

1928

Kenya

No. *15091*

SUBJECT

C0533/377

*Registration of Domestic
Servants.*

Previous

X 10526/27

Subsequent

Sub - file 'A' (Early Questions)

15710/29

DESTROYED UNDER STATUTE Commons

13 July 28

Entry proper on sub file A
Question by Mr. Ammon

2

2 N/30 to Kya - 23rd July 1928 - on sub. file "A"

DESTROYED UNDER STATUTE Commons

2 August 28

Entry proper on sub file A
Question by Mr. Walter Baker

4 N/30 to Kya - 15th March, 1928 - on sub. file "A"

DESTROYED UNDER STATUTE Commons
Question by Mr. Ammon N°3 on P. G. file

DESTROYED UNDER STATUTE Commons
Question by Mr. Grant N°4 on P. G. file

Put by.
(Authy. on subfile)

H. T. Ashworth

16/6/28

at once.

Mr. Steel

? How reword Kenya of our despatch
No. 1019 of 12 Dec 27 (N. 3 on x. 10526/27)

I'm sorry I'd wd be glad to have a
reply to that dip. & to learn
what is the present position
in regard to the bill.

W.L.H.
x. 22 28/6/28

deed
29.6.28
at once

19/10

To Gov - 473

Cons - E 5 JUL 1928

2 India Office _____ 6 July 28

Trans: copy filed from Govt. of India
requesting info regarding the Kenya Bill
Parliament will require permission to examine the
Bill - make representations before assent is given
if Indians & Kenya are affected.

The text of the Bill is contained in
Official Gazette of July 12 1927. 2
Which I attach the only spare
copy. The minutes of Dep. Co

for 16 May (on X15250) show
that the bill has just gone through
~~the~~ committee.

I submit a dt for revision
copy of 8 & reply to Gov. 17. 1/9
9/9.

(As regard the issue of the bill of
India to be consulted see no. 2 on subfile)

I am sorry this has been delayed but the
papers disappeared temporarily from my room and
further a certain amount of research has been
necessary. We have had nothing from the Governor
on this subject and the only information we have
had since the second reading of the Bill which
was taken in Council on the 13th of September
last - see Debate with 15091 A - is the Minutes

of

of the Proceedings in the Legislative Council of
the 10th of May last, when the Bill was considered
in Committee. During the Debate in September last
the Colonial Secretary of State stated that a Select
Committee would be appointed to consider the Bill, and
the recommendations of such Committee would be put
before the Council in due course. No report of
such a Committee can be traced but a press report of
the Committee's statement in the Council will be
found on pages 52 and 53 of the East African Standard
of the 19th of May.

You will see from the Minutes of the Council
a copy of which is attached for convenience of reference
- that two important amendments have been proposed and
accepted. First, Clause 3 has been radically amended
so that the ~~provisions of the clause~~ ^{provision of clause} no longer relate
to the Native Service ^{only}, and Clause 11 has been
altered to provide for the acceptance in certain cases
of photographs instead of finger prints. If the Bill
gets through in its amended form the Indians will
clearly be affected, but so far as our information
goes, no racial discrimination is involved. The
Government of India ask to have an opportunity to
examine the bill and make representations before assent
is given, but there appears no case for asking the
Governor to reserve the measure.

I submit alternative draft, but it would
perhaps be better to refrain from sending ^{the Governor} a copy of
the correspondence, at any rate at the present stage.

JRM:cl
17/7/28

McClellan
17.7.28

The amendment, including
them who get more than 100 a month

See W. D. M. G. G.
reply to subfile
necessary - in
PQ 2 in subfile
over

CO 233/311

Must include all European
domestics but include all
Indian domestics (many of
not entirely employed by
Indians). Thus this includes
discrimination in form that
is probably discrimination in fact
and intention.

I think it will be best to
retain the last sentence of the
draft and - unless the Bill has
been further altered - set out the
Amery's reply to the Board was
given before the Bill was amended.
It has not yet been passed (as
far as our latest newspapers show)
& it may have been held up
locally
in view of Indian objections.

The Govt. should have a copy of
the correspondence with I.O. & the order
to give his comments when he
read home the Ordinance.

W.L.B. 18.7.28

For Brinsford
Del of State
Jagjee

J.H.B.
20.7.28.
10/20/28
H.M.

9. To I.O. (No. 10000) } 26 JUL 1928
in copy of Bill & enclosure

~~DESTROYED UNDER STATUTES~~ (copying & 4/enclos 9 9 4/enclos)
Copy - 106/28

11. India Office 3pm. 7 August '28.
Fwd copy letter from Indian Assn. Nairobi,
forwarding resolutions passed by mass meeting
of Indian citizens in Nairobi.

Let a copy of No 11 with
encl go to Gov. Kenya for
info of Mr. No. 10.

[No occasion to call for
comment on
the resolution until
we get it through
the Gov. of Kenya]

Recd
P. 8.28
alone

12. To Gov. 591. w/for 11 & enclos

PUB
C.O.533/27
THE
NON

No. 8.

The India Office have asked that the Government of India should be given an opportunity of examining the Bill before assent is given to it if Indians are likely to be affected. We have promised to let them have this opportunity.

No. 9.

As the Bill undoubtedly does affect Indians, copies must therefore be sent to the India Office before the Secretary of State reaches any final decision on it.

I have underlined in the copy of the Bill as passed, which is on the file, the alterations in the text since the Bill was originally published. I also attach ~~the report~~ ~~of the two debates~~ in the Legislative Council.

The Governor has withheld assent until he has received the Secretary of State's instructions - in accordance with S. 24 of the Royal Instructions of September 11, 1920. We should presumably acknowledge Nos. 14 and 15, and ask that the Indian Associations of Nairobi and Mombasa may be informed that the S. of S. has received copies of their resolutions.

E. S. Barkwood

8/10

According to Mr. E. Barkwood's speech on the 2nd reading, a like measure is in force in the E. Indian Colonies (as well as in Uganda) and he refers to "several other Colonies" which

the 1st did not ask the Gov. to reserve the Bill - or to withhold assent - the Gov. has asked the S. of S. to do so. I do not know what express desire of the S. of S. that the Bill should be reserved to them prior to coming to a final decision (i.e. reserve) - if assent had been withheld under terms of the R.I., it could only be under the provisions of (i.e. differential) distribution - but under provisions - see conditions. This is noted in the 1st of the D.P. card.

to those of Ceylon Ordinance No. 28 of 1871, have been adopted.

We have copies of the Ceylon Ordinance of 1871 and also the Municipal Townships Rules 1924 made under the Townships Ordinance, with the papers.

- (1) Is it the fact that the Ceylon Ordinance of 1871 is still in force?
- (2) Can you trace other Colonial Laws containing similar provisions?

(Sd) W. C. C. Parkinson

11.10.28.

(3) Will you, also, please put up a copy of the M. & P. Ordinance XIV of 1923 (Registration of Domestic Servants Ordinance) which was repealed by Ordinance No. 4 of 1924.

(Sd) W. C. C. P.

9.10.28.

(1) Yes. The Ordinance appears in the 1923 Revision, but it has not been reprinted since 1911.

(2) See Straits Settlements 1914 (which, though enacted, has never brought into operation, and has been omitted from the current S.S. Revised Edition of Laws).

Hong Kong, 1928 Revision.

Cyprus Law 18/28 provides for the registration of female domestic servants. (There is also legislation in force in Hong Kong, Straits, Federated Malay States and Johore regulating certain forms of female domestic service known as "maa tsai", a kind of domestic slavery. I do not think it would be of

No. (Sd) W. C. C. Parkinson

Nov 8/28

circs, the S. of S. is authorizing the Governor by
to assent to the bill and submit it for the
signification of H.M.'s pleasure; and that it is
presumed that in the meantime a copy of this
further correspondence will be communicated to the
Gov. of India.

And Mr. 15 says that it is not understood
on what grounds the Acting Secy. based the statement
that the S. of S. had expressed a desire that the
Bill should be submitted to him for approval prior
to assent: that presumably Mr. 13 had not been
received or had not been brought to his notice
when Mr. 13 was written pointing out as it shows -
enclose also copy of the proposed letter to Gov.
authorize the Gov. to assent to the bill and then
to submit the ordinance for signification of H.M.'s
pleasure - and ask him to forward at the same time any
further observations he may have to make in the light
of the correspondence with the I.C. (No technical
question in regard to assent appears to arise here
any important point in regard to the assent to the
bill).

131, 132, 133

131, 132, 133

This is not a 'reserved' bill; and if there is
no suggestion of racial discrimination in the
there is of course no objection to reserves it, but
in practice the Governor's action is very similar to
what it would be in the case of a Bill to amend the

15091/1928 Kenya.

114

Mr. Eastwood 13/11

Mr. Allen. 15/11

Mr. Parkinson. 15/11

Mr. Bottomley. 15/11

Sir E. Harding

Sir J. Shuckler

Sir C. Grindle

Sir G. Davis

Sir S. Wilson

Mr. Ormsby-Gate

Lord Lovat

Mr. Amery

16 NOV
1928

~~Sgt~~

DRAFT

DOWNING STREET

KENYA.

No. 856

21 November, 1928.

GOVERNOR.

Sir,

(No. 13)

I have the honour to acknowledge the receipt of your despatch No. 497 of the 6th September, forwarding copies of the Bill for the Registration of Domestic Servants, and reporting that you had withheld your

(Dft. h'th) assent pending my approval.

To I.O. 20
Companion Draft.

2. I do not understand on what grounds the Acting Attorney General based the statement that I had expressed a desire that the Bill should

be submitted to me for my approval
prior to ~~present~~. I presume that when
your despatch under reference was written
my despatch No. 565 of the 8th ~~of~~ August (No. 10)
had not been received or had not been
brought to your notice, since it was
definitely stated in the letter to the
India Office of the 26th ~~of~~ July ^{s. copy of} which
~~should~~ accompanied that despatch, that I ~~did~~ not
feel justified in requesting you to
reserve the Bill. I therefore approve
of your assenting to the Bill and, when
you have done so, submitting the Ordinance
for the signification of His Majesty's
pleasure. I enclose for your informa-
tion a copy of a letter which I have
caused to be addressed to the India Office.

3. ^{my} As approval to your assenting
to the Bill is given on the assumption
that the measure was to have a effect, and
that a substantial number of European
Domestic Servants will be required to
register, I shall be glad if when sub-
mitting the Ordinance for the signification

be submitted to me for my approval
prior to assent. I presume that when
your despatch under reference was written
my despatch No. 565 of the 8th ~~of~~ August (No. 10)
had not been received or had not been
brought to your notice, since it was
definitely stated in the letter to the
India Office of the 26th ~~of~~ July ^{b. copy of} which
accompanied that despatch, that I ~~did~~ ^{shall} not
feel just in requesting you to
reserve the Bill. I therefore approve
of your assenting to the Bill and, when
you have done so, submitting the Ordinance
for the signification of His Majesty's
pleasure. I enclose for your informa-
tion a copy of a letter which I have
caused to be addressed to the India Office.

3. As ^{my} approval to your assenting

to the Bill is given on the assumption

that a substantial number of European

Domestic Servants will be required to

register, I shall be glad if when sub-

mitting the Ordinance for the signification

10

of His Majesty's pleasure, you will furnish me with information as to the ruling rates of wages for the various classes of European domestics in the Colony. You will no doubt at the same time include any comment that you may have to make on the correspondence with the India Office enclosed in my despatch No. 565 of the 8th August.

(Nos. 14 and
15)

4. I take this opportunity of acknowledging your despatches No. 498 and No. 499 of the 8th of September enclosing copies of Resolutions received from the Indian Associations of Nairobi and Mombasa respectively.

I have etc.

(Signed) L. S. AMERY

16

- Mr. Eastwood 13/11
- Mr. Allen 16/11
- Mr. Parkinson S. 11. 28
- Mr. Balfour 16/11
- Sir E. Harding
- Sir J. Shuckburgh
- Sir G. Grindle
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Loam
- Mr. Amery

Downing Street,

23 November, 1928.

Sir,

With reference to your
~~third person note E. 2.0.5180/28 of~~
 the 7th August on the subject of

the Bill for the Registration of
 Domestic Servants in Kenya. I am

etc. to transmit to you, to be laid
 before the S. of B. for India, the
 accompanying copy of a despatch

from the Governor of Kenya on the
 subject together with three copies of
 the Bill.

It appears to me that in
 in deferring his assent to

the Bill, the Governor appears to

have been ~~mis~~ ^{was} under a misapprehension
 as ~~Mr. Amery~~ ^{he} had not expressed any

wish that the Bill should be sub-
 mitted to him prior to assent. On

the contrary, as was stated in the

letter

DRAFT

THE U. S. BY OF STATE,
INDIA OFFICE.

copy to Am 23/11/28

Pr. Gov. Kenya No. 497 8.9.28.
(By 18)

3 copies of file

(2 drafts)

letter from this Dept. of the 26th of *the King* (No.9)

July. *he* did not feel justified in re-
questing the Government to reserve the
Bill.

3. In the circumstances, the
S. of S. is authorising the Governor *to refer*
to assent to the Bill, and to submit it
for the signification of His Majesty's
pleasure.

4. It is assumed that in the
meantime a copy of this further corres-
pondence will be communicated to the
Government of India.

I am, etc.,

Signed: A. C. C. APPLINSON.

Note

12
15A

Clause 3. Originally the definition of domestic servant was limited to natives, but it was amended to include all persons employed wholly or partly in certain specified capacities without distinction of race. ~~but~~ further clause No. 26 (which was moved by the Colonial Secretary) has been added exempting servants the total value of whose wages, together with the estimated value of food supplied by the employer, exceeds 200/- a month; and, as has been pointed out, must exclude all European domestics, but include all Indian domestics (mainly, if not entirely, employed by Indians). Thus while there is no discrimination in form, there is probably in fact and intention. On this point it may be noted that in the course of the debate on the 16th May, page 194 of the volume herewith, the Colonial Secretary said that the reason for omitting the definition of native was that the Select Committee considered that it would make the Ordinance more useful, and it would be better to include all servants. He also referred to the new clause 26 saying that that was included because "it was felt that higher paid servants might be excluded from the provisions of this Bill because they would have been employed for a considerable period and if they were drawing a higher wage than Sh.200 per month including food, they would have established their characters and would be trained servants who had served in a number of services and had won the respect of their employers considering the wages paid to them. It was also felt by omitting the definition "native" it brought in such servants as Indian servants who may be brought here and all races, and avoided confusion which might arise in the definition of servant including Somalis, Comoro Islanders and others.

Mr. Colborne
 minute of
 16. July 1925
 File 10000
 minute also
 in all
 10000 - 44
 below
 117A

others.

It may also be noted that the 1910 Ordinance was limited to natives of Africa, (not being of European race or origin). Clause 9 provides for registration of servants, but does not include any provision for provisional registration or for refusals to be submitted to the Inspector General of Police for approval as in Sections 9 and 10 of the Ceylon Ordinance. This point came up in connection with the original 1910 Ordinance now repealed when it was explained that the provisions of the Ceylon Ordinance relating to provisional registration of intending servants had been adopted, as it was considered that such provisional registration would not effect any useful purpose while complicating procedure. It was also pointed out in this connection that under the 1910 Ordinance any person other than a convicted felon ^{might} be registered on application. This also applies to the present bill.

Clause 12. The requirement of finger prints or photographs does not appear in either the 1910 Ordinance or the Ceylon Ordinance, but there are similar bills in the Uganda Rules and the distinctive marks.

Clause 13. The introduction of the words "ordinarily resident in such district shall within one month of the application of this Ordinance" was the subject of debate (see pages 188 and 190 of the volume), and were inserted as a result of the intervention of the Chief Native Commissioner who pointed out that the

Bill

Bill as it stood would prevent an employer from a district in which the law has not been applied ^{from} bringing his servant into a proclaimed district even for a few days. The introduction ^{of the} reference to residence was therefore ~~in~~ his motion, but the words "within one month" was suggested by the Governor himself. One would have thought that if they were putting in the time it would have been better to have adopted the period of two months within which, under clause 6, servants must attend to register, but perhaps this is not a point of any importance.

Clause 13. The requirement of servants to attend personally at the Registrar's Office which appears in Section 5 of the 1910 Ordinance and Section 13 of the Ceylon Ordinance ~~was~~ not included in the present Bill.

Clause 15. The power to cancel registration does not appear in the 1910 Ordinance or in the Ceylon measure, and obviously there is no objection.

Clause 16. The Ceylon Ordinance ^(S. 16) makes it incumbent on any registered servant to produce his pocket register when called upon to do so by the Police, but the 1910 Ordinance limited this power of the Police to officers not below the rank of Sub-Inspector. The present Bill retains this limitation, but puts it on the employer to produce the pocket register in the case of an ~~employed~~ servant actually in employment.

Clause 19. In this Bill the "offences by servants" are punishable by fine or imprisonment or both, but in Ceylon and in the 1910 Ordinance the penalty was limited to fine or imprisonment, but not both.

x x x x x

As regards the question of reserving assent, (No.9) the letter to the India Office of the 26th of July,

definitely

definitely stated as regards the Bill in its amended form that the S. of S. would not feel justified in requesting the Governor to reserve it. A copy of this letter was sent to the Governor in a despatch dated the 8th of August which must have reached him before the 8th of September the date of the despatch sending home the Bill, and stating that he had withheld his assent.

J. W. Allen

3/10/28

15/11



KENYA.

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

No. 499

8th September 1928.

Sir,

At the request of the Honorary Secretary of the Indian Association of Mombasa, I have the honour to forward the attached record of a Resolution passed at what purported to be a mass meeting of Indian citizens on the 5th of July, 1928.

24/9/28

(No 13)

Adm 856
Adm 856

2. As I observed in paragraph 10 of my despatch No. 497 of the 8th Sept. the Ordinance is non-racial in character, its provisions apply impartially to servants of whatever race whose total monthly emoluments do not exceed £10.0.0 per mensem.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Edward Gigg

GOVERNOR

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L. C. M. S. AMERY, F.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.

COPY OF A RESOLUTION PASSED AT A
MASS MEETING OF INDIAN CITIZENS
IN MOMBASA ON THE 5TH JULY, 1928.

" That this mass meeting of the Indian community of Mombasa and Kilindini held under the auspices of the Indian Association of Mombasa, strongly protests against the principle of the Domestic Servants Registration Ordinance and particularly the amendment of the Select Committee to include non-natives recently passed in the Legislative Council."

It was also urged to His Majesty's Secretary of State for the Colonies to ask His Majesty to withhold Royal Assent.



KENYA

No. 498

14
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

8th September, 1928.

RE
-1-
22
G.L.

Sir,

At the request of the Honorary Secretary of the Indian Association of Nairobi, I have the honour to forward the attached report of a Resolution passed at what purported to be a mass meeting of Indian citizens on the 8th of July, 1928.

As I observed in paragraph 10 of my despatch No. 497 of the 8th September the Ordinance is non-racial in character. Its provisions applying impartially to servants of whatever race whose total monthly emoluments do not exceed £10.0.0 per mensem.

I have the honour to be,

Sir,

Your most obedient, humble servant.

Edward Gigg

GOVERNOR

THE RIGHT HONOURABLE
LIEUTENANT COLONEL D.G.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.,

2/11/28
17173
Acknwdged
Attchd
808

CO 583 / 377
PUBLIC RECORDS OFFICE, LONDON

17

COPY OF A RESOLUTION PASSED AT A
MASS MEETING OF INDIAN CITIZENS
IN NAIROBI ON THE 8TH JULY, 1928.

" That this mass meeting of Indians strongly condemn the action of the present Rump Legislative Council in extending the scope of the Domestic Servants Bill to Indians in the absence of Indian representatives on the Council and without previous consultation with the Indian Community.

Further this mass meeting requests the Secretary of State for the Colonies under these circumstances to withhold Royal assent to this Bill."

application was expressed by the public, it was never brought into operation and finally, together with certain other Ordinances, it was repealed by section 4 (6) of Ordinance No. 4 of 1924. The earlier Ordinance and the present Bill are largely based on Ceylon Ordinance No. 28 of 1871. An Ordinance on somewhat similar lines is now in force in Uganda.

6. This Bill is one which I think is urgently needed in this country. Its chief object is to protect the good employer and the good employee, to encourage steady, regular employment, to improve contractual relations and gradually to eliminate persons of bad character from among the ranks of those the nature of whose employment necessarily admits them to private houses, apartments, etc.

7. Domestic servants are a privileged class and placed in positions of trust, and, by reason of their profession, are closely associated with their employers and their employers' families, so automatically they are given opportunities both of fulfilling and abusing their trust with regard to the employers' children, family and goods. There is no body of natives which is brought into more intimate touch with the European population and their homes.

8. There is at present practically no means available to the public of checking the past history of any servants who present themselves for domestic service. The Native Registration system, from which the measure contemplated will not give exemption, does not provide for or allow such information to be conveyed - it is primarily a form of identification. Female

Nov/21349/24 Kenya
(copy too)

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Reference: C.O. 533 / 377

COMPLAINTS TO THE PUBLIC RECORDS OFFICE
BY PERSONS WHO HAVE BEEN CONCERNED IN THE
PUBLIC RECORDS OFFICE
LONDON

servants carry no form of identification. The standard of conduct and efficiency amongst domestic servant in the country is very low. Little regard is paid to character and length of service is becoming rare.

9. In countries, as Ceylon, where the registration of domestic servants is in force servants attach great importance to their pocket registers and to the characters which are entered therein. A Registrar of Servants is appointed who becomes a protector of the employee as well as the employer. Servants are thus safeguarded against any abuse by their employers; and at the same time they realize that they have to earn a good character while in employment if they are to hope for further employment or to avoid difficulty in securing it. I annex in this connection a copy of the speech made by the Colonial Secretary in introducing the Bill which elaborates these arguments further.

10. You will note that in the Bill as passed there is no suggestion of racial discrimination and that its provisions apply to all servants irrespective of race, the total value of whose wages, together with the estimated value of food supplied by the employer does not exceed Rs. 200/- per mensem.

11. It will also be seen that due consideration has been given to the susceptibilities of such persons as may dislike finger print registration by the provision that photographs may be accepted in

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lien thereof. While emphasis was laid in the discussion in Council on the fact that there is no degradation involved in furnishing finger prints, it was pointed out that an alternative was provided to meet the case of the Somalis and others, many of whom still fail to realise that finger prints are not inseparably connected with registration. In the case of natives the servants' pocket register will show a cross reference to the "kipandi" or native registration certificate which bears the finger print.

12. Provision has been made still further to protect the native servant from reckless or unfair entries in his register by the Amendments to Clauses 14 and 18.

13. I am advised that the estimated expenditure upon this measure will exceed the revenue by £105 for the first year and that thereafter the balance will be restored and the measure should pay for itself.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Edward Gigg

GOVERNOR

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CO 523 / 377									
PUBLIC RECORDS OFFICE									
LONDON									

LEGAL REPORT

THE REGISTRATION OF DOMESTIC SERVANTS BILL, 1925.

This Bill follows generally the lines of the Registration of Domestic Servants Ordinance which was passed in 1910 but which was never brought into operation and was eventually repealed in 1924.

The Bill makes provision for the registration of domestic servants in such townships, districts or areas as the Governor may by proclamation appoint.

After the application of the Ordinance to any "registration district" it shall be unlawful to engage or employ a servant to work in that district unless the servant is registered under the Ordinance and produces the necessary evidence to that effect.

Provision is made for the registration of both existing and intending servants. In each case the servant is required to attend before the Registrar and to furnish such particulars as to his identity, previous service, and antecedents as the Registrar may require. On registering the servant the Registrar will record these particulars in the general register and also in a pocket register which is supplied to the servant.

The Registrar is also required to take the finger prints of every servant whom he registers under the Ordinance and to record the finger prints in the general register and also in the pocket register. Photographs may be accepted and affixed in the general register and also in the pocket register in lieu of finger prints if the Registrar is satisfied that such photographs provide sufficient means of identification. If the servant be a person to whom the Native Registration Ordinance applies, the Registrar will record in both the general register and in the pocket register the index letters and number of such servant's registration certificate.

Every employer of servants, whether resident in a registration district or not, is required, on engaging a registered servant, to enter in the servant's pocket register the date on which and the capacity in which the servant is engaged and then to forward the pocket register to the Registrar for the district in which the servant is registered so that these particulars may be inserted in the general register. Similarly, on the cessation of an engagement of a registered servant every employer is required to enter in the servant's pocket register the date and cause of cessation of the engagement, the character of the servant, and, if the servant was dismissed, the cause of dismissal. A copy of the particulars so entered is to be sent by the employer to the Registrar by whom they will

be recorded in the general register.

Power is conferred on the Registrar, subject to the approval of the Commissioner of Police, to cancel the registration of any servant who is convicted of theft or of any infamous crime or is known to the police to be leading a disorderly or disreputable life.

A servant, the total value of whose wages, together with the estimated value of food supplied by the employer, exceeds Shs. 200/- per mensem is exempted from the provisions of the Bill.

The Bill contains various penalties for any contravention of the Ordinance by either employers or servants.

In view of express desire of the Secretary of State, I am of the opinion that the Bill should be submitted to the Secretary of State prior to assent.

Nairobi,

9th June, 1928.

T. D. H. Munn
ACTING ATTORNEY GENERAL.

this Bill be referred to a select committee. If the hon. Member wishes to raise the question of the principle of government holidays or to propose a change, I would suggest he put forward a motion to this effect which can be considered later. This Bill stands by itself and Easter Saturday is a day which I think all will agree should be a statutory holiday.

The question was put and carried.

THE REGISTRATION OF DOMESTIC SERVANTS BILL.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I have to move the second reading of an Ordinance intitled "a Bill to provide for the Registration of Domestic Servants." This Bill makes provision for the registration of domestic servants in such townships, districts or areas as the Governor may by Proclamation appoint. The term "native" covers all natives of Africa, including Somalis, Swahilis, Arabs, Camoro Islanders, and Madagascans. The registration involves the attendance of any person who desires to enter, or is employed in domestic service before the Registrar, who will enter all particulars regarding him, or her, in a pocket register which will be supplied to the servant. Every employer is required, on engaging a servant, to make the necessary entries in the pocket register, including the date on which the servant is employed and the capacity in which he is engaged. On the cessation of the employment, employers are required to enter up particulars in the register, give the character of the servant, to state the cause of dismissal, if any, or the reason why the servant has left employment.

Once this Ordinance is applied to any area, no persons may engage or employ in that area any servant unless such servant is registered under the Ordinance and produces the necessary pocket register. This Ordinance provides for penalties on both employers and employed for breach of regulations, such as failure to see that the servant has got a pocket register, making false entries in the register, or damaging it in any particular. There is also provision for the employer being fined a sum not exceeding Shs. 100 for entering in the pocket register of the registered servant any gross accusation which he is unable to substantiate. Power is given to the Registrar to cancel any register of a servant convicted of theft or infamous crime, or who is known to the police to be leading a disorderly or disreputable life.

I wish to make it quite clear to Council that there is nothing revolutionary or new in this proposed measure. A similar measure was introduced in this Council in 1910 and was passed. It was apparently only owing to lack of organisation and lack of funds that the Ordinance was never introduced and it was repealed in 1924 by the Ordinance which removed from the Statute Book Ordinances which had never been brought into force.

Similar legislation which differs in few particulars from this Bill is in force in Uganda. I may say that where it does differ this Bill puts rather more onus on the employer. A like measure is in force in the East Indian Colonies and I am acquainted with its working in one of these, where I may say that it has proved extremely satisfactory and its provisions have been adopted in several other Colonies as a result of its successful working.

It should also be clearly realised that this Bill is introduced in the interests of both employers and employed. From the point of view of the employer it ensures the formation of a responsible body of domestic servants. It affords the further protection and assistance of a Registrar who will be in touch with such servants and who will be in a position to prevent persons who have committed crimes and offences from being employed as house servants. It will also afford some guarantee that the domestic servant has previously been employed as such and that he is not merely adopting this profession because he has failed to make good in any other walk of life. It will enable the employer to check references and examine previous characters. It really ensures his being put in possession of a document which is some guarantee at least for good behaviour on the part of the servant.

As regards the employed, it gives a native what he always values if he is worth anything at all—good character, properly bound and preserved and certified by a responsible person. From my own experience I can say that the native attaches great value to his pocket-register and that they are passed on from father to son as heirlooms but not, I need perhaps scarcely say, to be used by the latter!

The servant also recognizes that he belongs to a definite class, brought under Government protection and control, and he is no longer a mere *shenzi* but wandering about in search of employment and depending upon the case he can make out to an employer, who probably does not understand a word of what he is saying. If he is a good servant he produces with pride a register which confirms his statement. If he is a bad servant it is probably to the advantage of all that he should not find employment easy to obtain.

With regard to the necessity for this Ordinance I do not think that there can be any doubt. The need has been stressed from all sides—by the Convention of Associations, by District Associations, and by the East African Women's League. The position with regard to servants at the present time in this Colony is most unsatisfactory. It was estimated by the Labour Commission that there are 38,000 natives employed in domestic service. It would be interesting to obtain figures as to the number of these who are in regular employment, but from a return which I received from the Registration Department it is estimated that there are about 6,000 men, women

and children in employment as domestic servants in Nairobi, and of these about three-fifths leave their employment monthly and seek work elsewhere. These figures, I think, clearly show what a waste of material there is at present and how very unsatisfactory conditions now are.

The ambition of the native appears to be not to obtain regular employment in a good household but to drift from house to house, taking advantage of the necessities of the employer with the hope of getting an extra shilling put on to the statement of wages in his hand. He cares nothing about characters or references and if they are asked for he borrows some. His only friend and it is quite surprising if any questions are then asked. It is, I believe, by no means uncommon for servants to produce bundles of letters going back to days when they were small children and given to several persons bearing quite different names.

This condition of affairs is no doubt accentuated by the slackness of employers who do not trouble to check references or to apply to the last employer. Postal delays in this country naturally make such references difficult. A servant to-day frankly does not care whether he is dismissed or not. There are excellent servants in this country, as good as are to be found anywhere—I am referring to the largely increasing number of natives seeking domestic employment.

It has, I believe, been argued that there can be no need for a Domestic Servants' Registration Ordinance in view of the fact that there is a registration system in force. But I would point out that the two are entirely distinct. The kipandi is an identification ticket, passed between districts. It was never intended to be connected with the character of the bearer and no female is registered. In the future we may expect that a large number of domestic servants will be women. Any alteration in the kipandi or in the native registration system will, I am sure, be most dangerous. Action was taken, I believe, by a certain number of employers who put marks on the kipandis to show that the holder had misbehaved himself while in their employment, and at one time secret signs were, I believe, in common use. I need scarcely say how unfair any such proceeding is and it merely strengthens the necessity for a properly organized registration system.

This leads me to deal with another possible objection that employers guilty of tampering with a kipandi might also make unjust statements in a pocket register. There are, of course, such employers in all countries, but I think it reflects very badly on the state of public opinion in Kenya if we are to refrain from introducing a much needed measure for fear that employers in this country would deal unjustly with their employees. The Ordinance provides a further check against unfair or false statements being made and if necessary the

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penalties may be even further increased. It has also been suggested that the cost of this measure is likely to be very high. I have a statement here showing the details and I will point out that on the very low fees it is suggested should be charged for registration there should not be a loss of more than £105 during the first year and after that the scheme should more than pay for itself. I need not, perhaps, deal with the suggestion made that the system might be a voluntary one. Such a course would merely defeat the whole object of the Ordinance. There would be two classes of employers and two classes of employees, to the detriment of all. If the system is introduced it must necessarily be compulsory; but the Ordinance provides for its being confined to a certain district or area which can always be extended by Proclamation.

I desire further to emphasize the great importance of this measure and the effect that it is likely to have on the natives of this country. A very large proportion of natives in Kenya only see the European as an employer and those who learn anything about his home life and get into closer touch with him are the domestic servants employed in his house. Native opinion is, I believe, more enlightened or unenlightened with regard to the standards of European conduct by the domestic servant than by any other native in the country. It therefore behooves us all the more to raise the standard of such servants and to ensure that the good ones are protected and encouraged to do still better, and that bad servants are weeded out.

Your Excellency, I beg to move the second reading of this Bill.

~~THE HON. THE ATTORNEY-GENERAL (MR. HUGHES)~~
Your Excellency, I beg to second the motion.

THE HON. CONWAY HARVEY: Your Excellency, the Noble Lord our leader, has asked me to express his very deep regret to Your Excellency and other Members of this Council for his inability, owing to unforeseen circumstances, to be present at this session. I should like to congratulate the hon. mover of this motion, Your Excellency, on the very clear and complete statement he has made to Council. It leaves very little to be said by those in favour of the measure. There is no doubt that it has only been introduced in response to a very genuine public demand, but opinion on this side of the House is undoubtedly divided. I think, Sir, we are all agreed on one point and that is that certain modifications are absolutely essential in matters of detail if the Bill is to be made workable and a permanent success, otherwise its object will undoubtedly be defeated. I allude particularly, Sir, to the most onerous nature of the obligations on the employer in regard to returns and so on and so forth, and we have to remember in this connection, Your Excellency, that an enormous number of employers of domestic servants in Kenya are not very highly

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COLONY AND PROTECTORATE OF KENYA



A BILL TO PROVIDE FOR THE
REGISTRATION OF DOMESTIC
SERVANTS.

A Bill to Provide for the Registration of Domestic Servants.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council, as follows:—

1. This Ordinance may be cited as "the Registration of Domestic Servants Ordinance, 1928." Short title.

2. This Ordinance shall apply to such townships, districts or areas, and from such date or dates, as the Governor may from time to time by proclamation in the Gazette appoint. Application of Ordinance.

3. In this Ordinance, unless the context otherwise requires:— Interpretation.

"Employer" includes every person having servants in his employment;

"Servant" includes every ^{native} person employed either wholly or partly in any of the following capacities, that is to say, cook, house servant (including bedroom and kitchen servants), waiter, butler, nurse, valet, bar boy, footman, or chauffeur, or washerman if in the employment of a single employer; or in any capacity involving the duties usually performed by any of the above-mentioned servants by whatever style the person acting in such capacity may be called;

"Employment" and "engagement" include any employment or engagement of a servant to render any services for a remuneration or any engagement whereby services are rendered by a servant;

"Registered servant" means a servant who has been registered in accordance with the provisions of this Ordinance;

"Registrar" means a Registrar of Domestic Servants appointed under section 4 of this Ordinance and includes a Deputy Registrar;

"Registration district" means any township, district or area to which this Ordinance has been applied.

4. It shall be lawful for the Governor from time to time to appoint for each registration district a Registrar of Domestic Servants and such Deputy Registrars or other officers as he may consider necessary for the purpose of carrying out the provisions of this Ordinance. Appointment of Registrars.

EXISTING SERVANTS.

5. It shall be the duty of every employer of servants in any registration district, within one month after the application of this Ordinance to such district, to cause each such servant to be registered, and for this purpose he shall furnish to the Registrar in writing a return showing the name, capacity in which employed, and date of engagement of each such servant, together with the registration number of the certificate (if any) issued to each such servant under the provisions of the Native Registration Ordinance. Duty of employers to cause servants to be registered.

*Bill as originally introduced also contained "Bar, stable boy, garden boy or watchman" -
"Native" -
"here a definition of "Native"*

Servants to attend personally before Registrar.

8. It shall be the duty of every servant employed in any registration district, within two months after the application of this Ordinance to such district, to attend personally before the Registrar, and to furnish such information regarding his country, race or tribe, previous service or antecedents, and such other particulars of identity, as the Registrar may require for the purpose of record in the general register.

Provided that the Registrar shall not make any entry in the general register as to previous service or antecedents unless he has satisfied himself of the credibility of the information furnished to him in relation thereto.

Servants to be furnished with pocket registers.

7. The Registrar shall, on such servant so attending, hand to him a pocket register, in which shall be entered the particulars recorded in the general register. The servant shall hand the pocket register to his employer, who shall retain the same during the continuance of the servant's employment.

Servant leaving employment before pocket register supplied.

8. If any servant whose name appears on any return furnished by an employer to the Registrar, as provided in section 5 shall leave the service of such employer within two months after the application of this Ordinance and before obtaining a pocket register, such employer shall transmit to the Registrar a memorandum of the date and cause of such servant leaving his employment.

INTENDING SERVANTS.

Registration of persons desirous of obtaining employment as servants.

9. (1) It shall be the duty of every Registrar to receive applications for registration from persons who are desirous of obtaining employment as servants within his district.

(2) Before registering any applicant under this section the Registrar shall satisfy himself that there are reasonable grounds for believing that such applicant is a fit and proper person to enter domestic service, and if he is so satisfied he shall register such applicant in the general register, recording therein such particulars as he has been able to learn respecting the applicant and his antecedents, and the names of any persons who certify to his respectability. The Registrar shall thereupon issue to the applicant a pocket register in which shall be entered the particulars recorded in the general register.

Registration to be refused to convicted offenders.

10. The Registrar shall not grant registration under the last preceding section to any convicted thief or associate of thieves, or to any person known to the police to be leading a disorderly or disreputable life, or who shall have been convicted of any infamous crime.

Provided that the Registrar may, at the request of any householder who may be willing to give such applicant a trial, grant registration to any applicant if he is satisfied as to the respectability of such householder and that the intention to employ the applicant as a servant is a bona fide one.

Provided, however, that such registration shall only be valid for employment with the householder who is willing to give such applicant a trial.

GENERAL.

Finger prints or photographs of all persons registered as servants to be taken by Registrar.

11. Upon registering any servant or intending servant under this Ordinance the Registrar shall

(a) take the finger prints of such servant or intending servant in such manner as may be prescribed and record such finger prints in the general register and

also in the pocket register issued to such servant or intending servant: Provided that photographs may be accepted and affixed in the general register and also in the pocket register in lieu of finger prints if the Registrar is satisfied that such photographs provide sufficient means of identification.

(b) if such servant be a person to whom the provisions of the Native Registration Ordinance, or any Ordinance amending or replacing the same, apply, record in both the general register and in the pocket register the index letters and number of such servant's registration certificate and shall make an endorsement in such registration certificate to the effect that such person has been registered as a domestic servant and it shall be incumbent upon such servant to produce his registration certificate for the purpose.

12. After the application of this Ordinance to any registration district, no person ordinarily resident in such district shall within one month of the application of this Ordinance engage or employ a servant to work in such district unless such servant shall produce his pocket register as evidence of his being a registered servant and unless such pocket register shall record the termination of his last previous employment, if any, as a registered servant.

Unregistered servants not to be employed in registration districts.

13. Every employer, whether resident in a registration district or not, shall, on engaging a registered servant, forthwith enter in the pocket register the date on which and the capacity in which such servant is engaged, and shall thereupon forward the pocket register to the Registrar for the district in which such servant is registered. On receipt of the pocket register the Registrar shall insert the particulars recorded therein in the general register. The Registrar shall then return the pocket register to the employer, who shall retain the same during the continuance of the servant's employment.

Particulars of employment to be entered in pocket register.

14. Every employer, whether resident in a registration district or not, shall, on the cessation of the engagement of a registered servant, enter in the pocket register the date and cause of the cessation of the engagement, the character of such servant, and, if the servant was dismissed, the cause of such dismissal. The employer shall also furnish to the Registrar for the district in which such servant is registered a copy of the particulars so entered, and such particulars shall be inserted by the Registrar in the general register unless he intends to take action under section 18 of this Ordinance.

Particulars of cessation of employment to be entered in pocket register.

Provided that, if the employer is unable to enter the particulars aforesaid owing to the loss or destruction of the pocket register, he shall report the fact to the Registrar and shall furnish him with the particulars hereinbefore required to be entered in the pocket register. The Registrar shall thereupon, at the expense of the employer, issue to the servant a duplicate pocket register in which shall be entered the particulars aforesaid.

Handwritten notes: "It is not a pocket register... Provided that if for any reason the employer is unable to furnish the particulars... that the cause of dismissal be may be so do so but in such case he shall forward the Registrar his report for so..."

Provision to cancel registration of servants.

15. If any registered servant is convicted of theft or of any infamous crime or is known to the police to be leading a disorderly or disreputable life the Registrar may, with the approval of the Commissioner of Police, cancel the registration of such servant in which case he shall also cancel the endorsement made under section 11 (b) of this Ordinance. Upon the cancellation of the registration of any servant under the provisions of this section the pocket register issued to such servant shall be returned to the Registrar by the person in whose custody it is at the date of such cancellation.

Production of pocket registers to police when required

16. (1) Every employer shall, when called upon to do so, produce the pocket registers of such registered servants as are in his employment to any police officer not below the rank of sub-inspector.

Replacement of pocket registers.

(2) Every unemployed registered servant shall, when called upon to do so, produce his pocket register to any police officer not below the rank of sub-inspector.

17. It shall be lawful for the Registrar for any district, on payment of the prescribed fee, to issue a duplicate pocket register to replace a pocket register originally issued in such district and which may have become worn out or which may have been lost or destroyed.

Offences by employers

18. (1) Any employer who contravenes any of the provisions or who fails to comply with any of the requirements of this Ordinance or any Rules made hereunder, or who without reasonable cause gives a registered servant an adverse character, or who enters in the pocket register of a registered servant any grave accusation against such servant which he cannot substantiate, shall be liable to a fine not exceeding one hundred shillings.

(2) When any person has been convicted of the offence of giving a registered servant an adverse character without reasonable cause, or of entering in the pocket register of a registered servant any grave accusation against such servant which he cannot substantiate, the court by which he has been convicted may order that the entry in respect of which the accused has been so convicted or any part thereof shall be deleted from the servant's pocket register and from the general register.

(3) Any proceedings under this section may be instituted by or at the instance of the Registrar.

Offences by servants

19. (1) Any servant who contravenes any of the provisions or who fails to comply with any of the requirements of this Ordinance or any Rules made hereunder shall be liable to a fine not exceeding fifty shillings or to imprisonment of either description for a period not exceeding three months or to both such fine and imprisonment.

(2) Any servant who gives false information on any matter in regard to which he is required by this Ordinance to give information to the Registrar or to any other person shall be liable to a fine not exceeding one hundred shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

General offences.

20. Any person who commits any of the following acts, namely, who—

(a) wilfully destroys or injures any register book or document, or causes any such book or document to be destroyed or injured;

(b) falsely makes or counterfeits, or causes to be falsely made or counterfeited, any part of a register book or document;

(c) wilfully inserts or causes to be inserted in any book or document, or certified copy thereof, any false entry;

(d) wilfully gives a false certified copy of any entry in a register book or document or causes such certified copy to be given,

shall be liable to a fine not exceeding two hundred shillings or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

21. (1) It shall be lawful for any police officer, to take, for the purposes of identification, the finger prints of any registered servant who may be accused of any offence under this Ordinance.

Evidence of identification of registered servants accused of offences under this Ordinance.

(2) Any finger print taken under this section shall at the trial of any registered servant accused of any offence under this Ordinance be admissible as evidence of identity against such servant if such finger print is certified under the hand of an officer appointed by the Governor for that purpose who shall have compared such finger print with a finger print taken under section 11 of this Ordinance, and the certificate of such officer shall, if produced by the person who took the finger print under this section, be prima facie evidence of the facts therein set forth.

22. All offences under the provisions of this Ordinance shall be cognizable to the police.

Offences cognizable to police.

23. Offences under the provisions of the Ordinance shall be triable in the Court of any Magistrate of competent jurisdiction:

Jurisdiction of courts.

Provided that every such Magistrate shall have jurisdiction in any case brought before him against any person being at the time within the area of his jurisdiction whether the offence was committed within such area or not, or whether the person accused of such offence has his usual residence or place of abode within such area or not.

24. The fees set forth in the Schedule shall be payable in respect of the matters referred to in such Schedule and shall be denoted by stamps affixed to the pocket register.

Fees.

25. The Governor in Council may make Rules relating to all or any of the following matters:—

Power to make Rules.

- (a) the duties of Registrars;
- (b) the form of general registers and pocket registers;
- (c) altering or adding to the fees set forth in the Schedule;
- (d) all matters which are required by this Ordinance to be prescribed;
- (e) generally for the carrying out of the provisions of this Ordinance.

26. A servant, the total value of whose wages, together with the estimated value of food supplied by the employer, exceeds SH. 900 per annum shall be exempt from the provisions of this Ordinance.

Exemptions.

SCHEDULE

FEES.

	Shs.	Cts.
Fee payable by an employer on causing an existing servant to be registered (section 6)	2	00
Fee payable by a servant or intending servant on first registration (section 9) including fee for pocket register	2	00
Fee payable by an employer on registering an engagement (section 13)	1	00
Fee payable for duplicate pocket register	2	00

SCHEDULE

Fees.

Shs. Cts.

Fee payable by an employer on causing any existing servant to be registered (section 5)	2 00
Fee payable by a servant or intending servant on first registration (section 9) including fee for pocket register	2 00
Fee payable by an employer on registering an engagement (section 13)	1 00
Fee payable for duplicate pocket register	2 00

1509/28

Reference to previous correspondences.

11/31

Letter ^{to} the India Office of the 26th July 1928
~~from~~ No. 15091/28

(1509)

communications on this subject should be
addressed to
THE UNDER SECRETARY OF STATE,
Economic & Dept.
Overseas India Office,
LONDON, S.W. 1.
and the following number quoted—
E. & O. 5780/28

RECEIVED
23 AUG 1928
COL. OFFICE

INDIA OFFICE.
14 August 1928

The Under Secretary of State for India presents his compliments to the Under Secretary of State for the Colonies and begs to transmit to him copy of the papers noted below.

The Under Secretary of State,
Colonial Office.

14 AUG 1928

571
Cms. Branch
20 NOV 1928

Origin.	Date.	Subject.
From Indian Association, Nairobi	9th July 1928 with encl.	Kenya Domestic Servants Bill.

Copy also sent to—

15091/28

Reference to previous correspondences: 113

communications on this subject should be referred to—

THE UNDER SECRETARY OF STATE,
Economic & DEPT.
Overseas India Office,
LONDON, S.W. 1.

Letter to the India Office of the 26th July 1928
from No. 15091/28 (No. 9)

and the following number quoted—

E. & O. 5180/28

RECEIVED
3 AUG 1928
COL. OFFICE

INDIA OFFICE,
7th August 1928

The Under Secretary of State for India presents his compliments to the Under Secretary of State for the Colonies and begs to transmit to him copy of the papers noted below

The Under Secretary of State,
Colonial Office.

Origin Date Subject

From Indian Association, Nairobi 26th July 1928 Kenya Domestic Servants Bill.
with encl.

59/7 AUG 1928
5 Jan. 1928
CAG's branch
20 NOV 1928

Copy also sent to—

INDIAN ASSOCIATION NAIROBI,

Executive Committee's Office,

Nairobi, 9th July 1928.

To The Secretary of State for India,
Whitehall, London.

Sir,

I have the honour to enclose herewith two resolutions passed by the mass meeting of Indian Citizens in Nairobi, held on Sunday, the 8th July, 1928, under the presidency of Mr. B. S. Varma.

I have &c.,

T. Dass,

Hon. Secretary,

The Indian Association.

4201/28.

RESOLUTION NO. 2

That this mass meeting of Indians strongly condemn the action of the present Rump Legislative Council in extending the scope of the domestic Servants Bill to Indians in the absence of Indian representatives on the Council and without previous consultation with the Indian Community.

Further this mass meeting requests the Secretary of State for Colonies under these circumstances to withhold Royal Assent to this Bill.

T. DESS,

The Indian Association.

9

Mr. Allen 17/7

X-10091/EE-2077

Mr. Patterson 17/7

103811
0 1/2

Mr. Bottomley

Mr. E. J. Harding

Sir J. Shackleton

Sir G. Griffiths

Sir G. Dwyer

Mr. Ormsby-Gore

Lord Lovat

Mr. Amery

Downing Street,

26 July 1928.

DRAFT *Care of minute*

THE U.S. OF S.

Sir,

INDIA OFFICE.

I am etc. to ack. the receipt of your letter of the 6th of July No. E & O 4201/28 relative to the Bill introduced in the Legislative Council of Kenya for registration of domestic servants.

I am to enclose a copy of the Bill as published in the Official Gazette of the Colony and Protectorate of Kenya on the 12th of July 1927, together with a copy of the debate on the second reading of the Bill on the 13th of September 1927. It will be seen from the debate that the Bill was to be referred to the Select Committee

Domestic Servants Bill

*Bill (Gazette 1927)
Debate 13/9/27
Copies with 18091/28
Minutes 16/10/28
Administrative 1899/28*

Copy to India Office

India Office

Further action

Committee

Committee of the Council but the Secretary of State has not received the report of the ^{any} ~~the~~ *Kalra, Lambton* Committee appointed.

4. I am, however, to enclose an extract from the Minutes of the Legislative

Council of the 16th of May last when the Bill was considered in Committee, from ^{of Council} which it will be seen that important amend-

ments ⁽¹⁾ adopted as regards the definition of "servant", which is no longer

limited to native servants; ⁽²⁾ and also as regards the finger print requirements ⁽³⁾ in

Clause 11, provision now being made in the latter clause for the acceptance of photo-

graphs in the place of finger prints in cases in which ~~the~~ photographs will pro-

vide sufficient means of identification; and (3) as regards

5. Mr. Agony has no further ~~to say~~ with regard to the progress of the measure; ~~but so far as any information goes, it~~

~~does not involve any racial discrimination, and in these circumstances he would not~~

feel

exemption from the provisions of the Ordinance in accordance with the total value of imported goods together with the estimated value of goods supplied by the companies, exceeds Rs. 200/- per month.

provided that photographs may be accepted and affixed in the general register and also in the pocket register in lieu of finger prints if the Registrar is satisfied that such photograph provides sufficient means of identification;

- (b) if such servant be a person to whom the provisions of the Native Registration Ordinance, or any Ordinance amending or replacing the same, apply, record in both the general register and in the pocket register the index letters and number of such servant's Registration certificate and shall make an endorsement on such registration certificate to the effect that such person has been registered as a domestic servant and it shall be incumbent upon such servant to produce his registration certificate for the purpose."

On motion of the Hon. Colonial Secretary Clause 12 was amended as follows:-

- (a) By the insertion of the words "ordinary resident in such district" after the word "person" in line 2.
- (b) By the insertion of the words "within one month of the application of this Ordinance" between the words "shall" and "engage" in line 2.

On motion of the Hon. Colonial Secretary the words "unless he intends to take action under Section 16 of this Ordinance" were added to the first paragraph of Clause 14, the second paragraph was deleted and the third paragraph was amended by the deletion of the word "further" in line 1 of that paragraph.

On motion of the Hon. Colonial Secretary the words "in which case he shall also cancel the endorsements made under Section 11 (b) of this Ordinance" was inserted after the word "servant" in line 3 of Clause 15.

On

On motion of the Hon. Colonial Secretary Clause 18 was renumbered 18 (1) and the following subsections added thereto -

"(2) When any person has been convicted of the offence of giving a registered servant an adverse character without reasonable cause, or of entering in the pocket register of a registered servant any grave accusation against such servant which he cannot substantiate, the Court by which he has been convicted may order that the entry in respect of which the accused has been so convicted or any part thereof shall be deleted from the servant's pocket register and from the general register.

(3) Any proceedings under this section may be instituted by or at the instance of the Registrar".

On motion of the Hon. Colonial Secretary the following clause, to be numbered 26, was added to the Bill -

"A servant, the total value of whose wages, together with the estimated value of food supplied by the employer exceeds Bhs. 200 per mensem shall be exempt from the provisions of this Ordinance".

Council resumed its sitting.

+

+

+

839

INDIA OFFICE,

WHITEHALL,

LONDON, S.W. 1.



The Under Secretary of State for India,
Economic Department,
& Overseas Radio Office,
London, S.W. 1,
and the following reference quoted:—
E. & O. 4201/28.

Telephone:—
Victoria 5920. I.O. Ext. No.
Telegrams:—
Raxandam, London.

RECEIVED
-7 JUL 1928
COL. OFFICE

6th July, 1928.

Sir,

I am directed by the Secretary of State for India to transmit for the information of the Secretary of State for the Colonies, copy of a telegram received from the Government of India relating to the Kenya Domestic Servants Bill. As the Government of India ask for information regarding the Bill, the Earl of Birkenhead would be glad if particulars of its provisions could be supplied for transmission to them. It will be observed that they ask that they may be given an opportunity to examine the Bill and to make representations before assent is given, if Indians in Kenya are likely to be affected by its provisions.

Dated
25.6.28.

Copy referred to Sec. 265-9116 1928

I am, Sir,

Your obedient Servant,

J. Curzon

The Under Secretary of State
Colonial Office;
S.W.1.

VN/DW.

(35 words.)

4201

2782

1928

COPY OF TELEGRAM

(COPIES
CIRCULATED)

From Viceroy, Department of Education,
Health and Lands, to Secretary
of State for India.

Dated Simla, 25th June, 1928.

Received 6.30 p.m., 25th June, 1928.

London representative at the Imperial
Indian Citizenship Association, Bombay, has
telegraphed that the Colonial Office have under
consideration now the Kenya Domestic Servants
Bill which adversely affects Indians in the
Colony, and that assent will be given to the
measure shortly. Association have asked us for
information on the subject. We know nothing, and
shall be grateful if you will get full particulars
from the Colonial Office and telegraph them to us.
If the Indians in Kenya are likely to be affected
by the Bill, we should also like to be given the
opportunity to examine it and make representations
before assent is given.

This seems to me a good example of taking views so broad that you cannot envisage the particular problem you are asked to consider. The point which has been put to the Governor in circulars of 14.7.26. (17B on CP242 (26/26)) and ^{at 11 p.m.} 3.6.27 (No 2 on X16349 (27)) is that it should be regarded as the business of the grower, not of the Govt, to provide entomological staff for the practical control of measures against insect ~~pests~~ ^{pests} in the field. It is recognised by all that research must be a responsibility of the Govt, & this is not the question, nor is the "financing of research". The Executive Council cannot have imagined that the terms of reference of the Commission or Closer Union would embrace details of internal policy such as this.

However, as the Govt has decided not to consider the matter further until after the Commission has reported, I do not know what can be done at this end, except possibly make a further effort to place the true aspect before the local people.

I act & while noting Govt's decision on "A", say that I.B. is in some doubt as to whether the point which it was sought to make in this case, Miscellaneous of the Lab. & G.

Marshall has seen the draft deep,
if he agrees to its going, it had
better come on for the family, I think

see

Draft 6/3/28
at once

1/2

To Marshall (w/ copy no 1 copy) cons.
12 MAR 1928

3 D. Marshall 13 March 28
no alterations or additions to suggest to proposed
deep. Returns draft.

The deep. can now go to Henry.
(It has already been copied for insine,
error)

Copy to go to Director L.B.E. L.F. imp.

As the Director has left for Calcutta

if no use sending on to him

S. Reed
15/3/28.

all below
15-3-28

I have found the off,
but I don't if this will be
much result as I do not think
that the office gives an adequate
the degree of cooperation. But this can
be a result of the value of a widespread
out of research results on the office
relations, and it would be a good
thing if we were able to show that
all the cost of office administration

W. H. Allen
27/3/28

is not borne by the office
largely provided by the office

allowed to go office.

16.3.28

5

To Gov - 196 - 1 and 18 MAR 1928

To L.B.E. (copy no 4) 26 MAR 1928

4

- Mr. Hoel
- Mr. Parkin
- Mr. Allen
- Mr. Bottomley
- Mr. E. J. Harding
- Mr. J. Shuckburgh
- Mr. G. Grindal
- Mr. C. Davis
- Mr. S. Wilson
- Mr. Ormsby-Gore
- Lord Lonsdale
- Mr. Amery

X. 15101

RECEIVED
19

To go in draft to Dr. Marshall for concurrence.

Downing Street.

16 March, 1928.

DRAFT

KENYA

NO. 196

For. Secy.

12 MAR 1928
13 MAR 1928
14 MAR 1928
15 MAR 1928
16 MAR 1928
17 MAR 1928
18 MAR 1928
19 MAR 1928
20 MAR 1928
21 MAR 1928
22 MAR 1928
23 MAR 1928
24 MAR 1928
25 MAR 1928
26 MAR 1928
27 MAR 1928
28 MAR 1928
29 MAR 1928
30 MAR 1928

I have the honour to ack. the

receipt of your despatch No. 39 of the 24th January, regarding the question

whether ~~the~~ maize and coffee industries should be called upon to share in the cost of providing entomologists for work in connection with those industries.

2. I note from your despatch that you have decided to defer until the

Commission on Closer Union in East Africa has reported, ^{whether considering} the general

question of the financing of tropical areas required. At the same time, I

Review in some detail

not

that these difficulties would not arise

if the field entomologists ^{required for} ~~employed~~

practical supervision and control ^{in the field} were

actually employed and paid by the growers themselves, the part of the Government

being confined to placing at the disposal

of these practical entomologists the

results of researches carried out by its

own staff. I feel ^{sure you will agree} that it is important

that the principle ~~announced~~ by Dr.

Marshall should not be lost sight of,

and that ^{the} growers should ~~gradually be~~

^{come} ^{agreed} brought to ~~realize~~ that entomological work

^{with the object of} ~~which would~~ prevent insects from develop-

^{into} ing ^{be} pests, should be just as much a

regular routine item of agricultural

practice as is clean cultivation. [The

application of this principle would

not appear to depend ~~in any way~~

upon a decision as to the sources

from which agricultural research

(Signed) L. S. AMERY

? omitted]
well

PUBLISHED BY THE GOVERNMENT PRINTING OFFICE	1941	LONDON
	1941	
C.O. 533 / 377		1941

should be financed, and

It must be noted that no opportunity
will be lost if ^{its} importance
upon the ^{Provinc} coffee and sugar
industries.]

Imperial Bureau of Entomology

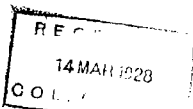
Head Office at—

Director:
GUY A. K. MARSHALL, C.M.G., D.Sc., F.R.S.
Assistant Director
3, A. NEAVE, D. St.

BRITISH MUSEUM (NATURAL HISTORY),
CROMWELL ROAD, LONDON, S.W. 7

13th March, 1928.

XCA
Dear Sir,



Thanks for your letter of the 12th March (No. 15101/28)

enclosing a copy of a despatch from the Governor of Kenya with reference to the proposals to add to the staff of Entomologists in connection with investigations into coffee and maize pests.

I think that the despatch you have drafted in reply is excellent, and I have no alterations or additions to suggest, as it seems to me that you have put the case very effectively.

I am very glad to see that the Association of East African Chambers of Commerce has so fully supported the views which I put forward. The trouble is that the local Department of Agriculture and the Chief Entomologist are opposed to my suggestions, because they wish the additional Entomologists to be added to the Department, and as the planters and farmers naturally back them up in this, it is going to be rather difficult to get my suggestions accepted, unless something can be done to make the Chambers of Commerce take the matter up more strongly. Anyway, your draft despatch will bring the

matter

(2)

13. 111. 1928.

matter up again for consideration.

I return the draft despatch, herewith.

Yours sincerely,

Chas. C. M. Marshfield

Encl.

G. F. Seel, Esq.,
Colonial Office,
Downing Street,
S.W.1.

DRAFT

9/1
led
16.3.28

9

KENYA

DOWNING STREET

March, 1928.

No. 100

GOVERNMENT
SECRETARY

SIR E. W. M. GRIGG, K.C.A.G.,
K.C.V.O., D.S.O., M.C.,
etc., etc., etc. Sir,

I have the honour to acknowledge the receipt of your despatch No. 39 of the 24th January, regarding the question whether the maize and coffee industries should be called upon to share in the cost of providing entomologists for work in connection with those industries.

2. I note from your despatch that you have decided to defer until the Commission on Closer Union in East Africa has reported further consideration of the general question of the financing of agricultural research. I am, however, in some doubt whether there may not have been some misunderstanding as to the scope of the proposal which was made in my Miscellaneous despatch of the 14th July, 1928. The suggestion then put

CO 533 / 377

CONFIDENTIAL

- Mr. Seel 8/3
- Mr. Parker 23/3/28
- Mr. Allen
- Mr. Bottomley
- Mr. J. Harding
- Mr. J. Shackleton
- Mr. G. Cradock
- Mr. G. Darrin
- Mr. S. Wilson
- Mr. Ormsby-Gore
- Lord Lovat
- Mr. Doherty

Final no. 2

Kenya

Downing Street,

12 March 1928.

Dear Dr. Marshall,

for his signature
DRAFT

DR. G. A. K. MARSHALL, C.M.S., F.R.S.

In an official letter No. 245/85 of the 17th of July, 1926, we sent you a copy of a despatch to the Governor of Kenya about the ^{desirability} ~~liability~~ of encouraging private growers to employ their own entomologists for the control of insect pests on their estates.

I now enclose a copy of a despatch from Kenya from which it appears that the matter has been considered in the Colony, but that the Governor has decided to take no action pending the report of the Commission on Closer Union in East Africa. The original proposals which you made seem to be in

For Gov. Kenya 24.1.28. (No. 1)

enclosure

To Gov. Kenya with report 1

in draft for announcement

3/3/28

some

12
we advertised last year, and that

both vacancies have already been

filled.

Yours sincerely

(Sgt) G. F. Seal

KENYA
No. 39



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
16 FEB 1928
COL. OFFICE

24th JANUARY, 1928.

Sir,

With reference to paragraph 2 of your despatch No. 993 of the 3rd of December, 1927, relative to the extent to which the maize and coffee industries should be called upon to share in the cost of providing entomologists for work in connection with these industries, I have the honour to transmit a copy of a memorandum upon the general question of the financing of Agricultural Research.

X
10/14/27
1012

S. O.

12 MAR 1928

NO. 39

manuscript

W. I. B. S.

Copy

2. This memorandum was considered by my Executive Council and, in concurrence with their advice, I have decided to defer consideration until the Hilton-Young Commission has reported; you are aware that the terms of reference to this Commission include the financing and organization of research.

3. So far as the 1928 Annual Estimates, as passed by Legislative Council on the 29th November last, are concerned

you/

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L. G. M. S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON S.W.

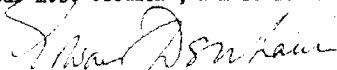


you will observe, vide Head XXII on pages 73-79, that Agricultural Research in this Colony has not suffered by the decision to postpone further consideration of the subject in its wider aspects.

I have the honour to be,

Sir,

Your most obedient, humble servant,



1. GOVERNOR.

THE FINANCING OF AGRICULTURAL RESEARCH.

On the 20th May, 1927, Executive Council, after consideration of the report of a special Committee of Legislative Council upon the menace of the mealie bug and stalk-borer pests to the coffee and maize industries (copy attached), advised that immediate steps be taken to engage the necessary staff for dealing with mealie bug in coffee and stalk-borer in maize and have requested finally that provision for the remainder of the year should be included in the next supplementary estimates. A telegram No. 195 of 30th May, 1927, was sent to the Secretary of State accordingly. The Secretary of State in his cablegram of 3rd June, 1927, approved the extraordinary expenditure proposed for the establishment of field stations to deal with these pests and stated that steps would be taken to select two assistant entomologists in consultation with the Director of Agriculture on his arrival in England but he anticipated that suitable candidates would be scarce and that some delay must be expected.

2. The Secretary of State added that before considering any further expenditure in connection with the Estimates for 1928 careful consideration should be given to the possibility of entomologists being employed by the industries concerned.

3. The Ag. Director of Agriculture has held meetings in the Nakuru district and adjoining areas with a view to discussing with the farmers the measures to be taken in regard to stalk borer. As the result of these meetings certain steps have been decided upon in co-operation with the maize growers and approval has been given to the appointment of a number of honorary inspectors whose travelling expenses will be met from public funds.

4. A decision is necessary as to the extent to which the maize and coffee industries in particular should be called upon to contribute, if at all, towards the expenses/

PUB
CO 533 377

309/17
309/17

Reference to
the 1927/28

contribute, if at all, towards the expenses occasioned by investigation and inspection work in respect of these industries.

5. This question was recently under discussion in England as a result of resolutions adopted at the second Imperial Entomological Conference, 1925. The Director of the Imperial Bureau of Entomology expressed the view:

"that if the ravages of insect pests in the tropics are to be kept within reasonable bounds, it is essential that growers should gradually be brought to realise that entomological work, which will prevent insects from developing into pests, should be just as much a regular routine item of agricultural practice as is clean cultivation; and that, eventually, the view should be developed that a man whose crops are devastated by insects is as guilty of bad farming as the man whose crops are choked by weeds, and moreover, that a grower who neglects proper entomological precautions is liable to become a menace to his neighbours.

He also stated that the employment of private entomologists has been adopted by sugar planters in Australia, British Guiana, Fiji, the Hawaiian Islands, Cuba, and Porto Rico, and that for many years past the tea planters in India have had their own entomologists. The Hawaiian sugar planters spend some £8,000 a year on entomologists alone, with results that have been highly beneficial not only to themselves, but also to the whole community. While not suggesting that this system could be universally adopted at once, he urged that wherever there is reasonable possibility of development along these lines, the policy should be encouraged by Government Agricultural Departments, and he considered that the coffee industry in Kenya would be especially suitable for such an experiment. A further advantage of such an arrangement would be that Government entomologists would be relieved of such unnecessary routine work, and would have more time for research, for which, in many tropical countries, they have not sufficient opportunity under present conditions."

6. In this Colony proposals for financial assistance were favourably reviewed by the maize and wheat industries and it is hoped that by the end of the year the Kenya Farmer's Association will hand over the proceeds of the voluntary maize cess towards plant breeding research work. The principle was further considered by the recent Coffee Conference who passed a resolution to the effect that in view of the great importance of the coffee industry to the whole community and the fact that it is still in the development stage Government should provide sufficient and essential services for the protection of the industry out of general revenue. It was pointed out in this connection that the industry pays approximately £1,200 per annum as Plantation

Licence Tax.

7. The Association of East African Chambers of Commerce in accepting the general principle laid down by the Coffee Conference made the proviso that this acceptance was recorded on the understanding that, whilst the cost of research should be paid out of general revenue of the Colony, the application of the result of that work when taken advantage of should be a charge on the individual, and that the principle outlined should, in the opinion of the Chamber, be applied equally to all industries. Further that as and when it can be proved that any industry has come to be established on a healthy and economic basis the organisation maintained by Government for the special benefit of such industry should be only such as is sufficient to undertake the necessary precautionary measures. In this connection the Chamber cited the analogy of Government providing funds for a hospital and the individual paying for services rendered, or in the case of stock diseases Government financing the research but the individual paying for the serum.

8. It must be pointed out in this connection, however, that if the individual is willing to pay for expert staff who come to assist him in regard to his crops or cultivation, he will expect to have personnel available for every call which would involve the maintenance of a considerable staff of experts at Headquarters or elsewhere. It is difficult further, as the Ag. Director of Agriculture emphasizes, to understand how Government, unless it devises patents or itself sells insecticides, will charge an individual who adopts the methods revealed by research. Government has not undertaken to apply the result of the work to plantations and has undertaken no wholesale practical control measures on private land. Small experiments have been conducted which could not well have been conducted elsewhere. It seems in the circumstances preferable for coffee planters to pay as a whole/

whole and not as individuals.

9. Possible means of securing revenue for expansion may be indicated as under:-

- (a) Sale of compounds for use in plantations.
- (b) Contribution from industry for experimental stations, cess and levy on rent of plot and erection of houses for Government experimental staff.
- (c) Additional licence fees from coffee plantations. (At present some £1,200 per annum is collected)
- (d) Payment of fee for plantation inspection.

Possibly the best means of initiating public discussion is for Government to give its outside limit of financial provision together with a schedule of what will be provided for this sum and how its efficient use could be improved if certain facilities such as experimental stations were available and what further funds or assistance are necessary for such facilities.

many of the evidence, together with a list of those gentlemen who appeared before the Committee is appended hereto.

MEALYBUG.

The main points brought to our notice with regard to this pest were as follows:-

1. The large amount of damage that is inflicted on particular plantations, and the fact that although the incidence on individual plantations may not be so serious as in former years, yet the pest is becoming more widespread in certain areas.
2. The fact that such control measures as have been evolved are, if properly carried out, effective in checking the ravages of the mealybug to an appreciable extent.
3. The difficulties encountered in dealing with such an adaptable enemy as the ant and the necessity for continuous investigation with a view to devising improved methods of control.
4. The very generally expressed feeling that other pests and diseases may at any time become epidemic and that the organization should be such as to enable research work to be carried out in advance of the need.
5. The value of providing means for conducting research work on insect pests in the locality of the outbreaks.
6. The paucity of staff at present available for the services under consideration.

Witnesses unanimously demanded considerably extended technical services by the Agricultural Department for further research on mealybug and similar problems.

MAIZE STALK BORER

The evidence brought before us about this pest shows that -

1. the pest is becoming more widespread.
2. It is causing serious losses to farmers in certain areas.
3. It may become a serious menace to the industry unless steps are taken to check it, since conditions are particularly favourable to the pest in this Colony.
4. Present information indicates that it is not likely to be eradicated, but if its spread and the damage caused by it is to be confined within reasonable limits it is necessary that every maize grower in an infected area should adopt such cultural methods as are calculated to control the spread of the pest.

Efforts to effect complete control would necessitate legislative action dealing with the major farming operations, and we are doubtful whether such measures could be efficiently administered. It would, for example, include the introduction of Rules compelling farmers to burn all crop residues within a defined period, and the institution of a "close season" for the planting of maize, and we do not consider that these steps would be practicable under existing conditions. The administration of legislation of this kind would be costly, as the appointment of a number of inspectors would be required to enforce it.

22

R E C O M M E N D A T I O N S

We are alive to the fact that research work of the kind required to combat pests such as the Mealybug and Stalk Borer is difficult, laborious and costly, and we think it essential that further research be carried out on both these pests. Although much work has been done in other countries on the stalk borer, conditions are so different in this Colony that further research is essential. The groundwork of such research has been laid during the past years, and should be carried on.

We therefore recommend that, as a minimum, provision be included in the 1928 Estimates for not less than four new appointments, viz:-

Two Entomologists,
One Coffee Officer,
One Plantation Inspector,

and for three Mobile Field Stations.

Owing to the fact that there is need for immediate further action against the mealybug pest and to the delay which must inevitably intervene between sanction being given by Government for the additional personnel, and the time when such personnel will be available for work in the country, and having regard to the fact that the present Entomologists are due for leave during 1928, we would urge that supplementary estimates be now introduced to cover the cost of two additional Entomologists,

and we would urge that all possible means be employed to procure the services of these Officers with the least possible delay. We are of opinion that not only would efficiency but economy be achieved if provision were made for research stations to be established in the field, and we consider that the provision of motor vehicles with trailers fitted as Laboratories would best meet the requirement. We therefore recommend that two of these Mobile Field Stations be provided immediately on Supplementary Estimates.

Since it would probably be impossible to make such appointments in less than four months from the present time, the cost of such provision during the current year would be £1,750, as shown in Schedule I hereto.

We recommend that early consideration be given by Government to the appointment of the additional Coffee Officer, and Plantation Inspector after the expression of the views of the Coffee Industry at the forthcoming Coffee Conference.

We recommend that further propaganda be carried out by the Agricultural Department, explaining the nature of the stalk borer pest, and the method of control, and that farmers' organisations be called upon to assist in such propaganda to the limit of their powers.

In addition, we recommend that action be taken by the Director of Agriculture under Regulation No. 7 of the Diseases of Plants Prevention Ordinance 1910, to order the destruction of any

maize p... on crops where the Inspector is of opinion that there has been neglect of ordinary farming practice, and that as a consequence the pest is likely to spread from such infected area to neighbouring farms and to cause damage.

The Regulation referred to is as follows:-

"An Inspector may give such instructions as he may consider necessary for the treatment or destruction of any plant or seed, or the container thereof, which he may suspect to be infected with or to constitute an obstacle to the proper control of; any pest or disease. Such instructions shall be complied with by the owner or person in possession of such plant, seed or container. An Inspector may cause such treatment or destruction to be carried out at the expense of the owner or person in possession of such plant, seed or container, should either of those persons fail to carry out such instructions."

It is realised that it is not possible for the Agricultural Department, staffed as it is now, to inspect all maize, and we look to the members of the industry themselves to safeguard their own interests by bringing to the notice of the Department any cases of neglect on the part of individuals endangering their neighbours.

(Signed) Alex Hohn
Chairman.

J. G. Kirkwood.

C. G. Durham.

Conway Harvey.

SCHEDULE I

Showing cost of the services recommended to be provided for by Supplementary Estimate.

Agricultural Department.
Scott Agricultural Laboratories.

Personal Emoluments.

Two Entomologists
(£480 x 20 to 600 x 30 to 2720).

Provision for 3 to 4 months, say .. £300.

Agricultural Department.
Administration and General.
Other Charges.

Passages	..	150.
Travelling Expenses	..	40.
Local Transport and Travelling	..	60.

Agricultural Department. Extraordinary. Two Mobile Field Stations equipped and with trailers	..	1200.
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TOTAL	..	<u>1750.</u>
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SCHEDULE 2.

SUMMARY OF EVIDENCE GIVEN BEFORE THE SPECIAL
COMMITTEE OF LEGISLATIVE COUNCIL ON MEALYBUG
AND STALK BORER.

The following gentlemen were called upon to give
their views:-

MR. C. K. Archer, Chairman, Coffee Planters' Union.
Mr. J. F. H. Harper, J. P., Chairman, Convention of
Associations.
Captain W. Kirton, Secretary, Ruiru Farmers' Assn.
Mr. G. C. Monckton.
Captain G. C. Oakes.
Mr. Charles Taylor.
Colonel W. K. Tucker, C.M.G.
Captain E. Walker.
The Entomologists,
Messrs. Anderson and Kirkpatrick.

MEALYBUG:

There was a very large degree of unanimity
among all the witnesses who gave their views on this
pest. Mr. Kirkpatrick described the work that
had already been done to check the incursions of mealybug
and explained what in his view should be done in the
way of further research. He pointed out that the only
way to control the pest was to control the ants which
enable it to spread rapidly, by acting as scavengers
to the bug and by attacking at some stage of their life
history all those parasites that normally prey on the
mealybug. He had satisfied himself as the result of
research that no spraying or fumigation could be relied
upon to check the pest, owing to the great cost and
to the fact that the natural parasites of the bug were
destroyed by such means.

He was of opinion that although the bug was
present in the reserves, this could not be held
responsible for the present outbreaks, and other witnesses

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considered with this view. He had found that crawling
with Crisco oil properly and carefully carried out
was effective in keeping the ants off the trees, and that
if possible he had used the original consignment of
Crisco, with one exception, had found it effective in
this way. It was generally considered that had a proper
quantity of the proper substance been available this
season, and had it been generally and properly applied,
the outbreak would have been very much less severe than
it has been. The opinion was expressed that, providing
the ants were kept off the trees by means of this remedy
while the flowers set, and for some two months afterwards,
the loss of crops is not very great, but that if the pest
is rife immediately after and during flowering time,
the loss of crop may amount to as much as 70 - 80%.
The present season had been favourable to the mealybug
owing to the intervals between rains, and to the
extensive period during which the trees were in flower.
It was agreed by witnesses that the rate of spread of the
pest was, under favourable conditions, extremely rapid.

Estimates of the loss during this season were
varied, but all agreed that a large sum had been lost to
the industry, probably not less than 2,000,000, and one
witness, referring to a particular area, that had been
heavily infected, estimated that nearly 50% of the crop
had been destroyed, while reports from individual estates
suggest an 80% loss. All witnesses agreed that the pest
was more widespread each year, though possibly the
incidence was not so heavy in particular cases as in previ-
ous years. The pest had been found in certain cases to recede
from a particular area, but not necessarily permanently.

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Witnesses agreed that even if Orgevo is a fairly effective control, it is not likely to be continuously effective against such an adaptable enemy as the ant, and that research must be carried out unflinchingly on this pest.

Witnesses in most cases expressed the opinion that although mealybug was at the moment of most interest to coffee planters, it was by no means the only danger.

Mr. Anderson pointed out that probably 50 to 60 known insect pests of the coffee plant existed, and of these probably 20 might under certain conditions become epidemic pests, and a considerable feeling of apprehension was expressed by several witnesses lest certain of these become epidemic at any moment.

The witnesses, all of whom are qualified to speak on behalf of the industry, were unanimous in calling for further services to be provided by Government for research into such problems. It was pointed out that research into plant pests should be carried out in advance of requirements in order that means may be on hand to combat such pests before they become serious epidemics.

Satisfaction was expressed at the work that had already been done on mealybug, and other pests, but it was pointed out that owing to the paucity of staff and resulting discontinuity, and to the fact that technical officers were in many cases unable through lack of time to pursue their investigations to a conclusion, some of the time and energy of such officers was being lost.

provision of mobile field stations that could be sent to the scene of any outbreak of pest or disease, to enable investigational work to be done on the spot.

Mr. Kirkpatrick gave it as his opinion that a small established coffee farm should be procured by Government for experimental purposes in the centre of the main coffee area, which is at the moment also the centre of the most serious coffee pests. On this should be permanently stationed at least one Entomologist, a Coffee Officer, and possibly other staff. By such an arrangement the output of work by these officers would be the maximum possible.

Dealing with staff, witnesses all expressed the opinion that the present staff was quite inadequate to render the services which it should properly be called upon to perform. Opinions varied as to the additional staff which should be provided, but as a minimum it was thought that there should not be less than two additional entomologists appointed, one other Coffee Officer, and an additional Plantation Inspector. The view was expressed that there should be a coffee officer permanently stationed up-country, in addition to one in the south near Nairobi, that he should be accompanied by an Entomologist, and that there should be not less than five entomologists conducting research in coffee problems along continuously. It was pointed out that in spite of the high cost of efficient technical

officers the savings which they may effect to the industry, and out of all proportion to the cost, and that a reduction of even 10% in the mealy bug pest would effect savings greater than the cost of all the additional officers and equipment suggested.

A witness suggested that in the Estimates of the Agricultural Department, a reserve fund be set aside to enable more travelling to be undertaken by the technical officers, should any pest show sign of becoming epidemic.

It was further pointed out that the present Entomological staff was less than in 1922, although coffee had almost doubled in area in that time, and other crops had increased in greater proportion.

The opinion ^{was} expressed by Mr witnesses, and by Mr. Kirkpatrick, that two other pests, one a bean borer and another scale, might at any moment become epidemic.

STALK BORER.

Mr. Anderson explained to the Committee the present position as regards Stalk Borer in this and other countries. He pointed out that the pest was indigenous to this country, and was a serious pest in many other maize growing areas. Much work had been done in other parts of Africa and in America in connection with the borer, and the best method of control appears to be the destruction of the caterpillars and pupae in the maize fields after harvesting, and the

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prevention of its spread by ensuring no young maize in the area to be controlled during certain periods. The conditions in this country were particularly conducive to the spread of the pest, in that at all times of the year there was young maize ready to be infected and the borer was reproduced continuously. Each generation occupied about 50 days for full development of the life cycle, and generations were not only continuous but overlapping.

Other witnesses pointed out the rapidity with which the pest is now spreading, and the amount of damage caused. Estimates were given to show that from 50 to 90% of the maize on farms in some infected areas had been destroyed during the present planting season. One Company alone estimated the loss last year at 7,000 - 8,000 bags, and great anxiety was felt in the areas most affected.

Circulars asking for reports of the damage done by this pest were sent out by the Agricultural Department through the Kenya Farmers' Association, but the response to this enquiry was somewhat disappointing in point of numbers returned.

Mr. Anderson indicated two methods which would check the pest sufficiently to prevent serious losses:-

1. By instituting a "close time" for planting all maize.
2. By destruction of all crop residues within a specified period.

To make these means of real value it was essential, he stated, that these controls should be applied universally through the infested maize areas.

Difficulties appear in the application of either of these controls in (1) if no maize is to be planted after a particular date it is likely that in seasons when the rains are later than the average it will not be possible to get the maize planted, and considerable hardship to farmers is likely to result.

As regards (2) stalk pulling and burning, must take place immediately after harvest, at a time when all available labour is usually fully occupied in reeling and delivering the crop, and ploughing for the subsequent crops.

It was pointed out that a solution of the difficulty would be found only by Legislative action being taken to compel all growers to burn their maize stalks, or by propaganda to produce the same effect. It was thought that though propaganda might be effective in a very large number of cases, yet there would remain a few farmers who, for one reason or another, would not carry out the work properly, and at the right time. It was suggested that legislative action would be extremely difficult to bring into effect, and would necessitate very close inspection, which would require the addition of a Staff of Inspectors to the Agricultural Department, or alternatively, inspection by the District Committees or Local Government Authority. A witness was of the opinion, however, that such a serious menace faced the maize industry that members of this industry would be prepared to bear the inconvenience, difficulties and expense attendant on the introduction of such legislation, and the

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inspection necessary. It was noted that a considerable amount of propaganda regarding measures of control of this beer had already been carried out by the Agricultural Department in various wards and by the Kenya Farmers Association.

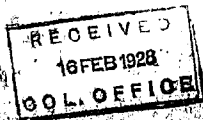
KENYA.

No. 36



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

24 January, 1928.



Sir,

*10/11/28
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10/12/28*

I have the honour to refer to your despatch No. 696 of the 10th of August and to your reminder No. 1027 of the 15th of December, 1927, regarding the requirement in paragraph III of the Kenya Rules of Court, No. 3 of 1926, that a period of six months' residence in the Colony must be completed before a barrister or solicitor may be admitted to practice in the Courts in Kenya.

2. I am informed that the inclusion of the restriction was suggested by the Law Society of the Colony. The reasons were communicated to the Chief Justice, who was satisfied as to the reasonableness of the restriction, but the communication was oral and there is, in consequence, no record.

3. Specific enquiry has elicited reasons for the original proposal which may be summarized as follows:-

- (a) that time should be given for enquiry as to the candidate's antecedents and for verification of his qualifications;
- (b) that opportunity may be given to form an estimate of the candidate's character;
- (c) that the candidate himself may have the opportunity of learning something about the complicated system of law in force in this Colony before being in a position to collect fees from clients for advice on such law.

/With regard to

THE RIGHT HONOURABLE,
LIEUTENANT COLONEL L. G. H. S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1

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With regard to (a) it has been pointed out that, in the absence of such a provision, it would be easy for an English solicitor who had been struck off the Rolls in another Colony to apply for and to obtain admission on his English certificates and testimonials.

4. The Chief Justice represents that a residential qualification is not a new requirement and that it is, or was, for instance, prescribed in Western Australia.

In His Honour's opinion the rule tends to make practice in the country a more stable and considered matter and has the effect of attracting the serious practitioner and discouraging the adventurer.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Edward Gigg.

GOVERNOR.

Manila X 15707-102

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For Private Secretary's signature

Sastwood 27/2
Allen 28/2
Kaseman 28/2
Amal... 25/11/28

Downing Street,
~~Robinson~~
32 MANILA

68 B
25 FEB
D. J. [Signature]

Sir O. Strachey
Sir J. [unclear]
Sir G. [unclear]
Sir O. Davies
Sir S. Wilson
Mr. Ormsby-Gere
Lord Lovat
Mrs. Amery

Sir

Mr. Secretary Amery

*Copy to Amal by G. [unclear]
Please see [unclear]*

Permits me to inform you, that in
response to the enquiry which
you addressed to him on the 12th of

DRAFT

Sir John Povey M.P.

July last, of behalf of Mr. [unclear]
Povell, that a despatch has now
been received from the Governor of
Kenya regarding the requirement that
a Barrister or Solicitor must reside
for six months in the Colony before
being admitted to practice in the
Courts.

2. The Governor states that
the restriction was suggested by the
Law Society of the Colony. He says
further that the reasons for the
restriction are as follows:-

*for records which are
communicated over to
the [unclear] who are
noted as to the
[unclear] & the
[unclear] who have
the [unclear] [unclear]*

(a) that time should be given
for enquiry as to the candidate's

antecedents

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antecedents and for verification of his qualifications;

(b) that opportunity may be given to form an estimate of the candidate's character;

(c) that the candidate himself may have the opportunity of learning something about the complicated system of law in force in ~~this~~^{the} Colony before being in a position to collect fees from clients for advice on such law.

With regard to (a), ^{it is} ~~he~~^{ed} points out that in the absence of such a provision it would be easy for an English solicitor who had been struck off the Rolls in another Colony to apply for, and obtain, admission on his English certificates and testimonials.

3. The Governor ~~states that the~~
~~Chief Justice represents~~ ^{he is advised by the Chief Justice} that the residential qualification is not an unusual requirement, and that it is, or was, for instance

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instance, prescribed in Western
in the opinion of the G. Justice
Australia, and he considers that the
rule tends to make practice in the
country a more stable and considered
matter, and has the effect of attract-
ing a serious practitioner and dis-
couraging the adventurer.

Yours very truly

(Sgd) A. Edgumbe