEMBERS.

- | | |
|--|----------------|
| Hon. F.A. Bemister..... | Mombasa. |
| Major the Hon. F.W. Cavendish-Bentinck..... | Nairobi North. |
| Hon. Conway Harvey..... | Nyanza. |
| Hon. A.C. Hoey..... | Uasin Gishu. |
| Lt-Col. the Hon. J.G. Kirkwood, C.M.G., D.S.O..... | Trans Nzoia. |
| Major the Hon. G.H. Riddall, M.V.O..... | Kiambu. |
| Major the Hon. R.L.B. Robertson-Eustace, D.S.O..... | Coast. |
| Lt.Col. the Hon. Lord Francis Scott, D.S.O..... | Rift Valley. |
| Major the Hon. Sir Robert de Vere Shew,
Bart., M.C..... | Ukamba. |
| Hon. E.H. Wright..... | Aberdare. |
| Hon. A.C. Tannahill O.B.E., (Ag)..... | Nairobi South. |

INDIAN ELECTED MEMBERS.

- | | |
|-----------------------------------|--------------------------|
| Hon. Isher Dass..... | Hon. Naser Singh Menget. |
| Hon. Jagannath B. Pandya..... | Hon. Shamsud-Deen. |
| Dr. the Hon. A.C.L. de Souza..... | |

ARAB ELECTED MEMBER.

Sheriff Abdulla bin Salim.

NOMINATED UNOFFICIAL MEMBERS REPRESENTING THE INTERESTS OF THE AFRICAN COMMUNITY.

Ven. Archdeacon the Hon. G. Burns, O.B.E.,
Hon. R.J. Hemsted, C.M.C., O.B.E.

NOMINATED UNOFFICIAL MEMBER REPRESENTING THE INTERESTS OF THE ARAB COMMUNITY.

Hon. Sir Ali bin Salim, K.B.E.

CLERK OF THE LEGISLATIVE COUNCIL.

Mr. J. E. C. ...