

1929

Enclosure to 60 533 / 385

1929

15552

KENYA

15552

Local Govt. of Nairobi Town. Commission of Inquiry

Local Govt. (Municipalities) Amdt. Ordinance 1929.

Local Govt. (District Councils) Amdt. Ordinance 1929.

Previous

15484/28 (Municipalities)

15482/29 (District Councils)

CLOSED
UNTIL

15552/29

Subsequent

* 15850/29
1928 Cont.

Part II.

M. W. H. 1929
P. O. 1929 / 340

1. India Office.-----23rd January, 1929
Copy tel rec'd from Govt of India regarding Round
table conference convened to consider the Bill based
on the Feetham Commission Report. 2

2. India Office.....24th. January, 1929.
Transmits copy telegram from the Government of India
regarding question to be asked in the Indian Legis-
lative Assembly and request views as to reply.

2A - Please see note attached.

Since writing it, I have consulted Mr. Martin, and
he is not aware of any publication beyond the state-
ment in the Press on the 27th July (which did not give
the conclusions of the Select Committee), the Gazette
Notice of the 9th August (which dealt with the matter
in so far as amendments to the Bill were concerned),
and the statement on behalf of the Government in the
Legislative Council on the 16th of August (which dealt
fully with the recommendations of the Select Committee).
Mr. Martin tells me that the procedure as regards pub-
lication was that recommended by the Select Committee
itself. The Ordinance was finally passed on the
30th of August.

Draft herewith for consideration.

J.M.H.
25/1/29

acc. Barlow
21.1.29

608-25.1.29

3 To P. J. Turner (refc 2nd letter to H on 15/10/28)

4 To I.O. (refc extract from press cutting 816 on 15/10/28)
(No. 2 amend) and encl. as in draft

Receive 6/1/29
for notice on 15/10/28

- 5. INDIA OFFICE. 8 FEBRUARY, 1929.
Transmits copy telegram to Govt. of India,
Department of Education, Health and Lands.
- 6. ACTING GOVERNOR 33. 19 JANUARY, 1929.
Trs. copy lr. to Kenya Central Indian Assn.
Minutes of meeting of Sub-City of Nairobi
Municipal Council of 24.10.28. Resolution of
N.M.C. of 30.10.28 and copies lrs. from Messrs.
Maik, Varma and Pandya together with press cuttings
- 7. PROCLAMATION NO. 17.
- 8. PROCLAMATION NO. 18.

All above

Also see also the minute on 15207.

I have amended the drafts already
prepared as indicated here, to read

~~copy of no 6 to the 10~~
{ the insertion of a refer to no
7 ed in para 2 of the proposed
dop

No 6 sets out adequately

the situation very clearly

(Easton)
15.2.29

Formally neither of these
proclamations come into the category
of those which should come before
the proper authority - so they may
be ignored. They are to be
deposited in the office &
cancelate No 6

J.M. Allen
16/2/29

Mr. Paterson

3

Nos 5, 7 + 8 can be put by

No 6 No 6 - see also

para 8, but I think there is no
need for it

A copy has been sent direct to

the Govt of India & all that is
of small
importance to send a copy to the
I.O. of ref No 3 of 10207/28

J.M. Allen

12/3/29

An interesting dispatch

see p. 10

Sir S. Wilson

I send this, on an indicating
the complete (present) lack of
cohesion among the Indians in
Kenya.

It is clear that whoever
organizes discussions on the
Hilton Young Report will have
to take care that the African
crowd do not have it all their own

Seen
20.3.29. J.H. above way.

J.S. 12.3.29.

9. To J.G. (in copy) 1/2

10. Otagy 241 23 April 29
The copies of all proclamations & rules issued under Local Government (Municipalities) Ordinance, 1928, state as to proposed constitution of Nairobi Municipal Board ~~proposed~~ approved to draft Proclamation: each copy is from Governor to Gov. Genl. of India & states that if Indian non-participation continues, it will be necessary to amend the Ordinance.

11. Otagy Telegram 20 May 29
Requests telegraphic approval to introduce full appointing members to serve in case of India.

W. G. G. G. G.

11.2 Please see memorandum attached - signed by W. G. G. G.

11) As regards the Nairobi Municipal Board

I agree that a telegram should be sent as proposed

12) The introduction of the Bill is proposed in the Bill

to make it possible as by participating -

~~or adopting without further effort -~~ Indian

* In the Central Indian Reservation had not replied to the official enquiry, it will be sent out of the question, I think, to prohibit the Bill on 20 May.

W. G. G. G.

non-co-operation, the Government might be giving ammunition to Indians who may wish to make difficulty in Kenya. Obviously, the Government cannot agree to have the work of the municipalities in Nairobi and Mombasa held up indefinitely, and they may be compelled to introduce legislation of the kind suggested. But the present moment is peculiarly inopportune for any action of this kind when Sir Samuel Wilson is trying to get general agreement in connection with the Hilton Young Report, and Mr. Baxtri has gone to East Africa to help the Indians to present a moderate case.

According to Sections 5 and 9 of the Local Government (Municipalities) Ordinance 1928 (tabbed in X.15407/28) "there shall be constituted for the municipality of Nairobi a Municipality Council which shall consist of" certain members, including seven Indian members, to be nominated by the Governor; and "there shall be constituted for the municipality of Mombasa a Municipal Board which shall consist of" certain members, including seven Indian members, to be nominated by the Governor. Presumably, therefore, unless the Indian members in each case have been nominated, the Council and the Board will not be legally constituted, although, so far as concerns a quorum, Section 26 of the Ordinance makes it clear that both the Council and the Board could carry on without any of the seven Indian members.

I had wondered whether, in order to avoid amending legislation, the U.A.G. could proceed to nominate the necessary number of Indians, selecting for

for the purpose, individuals whom he would regard as suitable. In this way, the Council and the Board could be constituted even if the Indian members so nominated refused to act. Nothing appears to be laid down as to how persons shall be nominated, but I suppose that the C.A.G. would feel that this was rather a strong measure, and that the normal procedure must be to nominate persons put forward by the Central Indian Association, or other recognised body for the purpose.

The C.A.G. asks for a very early reply as it would be necessary to publish the proposed Bill on the 28th of May if it is to be introduced at the next Session of the Council on the 12th June. This is in accordance with Section 64 of the Standing Rules and Orders of the Legislative Council under which copies of a Bill which it is proposed to read for the first time must be circulated at least fourteen days prior to the day upon which it will be read. There is, however, provision in Section 108 for the suspension of the Standing Rules and Orders to enable any special business to be considered and disposed of, and I assume that if emergency legislation should be required in the present connection, the rules could be suspended for the purpose, and in that case, there would be no need to publish the Bill on the 28th of May, and we could secure a longer breathing space for a

consultation

5

consultation with India, and an attempt to exercise influence on the Indians in Kenya so as to avoid necessity of legislation altogether.

I should be inclined to suggest, therefore, that on this point the C.A.G. should be informed that the S. of S. is very loath to agree to the publication or introduction of the proposed Bill which, despite the difficulty created by the Indians themselves, might be regarded as ^{inexpedient} ~~inopportune~~ at a moment when it is especially desirable to avoid any such action; that the S. of S. is asking the S. of S. for India whether ^{influence} ~~assistance~~ can be brought to bear through Mr. Sastri, or otherwise, which will induce the Indian community to co-operate; and that even at the risk of considerable inconvenience, the S. of S. thinks it would be worth while suspending further consideration of the proposed legislation until every possible means of persuasion to bring in the Indians has been exhausted. At the same time, the C.A.G. might be informed that the S. of S. assumes that, if necessary, the legislation could be passed as an emergency measure without the preliminary fourteen days' notice by suspension of the Standing Rules and Orders.

If a reply were to be sent in this sense, we should also send the India Office, reference No. 3 in X.15407/28, copy of No. 10 and enclosures in this file, and No. 11, and the reply now proposed - say that the S. of S. is sure that the S. of S. for India will agree that it is most desirable, if possible, to avoid having recourse to the amending legislation proposed

14. India Office 6 June 1929.
Encl. copy telegram dated 31 May to Govt of
India relating to the attitude of Indian
community as regards participation in the
municipal government of Karachi & Bombay.

? Pic by

Handwritten initials
7/6/29

? copy 13, 114 with incl 6.

Handwritten initials
O.A. ref no 12.

(Recirculate as to no 10 the
Case of which is not complete
- I have prepared a further minute
but it seems better to dispose of
no 14 first)

Handwritten initials

7/6/29

all

to 29

at once

15. Willy Telegram 10 June 1929
I am of opinion that since the Commission Report
is now decided the Indians will co-operate
in the circumstances outlined, their approval
of the Bill will not be withheld.
16. J. O. 10 June 1929
W. O. following

Please see memorandum
attached numbered 15A.

cc Parkinson

13.6.29

I shall not add much to Mr Parkinson's
memo. The terms of the above telegram
leave it open to the Govt. to approve of
the O.A.'s proposal without further
reference to the J.O.

Parliamentary procedure is for
accepting altogether the O.A.'s objections
to the alternative form of legislation, but
there is, as a matter of fact, precedent
(in one of the instruments of government
relating to the Legislative Council)
provision for the case of Indian
non-cooperation.

Concourse

as proposed?

6.6.14.6.29

14.6.29

17.6.29

SW 1010

17. To Gov. tel. 19 June '29.

18. To J. O. copy 13 + 14.

19 } P.T.O.
20 }

and for

19.

MOBEASA MUNICIPALITY (FINANCIAL REGULATIONS)

BY LAWS, 1929.

Action

20.

PROCLAMATION NO. 89- of 1929.

Minutes
No. 1529/29
Official Gazette) 21.

O.A.G 297.

20 MAY, 1929.

The draft Proclamation establishing the Municipality of Eldoret, together with copies of all Proclamations and Rules issued since 31st March 1929, telegraphic approval to issue draft Proclamation enclosed constituting the Board with and without Indian membership.

22.

O.A.G TELEGRAM.

19 JUNE, 1929.

Requests early reply to No. 16. Session of Legislative Council fixed for 15th July and is anxious to publish Bill with the usual notice not later than Gazette of 1st July.

Copy for pp.
Mr. Farquharson had seen.

No. 19 & 20 - refer for comment with No. 10 as the former course is still required.

No. 22 crossed No. 17.
publy.

No. 21. For the nature of Proclamations passed given in No. 10. Alternative was given in the case of Nalder in No. 12 - formal. Both have given the same. All next. Revolutionary power to introduce amending legislation to meet the position created by the non-co-operation of Indian. We cannot agree to the alternative Eldoret Proclamation as well as the one marked 'A' as a provisional measure pending the participation

By the Secretary in the name of the Govt. of the Colony 8

officer-in-charge for

All Proclamations
26/6/29

The draft follows from the action approved by both H.S. and H.M. found it.

Wed 26.6.29

23 To 4 m tel (no 21 and) 27.6.29

This paper is re-circulated for further comment of No. 10, and for comment of Nos. 19 and 20. A copy of No. 10 has been put on the papers regarding District Councils and all of its enclosures which relate to that finance and all of its enclosures which relate to that finance are dealt with in the minute on that paper.

For say these papers before you went on leave, and thought that no point arose on any of the enclosures to No. 10, except the rules for the elections to the Municipal Councils. These rules were issued before the Secretary of State's despatch No. 136 of 25th February (No. 3 on 15407) was received otherwise they should have been sent home for prior approval. Before he left the office Mr. Hamblin-Smith prepared the attached note on Rules 4, 5, and 14, which relate to the qualifications and dis-qualifications of voters and candidates, are the important ones. Mr. Hamblin-Smith's note shows that these rules follow the recommendations of the Poetham Commission and resemble those for the Legislative

To Secretary as below the location should note 1/1/29

Council.

You thought that the only point to which attention should be drawn was that at the end of Mr. Haublin-Smith's note, i.e., the absence of any rule disqualifying holders of municipal contracts from election, whereas a Government contract is a disqualification in the case of the Legislative Council. The Ministry of Health has been consulted as to the practice here, and has drawn attention to Section 12 of the Municipal Corporation Act 1882.

The attention of the O.A.G. might be drawn to the absence of any disqualifications on the lines of the above mentioned Section of the Municipal Corporations Act, and enquiry made whether he is not considering the enactment of a similar section. I now notice for the first time that similarly there are no such disqualifications in the District Councils Ordinance, (see Section 12 of that Ordinance (Laid on 15/4/28)), and attention might be drawn to this fact at the same time.

Nos. 19 and 20.

There is I think nothing requiring comment here.

The O.A.G. has not had copies of 13, 14, 15 and 16 on this file, and 7 copies should now be in a separate despatch (Nos. 13 and 14 without enclosures), reference 23 and earlier correspondence.

The India Office should also have copies of 22 and 23 L.F. for information, reference No 13.

Dr. aff. J. H. Allen (E. Easton) 17.7.28
(9) advice

Similar disqualification for the Leg. Co. At least might be called to the attention of the O.A.G. as a subsequent enquiry should be made as to the reasons for omission. Similar section desirable.

To Secy (L.F. 21, 22 + 23) 30/7/28
To Secy. 10 Aug. 1929
To Gen. Com. (L.F. 13, 14, 15, 16, 17, 18) 17 AUG 1929
DESTROYED UNDER STATUTE 17, 18 & 19 (1)

27. COLONIAL SECRETARY 3 p.m. 30 July, 1929.
Transmits copies of Proclamations and Rules issued up to and including 30th June, 1929.

Notice. This is the amending Proclamation referred to in para of the L.F. at the top and that he was communicated with the L.F. by the O.A.G. to obtain approval of the issue, if necessary. It is noted that he has not been sought. In the L.F. 21 the O.A.G. made a similar proposal as regard L.F. 23. In the L.F. 22 the issue, if necessary, of a similar Proclamation in that case of Indians unwilling to participate but that it should be made known that when

Not necessary check

Indians existing to cooperate
but alternative proclamation
providing for Indian membership
will be substituted. That
he was sent 27th June 1929
the Nakuru proclamation had
already been issued.

Excerpt of the case

J. H. Allen

20/8/29

Strictly, Mr. Allen is correct: but
the O.S. may have misled our
tel in No. 10 as covering the
alternative up? to in para 4
of No. 10. & in all the haste
of dealing with these "Procl"
it is not perhaps surprising that
further up? to the O.S. was not noted.
If we are to preserve the
with the O.S. Dip. will void
the case? But I shall be
inclined not to preserve it at all.

Acc. to Mr. Allen

Since it alone - still with
in view that happened to O.S.

Wes. 21.8.29

28. Gov. Conf. 197. 21st Aug. 29.

Trans. two authenticated copies and 10 printed copies
of the Local Government (Municipalities) Ord. Ord. 1929,
and of the Local Government (District Councils)
Ord. Ord. 1929, together with Legal Reports by A/
Attorney General.

(Spare copies to be kept.)

29. H.S.L. Polak. 20th Sept. 29.

Comments on amendment of certain sections of the Local
Govt. (Municipalities) Ord. Asks that Ord. be
held up and suggests that a statement of the intentions
of H.M. Govt. be made without delay.

Mr. Allen

No. 10

The history of this legislation is set
out in Mr. Parkman's Memorandum at 160
on this file. No. 16 shows the proposal of
the 10 in the legislation, which was
approved by the Sops at No. 17. The 10
was improved of the situation at No. 18.

In addition to the measures taken to
deal with Indian membership of the Ordinance,
as now presented contain certain other
measures which are of the original Ordinance.

Local Government (Municipalities) Amendment
Ordinance

Section 4 gives the Councils wide powers of
nomination by repealing the section regarding
nominated members to have the same
qualifications as elected members.

Section 5 gives power regarding the
issuing of fines in respect of offences
against the Ordinance, which are
provided by virtue of section 27 of the
Principal Ordinance.

Local Government (District Councils) Amendment
Ordinance

Section 3 & 5 made to each Ord.

Si. S. Wilson

The S. of. case this
at the time of No. 16A, but
it is new to you.

The "Times of E. A" comment
does not move me - as I
pointed out in May, the
Europeans may be the best
Co-operators.

W.S.W.
24.9.29

W.S.W.
25.9.29

W.S.W.
27.9.29

P. 28/11

14/10
L. Montagu (page 28 - newspaper cutting) ^{copy}
draft reply to Mr. Polak 30 SEPT. 1929

31. India Office (Montagu). 5 October 29
Concurs in terms of draft letter to Mr. Polak
A draft reply ^{has} already been sent

Mr. Allen

letter to Mr. Polak should now
come as in the draft which is
No. 31

and afterwards (see Mr. Allen)

Mr. Allen
8/10/29

for letter to Mr. Polak passed.
Then recirculate to Mr. Cliffe -

4) for add. of (2P) & sanctioning
the 2 sides

5) for official letter to I.O.
sending for int. of (2P)

copy of (2P) - enclosure
address that Mr. G.V.
is there, if that side will
not be advised

3) for letter to Mr. G. Dutton
enclosing for Mr. G. Dutton
my copy of 29 & reply

keep
5.10.29
above

To Polak (29 available)

To I.O. (w/copy 28 + enclos)

Major Dutton (w/c 29 + 32)

DESTROYED UNDER STATUTE.

To Gov. 824 -

Conf. 28 & 32

Noted
24/10/29

HV. S. L. POLAK.

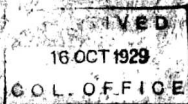
TELEPHONE: HOLBORN 3005.
TEL. ADDRESS: KASSEL, STRAND, LONDON.
CABLES: KASPOL, LONDON.
BESTLEY'S CODE.

FIFTH FLOOR, DANES INN HOUSE.

295, STRAND, LONDON, W.C.2.

14th October 1929

The Private Secretary to
The Rt. Hon. The Secretary of State for the Colonies,
Colonial Office,
S.W.1.



Sir,

No. 32
I am much obliged to you for your letter No. 15552/29 of the 11th instant on the subject of the Amendment of the Kenya Local Governments Municipalities Ordinance 1928, and the Local Government (District Councils) Amendment Ordinance, 1929. I note the view held by Lord Passfield in this matter, and join with him in the hope that the circumstances which have prevented the Indian community from taking their share in the work of the Municipalities and District Councils concerned will shortly pass.

I am,

Sir,

Your obedient servant,


Mr. *Cliff*
Mr. *Pandey*
Mr.
Mr. *Bottomley*
Sir *H. Harding*
Sir *J. Shuckburgh*
Sir *G. Grenville*
Sir *C. Davis*
Sir *S. Wilson*
Mr. *Ormsby-Gore*
Lord *Loyd*
Mr. *Amery*

X-102/107
KonyA

33

16 October 1929

DRAFT.

The U.S.O.S.
India Office

No. 12

For Gov. of India
All enclosures
(No. 28)
P

With reference to the letter
from this Dept of the
2nd August, I am as to
transmit to you for the
info of the Dept for
India the acc. copy of
a/drap. for the Gov. of
Kerala regarding the
Local Govt. (Municipalities)
Amendment Order, 1929, and

4/29

Municipal affairs in Nairobi and Mombasa,
The introduction of ^{the Bill} amending legislation
to meet the difficulty was essential if the
work of the local bodies was to be carried on,
and the paralysis of municipal administra-
tion was to be avoided. For these reasons
Lord Passfield came to the conclusion - a
conclusion to which the Government of India,
which was fully consulted, did not feel a
^{direction} ~~to object~~ - that amending legislation was
unavoidable, and he accordingly authorised
the Officer Administering the Government
to proceed with the proposed Bill. The
object of this legislation was ^{fully explained} ~~stated~~
when the Bill was introduced in the Legisla-
tive Council; and in his speech closing the
debate the Officer Administering the
Government emphasised the fact that the
Bill left the door open for the Indian
community to take their share in municipal
Government if and when they ^{were} ~~are~~ prepared
to participate.

3. In the circumstances, Lord

Passfield

has not been
~~is unable~~
 Passfield ~~is unable~~ to advise
 His Majesty's Government to exercise
 his power of disallowance in respect
 of the Ordinance which is already in
 force, although he hopes that the
 need for it will prove to be purely
 temporary.

4. Similar considerations
 apply, of course, to the Local
 Government (District Councils)
 Amendment Ordinance 1929, to which
~~however no~~
 reference is made in your letter.

I am,

etc.

John A. Edgar

31
30

Mr. Allan

For Mr. Edgcombe's signature.

Mr.

X Mr. Bottomley 24.9

Mr. E. Harding

Mr. J. Shuckburgh

Mr. G. Grindle

Mr. C. Davis

X Mr. S. Wilson 25.9.29

Mr. Ormsby-Gore

Lord Laval

Mr. ...

X Lord Passfield 28/9

DRAFT. For conson.
See minutes.

D. J. Monteith Esq
(Chairman)

Pr. Govr. of Kenya Cap No 107. 2/2/29 435

To Mr. Pollock (dft. h.w.)

2 drafts.

Downing Street,

30 September 1929

Answer No. 31

Sir,

Lord Passfield has received from Mr. Pollock a letter, dated the 20th September, in which he makes a protest regarding the amendment of the Kenya Local Government (Municipalities) Ordinance, and suggests that in view of the urgency of the matter a statement of the intentions of His Majesty's Government should be made without delay.

2. This legislation has, of course, formed the subject of considerable correspondence between the Colonial Office and the India Office which at present ends with

the Colonial Office letter of the 2nd August, but in order that your office may be up to date, I enclose a copy of a confidential despatch which has just come in from the Governor of Kenya, submitting the Ordinances passed to amend the Municipalities and District Councils Ordinances of 1928 in order to deal with the situation arising out of the attitude of the Indian community.

I also enclose a draft of a reply which Lord Massfield proposes to return to Mr. Pollock; but before it is sent I will be glad to know whether the Secretary of State for India has any observations, since it is understood that Mr. Pollock has also written to Mr. Wedgwood Benn in similar terms.

*4. Perhaps you would send
him the ^{copy} ~~draft~~ ^{draft} ~~copy~~ from
Kenya as we shall want
him to ^{send them} ~~send them~~ to
Mr. Pollock in due course
(10/11/28) Edgworth*

the Colonial Office letter of the 2nd August. But in order that your office may be up to date, I enclose a copy of a confidential despatch which has just come in from the Governor of Kenya, submitting the Ordinances passed to amend the Municipalities and District Councils Ordinances of 1928 in order to deal with the situation arising out of the attitude of the Indian community.

3. I also enclose a draft of a reply which Lord Passfield proposes to return to Mr. Pollock^{..K}; but before it is sent he will be glad to know whether the Secretary of State for India has any observations, since it is understood that Mr. Pollock^{..K} has also written to Mr. Wedgwood Benn in similar terms.

4. Perhaps you would want
to know the ^{act} ~~act~~ ^{Bill} ~~Bill~~ from
Kenya as we shall want
to send them to

the I.O. Official - because

10/11/34 E. J. G. ...

Opportunity has also been taken to provide that the Governor in Council may make rules for the filling of vacancies on the council or board by nomination in the event of failure to fill such vacancies by election".

I need hardly point out to you how deeply the Indian community in East Africa resents this arbitrary action of the part of the Kenya Government and Legislature, particularly at a time like this when the whole Kenya question is in the balance. The new ordinance will be equally resented in India where news of it has already been published. Nor is hostile criticism confined to the Indian community in East Africa. The "Times of East Africa", a European paper published in Nairobi, comments on the unfairness of the amendment in the following terms:

"The additional nominated members will not be Indians; they will not be able to represent Indian interests; and while they are likely to bring little new reinforcement to the acumen of the European members of the councils or boards, they will imply and convey the suggestion, and will not improbably seek to apply the consequences of the suggestion, that abstention from public bodies, even when unaccompanied by non-payment of taxes, is a surrender of citizenship; that the unrepresented; and further, that abstention by some citizens gives the right to complete dominance to those remaining on. That is an absurd and impossible position; yet it is one created by this Bill. It will be resisted not only by Indians but by other interest who recognise claims not only of equity but of commonsense, and who are anxious to see these experiments in municipal prudence not wholly shorn of what little commonsense and practicability they possess. The alternative is clear; although we in no degree whatever approve or defend the Indian attitude to municipal bodies, we recognise that it is the duty of the Government in face of the abstention of a large body of important ratepayers (an abstention on grounds the validity of which was recognised by Sir Edward Brigg) to apply its own inescapable duty of trustee ship.

and of holding the scales even. That does not need additional European unofficial councillors. The provision for nomination of other members contained in this Bill is not only a violation of that duty, but an aggravation of all the other evils of a premature scheme and the gratuitous erection of a very substantial barrier (the effect of which will not be seen at the moment) to cooperation of races in municipal work. And it is a postponement of finality, in that we are told, "it is, however, the intention of Government, if and when the Indian community is prepared to participate in municipal affairs, to make provision for Indian representative. There is no suggestion of that in the Bill, and the method of "making provision", must be much more detailed and explained, before, in the light of the history of the legislation of which this Bill is the latest instalment, either Nairobi or Mombasa can safely accept it".

I cannot understand in what circumstances this legislation has been found possible and I am quite sure that I am voicing Indian sentiment in asking you to hold up the ordinance in whatever stage it has reached in order that the Kenya question may be free from this new complication. To proceed with it would be a capital error.

In view of the urgency of the matter, may I suggest that a statement of the intentions of His Majesty's Government in regard to the ordinance be made without delay?

Yours sincerely,

APRE



KENYA.

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

No. 107

CONFIDENTIAL.

27 August, 1929.

RECEIVED
17 SEP 1929
COL. OFFICE

My Lord,

With reference to Your Lordship's Confidential telegram of the 19th June last, I have the honour to transmit two authenticated copies of the Local Government (Municipalities) Amendment Ordinance, 1929 and of the Local Government (District Councils) Amendment Ordinance, 1929 together with ten printed copies of each Ordinance. These Ordinances passed their third reading on the 22nd July and were assented to in His Majesty's name on the 31st July. Two copies of a Legal Report prepared by the Acting Attorney General in respect of each Ordinance are enclosed.

2. A full explanation of the reasons underlying the introduction of these Bills, as given in Sir Jacob Barth's telegrams of the 20th May and 10th June, was furnished by the Acting Commissioner for Local Government in moving their second reading and I enclose a copy of the record of the debate as reported in the Press, from which you will observe that opportunity was taken by

the /

10.
RIGHT HONOURABLE LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON...

Copy sent to the Secretary of State for the Colonies on 1.10.29

None

LEGAL REPORT.

THE LOCAL GOVERNMENT (DISTRICT COUNCILS) AMENDMENT BILL, 1929.

The proviso to section 6 (1) (a) of the Local Government (District Councils) Ordinance, 1928, provides that, if a District Council be constituted for the rural area of the administrative district known as the Kisumu-Londiani District, there shall be, in addition, one elected Indian member of such District Council.

In view of the possibility of the continuance of Indian non-participation in Local Government administration, it was thought advisable to amend the Local Government (District Councils) Ordinance, 1928, to provide that if, at any time, no person shall stand for election as laid down in the proviso, or if, having been elected, the member shall resign or shall refuse to serve, and no other person shall stand for election, the Council shall nevertheless be deemed to be properly constituted, and in addition, in the above circumstances, the Governor may nominate a person to be a member of the Council in the place of such ^{elected} member as aforesaid.

Clause 2 of the Bill effects the above purpose, but it is to be understood that, if and when the Indian community is prepared to participate in the affairs of the Kisumu-Londiani District Council, Government will make provision for an Indian representative.

LEGAL REPORT.

THE LOCAL GOVERNMENT (MUNICIPALITIES)
AMENDMENT BILL, 1929.

In view of the possibility of the continuance of Indian non-participation in the Council work of the Municipalities of Nairobi and Mombasa, it has been thought advisable to amend the Local Government (Municipalities) Ordinance, 1928, to provide that even if no Indian members or insufficient Indian members will serve on the Nairobi Municipal Council or the Mombasa Municipal Board, still the Council or Board, as the case may be, shall be deemed to be properly constituted, and, in addition, in the above circumstances, the Governor may appoint up to seven other persons to serve in their stead. It is, however, the intention of Government, if and when the Indian community is prepared to participate in municipal affairs, to make provision for Indian representatives.

It was thought that if the provisions at present existing in the Principal Ordinance providing that nominated members of municipal councils or boards must have the same qualifications as elected members were retained, difficulties would arise, as the Governor's power of nomination would be very circumscribed, and accordingly, section 13 (2) of the Principal Ordinance is repealed.

Opportunity has also been taken to provide that the Governor in Council may make rules for the filling of vacancies on the Council or Board by nomination in the event of failure to fill such vacancies by election.

Section 115 of the Principal Ordinance as it stands deals with fines recovered in respect of offences against the Principal Ordinance or by-laws made thereunder, but does not deal with fines recovered in respect of offences against township rules which are preserved by virtue of section 127 of the Principal Ordinance. Clause 6 of the Bill sets this matter right.

In my opinion, His Excellency the Acting Governor may properly assent to this Bill in the name and on behalf of His Majesty.

Nairobi,
July, 1929.

T. H. K. K.
ACTING ATTORNEY GENERAL.



Colony and Protectorate of Kenya.

IN THE TWENTIETH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.

JACOB WILLIAM BARTH,

Knight, C.B.E.

Acting Governor

Assented to in His Majesty's
 name this 3rd day of July
 1929

J. W. BARTH

Acting Governor.

**An Ordinance to Amend the Local Government
 (Municipalities) Ordinance, 1928.**

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

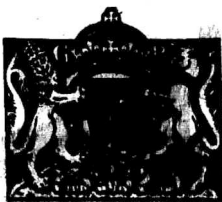
1. This Ordinance may be cited as "the Local Government (Municipalities) Amendment Ordinance, 1929," and shall be read as one with the Local Government (Municipalities) Ordinance, 1928, hereinafter called "the Principal Ordinance."

2. Section 5 of the Principal Ordinance is hereby amended by the addition thereto of the following further proviso:—

"Provided also that if at any time no person or an insufficient number of persons shall accept nomination under paragraph (2) of this section, or if all or any of the persons nominated by the Governor under paragraph (2) of

Further
 proviso added
 to section 5
 of the
 Principal
 Ordinance

C.O. 511 / 385
 PUBLIC RECORD OFFICE: LONDON



Colony and Protectorate of Kenya.

IN THE TWENTIETH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.

JACOB WILLIAM BARTH,

Knight, C.B.E.

Acting Governor

Assented to in His Majesty's
name this 31st day of July
1929.

J. W. BARTH

Acting Governor.

**An Ordinance to Amend the Local Government
(District Councils) Ordinance, 1928.**

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

1. This Ordinance may be cited as "the Local Government Short title
Amendment (District Councils) Amendment Ordinance, 1929", and
shall be read as one with the Local Government (District
Councils) Ordinance, 1928 hereinafter called "the Principal
Ordinance".

2. Section 6 (1) (a) of the Principal Ordinance is hereby Amendment of
amended by the addition thereto at the end thereof of the section 6 of
following words:— Principal
Ordinance

but if, at any time, no person shall stand for election by
virtue of this proviso or if, having been elected, the mem-
ber so elected shall resign or shall refuse to serve on the
Council, and no other person shall stand for election, the
Council shall nevertheless be deemed to be duly constituted
under this Ordinance, but in such case the Governor may,

if he shall deem it desirable so to do, nominate a fit and proper person to be a member of the Council in the place of such elected member."

Repeal and replacement of section 13 of Principal Ordinance.

3. Section 13 of the Principal Ordinance is hereby repealed and the following is substituted therefor:

"13. Every person who is enrolled in any voters' roll in respect of a property qualification shall be enrolled in the ward in which such property is situate, and shall be entitled to be enrolled once in each ward in respect of which he is so qualified; and every person who is enrolled in respect of a residential qualification shall be enrolled in the ward in which he resides."

"Provided that no person shall be enrolled in the same ward in respect of both a property and a residential qualification."

Amendment of section 17 of Principal Ordinance.

4. Section 17 of the Principal Ordinance is hereby amended by the addition at the end thereof of the following proviso:—

"Provided that no person shall be enrolled under this section as a voter upon an application made after the date of publication of a notice of any election under section 26 of this Ordinance until such election shall have been held."

Repeal and replacement of section 31 of Principal Ordinance.

5. Sub-section (1) of section 31 of the Principal Ordinance is hereby repealed and the following is substituted therefor:—

"31. (1) A registered voter shall be entitled to one vote in respect of each vacancy to be filled for the ward or wards in which he is enrolled."

Amendment of section 32 of Principal Ordinance.

6. Section 32 of the Principal Ordinance is hereby amended by the addition thereto of the following new paragraph (c) (1):—

"(c) (1) For providing for the filling of vacancies by nomination in the event of failure to fill such vacancies by election."

Passed in the Legislative Council on the twenty-second day of July in the year of Our Lord one thousand nine hundred and twenty nine.

This printed provision has been carefully compared by me with the Bill which passed the Legislative Council and is presented for without dissent and assent as a true and correct copy of the said Bill.

G. R. SANDFORD.

Clerk of the Legislative Council.

DEALING WITH INDIAN NON-CO-OPERATION.

An Amendment to the Municipalities Bill.

VACANCIES ON COUNCILS.

To be Filled by Members Nominated by the Governor.

A Bill was introduced in the Legislative Council yesterday to meet the situation that has arisen owing to the refusal of the Indian community to accept representation upon the Municipal bodies of Nairobi and Mombasa. The measure provides for the nomination by His Excellency the Governor of members to fill any vacancy not having been filled by election.

In moving the second reading of the Bill, the Acting Commissioner for Local Government outlined, at some length, the course of events leading up to the necessity of the measure.

The sole Indian representative on the Council (Mr. A. H. Malik) supported the Bill, and gave an interesting review of the situation. He declared that the Indian Central Association did not represent the views of the bulk of the community. He said that a handful of leaders had wrongly appealed to the sentiments of the masses and had made statements which were not true in fact. He appealed, however to the European community to treat the Indian with justice and fairness and not to hurt his susceptibilities by treating him as an inferior.

THE INDIAN POINT OF VIEW.

The bill to amend the Local Government (Municipalities) Ordinance, 1928, came before the Kenya Legislative Council yesterday.

The object of the amending Bill is to empower the Governor to nominate members, not exceeding seven in number, to the Nairobi Council and Mombasa Board if no Indian nominees or an insufficient number of Indian nominees come forward for appointment. Similar powers of nomination are given to meet the case of a vacancy for an elected European member not being filled by election.

In moving the second reading of the Bill, the Acting Commissioner for Local Government stated that the introduction of the measure was necessary because a dead-lock was imminent. He proceeded to acquaint the House with the various scenes which had been played since the enactment, barely a year ago, of the principal Ordinance

in order to place members in possession of the full facts and the sequence of events which was leading to this unfortunate impasse. Details of the composition of the Nairobi and Mombasa municipal bodies had been the subject of agreement at the round-table conference held in June of last year, and these details were enacted as part of the Ordinance in order to give them the full sanction of the Legislature. It was true that a day or two before the measure was introduced in the House, the Indian Associations repudiated the actions of its representatives at that round table conference, and recorded their opposition to the Bill on the ground that the method of representation proposed maintained the principle of communal franchise and that the number of Government representatives was unduly large and should be reduced. It was, how-

ever, a matter of common knowledge that the Government were anxious to ensure against Indian non-participation.

A Political Edict.

In November last, the members of the old Nairobi Municipal Council were appointed as the Interim Council, their number including four Indians. Three weeks later, however, the four Indian members resigned, an edict having gone out from the Kenya Central Indian Association that pending the report of the Hilton Young Commission participation by Indians on any public body should cease. Subsequently, he had interviews with some of the members themselves and with the leaders of the Kenya Central Indian Association and they expressed the view that while they had no intention of non-co-operation in the accepted particular meaning of the word, they could not at this stage prejudice their case for a common roll for legislative and municipal councils. He was authorized by His Excellency to assure them that in the event of their acceptance of nomination to the Nairobi Interim Council, an official intimation would be sent to the Secretary of State to the effect that such participation in a body constituted on communal lines had been agreed to purely with a view to forwarding an important matter of domestic concern and was not to be taken as in any way indicating any modification of the Indian law to a common roll franchise. They persisted, however, in their refusal and consequently, on January 4, four Europeans were appointed to the Interim Council in their place.

Congress Policy

Continuing, the Commissioner for Local Government said he again approached the Kenya Central

Indian Association in May last, inviting them to participate. The East African National Indian Congress had, however, passed a resolution in March—"That as a protest against communal franchise in Kenya, this Congress reaffirms its determination to abstain from participation in the Legislative and Executive Councils of the same policy, the Nairobi Indian community are requested to continue to abstain from participation in Nairobi Municipal Corporation."

This being the state of affairs there was no alternative open to Government except to introduce a measure to remove the dead-lock but before doing so, His Excellency first sent for the Indian leaders to inform them clearly of the position. That interview was given on June 27, and on July 11, a further refusal to participate was communicated by the Kenya Central Indian Association.

Mr. Allen 20/8

Mr. *Rammasarfer minute*

Mr. *21.8.29*

Downing Street,

August, 1929.

*hol. 6.90 - see
minute but that
could be Mr A*

Mr. Bantomley.

Sir E. Harding

Sir J. Snickb...

Sir G. Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Lord Lovat.

Mr. Amery.

Sir *270*

I have the honour to refer to the Colonial Secretary's note S/C.MUN.1/2/54.VOL.III of the 30th July, forwarding copies of Proclamations and Rules issued under the Local Government (Municipalities) Ordinance, 1928.

DRAFT. for conson. see minute

KENYA

No.

Gov. Grigg.

2. I observe that a Proclamation (No. 114) ^{was} issued on the 24th of June constituting a Municipal Board for Nakuru consisting of :-

- (a) ^{Two} two official members,
- (b) eight unofficial members, of whom six shall be elected and two nominated,
- (c) ^{One} one representative of the Nakuru District Council to be nominated.

A draft of this Proclamation

accompanied

39
27



THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
No. S. 76
AND DATE.

MUN. 1/2/54, VOL.

RECEIVED
19 AUG 1929 3 1/2
COL. OFFICE

July, 1929.

1546/28 (1/4.2)

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and with reference to Mr. Amery's despatch No. 136 of the 25th February, 1929 has the honour to transmit copies of Proclamations and Rules issued under the Local Government (Municipalities) Ordinance 1928 up to and including the 30th June, 1929.

And

SCHEDULE.

- Proclamation No. 89 of the 15th May, 1929.
- " " 98 " " 5th June, 1929.
- " " 113 " " 24th June, 1929.
- " " 114 " " 24th June, 1929.

of that portion to the intersection of the eastern boundary of L.R. No. 36 (Eastleigh);

thence southerly by that eastern boundary to its intersection with the Nairobi River;

thence by the eastern boundaries of L.R. No. 35 and L.R. No. 211 (Veterinary Quarantine Reserve) to the intersection of the latter with the Ngong River;

thence by that river, up-stream, to its junction with a tributary near the eastern boundary of L.R. No. 37;

thence by that tributary, up-stream, to its intersection with that eastern boundary;

thence southerly by the eastern boundary of L.R. No. 37;

thence south-westerly by part of the northern boundary of the same portion to its intersection with the aforesaid tributary;

thence by that tributary, up-stream, to its intersection with Whitehouse Road, near the south-west corner of L.R. No. 209/349;

thence westerly by that road to its junction with Kirk Road;

thence northerly by the latter road to its intersection with the Kenya and Uganda Railway, near L.R. No. 209/349;

thence northerly (up-line) by that Railway to its intersection with the Nairobi River;

thence by that river, down-stream, to its intersection with Swamp Road;

thence north-easterly by that road to its junction with Ngara Road;

thence north-easterly by Fort Hall Road to its junction with Desai Road;

thence northerly by the latter road to its junction with Forest Road;

thence easterly by the latter road to its junction with Fort Hall Road;

thence north-easterly by the latter road to the point of commencement.

B. Hill Ward

Commencing at the north-east corner of L.R. No. 1 (Hill Estate);

thence bounded by the Kirichwa Kubwa River, down-stream to its junction with the Nairobi River;

thence by the latter river, down-stream, to its intersection with the Kenya and Uganda Railway;

thence by that Railway, down-line, to its intersection with Kirk Road (near L.R. No. 209/349);

thence southerly by that road to its junction with Whitehouse Road;

thence easterly by the latter road to its intersection, near the south-west corner of L.R. No. 209/349, with a tributary of the Ngong River;

thence by that tributary, down-stream, to its intersection with the northern boundary of L.R. No. 37;

thence easterly by that boundary to the north-east corner of that portion;

thence south-easterly by the eastern boundary of the same portion to its intersection with the aforesaid tributary;

thence by that tributary, down-stream, to its junction with the Ngong River;

thence by that river, down-stream, to its intersection with the southern 100-foot zone of the Kenya and Uganda Railway;

thence by that zone, down-line (south-easterly), to the north-east corner of L.R. No. 1140 (Kenya and Uganda Railway Quarry Reserve);

thence south-westerly by the eastern boundary of that portion to its southern corner;

thence by the southern boundary of L.R. No. 2720 (P.W.D. Quarry Reserve) to its south-west corner;

thence westerly by a straight line to the south-east corner

thence south-easterly by that boundary to its intersection with the Mathari River;

thence by that river up-stream to the point of commencement.

D. Westlands Ward.

Commencing at the north-east corner of L.R. No. 1 (Upper Hill Estate);

thence bounded in a generally south-westerly and westerly direction by the northern boundaries of L.R. No. 1, L.R. No. 2 (Kilimani Estates), and L.R. No. 330 (Thompson's Estate), to the south-west corner of L.R. No. 3734;

thence northerly by the western boundary of the last portion to its intersection with the Nairobi River;

thence by that river down-stream to its intersection with the generally south-western boundary of L.R. No. 5;

thence north-easterly, north-westerly and northerly by the south-western and western boundaries of that portion to its north-west corner;

thence north-easterly by the western boundary of L.R. No. 4393 to its north-west corner on the southern 100-foot zone of the Kenya and Uganda Railway;

thence easterly by that zone to its intersection with the Nairobi River;

thence westerly by that river up-stream to its junction with the Kirichwa Kubwa River;

thence westerly by the latter river up-stream to the point of commencement.

E. Ngong Road Ward.

Commencing at the north-east corner of L.R. No. 1 (Upper Hill Estate) on the Kirichwa Kubwa River;

thence bounded by the eastern boundary of that portion to its intersection with the northern boundary of the Ngong Road Reserve;

thence by a straight line across that road reserve to the north-west corner of L.R. No. 209/394/1;

thence by the western boundary of that portion to its south-west corner;

thence by the southern boundaries of L.R. Nos. 209/394/1, 209/394/2, 209/393/1 and 209/393/1 to the south-east corner of the last portion;

thence by the southern boundary of L.R. No. 209/421 to its south-east corner;

thence by a dry water-course down-stream to a point bearing due north-east of the south-east corner of L.R. No. 4233 (golf course);

thence by a straight line to that corner, and onwards by part of the southern boundary of that portion to the south-east corner of L.R. No. 1702/8 (golf course extension);

thence westerly and northerly by the southern and part of the western boundary of L.R. No. 1702/8 to its most western corner;

thence westerly by a straight line parallel to the Ngong Road Reserve to its intersection with the eastern boundary of the Ngong Road Forest Reserve;

thence north-westerly by part of that forest reserve boundary to its intersection with the southern boundary of the Ngong Road Forest Reserve;

thence westerly by that road reserve boundary to its intersection with the southern boundary of the Dagoreti Road Reserve;

thence still westerly by the latter road reserve to a point due south of the intersection of the south-western boundary of L.R. No. 330 (Thompson's Estate) with the Kirichwa Kubwa River;

thence due north by a straight line to that point;

43

PROCLAMATION NO. 113.

COLONY AND PROTECTORATE OF KENYA.



THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.



BY His Excellency Sir Jacob William Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

WITH reference to Proclamation No. 82 of 1929, and in exercise of the powers conferred upon me by section 11 (1) (c) of the Local Government (Municipalities) Ordinance, 1928, I do hereby declare that all the powers and duties under Part V of the Local Government (Municipalities) Ordinance, 1928, shall be exercised by the Municipal Board with jurisdiction over the Municipality of Eldoret, appointed by the said Proclamation No. 82 of 1929.

GOD SAVE THE KING.

Given under my hand and the public seal of the Colony at Nairobi this 24th day of June, 1929.

By Command of His Excellency the Acting Governor.

H. M.-M. MOORE,
Colonial Secretary.

dealing with the disqualification from
election of persons holding contracts from a
Council. I note that such provision exists
in the case of the Legislative Council - see
Section 12 of the Legislative Council
Ordinance (Chapter 24) and I shall be glad to learn
your views as to the desirability of making
some provision of this nature in the case
of Municipal and District Councils.

As regards the practice in this
country I would invite your attention to
Section 13 of the Municipal Corporations
Act, 1835 and subsequent amendments.

I have, etc.

(Signed) PASSELL.

dealing with the disqualification from
election of persons holding contracts from a
Council. I note that such provision exists
in the case of the Legislative Council - see
Section 12 of the Legislative Council
Ordinance (Chapter 24) and I shall be glad to learn
your views as to the desirability of making
some provision of this nature in the case
of Municipal and District Councils.

As regards the practice in this
country I would invite your attention to
Section 11 of the Municipal Corporations
Act, 1933, and subsequent amendments.

I have, etc.

(Signed) PASFIELD.

RULES UNDER THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928:

(No. 7 on 15407/28
Kenya)

European Councillors Election Rules, 1929:

-----oOo-----

VOTERS' QUALIFICATIONS (section 4) are exactly as proposed in the Feetham Report, volume II p.137 and p. ~~138~~¹¹⁸, except that in the Rules there is added to subsection (3) (b) (iii) a proviso that in Nairobi and Mombasa the rate of earnings qualifying for a vote shall not be less than £15 a month; this is in accordance with the recommendations on pp.62 and 267 of the Feetham Report, Vo.I.

The Legislative Council Ordinance (Cap.24) gives no voters' qualifications, but disqualifications only.

VOTERS' DISQUALIFICATIONS (section 5); The Feetham Report, volume II, p.119 and volume I pp.62 and 268 proposed that these should be similar to those under the Legislative Council Ordinance. The disqualifications given in the Rules (section 5) are substantially the same as those in the Legislative Council Ordinance, Cap.24, section 9, except that the following sub-sections of that section are omitted in the Rules (which deals with them under qualifications):

sub-section (1), is not a British subject of European origin or descent:

sub-section (2), is not 21 years of age:

sub-section (8), has not resided in the Colony for at least one period of twelve consecutive months prior to the application to be registered:

the attention of the C.A.G. might be drawn
to the absence of any disqualifications on
the lines of the above-mentioned section
of the Municipal Corporations Act, and
enquiry made as to the reason for the
omission.

M. H. C.

7/16/25

Mr. Reed Wagon

Mr.

Mr.

Mr. Buttowley *U. Stone*

Sir E. Harding

Sir J. Shuckburgh

Sir G. Grindle

Sir C. Davis

Sir S. Wilson

Mr. Ormsby-Gore

Lord Leat

Mr. Amery

X. 1155229 Naye

Edward
1. P.M.

27.6.29



X.F.A. *etc*

DRAFT. Code telegram

Governor
Nairobi [21]

June 27 You draft of
20 May No 297
Direct municipal
board proclamation
A appeared
Alternative proclamation
may be issued if
Indians are unwilling
to participate but
it should be ~~understood~~
that when Indians

~~...~~
copy to Dept

X [cf. Co. Tel. in No. 17]
Return to Noy/29 for
Further ~~...~~ minutes

are willing to cooperate
proclamation A will be
substituted.

See

AT 3
JUN 22 1929
COLONIAL OFFICE

225

Telegram from the Officer Administering the
Government of Kenya, to the Secretary of State
for the Colonies.

Dated 19th June, 1929.

(Received Colonial Office 2.58 p.m. 19th June, 1929.)

Confidential. No. 179. 19th June. Should be
glad to receive an early reply to my telegram
of 10th June No. 163 regarding local government
(?legislation) Session of Legislative Council
fixed for 15th July. I am anxious to publish
Bill with the usual notice not later than Gazette
of 1st July.

no. 15

Copy to be to

Duplicate of this Proclamation issued under
District Councils Ordinance Regd. 15732/29 Kenya
(District Councils)

21



GOVERNMENT HOUSE,
NAIROBI
KENYA

KENYA.
No. 297

54

RECEIVED
17 JUN 1929
COL. OFFICE

20 May, 1929.

Sir,

I have the honour to refer to Kenya despatch
No. 241 of the 23rd April last in reply to your
despatch No. 136 of the 25th February on the subject
of recent Local Government legislation in this Colony,
and to inform you that the Municipality of Eldoret has
now been established by Proclamation dated the 30th
April. A copy of this Proclamation is enclosed, to-
gether with copies of all Proclamations and Rules
issued since the 31st March under the Local Government
(Municipalities) Ordinance, 1928 and the Local Government
(District Councils) Ordinance, 1928, in accordance with
the instructions contained in paragraphs 2 and 5 of
your despatch of the 25th February.

No. 2 on 15407/28

Proclamations
and
Rules.
District Councils
Proclamations
Regd. 15732/29

102407/28 (No. 2)

2. In regard to the issue of a Proclamation
under sections 11 and 13 of the Local Government
(Municipalities) Ordinance, 1928 constituting the
Eldoret Municipal Board, the remarks contained in
paragraphs 3 and 4 of my despatch under reference as to
the uncertainty of Indian participation in municipal
administration at Nakuru are applicable similarly to

h.c.h.

and III 27.6.29 No 23
copy to 26 (S.O.C. Dept) to

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

the station at Eldoret. The Standing Committee recommends that the Board, when finally constituted, should consist of two official members, eight European members (six elected and two nominated), three Indian members to be nominated in the first instance and one District Council representative, totalling fourteen. This constitution follows exactly that proposed in the case of Nakuru. In view of the difficulties which will arise if Indian nominees decline to come forward on the issue of a Proclamation constituting the Board as above, as explained in paragraph 4 of my despatch under reference, it is desirable that I should be in a position to issue a Proclamation constituting the Board without Indian membership.

3. I therefore enclose for your approval two draft Proclamations, one constituting the Board as recommended by the Standing Committee on the understanding that, upon the application of the Board, two of the three Indian nominated members shall be elected and the other constituting the Board without Indian membership. I trust that I may receive your approval by telegraph to the issue of the Proclamation marked A or both Proclamations as circumstances require.

Two draft Proclamations.

I have the honour to be,

Sir,

Your most obedient, humble servant,



ACTING GOVERNOR.

56

PROCLAMATION No. 75

COLONY AND PROTECTORATE OF KENYA



THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.



BY His Excellency Sir Jacob William Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the power conferred upon me by section 106 of the Local Government (Municipalities) Ordinance, 1928, I do hereby nominate and appoint Mr. C. Raftosath to be a member of the Nakuru Municipal Board pending the first election and nomination of members under the provisions of section 11 of the Ordinance, and Mr. J. B. Park, resigned.

GOD SAVE THE KING

Given under my hand and the Public Seal of the Colony this 24th day of April, 1929.

By Command of His Excellency the Acting Governor.

J. E. S. MERRICK,
Acting Colonial Secretary.



THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

Proclamation

J. W. BAITH.

BY His Excellency Sir Jacob William Bartholomew, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

(L.S.)

IN EXERCISE of the powers conferred upon me by section 11 of the Local Government (Municipalities) Ordinance, 1928, I do hereby declare the area described in the schedule hereto to be a Municipality under the jurisdiction of a Municipal Board, to be known as the Municipality of Eldoret.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony this 30th day of April, 1929.

By Command of His Excellency the Acting Governor.

J. E. S. MERRICK,

Acting Colonial Secretary

SCHEDULE.

Commencing at the intersection of the western boundary of Eldoret Township with the Sotiani River

thence bounded north-easterly, south-easterly and south-westerly by the western, north-eastern and part of the eastern boundaries of the Township, to the intersection of the eastern boundary of the Township with the northern boundary of Fourth Avenue of the Kapsire Estate

thence easterly by the latter boundary to its intersection with the western boundary of Fourth Street of the same estate

thence north-easterly by the latter boundary to its intersection with the northern boundary of Eleventh Avenue

thence south-easterly by the latter boundary to its intersection with the eastern boundary of Seventh Street

thence southerly by the latter boundary to its intersection with the northern boundary of subdivision No. 313 of the said estate

thence south-easterly and south-westerly by the northern and eastern boundaries of that subdivision to the northern boundary of Fourth Avenue

thence south-easterly and south-westerly by parts of the northern boundary of Fourth Avenue and parts of the eastern boundary of Eighth Street to the northern boundary of subdivision No. 316

thence by the northern boundaries of subdivisions Nos. 317 to 312 inclusive to the intersection of the last with the western boundary of L.O. No. 709

thence south-westerly by that western boundary to its intersection with the Sotiani River

thence by that river down stream to its intersection with the western boundary of L.O. No. 6115

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thence south-westerly by that boundary to its intersection with the straight line forming the south-western boundaries of subdivisions Nos. 127 to 138 (inclusive) of L.O. 6114 (Elgon View Estates);

thence north-westerly by that straight line to the south-west corner of subdivision No. 127;

thence north-westerly by a straight line to the southern corner of subdivision No. 121 of the same;

thence north-westerly by the straight line forming the south-western boundaries of subdivisions Nos. 121 to 126 (inclusive) to its intersection with the north-western boundary of L.O. No. 6114;

thence south-westerly by part of the latter boundary to its intersection with the straight line forming the south-western boundary of blocks S, T, U, X, and W of Offleppville (L.O. No. 777/2);

thence north-westerly by that straight line to its intersection with the eastern boundary of L.O. No. 777/1;

thence northerly by that boundary to its intersection with the Sotani River;

thence by that river down stream to the point of commencement.

B.

The area described as "Eldoret Township Extension" in Proclamation No. 64 dated the 19th day of July, 1926.

The foregoing boundaries are more particularly delineated edged red on Land Surveys Diagram Plan No. 62, deposited at the Survey and Registration Department, Nairobi, a copy whereof is on record at the Office of the Resident Commissioner, Eldoret.



THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.

BY His Excellency Sir Jacob William Barth,
Knight, Commander of the Most Excellent
Order of the British Empire, Acting Governor
and Commander-in-Chief of the Colony and
Protectorate of Kenya.

L.S.

IN EXERCISE of the powers conferred upon me by
section 106 of the Local Government (Municipalities)
Ordinance, 1928, I do hereby nominate and appoint the
following persons to form a Municipal Board with jurisdiction
over the Municipality of Eldoret, pending the first election and
nomination of members of the Nakuru Municipal Board under
the provisions of section 13 of the Ordinance:

The Resident Commissioner, Eldoret (Chairman);

The Hon. T. J. O'Shea;

Mr. A. C. R. Bamford;

Mr. M. Bywaz;

Mr. M. W. Ghersi;

Mr. G. H. Hoilder;

Mr. J. Macnab Mundell;

Mr. H. F. Murrell;

Major E. G. Russell;

Mr. T. E. Scammell;

Mr. D. Sparrow;

Mr. Sirdar Gyan Singh;

Mr. Hassanah G. Makate;

The Assistant Engineer, Kenya and Uganda Railways
and Harbours.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony
this 30th day of April, 1929.

By Command of His Excellency the Acting Governor.

J. E. S. MERRICK,
Acting Colonial Secretary.

DRAFT/

PROCLAMATION NO.

COLONY AND PROTECTORATE OF KENYA

(ARMS)

THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

PROCLAMATION.

L.S.

BY His Excellency Sir Jacob William Barth, Knight,
Commander of the Most Excellent Order of the British
Empire, Acting Governor and Commander-in-Chief of the
Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me
by sections 11 (1) (b) and 13 (1) of the Local Government
(Municipalities) Ordinance, 1928, I do hereby constitute
a Municipal Board for the Municipality of Eldoret
established under section 11 of the said Ordinance and I
do also hereby appoint that the said Municipal Board
shall consist of :-

- (a) Two official members,
- (b) Eight European members, of whom six
shall be elected and two nominated,
- (c) Three Indian Members to be nominated,
- (d) One representative of the Usin Gishu
District Council to be nominated.

GOD SAVE THE KING.

GIVEN under my hand and the Public Seal of the
Colony this day of 1929.

BY Command of His Excellency the Acting Governor.

DRAFT

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PROCLAMATION NO.

COLONY AND PROTECTORATE OF KENYA.

(ARMS)

THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

P R O C L A M A T I O N .

BY His Excellency Sir Jacob William Barth, Knight
Commander of the Most Excellent Order of the British
Empire, Acting Governor and Commander-in-Chief of the
Colony and Protectorate of Kenya.

L.S.

IN EXERCISE of the powers conferred upon me
by sections 11 (i) (b) and 13 (1) of the Local Government
(Municipalities) Ordinance, 1928, I do hereby constitute
a Municipal Board for the Municipality of Eldoret,
established under section 11 of the said Ordinance and
I do also hereby appoint that the said Municipal Board
shall consist of :-

- (a) Two official members,
- (b) Eight unofficial members, of whom
six shall be elected and two nominated.
- (c) One representative of the Uasin Gishu
District Council to be nominated.

G O D S A V E T H E K I N G .

GIVEN under my hand and the Public Seal of the
Colony this day of 1929.

BY Command of His Excellency the Acting Governor.

A C T I N G C O L O N I A L S E C R E T A R Y .

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PROCLAMATION No. 88.

COLONY AND PROTECTORATE OF KENYA.



THE TOWNSHIPS ORDINANCE.

PROCLAMATION.

J. W. BARTH.

L.S.

By His Excellency Sir Jacob William Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by the Township Ordinance (Chapter 82 of the Revised Edition), and the Interpretation and General Clauses Ordinance (Chapter F of the Revised Edition), I do hereby declare that the description of boundaries of Gilgil Township appearing on page 377 of the Revised Subsidiary Legislation as amended by the Subsidiary Legislation (Operation) Regulations, 1928, is hereby further amended by cancelling the boundaries of the Township of Gilgil and substituting therefor the boundaries set out in the Schedule annexed hereto.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi, this 20 day of May, 1929.

By Command of His Excellency the Acting Governor.

J. E. S. MERRICK,
Acting Colonial Secretary.

SCHEDULE.

GILGIL TOWNSHIP.

Description of Boundaries.

Commencing at the southernmost corner of L.O. No. 3624:

thence bounded northerly and south-easterly by lines bearing 352° 45' 07" for 2,375 feet and 127° 45' 07" for 1,541.5 feet;

thence southerly by a line bearing 172° 45' 07" to its intersection with the southern 100 foot zone of the Thomson's Falls Branch of the Kenya and Uganda Railway;

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thence south-westerly by that 100 foot zone to its intersection with the generally northern 100 foot zone of the Main Line of the Kenya and Uganda Railway;

thence south-westerly by a straight line at right angles to the centre line of that main line to its intersection with the generally southern 100 foot zone thereof;

thence south-easterly by that zone down-line to its intersection with the eastern boundary of L.O. No. 423;

thence north-westerly by part of the latter boundary to the north-east corner of L.O. No. 423;

thence westerly by the northern boundary of that portion to its north-west corner, marked by a beacon on the generally southern 100 foot Railway zone;

thence north-westerly by that zone to its intersection with the north-western boundary of Ohai Station Reserve;

thence north-easterly by part of the latter boundary to the northern corner of the Station Reserve;

thence south-easterly by the north-eastern boundary of the Station Reserve to its eastern corner and onwards to the point of commencement.

The foregoing boundaries are more particularly delineated and set out on Land Survey Boundary Plan No. 58, deposited at the office of the Survey and Registration Department, Nairobi, a copy of which is on record at the Resident Commissioner's Office, Nairobi.

PROCLAMATION NO. 29.

COLONY AND PROTECTORATE OF KENYA.



THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.

By His Excellency Sir Jacob Walter Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 11 (4) of the Local Government (Municipalities) Ordinance, 1928, I do hereby declare that the Municipality of Nairobi shall be divided into wards as described in the Second Schedule hereto for the purpose of the election of European

Councillors to the Nairobi Municipal Council and further that the number of such elected Councillors to be returned for each ward shall be as set out in the First Schedule hereto.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony, this 13th day of May, 1929.

By Command of His Excellency the Acting Governor.

W. M. LOGAN,
for Acting Colonial Secretary.

FIRST SCHEDULE.

A. Central Ward	Two Councillors.
B. Hill Ward	Two Councillors.
C. Parklands Ward	Two Councillors.
D. Muthaiga Ward	One Councillor.
E. Westlands Ward	One Councillor.
F. Ngong Road Ward	One Councillor.

SECOND SCHEDULE.

NAIROBI MUNICIPALITY. EUROPEAN WARDS.

A. Central Ward.

Commencing at the intersection of Fort Hall Road with the Mathari River;

thence bounded by that river down-stream to its intersection with the eastern boundary of Subdivision No. 82 of L.R. No. 214 (Muthaiga);

thence northerly by that boundary to Fort Hall Road;

thence south-westerly by that road to its junction with Kiambu Road;

thence northerly by the latter road to its intersection with the Gatauru River;

thence by that river down-stream to its intersection with the eastern boundary of L.R. No. 220;

thence by the eastern and part of the southern boundary of that portion to the intersection of the latter with the eastern boundary of L.R. No. 36 (Eastleigh);

thence southerly by that eastern boundary to its intersection with the Nairobi River;

thence by the eastern boundaries of L.R. No. 35 and L.R. No. 211 (Veterinary Quarantine Reserve) to the intersection of the latter with the Ngong River;

thence by that river, up-stream, to its junction with a tributary near the eastern boundary of L.R. No. 37;

thence by that tributary, up-stream, to its intersection with that eastern boundary;

thence northerly by the eastern boundary of L.R. No. 37;

thence south-westerly by part of the northern boundary of the same portion to its intersection with the aforesaid tributary;

thence south-westerly by that 100 foot zone to its intersection with the generally northern 100 foot zone of the Main Line of the Kenya and Uganda Railway;

thence south-westerly by a straight line at right angles to the centre line of that main-line to its intersection with the generally southern 100 foot zone thereof;

thence south-easterly by that zone down-line to its intersection with the eastern boundary of L.O. No. 423;

thence north-westerly by part of the latter boundary to the north-east corner of L.O. No. 423;

thence westerly by the northern boundary of that portion to its north-west corner, marked by a beacon on the generally southern 100 foot Railway zone;

thence north-easterly by that zone to its intersection with the north-western boundary of Gugh Station Reserve;

thence north-easterly by part of the latter boundary to the northern corner of the Station Reserve;

thence south-easterly by the north-eastern boundary of the Station Reserve to its eastern corner and onwards to the point of commencement.

The foregoing boundaries are more particularly delineated and set out on Land Survey Boundary Plan No. 58, deposited at the office of the Survey and Registration Department, Nairobi, a copy of which is on record at the Resident Commissioner's Office, Nairobi.

PROCLAMATION No. 89.

COLONY AND PROTECTORATE OF KENYA.



THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION

J. W. BARTH.

By His Excellency Sir Jacob Walter Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 11 of the Local Government (Municipalities) Ordinance, 1928, I do hereby declare that the Municipality of Nairobi shall be divided into wards as described in the Second Schedule hereto for the purpose of the election of European

Councillors to the Nairobi Municipal Council and further that the number of such elected Councillors to be returned for each ward shall be as set out in the First Schedule hereto.

GOD SAVE THE KING.

Given under the hand and the Public Seal of the Colony, this 13th day of May, 1929.

By Command of His Excellency the Acting Governor.

W. M. LOGAN,
for Acting Colonial Secretary.

FIRST SCHEDULE.

A. Central Ward	Two Councillors.
B. Hill Ward	Two Councillors.
C. Parklands Ward	Two Councillors.
D. Muthaiga Ward	One Councillor.
E. Westlands Ward	One Councillor.
F. Ngong Road Ward	One Councillor.

SECOND SCHEDULE.

NAIROBI MUNICIPALITY. EUROPEAN WARDS.

A. Central Ward.

Commencing at the intersection of Fort Hall Road with the Mathari River;

thence bounded by that river down-stream to its intersection with the eastern boundary of Subdivision No. 82 of L.R. No. 211 (Muthaiga);

thence northerly by that boundary to Fort Hall Road;

thence south-westerly by that road to its junction with Kiambu Road;

thence northerly by the latter road to its intersection with the Gathuru River;

thence by that river down-stream to its intersection with the eastern boundary of L.R. No. 220;

thence by the eastern and part of the southern boundary of that portion to the intersection of the latter with the eastern boundary of L.R. No. 36 (Eastleigh);

thence southerly by that eastern boundary to its intersection with the Nairobi River;

thence by the eastern boundaries of L.R. No. 35 and L.R. No. 211 (Veterinary Quarantine Reserve) to the intersection of the latter with the Ngong River;

thence by that river, up-stream, to its junction with a tributary near the eastern boundary of L.R. No. 37;

thence by that tributary, up-stream, to its intersection with that eastern boundary;

thence northerly by the eastern boundary of L.R. No. 37;

thence south-westerly by part of the northern boundary of the same portion to its intersection with the aforesaid tributary;

thence bounded by that river up-stream to the south-east corner of Plot No. 1 of L.R. No. 1870, Section VIII, (Marlborough Estate);

thence north-easterly by the eastern boundary of that plot to its intersection with the Getathuru River;

thence westerly by that river up-stream to its intersection with Kiambu Road;

thence southerly by that road to its junction with Fort Hill Road;

thence north-easterly by the latter road to its intersection with the eastern boundary of Sub-division 82 of L.R. No. 211 (Mabanga);

thence southerly by that road to its intersection with the Matira River;

thence by that river up-stream to the point of commencement.

E. Westlands Ward.

Commencing at the north-east corner of L.R. No. 1 (Upper Hill Estate)

thence bounded in a generally south-westerly and westerly direction by the northern boundaries of L.R. Nos. 1, 3, 4, No. 5, Kalamia Estate, and L.R. No. 300 (Thompson's Estate), to the south-west corner of L.R. No. 3734;

thence southerly by the western boundary of the last plot to its intersection with the Naasola River;

thence by that river down-stream to its intersection with the generally south-western boundary of L.R. No. 5;

thence north-easterly, north-westerly and northerly by the south-western and western boundaries of that portion to its north-west corner;

thence north-easterly by the western boundary of L.R. No. 1 to its north-east corner on the southern 100-foot zone of the Kiruhia and Kiruhia Rivers;

thence southerly by the same to its intersection with the Kiruhia River;

thence westerly by that river up-stream to its junction with the Kiruhia River;

thence southerly by the latter river up-stream to the point of commencement.

J. Ngong Road Ward.

Commencing at the north-east corner of L.R. No. 1 (Upper Hill Estate) on the Kiruhia River;

thence bounded by the eastern boundary of that portion to its intersection with the northern boundary of the Ngong Road Reserve;

thence by a straight line across that road reserve to the north-west corner of L.R. No. 269 303 1;

thence by the western boundary of that portion to its north-west corner;

thence by the southern boundaries of L.R. Nos. 269 303 1, 269 303 2, 269 303 3 and 269 303 4 to the south-east corner of the last portion;

thence by the southern boundary of L.R. No. 269 303 4 to its south-east corner.

thence by a dry water course down-stream to a point bearing due north-east of the south-east corner of L.R. No. 1244 (golf course);

thence by a straight line to that corner, and onwards by part of the southern boundary of that portion, to the south-east corner of L.R. No. 1702 8 (golf course extension);

thence westerly and northerly by the southern and part of the western boundary of L.R. No. 1702 8 to its most western corner;

thence westerly by a straight line parallel to the Ngong Road Reserve to its intersection with the eastern boundary of the Ngong Road Forest Reserve;

thence north-westerly by part of that forest reserve boundary to its intersection with the southern boundary of the Ngong Road Forest Reserve;

thence westerly by the said reserve boundary to its intersection with the southern boundary of the Dagoreti Road Reserve;

thence still westerly by the latter road reserve to a point due south of the intersection of the south-western boundary of L.R. No. 300 (Thompson's Estate) with the Kiruhia Kubwa River;

thence due north by a straight line to that point;

thence in a generally north-westerly direction by part of the generally western boundary of L.R. No. 300 to its intersection with the western boundary of L.R. No. 3734;

thence southerly by part of the western boundary of the latter portion to its south-west corner;

thence in a generally easterly and north-easterly direction by the generally northern boundaries of L.R. Nos. 300, L.R. No. 2 (Kilimani Estate) and L.R. No. 1 (Upper Hill Estate) to the point of commencement.

GOVERNMENT NOTICE No. 315

CONFIRMATION OF ORDINANCES

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance (No. XXVII of 1928).

AN ORDINANCE TO AMEND THE DANGEROUS PETROLEUM TAX ORDINANCE

By Command of His Excellency the Acting Governor.

Nairobi.

Dated this 15th day of May, 1929.

C. W. HAYES SADLER
for Acting Colonial Secretary.

GOVERNMENT NOTICE NO. 316.

THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

NAKURU MUNICIPAL ELECTION—FOLDBING DATE.

NOTICE.

IT IS HEREBY NOTIFIED for public information in accordance with Rule 24 (2) of the European Councillors Election Rules, 1929, that a poll will be taken at the Municipal Offices, Nakuru, on Tuesday, the 4th of June, 1929, for the purpose of electing six European members to the Nakuru Municipal Board.

The poll will commence at eight o'clock in the forenoon and close at six o'clock in the afternoon.

The names of the candidates as described in their respective nomination papers and names of their proposers and seconders are as set out in the Schedule hereto.

Nakuru,

17th May, 1929.

W. M. LOGAN,

*Deputy Commissioner for Local Government
Lands and Settlement*

SCHEDULE.

Candidate - Frank James Caudrey.

Proposer - H. Thackrah; *Secunder* - W. Jenkins.

Candidate - Wesley Fletcher.

Proposer - W. M. Nicol; *Secunder* - G. Fyfe.

Candidate - Walter Alec Gray.

Proposer - W. Jenkins; *Secunder* - A. P. Barber.

Candidate - Bernard Preston Gagner.

Proposer - W. Jenkins; *Secunder* - A. E. Selfe.

Candidate - Wilton Jenkins.

Proposer - A. P. Barber; *Secunder* - A. Brown.

Candidate - William Millar Nicol.

Proposer - W. Fletcher; *Secunder* - G. Fyfe.

Candidate - John Boustead Sinclair.

Proposer - A. P. Barber; *Secunder* - W. Jenkins.

Candidate - Frederick Charles Mured Summers.

Proposer - F. J. Caudrey; *Secunder* - H. Stevenson.

Candidate - Harold Duncan Thackrah.

Proposer - W. Jenkins; *Secunder* - A. P. Barber.

GENERAL NOTICE NO. 551.

BY-LAWS.

IN EXERCISE of the powers conferred upon it by Section 69 of the Local Government (Municipalities) Ordinance, 1928, the Mombasa Municipal Board has made the following By-Laws.

These By-laws may be cited as the Mombasa Municipality (Financial Regulations) By-laws, 1929, and shall take effect as from the 1st April, 1929.

MUNICIPALITY OF MOMBASA.

FINANCIAL REGULATIONS.

FINANCE COMMITTEE.

1. The Finance Committee shall, at each ordinary meeting of the Board, make such report as shall enable the Board to carry out the financial provisions imposed by law on the Board.
2. The Finance Committee shall also undertake the following duties:—
 - (a) Superintend the keeping of the accounts of the Board and have general charge of the Treasurer's Department.
 - (b) Consider and report to the Board upon all matters relating to the consolidation of loans, sinking funds, the payment of interest on debt, the raising of money on loan or by overdraft or by Government advances, or the issue of consolidated stock or otherwise, and the temporary investment of surplus balances.
 - (c) Prepare and present to the Board quarterly summarised statements of revenue and expenditure distinguishing between revenue and capital, classifying the same under different heads.
 - (d) Make from time to time regulations for the guidance of the various Committees empowered to incur liability or to expend money, as to the report by them to the Finance Committee of such liability or expenditure.
 - (e) Obtain guarantee policies for officers entrusted with moneys on behalf of the Board, or have existing policies altered as may from time to time be necessary.
 - (f) Manage and administer the superannuation, provident or any other fund.
 - (g) The financial control of the works and services carried out by the Board, the supervision of the purchase of materials, plant, livestock, etc., required by the Board, the disposal of surplus material, old plant, etc., and the making of necessary regulations with regard thereto, such regulations being reported to the Board.

The Finance Committee shall cause periodical returns to be submitted to them showing the progress of expenditure under the various estimates, and shall present to the Board at the expiration of the financial year a statement of the estimates and of the expenditure thereunder, with such comments thereon as they may think advisable.

The statements of the Finance Committee are to be entered in the minutes of the Board.

ESTIMATES.

Annual
Estimates

5. Every Committee shall, on or before the 15th October in each year, prepare and send to the Treasurer an estimate, under various heads, of the total moneys required for the expenditure of the Committee upon matters within its competence for the following financial year on maintenance account, and also estimates of expenditure on capital account for the same period. Such estimates shall, subject to any requirements of the Commissioner for Local Government under the provisions of Sub-section (b) of Section 201 of the Local Government (Municipalities) Ordinance, 1924, be in such form and under such heads as the Finance Committee may from time to time prescribe.

6. The Treasurer shall, in the month, or to be later in each year, bring to the Finance Committee the estimates provided for him from the various Committees, and thereupon the Finance Committee shall prepare a detailed estimate of the receipts and expenditure of the Board for the next financial year.

7. The Finance Committee shall also prepare and cause to be published in the Gazette and in one or more newspapers circulating in the Municipality a summary of such annual estimate.

Provided that if the Board shall so direct, such summary shall not be published by the Finance Committee until the approval of the Board has been obtained thereon.

8. Within seven days from the date of publication of the summary under Financial Regulation No. 7 the Finance Committee shall present the annual estimates for the approval of the Board.

9. The annual estimates shall be passed by the Board at a meeting specially convened for the purpose at which the majority vote shall not be less than a majority of the whole Board.

10. A copy of the annual estimates as approved by the Board shall, before the commencement of each financial year, be submitted to the Commissioner for Local Government for approval by the Governor in Council and when approved by him an abstract thereof shall be published in the Gazette.

Revised
Estimates

11. If any Committee shall, on or before the 30th June in any year, find it necessary to revise its estimate for the current financial year, it shall send to the Treasurer a revised estimate on or before that date.

12. If at the end of the first six months of a financial year it is necessary, either by reason of revised estimates being submitted by any of the Committees or otherwise, to increase or modify the general estimate for the second six months, the Finance Committee shall prepare and send up to the Board a revised estimate for such six months.

13. Such revised estimates shall, upon being approved by the Board, be submitted to the Commissioner for Local Government for approval by the Governor in Council.

14. Any anticipated excess of expenditure under an approved estimate or any proposed expenditure not provided for in any approved estimates shall, except where provided for by reallocations in terms of Financial Regulation No. 17, be the subject of a supplementary estimate.

Supplemen-
tary
Estimates.

15. It shall be the duty of every official responsible for the supervision of expenditure to warn the Committee having charge of his Department whenever an excess is anticipated on sums appropriated under any estimate of expenditure under his supervision, and the Committee shall send a supplementary estimate to the Finance Committee.

16. Every supplementary estimate shall be submitted by the Finance Committee to the Board with any observations they may wish to make upon its financial bearings, and every supplementary estimate approved by the Board shall be submitted to the Commissioner for Local Government for approval by the Governor in Council.

17. Nothing in these Financial Regulations shall be deemed to require the Board to prepare revised or supplementary estimates in respect of any reallocation of expenditure within the limits of approved estimates which shall not increase or decrease on one item of expenditure by more than one hundred pounds or to send such reallocations for approval by the Governor in Council.

It shall
not be
approved
Estimates.

Provided that no such reallocations shall be made until they have been reported upon by the Finance Committee and approved by the Board.

18. In the case of any work or object the expenditure on which may extend over more than one financial year, the estimate will show (a) the total amount of moneys, debt or liability involved; (b) the total amount proposed to be expended within the financial year; (c) the amount of any moneys expended in previous estimates.

19. Subject to the provisions of Financial Regulation No. 20, expenditure provided for in approved estimates may be incurred by the Committee within whose reference is included the matter to which the expenditure refers.

Power to
incur
expenditure.

20. Notwithstanding any provision made under approved estimates, no work shall be commenced or purchases effected or other expenditure incurred (except normal recurring expenditure) until the Finance Committee has reported to the Board that the necessary funds are available to meet such expenditure and the Board has approved of such expenditure being proceeded with.

21. In any case in which the actual expenditure has exceeded the original estimate or supplementary estimate, the expenditure Committee responsible shall immediately report the fact to the Finance Committee, stating the reasons why the excess has been incurred, and shall, at the earliest possible date, bring the matter before the Board. It shall be the duty of

40. The Treasurer shall give all necessary assistance to the Finance Committee concerning the conduct and course of financial business.

41. It shall be the duty of the Treasurer to advise the Finance Committee on all questions relating to the financial affairs of the Board to control and administer, subject to the directions of the Finance Committee, all funds belonging to the Board, and in addition to any other duties which may be imposed upon him.

(a) To control and supervise all accounts and records kept by any department or officer of the Board in connection with the collection of revenue, the disbursement of funds, the allocation of expenditure and costing of services, the purchase and disposal of stores, and any other transactions of a financial nature; and, subject to the requirements of the Inspector appointed under Section 95 (1) of the Local Government (Municipalities) Ordinance, prescribe the form and manner in which such accounts and records shall be kept.

(b) At the close of each financial year or at any other time which may be necessary to call upon all departmental officers of the Board having charge of stores to submit certified lists of such stores showing the cost or book value thereof, and state items of any depreciation or shortages or surpluses disclosed by stocktaking.

(c) At the end of each financial year or at any other time he may consider necessary, to call upon all departments or officers of the Board having charge of any plant, livestock or other movable assets of the Board, to submit certified lists and valuations thereof, provided that, if the Finance Committee shall so decide, such valuations shall be made by an independent valuer to be appointed by such Committee.

42. The Finance Committee shall cause to be prepared the lists and statements referred to in (b) and (c) hereof either by himself or by a responsible officer of his department, and the submission of a statement signed by himself or such officer certifying that such lists have been compared with the stores and movable assets to which they refer and testifying as to the correctness thereof, provided that, if the Finance Committee shall so decide, any member or members of such Committee or other person required thereby by such Committee may at any time conduct an examination of such stores and movable assets.

43. It shall be the duty of the Treasurer without delay to report to the Finance Committee without delay any waste or extravagance in the use of stores or other movable assets, any excessive cash in any office or item of expenditure, or any breach of the provisions of the Local Government (Municipalities) Ordinance relating to the revenue or other property of the Board which may come to his notice.

CAPITAL ACCOUNT

42. The Board's capital account shall consist of—

- (a) Loans raised by the Board for capital works or purposes.
- (b) Proceeds of sale of immovable property reserved by law or otherwise for the redemption of debt or for capital purposes.
- (c) Special assessment rates or contributions levied for carrying out capital works or purposes.
- (d) Endowment funds, grants, or other special receipts reserved by law or otherwise for capital purposes.
- (e) Contributions from the Board's revenue fund or from trading undertakings for capital purposes.

43. The Treasurer shall submit to the Finance Committee as often as may be required, but not less than once every three months, in respect of each separate loan or fund progressive statements of receipts and payments, including particulars of any unspent balances and estimated amount of expenditure on account of authorised works and purposes still to be met from such loans or fund.

44. Such statements shall be submitted by the Finance Committee to the Board, and the Committee shall make recommendations in cases where it may be necessary to make provision for any deficiency or arrange for the disposal or allocation of any surplus.

ESTIMATES OF CAPITAL ACCOUNT

45. No recommendation or proposal involving expenditure on capital account shall be voted upon by the Board until an estimate of the costs, debt, or liability proposed to be entered into has been submitted by the Finance Committee to the Board. The estimate shall be submitted by the Finance Committee without delay to the Board, with any observations they may wish to make upon its financial bearings, and the report of the Finance Committee shall be considered by the Board simultaneously with the report of the Committee making the recommendation. An estimate which does not comprise the total amount of the liability involved in any proposal shall be accompanied by a statement of such total liability and of the amount (if any) of previous votes.

46. Whenever a recommendation or proposal shall be made to the Board involving the expenditure upon capital account of a sum of money exceeding £500, or for an application to the Governor for powers, the exercise of which when sanctioned by the Governor would involve such capital expenditure by the Board, the Board shall not be asked to vote upon such recommendation or proposal until seven days after the report containing it shall have been laid before the Board and a report upon the financial bearings of the proposal shall have been submitted by the Finance Committee.

47. No expenditure on capital account shall be incurred by a Committee except upon an estimate submitted by the Finance Committee and approved by the Board and, upon

... Registrar in +
... in Kenya
... was to be a ...
2. ...

... before the Secretary

... for ... a copy of

... confidential
... from
... for the

... Governor of Kenya requires

... in ... of

... legislation to meet the

... caused by the continued

... of the ...

... in ...

... with a copy of the

... has been ...

... to explain that the ...

... the objections raised
... new ...

- Mr.
- Mr.
- Mr.
- Mr. Bostomley.
- Sir E. Harding.
- Sir ...
- Sir G. Grindle.
- Sir H. Davis.
- Sir S. Wilson.
- Mr. Ormsby-Gore.
- Lord ...
- Mr. Amery.

DRAFT.

... for ...

... form of legislative suggestion

... in his predecessor's

... on 25th May

3. As requested ...

... request made ...

... paragraph 3 of your letter

... which ...

... it will be observed
... that

... the suggestion made ...

... the ...

... no ... explanation ...

... given by the ... of Kenya
... on the ...

... the ...

... the ...

... The ...

name to the last sentence

7 the Victoria telegram

is, however, already covered

the provision in the proposed

amendment legislation, and, in view of

was, from the whole idea

not consider it necessary to

refer to it in telegraphing to the

being concerned

14th June

ARKINSON

to the effect that the persons nominated in place of the Indian members shall be appointed for such time as the Governor may think fit;

X 15552/24
17.17
Kungh

19 June

Coded & sent
8-5 p.m.
19 June, 29
4.2

Compliment

Your telegram of 10th June

103 0 I agree to

intention of amending

Bill, at your discretion,

on the understanding that

action is to be taken as soon as possible and when all hope of Indian representation has disappeared.

has disappeared. O. R. S. S. S.

In view of

representations in your telegram of representation

I am prepared to approve the

original form of the Bill

suggested in your letter of 20 June Secretary of State for India

Mr. Hill 14/10/24

Mr. P. S. 19 June

Mr.

Mr. Bottomley.

Sir E. Harding.

Sir J. Shuckburgh.

Sir G. Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Lord Lond.

Mr. Amery.

Code Telegram

DRAFT.

Insurance
Governor

Nairobi

Copy to P. S. 24 JUN 1924

(11)

2 Dms

has suggested that when

business loss is introduced

clear explanation should be

given of real spirit of Kenya

Government and ~~the~~ state matters

then a note ~~the~~ Government

is determined, as soon as ~~the~~ ^{the} ban

~~the~~ is cooperation by Indians

is caused by community leaders

at regional Indian representatives

is given in the suggestion here

shall be given if you will

arrange for statement to be made

accordingly

regards
I also approve | ~~some details~~

21
of Ordinance B of 1928

John

has suggested that when
amendment bill is introduced

clear explanation should be
given of real spirit of Kansas

Government and that the
idea to make the Government

is determined as soon as ^{the} ~~the~~ ^{can} ~~can~~

is in cooperation by Indians

to remove by community leaders

to appoint Indian representatives

I concur in this suggestion and

shall be glad if you will

arrange for statement to be made

accordingly

Respectfully

I also approve | ~~the~~ ~~document~~

21

of Ordinance B of 1928

John

16 AB

6. Last year certain legislation was passed by the Government of Kenya to give effect to the recommendations of what was known as the Feetham Commission on Local Government. There was considerable difficulty in getting the legislation through owing to the opposition of the Indians, but ultimately, as the result of great patience on the part of the Government, a round table conference was set up, at which the Indians, who were then refusing to serve on the Legislative Council, took part. Agreement was reached, and the legislation went through satisfactorily. Among the Ordinances then passed was No. 19 of 1928 (The Local Government (Municipality) Ordinance, 1928) which provides *inter alia* for the constitution of the Nairobi Municipal Council and the Mombasa Municipal Board (Sections 5 and 9).

Tabled X in green

No. 19 of 1928

(1) On the 20th May the U.A.C. telegraphed saying that the Executive Council had approved of the introduction, at the session of the Legislative Council on 12th June, of a bill to amend this Ordinance so as to provide that if no Indian members, or an insufficient number of Indian members, were available for nomination to the Nairobi Council and the Mombasa Board, that Council and board might be deemed to be properly constituted, and in such circumstances the Governor might appoint up to 7 other persons to serve in their stead (The number 7 is, of course, chosen because the number of Indian members of the Nairobi Council and the Mombasa Board is fixed by the Ordinance as 7).

Mr. Amery was unwilling at the moment to

agree

See No 12 22 1911
4.11.1911 Z

agree to the publication or introduction of the proposed bill which despite the difficulty created by the Indians themselves in refusing to co-operate, might be regarded as provocative just when it was specially desirable to avoid any action which might be so construed. The India Office was approached, and we know that they have reported the position fully to the Viceroy and asked him to cable instructions to Mr. Sastrri in Kenya in the hope that Mr. Sastrri might be able to bring influence to bear upon the Indians in Kenya.

In writing to the India Office on the 25th May, it was pointed out that legislation on the lines proposed by the C.A.F. would seem to be essential if the Indians finally and definitely refused to participate. It now appears from the C.A.F.'s telegram of the 10th June that there is no hope of the Indians participating in the Municipal Government of Nairobi and Mombasa at present. Apparently Mr. Sastrri cannot induce them to move in the matter until the question of the common roll is settled one way or another. This refers to the very difficult question of Indian electoral representation in Kenya, i.e., whether the Indians should be on a common roll with the Europeans or whether in accordance with the decision laid down by His Majesty's Government in 1913 the Indians should vote on a separate Indian register. The matter is referred to in the report of the Hilton Young Commission, but it is out of the question to attempt to deal with the matter at this stage, and if it is to be taken

it can only be done after Sir James.

Thorn's return from the Africa

(B) For the time being, it is proposed to act on the assumption that there is no prospect of the Indians participating in the roll with the result that the Municipal Councils should be constituted it will not be possible to constitute the Municipal Council of Nairobi and the Municipal Council of Mombasa.

It is proposed to propose to the Government to each is desired in view of the circumstances it seems desirable that the Government should exercise the authority of the Government in order to expedite the matter and to avoid any misunderstanding that he will refer this question to the last possible moment when any removal of loss that the Indians will not refer the matter to the Government. It is proposed to propose to the Government to each is desired in view of the circumstances it seems desirable that the Government should exercise the authority of the Government in order to expedite the matter and to avoid any misunderstanding that he will refer this question to the last possible moment when any removal of loss that the Indians will not refer the matter to the Government. It is proposed to propose to the Government to each is desired in view of the circumstances it seems desirable that the Government should exercise the authority of the Government in order to expedite the matter and to avoid any misunderstanding that he will refer this question to the last possible moment when any removal of loss that the Indians will not refer the matter to the Government.

See No 12 22 1911
4.11.1911 Z

See No 12 22 1911
4.11.1911 Z

Section 25 of the Act of 1911 is of the effect that

as to the form of the amending legislation, it was suggested in Mr. Henry's telegram of the 15th that should the legislation be required it might be framed without referring to Indians by name, so that it would not violate anything in the existing law. (See also the report of the constitution of the Nairobi Council and the amends to be made) it would not be required nor their acts invalidated by the fact that they are not made exactly as provided in the law. It was suggested that legislation in this form might be less open to objection as far as the Indians

See No 12 in this file tabbed Z

agree to the publication or introduction of the proposed bill which despite the difficulty created by the Indians themselves in refusing to co-operate, might be regarded as provocative just when it was specially desirable to avoid any action which might be so construed. The India Office was approached, and we know that they have reported the position fully to the Viceroy and asked him to cable instructions to Mr. Sastri in Kenya in the hope that Mr. Sastri might be able to bring influence to bear upon the Indians in Kenya.

In writing to the India Office on the 25th May, it was pointed out that legislation on the lines proposed by the O.A.G. would seem to be essential if the Indians finally and definitely refused to participate. It now appears from the O.A.G.'s telegram of the 10th June that there is no hope of the Indians participating in the Municipal Government of Nairobi and Mombasa at present. Apparently Mr. Sastri cannot induce them to move in the matter until the question of the common roll is settled one way or another. This refers to the very difficult question of Indian electoral representation in Kenya, i.e., whether the Indians should be on a common roll with the Europeans or whether in accordance with the decision laid down by His Majesty's Government in 1923 the Indians should vote on a separate Indian register. The matter is referred to in the Report of the Hilton Young Commission, but it is out of the question to attempt to deal with the matter at this stage, and if it is to be taken

up

up it can only be gone into after Sir Samuel Wilson's return from East Africa.

(5) For the time being, therefore, we must act on the assumption that there is no prospect of the Indians participating, with the result that unless the Ordinance is amended it will not be possible to constitute the Municipal Council of Nairobi and the Municipal Board of Mombasa.

We have tried to do our best to avoid recourse to such legislation, but in the circumstances it seems inevitable that the O.A.G. should be given the authority for which he asks, i.e., to introduce an amending bill at his discretion, on the understanding that he will defer this action until the last possible moment, when any remnant of hope that the Indians will reconsider their view, has disappeared. Similarly, amendment will be required to Section 6 of Ordinance No. 21 of 1926 (His Local Government (District Councils) Ordinance, 1926), which provides that if a district council is constituted for the rural area of the Kisumu-Mombasa District there shall be inter alia one elected Indian member.

(6) As to the form of the amending legislation, it was suggested in Mr. Amery's telegram of the 25th May that should legislation be required it might be framed without referring to Indians by name, on the lines that notwithstanding anything in the existing law (except as to a quorum) the constitution of the Nairobi Council and the Mombasa Board shall not be impaired nor their acts invalidated by the fact that they are not made up exactly as provided in the law. It was thought that legislation in this form might be less open to objection, as not naming the Indians.

Tabbed R in red in file 15407/28.

Note 12 in this file tabbed Z.

Section 26 of the Ord. 19 of 1926.

No 13 in this file

A note from US... (faded handwritten notes)

agree to the publication or introduction of the proposed bill which despite the difficulty created by the Indians themselves in refusing to co-operate, might be regarded as provocative just when it was specially desirable to avoid any action which might be so construed. The India Office was approached, and we know that they have reported the position fully to the Viceroy and asked him to cable instructions to Mr. Sastri in Kenya in the hope that Mr. Sastri might be able to bring influence to bear upon the Indians in Kenya.

In writing to the India Office on the 25th May, it was pointed out that legislation on the lines proposed by the O.A.G. would seem to be essential if the Indians finally and definitely refused to participate. It now appears from the O.A.G.'s telegram of the 10th June that there is no hope of the Indians participating in the Municipal Government of Nairobi and Mombasa at present. Apparently Mr. Sastri cannot induce them to move in the matter until the question of the common roll is settled one way or another. This refers to the very difficult question of Indian electoral representation in Kenya, i.e., whether the Indians should be on a common roll with the Europeans or whether in accordance with the decision laid down by His Majesty's Government in 1923 the Indians should vote on a separate Indian register. The matter is referred to in the Report of the Hilton Young Commission, but it is out of the question to attempt to deal with the matter at this stage, and if it is to be taken

See No 12 in this file Tabled Z

No 13 in this file Tabled X

See a note from the Viceroy to the Secretary dated 10th June 1928. The Viceroy's decision was that the Indians should be on a common roll with the Europeans. This was the decision of the Hilton Young Commission. The matter is referred to in the Report of the Hilton Young Commission, but it is out of the question to attempt to deal with the matter at this stage, and if it is to be taken

up it can only be gone into after Sir Samuel Wilson's return from East Africa

(5) For the time being, therefore, we must act on the assumption that there is no prospect of the Indians participating, with the result that unless the Ordinance is amended it will not be possible to constitute the Municipal Council of Nairobi and the Municipal Board of Mombasa. We have tried to do our best to avoid recourse to such legislation, but in the circumstances it seems inevitable that the O.A.G. should be given the authority for which he asks, i.e., to introduce an amending Bill at his discretion, on the understanding that he will defer this action until the last possible moment, when any remnant of hope that the Indians will reconsider their view, has disappeared. The amendment will be required to Section 6 of Ordinance No. 21 of 1926 (the Local Government (District Councils) Ordinance, 1926) which provides that if a district council is constituted for the rural area of the Kisumu-Nordiani District there shall be inter alia one elected Indian member.

Tabbed R in red in file 15407/28

No 12 in this file Tabled Z

(6) As to the form of the amending legislation it was suggested in Mr. Amery's telegram of the 25th May that should legislation be required it might be framed without referring to Indians by name, on the lines that notwithstanding anything in the existing law (except as to a quorum) the constitution of the Nairobi Council and the Mombasa Board shall not be impaired nor their acts invalidated by the fact that they are not made up exactly as provided in the law. It was thought that legislation in this form might be less objectionable.

Section 26 of the Ord. 19 of 1926.

Indians, and also more convenient if by any chance later on the Europeans, for instance, might refuse to co-operate; but the O.A.G. in his telegram of 10th June raises objections both on the grounds of principle and of practicability; and in the circumstances I think that although the India Office also prefer the form which we at first suggested, we should agree to the form which the O.A.G. proposes, which certainly has the merit of leaving it open to the Indians to come back at any time and take their proper part in the municipal government of Mombasa and Kisumu. At the same time we should put to the O.A.G. the suggestion at "A" in the Viceroy's telegram in No. 15, i.e. that the Government of Kenya, when moving the Amendment should give clear explanation of their real object and state that they are determined, as soon as the question of co-operation by Indians is removed by the community leaders, to appoint Indian representatives. The further point at "B" in the Viceroy's telegram is already covered by the form of legislation proposed by the Officer Administering the Government, so it need not be mentioned.

If the Secretary of State agrees with the action proposed in this minute, no further reference to the India Office would be necessary, but in reply to No. 16 we should send copies of No. 15 and the telegram now to go to the O.A.G. for information, and explain (a) that Secretary of State felt that in view of the O.A.G.'s objections he could not press

15
For the form of legislation suggested by his predecessor and (b) that the point at "B" in the Viceroy's telegram is already covered by the form of legislation proposed by the O.A.G. and so it did not seem necessary to refer to it in telegraphing to the O.A.G.

see Parkinson
13.6.4

Indians, and also more convenient if by any chance later on the Europeans, for instance, might refuse to co-operate; but the O.A.S. in his telegram of 10th June raises objections both on the grounds of principle and of practicability; and in the circumstances I think that although the India Office also prefer the form which we at first suggested, we should agree to the form which the O.A.S. proposes, which certainly has the merit of leaving it open to the Indians to come back at any time and take their proper part in the municipal government of Ajmer and Merta. At the same time we should put to the O.A.S. the suggestion at "A" in the Viceroy's telegram in No. 16, i.e. that the Government of Ajmer, when moving the Amendment should give their explanation of their real object and state that they are determined, as soon as the condition of co-operation by Indians is removed by the community leaders, to appoint Indian representatives. The further point at "B" in the Viceroy's telegram is already covered by the form of legislation proposed by the Officer Administering the Government, so it need not be mentioned.

If the Secretary of State agrees with the action proposed in this minute, no further reference to the India Office would be necessary, but in reply to No. 16 we should send copies of No. 16 and the telegram now to go to the O.A.S. for information, and explain (a) that the Secretary of State felt that in view of

for the form of legislation suggested by his predecessor and (b) that the point at "B" in the Viceroy's telegram is already covered by the form of legislation proposed by the O.A.S. and so it did not seem necessary to refer to it in telegraph to the O.A.S.

see Parkinson
13. 6. 29

any further communication on this subject should be addressed to—
The Under Secretary of State for India,
Economic Department,
& Overseas India Office,
London, S.W. 1,
and the following reference quoted:—
E. & O. 4040/29



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

225511 1676

CONFIDENTIAL.

12 June, 1929.

RECEIVED
13 JUN 1929
COL. OFFICE

Sir,

With reference to your letter of the 25th May, 1929, No. 15552, relating to the Local Government legislation recently passed in Kenya and the attitude of the Indian community as regards participation in the municipal government of Nairobi and Mombasa, 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.

Recd 24 June 29

Dated 8th June, 1929 (Paraphrase) 2. It will be observed that as the East African Indian Congress have now apparently definitely decided not to modify their attitude of abstaining from participation in the municipal councils at Nairobi and Mombasa the Government of India do not raise objection to the proposal of the Government of Kenya to introduce amending legislation to meet the difficulty occasioned by the Indian attitude but that the Government of India prefer the form of amending legislation proposed in the Colonial Office telegram to the Governor of Kenya dated 25th May. The Secretary of State for India concurs in the views expressed by the Government of India.

Copied to Mr. Clegg - 11/6/29

3. I am also to draw attention to the suggestions made in the last two sentences of the Government of India's telegram and to ask that, should the Secretary of State for the Colonies see no objection, they might be communicated to the Government of Kenya.

I am, Sir,
Your obedient Servant,

E. Turner

The Under Secretary of State,
Colonial Office.

E. & O. 4040/29

Telegram from Viceroy, Department of Education, Health and Lands to Secretary of State for India, dated 8th June, 1929.

P. Reference to your telegram No.1738 dated 31st May. Sastri, as requested by us, pleaded hard with the East African Indian Congress to permit Indians to participate in municipal government while maintaining reservation of right to agitate for common electoral roll. It was, however, decided by Congress that the resolution passed last session favouring abstention from Mombasa Board and Nairobi Corporation should be adhered to with object of preventing misunderstanding as to attitude of the community on common electoral roll question. We cannot, in the circumstances, reasonably object to amendment of Sections 5(2) and 9(3) of Local Government Municipal Ordinance proposed by Kenya Government if this course is considered necessary in order to bring the two municipalities up to strength for legal and administrative purposes. However, we prefer the form of amendment which the Colonial Office suggest (vide their telegram dated 25th May to Governor of Kenya) and we would offer the further suggestion that Colonial Government when moving the amendment might give clear explanation of their real object and state that they are determined, as soon as the ban on co-operation by Indians is removed by community leaders, to appoint Indian representatives. It would then be necessary for the Governor to take a pledge from non-Indians whom he may nominate in place of Indians to resign immediately Indians are willing to accept office.

A

B

E. & O. 4040/29

Telegram from Viceroy, Department of Education, Health and Lands to Secretary of State for India, dated 8th June, 1929.

P. Reference to your telegram No.1738 dated 31st May. Sastri, as requested by us, pleaded hard with the East-African Indian Congress to permit Indians to participate in municipal government while maintaining reservation of right to agitate for common electoral roll. It was, however, decided by Congress that the resolution passed last session favouring abstention from Mombasa Board and Nairobi Corporation should be adhered to with object of preventing misunderstanding as to attitude of the community on common electoral roll question. We cannot, in the circumstances, reasonably object to amendment of Sections 5(2) and 9(3) of Local Government Municipal Ordinance proposed by Kenya Government if this course is considered necessary in order to bring the two municipalities up to strength for legal and administrative purposes. However, we prefer the form of amendment which the Colonial Office suggest (vide their telegram dated 25th May to Governor of Kenya) and we would offer the further suggestion that Colonial Government when moving the amendment might give clear explanation of their real object and state that they are determined, as soon as the ban on co-operation by Indians removed by community leaders, to appoint Indian representatives. It would then be necessary for the Governor to take a pledge from non-Indians whom he may nominate in place of Indians to resign immediately Indians are willing to accept office.

A |

B |

1578

RECEIVED
12 JUN 1929

TELEGRAM from the O.A.G. of Kenya to the Secretary of State for the Colonies.

Dated 10th June.

(Received, Colonial Office, 6.36 p.m., 10th June, 1929)

No.163. 10th June. Confidential Your telegram of 25th May Confidential. Had already decided subject to your approving Bill to amend Ordinance No.19 of 1928 to defer publication in view of other local negotiations and to ^{introduce} ~~introduce~~ it only at the last moment if unavoidable on the suspension of Standing Order. After despatch of my telegram of 20th May No.142 discussed position with Sastri prior to enquiring from Kenya Central Indian Association and Indian Association Mombasa whether they wished to submit names for my nomination. He has been unable to induce the former associations to co-operate in municipal bodies and district councils but is of the opinion that once the Common Roll question is decided one way or other they will co-operate. Central Indian Association has intimated officially its inability to recommend participation pending substitution of present method of representation by Common Roll. No reply has yet been received from Mombasa.

In regard to form legislation should take provision must be made to enable quorum to be not less than half the actual number of members it is impossible for 13 members to function with a quorum of 10 see section 26. Further possibility representing proposed form might be more objectionable from every standpoint is it might be considered to mean that the Government was taking powers to upset Statutory Constitution(s) at will. Again precise interpretation of "exactly" would create difficulties. In the Bill so proposed provision is made that persons nominated in the place

Tel
 Recd 19 June '29.
 Copy to S.C.

place of 7 Indian members shall be appointed for such times as
 the Governor may think fit in order that section 6 shall not
 apply to such nominations and that door may be left open to Indians
 to come back at any time. In the circumstances I trust you will
 not withhold approval of the introduction of the Bill which will
 be deferred until the last possible moment. Similar Bill may
 be required to amend Section 6 of Ordinance 21 of 1928. (15409/28)
 Propose to ~~introduce~~ introduce these Bills if necessary
 in the Legislative Council during July or August.

Any further communication on this subject should be addressed to—

The Under Secretary of State for India,
Economic Department,
& Overseas India Office,
London, S.W. 1,
and the following reference quoted—
E. & O. 3687/29.

Telephone—
Victoria 8920. I.O. Bx. No.
Telegrams—
Rotterdam, London.

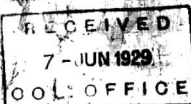


INDIA OFFICE,

WHITEHALL,

LONDON, S.W. 1.

Confidential.



1st
6 June, 1929.

Sir,

No. 12

With reference to your letter of the 25th May, 1929, No. 18652, relating to the Local Government legislation recently passed in Kenya and the proposed introduction of amending legislation to meet the difficulty occasioned by the attitude of the Indian community as regards participation in the municipal government of Nairobi and Mombasa, I am directed by the Secretary of State for India to transmit, for the information of the Secretary of State for the Colonies, a copy of a telegram which has been sent to the Government of India.

Dated
31.5.29

Copy for Conf.

I am, Sir,

Your obedient servant,

R. Turner
Secretary,
Economic & Overseas Department.

The Under Secretary of State,
Colonial Office.

14
80

Any further communication on this subject should be addressed to—
The Under Secretary of State for India,
Economic & Overseas Department,
India Office, London, S.W. 1,
and the following reference quoted—
H. & O. 3657/29.



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

Confidential.

1st June, 1929.

RECEIVED
7 - JUN 1929
COL OFFICE

Telephone:—
Victoria 8920 I.O. Ext. No. —
Telegrams:—
Rotaxandam, London.

Sir,

With reference to your letter of the 25th May, 1929, No. 15552, relating to the Local Government legislation recently passed in Kenya and the proposed introduction of amending legislation to meet the difficulty occasioned by the attitude of the Indian community as regards participation in the municipal government of Nairobi and Mombasa, 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 which has been sent to the Government of India.

No. 12

Dated 31.5.29.

Copy to Mr. Clegg

I am, Sir,

Your obedient servant,

R. G. T. Turner
Secretary,
Economic & Overseas Department

The Under Secretary of State,
Colonial Office.

Telegram from Secretary of State to Viceroy, Department of Education, Health & Lands, dated 31st May 1929.

P. Telegram from Government of Kenya dated 20th May has been received by Colonial Office as follows:- Begins. Executive Council has approved introduction at next session of Legislative Council 12th June Bill to amend Local Government Municipal Ordinance to provide that if no or insufficient Indian members are available for nomination under Sections 5 (2) and 9 (3) Council or Board may be deemed to be properly constituted and that in the above circumstances Governor may appoint up to 7 other persons to serve in their stead. Should be glad of telegraphic approval to this course as Bill must be published 28th May. In the meantime Kenya Central Indian Association is being officially asked whether they propose to participate or not - Ends. Following reply was sent on 25th May by Colonial Office:- Your telegram of 20th May No. 142 I am very loth to agree to publication or introduction of proposed Bill which despite difficulty created by Indians themselves might be regarded as provocative at a moment when it is especially desirable to avoid any action which might be so construed. I am asking Secretary of State for India whether influence can be brought to bear through Sastri or otherwise which will induce Indian community to co-operate and even at risk of considerable inconvenience I think it is worth while suspending further consideration of proposed legislation until every possible means of persuasion for bringing in the Indians has been exhausted. I assume that if necessary legislation could be passed as an emergency measure without preliminary 14 days notice by suspending Standing Rules and Orders. If it becomes necessary to pass

amending/

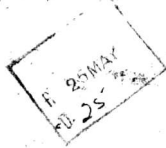
amending legislation I would suggest that it might be framed without reference to Indians by name on the lines that notwithstanding anything in existing law (except as to a quorum) constitution of Nairobi Council and Mombasa Board shall not be impaired nor their acts invalidated by fact that they are not made up exactly as provided in the law - Ends.

2. In the opinion of Secretary of State for the Colonies it is most desirable that recourse to proposed amending legislation should if possible be avoided even in form suggested at end of his telegram dated 25th May although if Indian refusal to participate is final and definite such legislation would seem to be essential. He suggests that with a view to persuading Indians to participate in the municipal Government at Mombasa and Nairobi possibility might be considered of bringing influence to bear through Sastri or in any other way that is thought suitable. I hope you will see your way to cable necessary instructions to Sastri without delay as his presence in Kenya may provide favourable opportunity for Indians to reconsider their present attitude.

X-1555-2 of Kenya

1383

- Mr. ~~...~~
- Mr. ~~...~~
- Mr. ~~...~~
- Mr. Bottomley.
- Sir E. Harding.
- Sir J. Shuckburgh.
- Sir G. Grindle.
- Sir C. Davis.
- Sir S. Wilson.
- Mr. Ormsby-Gore.
- Lord Lovat.
- Mr. Amery.



Memorandum No. 14

Urgent - Confidential

DRAFT.

U. S. G. S.
I. O.

Sir. 25th May 1924

With ref. to the letter from the Dept. No. 15207/28 of the 25th Feb. I am glad to be assured by you, to the Lord before the J. S. P. India, a copy of a dip. (with encl^s) received from the Secy. of the Govt. regarding the Local Govt. legislation necessary proposed in the Colony, together with copies of a P.L. from the Secy. dated the 20th May dealing with the question of amending legislation to meet the difficulties (occasioned) by the Indian, which or now seems probable,

from Dept. L.S. No. 12
 (10/10) (all used)
 from Secy. of State, P.L. 20.5.24
 (10/11) 2 copies
 to Secy. of State, P.L. 20.5.24
 2 copies

Received by the Secy.

Copy this to Secy. of State

to participate in the
municipal government
of Nairobi & Mombasa.

Copies of a conf. tel. which
~~has~~ ^{has} been sent in reply to
the ~~Conf.~~ ^{Conf.} tel. are also

attached. (2) Mr. Amery
feels that
the Gov. for India will agree that
it is most desirable, if
possible, to avoid having recourse
to the proposed amendment
legislation, even in the form
suggested at the end of
his telegram, although such
legislation would appear to be
essential if the Indians finally

definitely refuse to participate.
He will accordingly
~~be accordingly~~ ^{be} prepared if
the Gov. for India will consider
the possibility of bringing in legislation
to bear upon the Indians in Kenya
through his Selects or in any
other way that he may think
suitable, in order to induce them
to participate in the Nairobi
& Mombasa municipal
government; and in view of
the urgency of the matter, he

will be glad if such
as is considered
may be taken without
delay.

Mr.
Mr.
Mr.
Mr. Bottomley.
Sir E. Harding.
Sir J. Shuckburgh.
Sir G. Grindle.
Sir C. Davis.
Sir S. Wilson.
Mr. Ormsby-Gore.
Lord Loud.
Mr. Amery

DRAFT.

(Signed) A. C. G. PARKINSON

X. 15552/29 Kenya 85

- Mr. *Acad* *at on a*
- Mr.
- Mr.
- Mr. Bottomley
- Sir E. Harding
- Sir J. Shuckburgh
- Sir G. Grindle
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lonsdale
- Mr. Amey 2/5/29 [10]

to go today as early
 on principle
 Acad
 25.5.29
 12-30pm 11.30 am
 25/5/29. AC

DRAFT Code of

Immediat
importance
 Governor
 Nairobi

Very 25th Confidential. You
 Dip. of 23 April No. 241
 I assure issue of proclamation
 constituting NAKURU
 Board & I shall act with
 to see in draft the
 further Proclamation
 contemplated in para 3
 of your dispatch should
 it become necessary to
 give effect to the
 understanding referred to

2 copies India Office 25 MAY 1929

(However) You tel. of
 20 May No. 142 from
 very late to agree to the
 publication or introduction
 of the proposed Bill
 which despite the

[11]

difficultly created by the Indians
themselves might be regarded
as protective at a moment
when it is especially desirable
to avoid any action which might
be so construed as a law against
the Gov. to India whether influence
can be brought to bear through
Sastri or otherwise which will
induce Indian community to
cooperate and even at the
risk of considerable inconvenience
I think it is worth while
suspending further action of the
proposed legislation until
every possible means of persuasion
for bringing in the Indians has
been exhausted. I assume
that if necessary the legislation
could be passed as an
emergency measure without
preliminary 14 days notice
by suspending the Standing
Rules orders. If
it becomes necessary to pass
emergency legislation I wd.
suggest that it might be

Mr.
Mr.
Mr.
Mr. Bottomley
Sir E. Maclagan
Sir J. Stuckburgh
Sir G. Grindle
Sir C. Davis
Sir S. Wilson
Mr. Ormsby-Gore
Lord Loyal
Mr. Amery

DRAFT.

framed without reference to
to Indians by name in the
Bill ~~and~~ notwithstanding
anything in the existing
Law (except as to a
quorum) the constitution
of the Mairiobi Council
& Mairiobi Board
shall not be impaired
nor ~~the~~ ^{their} acts invalidated
by the fact that they
are not made up
exactly as provided
in the Law

Lecca

87
11d

The points for immediate decision are as follows:-

1. Nakuru Municipal Board

See para. 4 of No. 10 in which the O.A.C. asks for approval of the issue of the draft Proclamation, flagged A, appointing a Board to consist of, (a) 2 Official members

(b) 8 European Members of whom 6 shall be elected and 2 nominated

(c) 3 Indian members to be nominated

(d) 1 Representative of the Nakuru District Council to be nominated.

has b

In the letter to the Viceroy of India of the 12th of October 1928, (enclosure 2 to No. 1 of 15407) the Governor said that in the present townships of Nakuru, Eldoret and Kitale, the Government proposed to adopt the recommendations of the local Government Commission in regard to the number of Indian members on the Municipal ^{Boards} Councils. I do not know whether the word "number" had any limiting meaning, but the recommendation of the Peetham Commission, see page 136 of Vol. 2, was that Indian representation in these ^{Boards} Councils should consist of not less than two and not more than three representatives, and that, where there are two, both should be elected, and where three, two elected and one nominated. The Proclamation on the other hand provides for all three Indian members to be nominated, whereas in the case of the 8 European members, 6 are to be elected and 2 nominated as recommended by the Commission.

Tagges 300

The OAG explains, however, in para. 3 of the despatch that it had been his intention to carry

out the recommendations of the Reetham Commission as regards elected Indian members, but in view of the attitude adopted by the Indian community, it is thought useless at this stage to promulgate rules for Indian elections, and therefore it is proposed that all 3 Indian members should be nominated, "on the understanding that, upon the application of the Board so to do, two of these three members shall be elected". He assumes that it will be unnecessary to obtain the S. of S.'s specific approval to the Proclamation giving effect to this understanding.

Although it is very unfortunate, there seems no option but to approve the issue of the Proclamation constituting the Board; but at the same time it might be added that the S. of S. will ~~not require to see the further Proclamation in draft~~ *will have no wish*, should circumstances render it ~~unnecessary~~ to give effect to the above mentioned understanding. (It will be observed from para. 4 that if ^{Indians} they refuse to participate it will be necessary to issue an amending proclamation constituting the Board afresh with two official members, one District Council Representative and 8 unofficial members, of whom six shall be elected). A draft of this further proclamation is flagged B, *of the OAG with telegraph for approval, of its issue, if necessary.*

NAIROBI AND MOMBASA MUNICIPAL COUNCILS.

Sections 52 and 93 of the Local Government (Municipalities) Ordinance require the appointment of 7 nominated Indian members to the Council in Nairobi and Mombasa respectively. And in the telegram in No. 11 the OAG asks, in view of the possibility of non-participation by the Indians, for permission to introduce an amending Ordinance providing that if

insufficient

89

insufficient Indian members are available for nomination, the Council may ~~be~~ still be deemed to be properly constituted and the Governor at liberty to appoint up to 7 other persons to serve in their stead.

Presumably the Ordinance will not be ~~introduced~~ ^{renewed} if in the meantime a satisfactory reply is received from the Central Indian Association which is being asked what are the Indian intentions; but there would seem no help for it but to authorize the introduction of the Bill as desired by the OAG.

(When decisions and action have been taken on the above points, the papers should be recirculated as to possible communication with the I.C. and also for consideration of other matters referred to in the despatch in No. 10.)

x 3me see No 17.

JH Allen

21/5/28

RECEIVED
21 MAY 1929
COL. OFFICE

// 90

ORIGINAL

Descode

of a telegram from the *Chungking* of *Kay*

Dated 20th May 1929

Received in the

Colonial
Dominions

Office at

7.0 p.m.

on

20th May

Decoded

by

Deciphered

C.P.

No. 142 20th May Reference to paragraph
 10 my despatch of 23rd April No. 241
 Executive Council has approved
 introduction at next session
 of Legislative Council 12th June
 Bill to amend Local Government
 Municipal Ordinance to provide
 that if no ——— or insufficient
 Indian members are available
 for nomination under sections 5
 (2) and 9 (3) the Council
 or Board may be deemed to be
 properly constituted and that
 in the above circumstances the

Governor may appoint up to 4
other persons to serve in
their stead. Should be glad
of telegraphic approval to this
course as Bill must be
published 15th May & in the
meantime Kenya Central Indian
association is being officially
asked whether they propose to
participate or not

Acting Governor

Governor may appoint up to 4
other persons to serve in
their stead. Should be glad
of telegraphic approval to this
course as Bill must be
published 15th May & in the
meantime Kenya Central Indian
Association is being officially
asked whether they propose to
participate or not

Acting Governor



KENYA.

10 91
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

No. 241. *Diapl. Rgd. 15732/29*

(District Councils)
RECEIVED 25
20 MAY 1929
CO

April, 1929.

Sir,

I have the honour to refer to your despatch No. 136 of the 25th February, 1929 on the subject of re at Local Government legislation in this Colony and to transmit in accordance with the instructions contained in paragraphs 2 and 3 of the despatch copies of all proclamations and rules issued under the Local Government (Municipalities) Ordinance, 1928 and the Local Government (District Councils) Ordinance, 1929 up to the 31st March, 1929 - as listed in the annexures to this despatch. Copies of future proclamations and rules under these Ordinances will be transmitted to you separately as they are issued.

2. I note your further instruction that any proclamations or rules that it may be desired to issue dealing with the composition of any Municipal Council or Board in an area declared to be a Municipality under section 11 of the Local Government (Municipalities) Ordinance or in regard to the qualifications and disqualifications of voters and candidates should be

submitted ----

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

Copies of
Proclamations
and
Rules.

*Copy to Law Office
F.W.H. and 606
And Tel. 25 may 29*

15407/29

11 -

20

- 2 -

submitted to you in draft for approval before they are issued. No proclamation under section 13 (1) of the Ordinance has yet been made, the only Municipality so far established under section 11 being that of Nakuru. This Municipality was established by proclamation dated the 10th January, 1929 declaring the area described to be a Municipality under the jurisdiction of a Municipal Board and to be known as the Municipality of Nakuru.

3. It was my intention, in accordance with the advice of the Standing Committee on the recommendations made in the report of the enquiry held by the Acting Commissioner for Local Government under section 12 of the Ordinance, that the Nakuru Municipal Board should consist of two officials, eight European members (six elected and two nominated), three Indian members (two elected and one nominated) and one District Council representative, totalling fourteen. As you are aware this constitution is that recommended as a maximum by the Local Government Commission. In view, however, of the attitude adopted by the Indian community of which I informed you in my despatch No. 33 of the 19th January, 1929 it appears useless at this stage to promulgate rules for Indian Elections. I propose therefore, in the case of the Municipal Board of Nakuru, to provide for three Indian nominated members at present on the understanding that, upon the application of the Board so to do, two of these three members shall be elected. I trust that I may assume that it will be unnecessary to obtain your specific approval to the

issue -----

issue of a proclamation giving effect to such understanding. Pending the first election and nomination of members of the Board I appointed, under section 106 of the Ordinance, nine Europeans and two Indians to form a Board. The Indian members subsequently resigned in circumstances similar to those recorded in my despatch No. 33 of the 19th January, 1929 in respect of Nairobi and Mombasa, and were replaced by Europeans.

4. I anticipate that an election of European members, elected in accordance with the European Councillors Election Rules, 1929 to which I refer below, will be held during the month of May and I therefore enclose a draft proclamation under sections 11(1) (b) and 13(1) of the Ordinance applicable to Nakuru, and should be glad to receive your approval by telegram as early as possible. The future intentions of the Indians in regard to participation in municipal administration have not yet been disclosed and I have to invite your attention to the serious position which will be created on the issue of the proclamation, if Indian nominees decline to come forward, namely, that the Board will not be legally constituted. It is necessary, therefore, that should it transpire, on the issue of this proclamation, that Indians decline to accept nomination, an amending proclamation should thereupon be issued constituting the Board afresh and it will be adequate, in the case of Nakuru, that it should consist of two official members, one District Council representative and eight unofficial members of whom six shall be elected. I enclose a copy of such

amending --

Draft
Proclamation.

A

Draft
Proclamation.

B
amending proclamation and propose to communicate with you by telegraph to obtain approval for its issue should circumstances so demand.

5. Rules under section 15 of the Ordinance have already been promulgated. Their expeditious issue was necessary so as to enable the Nairobi Municipal Council to be established as soon as possible in accordance with the constitution prescribed in section 5 of the Ordinance. Copies of these Rules, entitled the European Councillors Election Rules, 1929, which were made of general application and published in the Gazette of the 19th February, are included in the copies of proclamations and rules enclosed in this despatch.

6. In regard to paragraph 3 of your despatch under reference, the Interim Municipal Council in Nairobi is still in existence pending the municipal elections and the position remains as stated in paragraph 4, of Kenya despatch No. 567 of the 12th October last.

15407/15
(No 1)
[7. The occurrence in the Local Government (District Councils) Ordinance of the errors enumerated in paragraph 4 of your despatch is regretted and opportunity will be taken in due course to make the necessary corrections. In section 56 (2), line 6, the word "is" should read "are", the intention being that the Council should be empowered to enter into contracts with another local authority with respect to the doing and control or management of any matter or thing which the Council and such other local authority are empowered to do, control or manage. In

regard ----

regard to sections 10 (3) (b) and 11 (3) (b) I am advised by my legal advisers that these sections are divided into paragraphs (i) (ii) and (iii) since sub-section (3) (b) (i) is referred to in the last paragraph of sections 10 and 11 and this necessitated its being numbered separately and that, in addition, the arrangement of the sections follows the recommendations of the Feetham Commission Report.

15467/28
10/11

8. With reference to paragraph 10 of Kenya despatch No. 567 of the 12th October, 1928 in which it was stated that copies of the Local Government (Municipalities) Ordinance were being sent to the Government of India, I take this opportunity of enclosing for your information a copy of the reply dated the 7th February received from the Viceroy and Governor-General of India.

9. With reference to paragraph 4 above, since this despatch was drafted the Press report has come to hand of the proceedings of the eighth session of the East African Indian National Congress held at Mombasa during the week ending the 13th April, at which, it is reported, the following Resolution was passed :-

"That as a protest against communal franchise in Kenya this Congress reaffirms its determination to abstain from participation in the Legislative and Executive Councils of Kenya. In pursuance of the same policy, the Nairobi Indian Community are requested to continue to abstain from participation on the Nairobi Corporation.

That, in view of the special circumstances of

Mombasa -----

Copy of letter
from The Viceroy
and Governor-
General of India
dated 7/3/29.

DRAFT.

97

PROCLAMATION NO.

COLONY AND PROTECTORATE OF KENYA.

A R M S.

THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

PROCLAMATION.

L.S.

BY His Excellency Sir Jacob William Barth, Knight
Commander of the Most Excellent Order of the British
Empire, Acting Governor and Commander-in-Chief of the
Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me
by sections 11 (1) (b) and 13(1) of the Local Government
(Municipalities) Ordinance, 1928, I do hereby constitute
a Municipal Board for the Municipality of Nakuru
established under section 11 of the said Ordinance and
I do also hereby appoint that the said Municipal Board
shall consist of :-

- (a) Two official members,
- (b) Eight unofficial members, of whom
six shall be elected and two nominated.
- (c) One representative of the Nakuru
District Council to be nominated.

GOD SAVE THE KING.

GIVEN under my hand and the Public Seal of
the Colony this day of 1929.

BY COMMAND of His Excellency the Acting Governor.

ACTING COLONIAL SECRETARY.

COLONY AND PROTECTORATE OF KENYA.

A R M S.

THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

P R O C L A M A T I O N.

BY His Excellency Sir Jacob William Barth, Knight,
Commander of the Most Excellent Order of the British
Empire, Acting Governor and Commander-in-Chief of the
Colony and Protectorate of Kenya:

L.S.

IN EXERCISE of the powers conferred upon me
by sections 11(i) (b) and 13 (i) of the Local Government
(Municipalities) Ordinance, 1928, I do hereby constitute
a Municipal Board for the Municipality of Nakuru
established under section 11 of the said Ordinance and I
do also hereby appoint that the said Municipal Board shall
consist of :-

- (a) Two official members,
- (b) Eight European members, of whom six
shall be elected and two nominated,
- (c) Three Indian members to be nominated,
- (d) One representative of the Nakuru
District Council to be nominated.

G O D S A V E T H E K I N G.

GIVEN under my hand and the Public Seal of
the Colony this day of 1929.

BY Command of His Excellency the Acting Governor.

ACTING COLONIAL SECRETARY.

C O P Y.

Viceregal Lodge.

DELHI.

7th February, 1929.

His Excellency

The Acting Governor of Kenya,

NAIROBI.

Your Excellency,

I have the honour to acknowledge, with thanks, the receipt of Your Excellency's despatch No. C. Mun. 1/2/22 Vol. III, dated the 10th December 1928, with which were forwarded copies of the Local Government (Municipalities) Ordinance, 1928 and the Local Government (District Councils) Ordinance, 1928, of the Colony and Protectorate of Kenya. I avail myself of this opportunity to inform Your Excellency that my Government and I are deeply appreciative of the provision made in sections 72 and 94 of the Local Government (Municipalities) Ordinance, 1928, to safeguard the interests of minorities.

I have the honour to be,

Your Excellency's most obedient servant.

(Sd) IRWIN.

VICEROY GOVERNOR-GENERAL OF INDIA.

v. B. Copy of this the originals of the Encls 180
have been put with X. 65732/28

LIST OF PROCLAMATIONS AND RULES ISSUED
UNDER THE LOCAL GOVERNMENT (DISTRICT
COUNCILS) ORDINANCE, 1928. COPIES OF
WHICH ARE ENCLOSED.

Proclamation	No.	13	of the 7th	January, 1929.
"	"	14	7th	January, 1929.
"	"	29	26th	January, 1929.
"	"	30	26th	January, 1929.
"	"	39	14th	February, 1929.
"	"	43	19th	February, 1929.
"	"	46	28th	February, 1929.
"	"	47	28th	February, 1929.
"	"	48	28th	February, 1929.
"	"	49	28th	February, 1929.
"	"	56	4th	March, 1929.
"	"	57	4th	March, 1929.
Election Rules			20th	February, 1929.
Notice	No.	156	20th	February, 1929.

LIST OF PROCLAMATIONS AND RULES ISSUED UNDER THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928, COPIES OF WHICH ARE ENCLOSED.

Proclamation	No.	125 ✓	of the	24th	November,	1928.
Proclamation	No.	126 ✓		24th	November,	1928.
"	"	2 ✓		28th	December,	1928.
"	"	11 ✓		4th	January,	1929.
"	"	18 ✓		10th	January,	1929.
"	"	22 ✓		23rd	January,	1929.
Notice	"	99 X		18th	February,	1929.
Proclamation	"	42 ✓		19th	February,	1929.
"	"	44 ✓		19th	February,	1929.
"	"	58 ✓		7th	March.	1929.
"	"	60 ✓		19th	March.	1929.



THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

Proclamation

J. W. BARTH.



By His Excellency, Sir Jacob William Barth,
Knight, Commander of the Most Excellent
Order of the British Empire, Acting Governor
and Commander-in-Chief of the Colony and
Protectorate of Kenya.

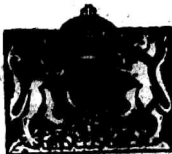
IN EXERCISE of the powers conferred upon me by
section 106 of the Local Government (Municipalities)
Ordinance, 1928, I do hereby nominate and appoint
Mr. S. CLARKE to be a Councillor of the Municipal Council
having jurisdiction over the area which by the said Ordinance
is constituted the Municipality of Nairobi, pending the first
election and nomination of Councillors for the Municipality
of Nairobi, under the provisions of section 5 of the Ordinance,
the Councillor H. P. WARD, resigned.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony,
this 19th day of March, 1929.

By Command of His Excellency the Acting Governor

J. E. S. MERRICK,
Acting Colonial Secretary



THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.

By His Excellency Sir Jacob William Barth,
Knight, Commander of the Most Excellent
Order of the British Empire, Acting Governor
and Commander-in-Chief of the Colony and
Protectorate of Kenya.

L.S.

IN EXERCISE of the powers conferred upon me by
section 106 of the Local Government (Municipalities)
Ordinance, 1928, I do hereby nominate and appoint
Mr. S. PLATON to be a Councillor of the Municipal Council
having jurisdiction over the area which by the said Ordinance
is constituted the Municipality of Nairobi, pending the first
election and nomination of Councillors for the Municipality
of Nairobi, under the provisions of section 5 of the Ordinance,
the Councillor H. P. WARD, resigned.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony,
this 19th day of March, 1929.

By Command of His Excellency the Acting Governor

J. E. S. MERRICK,
Acting Colonial Secretary.

Hereof as follows:

1. This Ordinance may be cited as "the Crown Lands (Amendment) Ordinance, 1926," and shall be read as one with the Crown Lands Ordinance (Chapter 140 of the Revised Edition), hereinafter referred to as "the Principal Ordinance."

2. In this Ordinance, unless the context otherwise requires:

"Arab Reserve" means any area reserved for the benefit of the Arab inhabitants of the Colony;
"Communal Reserve" means any area reserved for the joint benefit of the Arab inhabitants and a Native tribe or Native tribes of the Colony.

3. The Governor in Council may by notice in the Gazette declare that any area of Crown land, either by general or particular description and whether the same has been surveyed or not, shall be an Arab Reserve or a Communal Reserve.

4. The provisions of Part VI of the Principal Ordinance (relating to the reservation of land for the use of Native tribes) as amended by the Crown Lands (Amendment) Ordinance, 1926, shall apply, *mutatis mutandis*, to any area declared under the last preceding section to be an Arab Reserve or a Communal Reserve.

OBJECTS AND REASONS.

The Crown Lands (Amendment) Ordinance, 1926, gave the Governor in Council power to declare any area of Crown land to be a Native Reserve, that is, reserved for the benefit of the Native tribes of the Colony, and various Native Reserves were duly declared under that Ordinance, including one known as the South Nyika Reserve.

Towards the end of last year, certain Arabs put forward a claim to communal rights with the Natives over 30,000 acres of land in the Coast area, about 26,000 acres of which were included in the South Nyika Reserve. Their claim was investigated by Government and eventually a compromise was arrived at, the Arabs agreeing to abandon their claim to the whole area of 30,000 acres provided they were given equal rights with the Natives over the 26,000 acres included in the South Nyika Reserve. The Secretary of State was approached

Short title.
Interpretation.
Power to establish Arab and Communal Reserves.
Application of Part VI of Principal Ordinance to Arab and Communal Reserves.

PROCLAMATION No. 58.

105



THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928

Proclamation

J. W. BARTH.

15.

BY His Excellency Sir Jacob William Barth,
Knight, Commander of the Most Excellent
Order of the British Empire, Acting Governor
and Commander-in-Chief of the Colony and
Protectorate of Kenya

IN EXERCISE of the powers conferred upon me by
section 106 of the Local Government (Municipalities) Ordinance,
1928, I do hereby nominate and appoint the persons
named in the Schedule hereto to be Councillors of the Municipal
Council having jurisdiction over the area which by the said
Ordinance is constituted the Municipality of Nairobi, pending
the first election and nomination of Councillors for the Municipality
of Nairobi under the provisions of section 5 of the Ordinance, *vice* Councillors H. F. Henderson and L. A. Howse, resigned.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony,
this seventh day of March, 1928.

By Command of His Excellency the Acting Governor

J. C. CHARLTON

Private Secretary

SCHEDULE

F. Riddell, Esq.

L. M. Greuter, Esq.

thence still north-westerly by a straight line to a beacon on the Kijabe-Narok road on the aforesaid Naivasha Administrative District Boundary;

thence in a generally north-westerly direction by that boundary to its intersection with the Nakuru Administrative District Boundary as defined by the aforesaid Proclamation;

thence north-westerly by the latter boundary to the south-east corner of the Eastern Mau Forest Reserve;

thence northerly by part of the eastern boundary of that forest reserve to the southern corner of the Nakuru Lake Forest Reserve;

thence still northerly by the eastern boundary of the latter forest reserve extended to low-water mark in Lake Nakuru;

thence easterly by that low-water mark to its intersection with the northern boundary of L.R. No. 5697 extended thereto;

thence easterly by that boundary extended across the Kenya and Uganda Railway to its intersection with the eastern 100-foot zone thereof;

thence northerly by that 100 foot zone to the north-west corner of L.R. No. 434;

thence easterly by the generally northern boundaries of L.R. Nos. 434, 435, 436 and 439 to the intersection of the last with the western boundary of the Naivasha Administrative District;

thence northerly by that District Boundary to the point of commencement.

The Townships of Naivasha, Gilgil and Kijabe, together with such areas within the above boundaries as may from time to time be declared townships under the Townships Ordinance, Chapter 82 of the Revised Edition, are excluded from the Naivasha District Council Area.

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PROCLAMATION No. 44.

COLONY AND PROTECTORATE OF KENYA.



THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.

L.S.

By His Excellency Sir Jacob Wilham Barth,
Knight, Commander of the Most Excellent
Order of the British Empire, Acting Governor
and Commander-in-Chief of the Colony and
Protectorate of Kenya:

IN EXERCISE of the powers conferred upon me by
section 106 of the Local Government (Municipalities)
Ordinance, 1928, I do hereby nominate and appoint the
following persons to be members of the Nakuru Municipal
Board, pending the first election and nomination of members
under the provisions of section 18 of the Ordinance, vice
MAJOR J. A. MACDONALD, DR. N. M. SHAH and MR. UMARDIN
KARIMBUX, resigned:—

COMMANDER P. J. COULDRAY.

MR. B. P. GAYMER.

COLONEL G. C. GRIFFITHS, C.M.G.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony,
this 19th day of February, 1929.

By Command of His Excellency the Acting Governor.

J. E. S. MERRICK,

Acting Colonial Secretary.

PROCLAMATION No. 44.

COLONY AND PROTECTORATE OF KENYA.

THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.

L.S.

By His Excellency Sir Jacob Wilhelm Barth,
Knight, Commander of the Most Excellent
Order of the British Empire, Acting Governor
and Commander-in-Chief of the Colony and
Protectorate of Kenya:

IN EXERCISE of the powers conferred upon me by
section 106 of the Local Government (Municipalities)
Ordinance, 1928, I do hereby nominate and appoint the
following persons to be members of the Nakuru Municipal
Board, pending the first election and nomination of members
under the provisions of section 18 of the Ordinance, vice
MAJOR J. A. MACDONALD, DR. N. M. SHAH and MR. UMARDIN
KARIMBUX, resigned:—

COMMANDER P. J. COULDRY.

MR. B. P. GAYMER.

COLONEL G. E. GRIFFITHS, C.M.G.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony,
this 19th day of February, 1929.

By Command of His Excellency the Acting Governor

J. E. S. MERRICK.

GOVERNMENT NOTICE NO. 112.

ARRIVALS.

Name	Rank.	From leave or on 1st Appointment.	Date of leaving England.	Date of Embarkation	Date of arrival Mombasa
I. M. Hart	Medical Officer	Leave	18th Jan., 1929	—	18th Feb., 1929
G. E. E. Hart	Ordinary Road Inspector	do	do	—	do
M. J. King	3rd King's African Rifles	do	do	—	do
M. J. King	Assistant Inspector of Police	do	do	—	do
S. D. King	do	do	do	—	do
R. E. Dean	Assistant Game Warden	do	do	—	do
E. Brady	Assistant Transport Officer	do	do	—	do
S. Bismberg	Public Works Department	do	do	—	do
N. B. O' B. Hornford	Asst. to Commr. of Customs	1st Appointment	do	—	do
Miss F. E. Jackson	Asst. Surg. of Police	do	do	—	do
E. S. Prior	Nursing Sister, Medical	do	do	—	do
S. W. Barker	Driller, Public Works Dept.	do	11th Feb., 1929	18th Jan., 1929	19th Feb., 1929
F. Gray	Artisan, K. & U. Ry.	do	do	do	17th Feb., 1929
J. Stewart	Driver, K. & U. Railway	do	do	do	do
J. McGhee	Permanent Way Inspector, Kenya and Uganda Railway	do	do	do	do
F. Lynch	Driver, K. & U. Railway	do	do	do	do
R. Robertson	do	do	do	do	do
A. Hay	do	do	do	do	do
A. Stephens	do	do	do	do	do
J. B. Hill	do	do	do	do	do
G. E. H. Clarke	do	do	do	do	do
C. Harold	Guard, K. & U. Railway	do	do	do	do
R. Johnston	Tug Engineer (Part), K. & U. R.	do	do	do	do
J. Vanhagan	Train Controller, K. & U. Ry.	do	do	do	do
J. M. Gillies	Clerk, III. Grade, K. & U. Ry.	do	do	do	do
H. M. Kirkland	Asst. Engineer, K. & U. Ry.	do	do	do	do

* Date of leaving Durban.

DEPARTURES

Name	Rank	On leave or termination of appointment.	Date of Departure
Capt. W. R. Kidd	District Officer, Administration	Leave	13th Feb., 1929
W. J. Jones	Chief Warden, Prisons	do	do
L. W. Franklin	Police Constable	do	17th Feb., 1929

APPOINTMENTS

MISS FRANCES ELEANOR JACKSON, to be Nursing Sister, Medical Department, with effect from the 18th January, 1929.

KENYA AND UGANDA RAILWAYS AND HARBOURS.
JOHN WILLIAM CONDON, Acting Assistant Superintendent (Locomotive) reverted to the rank of Locomotive Inspector from 3rd January, 1929.

EDWARD ROBERT SHACKLETON, to be Assistant District Commissioner (Class), Meru District, Kikuyu Province, with effect from the 10th February, 1929.

MAGISTERIAL WARRANT

EDWARD ROBERT SHACKLETON, to be a Magistrate of the Third Class, within the Meru District, Kikuyu Province, whilst holding his present appointment as

PROCLAMATION NO. 42.

COLONY AND PROTECTORATE OF KENYA.

THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.

By His Excellency Sir Jacob William Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 11 of the Local Government (Municipalities) Ordinance, 1928, I do hereby declare the area described in the Schedule hereto to be a Municipality under the jurisdiction of a Municipal Board, to be known as the Municipality of Nakuru.

Proclamation No. 18 dated the 10th day of January, 1929, is hereby revoked.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony, this 19th day of February, 1929.

By Command of His Excellency the Acting Governor

J. E. S. MERRICK

Acting Colonial Secretary.

SCHEDULE.

Commencing at the north-west corner of Nakuru Township as defined by Proclamation No. 7 of the 3rd day of February, 1913;

thence bounded easterly and southerly by that Township boundary to low-water mark in Nakuru Lake;

thence southerly by that low-water mark to the Njoro River;

thence by the centre of that river's course up-stream to its intersection with the south-eastern boundary of L.R. No. 5621 (453/4);

thence northerly by the south-eastern and eastern boundaries of that portion to its north-eastern corner;

thence westerly, northerly and easterly by the southern, western and northern boundaries of L.R. No. 453/4 to its north-east corner;

GOVERNMENT NOTICE NO. 99.

THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

RULES.

IN EXERCISE of the powers conferred upon him by section 15 of the Local Government (Municipalities) Ordinance, 1928, His Excellency the Acting Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as "the European Councillors Election Rules, 1929," and shall apply to every Municipality established under the Local Government (Municipalities) Ordinance, 1928, in every case where elected European councillors or members have been included in the constitution of the Council or Board for such municipality.

2. (1) As soon as possible after elected councillors or members have been included in the constitution of the Council or Board of any municipality, and thereafter once in every three years, by a date to be fixed by the Commissioner for Local Government, the Council or Board shall cause a list to be made of all Europeans who are qualified to be enrolled as voters under these Rules. Such list shall show in alphabetical order the full name, residential address, occupation and nature of the qualification of every voter qualified to vote, and the names on such list shall be numbered in consecutive order; provided that if a municipality has been divided into wards or polling districts such list shall be subdivided into as many parts as there are wards or polling districts within the municipality.

(2) Whenever the boundaries of any municipality have been altered, or whenever the number of wards in a municipality has been increased or decreased or the boundaries thereof altered, the Council or Board, as the case may be, shall, as soon as possible after such alteration, increase or decrease, cause such alterations to be made in the respective voters' rolls as may be necessary to show correctly the particulars of voters resident in the municipality or in each ward, as the case may be.

(3) Whenever any municipality or any ward in a municipality has been divided into polling districts, or any increase, decrease, alteration or adjustment of such districts has been lawfully made, the Council or Board, as the case may be, shall compile from the voters' roll of such municipality or ward a register of voters for each such polling district, consisting of the voters for the municipality or ward who are entitled to vote in such polling district.

3. The registering officer for the purpose of the preparation of voters' rolls under these Rules shall be the Town Clerk, or such other person as the Council or Board, as the case may be, may, with the approval of the Commissioner for Local Government, appoint.

GOVERNMENT NOTICE NO. 99.

THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

RULES.

IN EXERCISE of the powers conferred upon him by section 15 of the Local Government (Municipalities) Ordinance, 1928, His Excellency the Acting Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as "the European Councillors Election Rules, 1929," and shall apply to every Municipality established under the Local Government (Municipalities) Ordinance, 1928, in every case where elected European councillors or members have been included in the constitution of the Council or Board for such municipality.

2. (1) As soon as possible after elected councillors or members have been included in the constitution of the Council or Board of any municipality, and thereafter once in every three years, by a date to be fixed by the Commissioner for Local Government, the Council or Board shall cause a list to be made of all Europeans who are qualified to be enrolled as voters under these Rules. Such list shall show in alphabetical order the full name, residential address, occupation and nature of the qualification of every voter qualified to vote, and the names on such list shall be numbered in consecutive order; provided that if a municipality has been divided into wards or polling districts such list shall be subdivided into as many parts as there are wards or polling districts within the municipality.

(2) Whenever the boundaries of any municipality have been altered, or whenever the number of wards in a municipality has been increased or decreased or the boundaries thereof altered, the Council or Board, as the case may be, shall, as soon as possible after such alteration, increase or decrease, cause such alterations to be made in the respective voters' rolls as may be necessary to show correctly the particulars of voters resident in the municipality or in each ward, as the case may be.

(3) Whenever any municipality or any ward in a municipality has been divided into polling districts, or any increase, decrease, alteration or adjustment of such districts has been lawfully made, the Council or Board, as the case may be, shall compile from the voters' roll of such municipality or ward a register of voters for each such polling district, consisting of the voters for the municipality or ward who are entitled to vote in such polling district.

3. The registering officer for the purpose of the preparation of voters' rolls under these Rules shall be the Town Clerk, or such other person as the Council or Board, as the case may be, may, with the approval of the Commissioner for Local Government, appoint.

4. Subject to the provisions of these Rules every person shall be entitled upon application to the registering officer in the form prescribed in the First Schedule hereof, to be enrolled in the European voters' roll who is—

- (1) of wholly European origin or descent; and
- (2) of not less than twenty-one years of age; and
- (3) either—

(a) is an owner (as defined under the Local Government (Rating) Ordinance, 1928), of property within the municipality of the capital value of not less than one hundred pounds which is rateable under the provisions of the said Ordinance; or

(b) has resided in the municipality for twelve months out of the twenty-four months preceding the date of application for enrolment, and either (i) has been in occupation for a like period of premises in the municipality of an annual value of thirty-six pounds, or more; or

(ii) is, at the date aforesaid, and has been for six months out of the preceding twelve months, in receipt of earnings at the rate of not less than ten pounds per month.

Provided that in the municipalities of Nairobi and Mombasa the rate of earnings under paragraph (b) (ii) shall be not less than fifteen pounds per month.

A married woman who is qualified for enrolment under paragraphs (1), (2) and (3) (b) of this Rule shall be entitled to be enrolled notwithstanding that she does not possess either of the qualifications numbered (i) and (ii) in paragraph 3 (b) provided that her husband is so qualified.

5. Notwithstanding anything in the preceding Rule contained, no person shall be entitled to have his name entered upon a European voters' roll or to vote at any election if such person—

- (a) has been found by a competent court to be of unsound mind; or
- (b) has been convicted of a criminal offence, whether in the Colony or elsewhere, and has been sentenced to imprisonment for a term of not less than twelve months and has not received a free pardon; Provided that such disqualification shall cease two years after the date of the expiration of the sentence; or
- (c) has received relief from any public funds within twelve months prior to the date of his application to have his name entered upon the voters' roll; or
- (d) has been declared bankrupt or insolvent by a competent court, whether in the Colony or elsewhere, and has not received his discharge; or
- (e) is suffering from any disqualification provided by any enactment for the time being in force.

6. No person whose name does not appear on the European voters' roll for the time being in force shall be entitled to vote at any election under these Rules.

7. Where any municipality is divided into wards every person who is enrolled in the European voters' roll in respect of a property qualification shall be entitled to be enrolled once in each ward in which he owns rateable property of the capital value of not less than one hundred pounds; and every person who is enrolled in respect of a residential qualification shall be enrolled in the ward in which he resides.

Provided that no person shall be enrolled in the same ward in respect of both a property and a residential qualification.

8. The registering officer shall cause every voters' roll framed under the provisions of these Rules to be deposited in the municipal offices for inspection by the public, and shall cause to be published in the Gazette and in one or more newspapers of any circulating in the municipality a notice that all objections and claims to be enrolled will be heard at some time and place to be therein stated.

Provided that such time shall not be less than fourteen days after the publication of such notice.

9. (1) The first class magistrate having jurisdiction shall hear and determine all claims and objections, and may enol the names of any persons qualified which have been omitted from the appropriate voters' roll, and shall strike out the names of all persons not entitled to be enrolled.

Provided that the name of any person shall not be struck out unless such person shall have had at least two days notice of the investigation of his qualification, and such person shall, if he shall so desire, be heard in regard thereto either personally or by an advocate.

(2) The hearing and determination of any claim or objection under this section may be adjourned from time to time, and the decision upon any such claim or objection shall be subject to appeal to a judge in chambers if notice thereof be given by any interested person within two days after the declaration of such decision. The judge in chambers hearing such appeal may uphold or reverse the decision and may make such order as to costs as may seem just.

10. Subject to the provisions of the next succeeding Rule the voters' rolls when so settled and amended shall be the voters' rolls for the municipality until the next voters' rolls shall in like manner be completed, and such voters' rolls shall be deemed to be conclusive and the only proof of the right of every person enrolled therein to vote at the election of members of the Council or Board as the case may be.

11. Any person who is not on the voters' roll in force for the time being in a municipality or particular ward thereof may at any time apply to the registering officer to be enrolled as a voter, and the registering officer upon being satisfied that such person is qualified under these Rules to be so enrolled shall cause the name of such person to be placed on the voters' roll. If the registering officer shall refuse any application under this section the applicant may appeal to the first class magistrate having jurisdiction, and the application shall be disposed of in the manner provided by Rule 9 hereof.

Provided that no person shall be enrolled under this Rule as a voter upon an application made after the date of publication of a notice of any election under Rule 21 until such election shall have been held.

12. Every voters' roll framed or amended under the provisions of this Ordinance shall be deposited at the municipal offices for inspection by the public during office hours.

13. Any person who wilfully makes any false statement on an application to be enrolled upon any voters' roll under these Rules shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds or to imprisonment of either description for a period not exceeding two months or to both such fine and imprisonment.

14. (1) Subject to any of the disqualifications mentioned in sub-section (2) of this Rule any person who is and who is entitled to be enrolled as a European voter in any municipality shall be eligible for election as a European councillor or member of the Municipal Council or Board, as the case may be, of such municipality.

(2) A person shall be disqualified for election as a European councillor or member of any Municipal Council or Municipal Board if such person -

- (a) is not a British subject; or
- (b) cannot read, write and speak the English language; or
- (c) is, or the wife or husband of such person is, in the employment of or holds any office or place of profit under or in the gift of, the Council or Board; or
- (d) has been convicted of a criminal offence, whether in the Colony or elsewhere, and has been sentenced to imprisonment for a term of not less than six months and has not received a free pardon.

Provided that the Governor may by order in any particular case remove such disqualification; or

- (e) has received relief from any public funds within twelve months prior to the date of his nomination as a candidate for election.

15. (1) The councillors or members elected at the first election of European councillors or members of the Council or Board of any municipality shall be elected for a period of three years:

Provided that one-third, or as near as may be, shall retire at the expiration of twelve months from the date of such election, and one-third, or as near as may be, at the expiration of twenty-four months from the date of such election:

Provided further that the councillors or members so retiring shall be chosen by ballot by the returning officer at the close of the first election aforesaid, and such councillors or members shall be eligible for re-election.

(2) The European councillors or members elected at every annual election to fill the vacancies caused by the retirement of European councillors or members owing to the expiration of the term of office for which such last-named councillors or members were elected shall continue in office until the day of the third annual election next ensuing.

16. (1) The first election of European councillors or members of any municipality shall take place on a date to be notified by the Commissioner for Local Government in the Gazette.

(2) After the first election of European councillors or members an annual election of European councillors or members shall take place on a date to be notified by the Commissioner for Local Government in the Gazette for the purpose of electing councillors or members to replace an equal number of councillors or members retiring from office.

17. (1) Whenever a vacancy is caused by the death of any elected European councillor or member, or by an elected European councillor or member retiring or vacating his seat (otherwise than by reason of disqualification) the Town Clerk or the Town Clerk shall forthwith notify the Commissioner for Local Government of such vacancy, and an election shall be held upon such date as may be notified in the Gazette by the Commissioner for Local Government, for the purpose of electing a European councillor or member, as the case may be, to replace the European councillor or member so retiring or vacating his seat.

(2) The European councillor or member elected to fill a vacancy under this section shall hold office for the remainder of the term for which the European councillor or member who has retired or vacated his seat would have been entitled to remain in office.

18. Any elected European councillor or member who ceases to possess the qualifications by these Rules prescribed, or who is a paid agent for any candidate at an election under these Rules, or who becomes disqualified under these Rules shall *ipso facto* vacate his office, and the mayor or chairman, as the case may be, shall at the next meeting of the Council or Board declare the seat of such councillor or member to be vacant, and the Town Clerk shall forthwith notify the Commissioner for Local Government of such vacancy. In any such case such vacancy shall be filled by election in the manner prescribed by the last preceding Rule.

Provided, however, that a European councillor or member whose seat shall have been declared vacant under this Rule may, within fourteen days after the date of such declaration, apply to a judge of the Supreme Court in chambers to have such declaration set aside. Notice of the intention to make such application and the grounds thereof shall be given to the Town Clerk within two days after such declaration. The order of the judge in chambers as to the disqualification or otherwise of the councillor or member shall be final and without appeal.

19. If at any election no person is nominated or elected, or less persons are elected than there are vacancies to be filled, the Town Clerk shall forthwith notify the Commissioner for Local Government of any such vacancy remaining unfilled, and an election shall be held upon a date to be notified by the Commissioner for Local Government in the Gazette for the purpose of electing a European councillor or member to fill such vacancy.

20. The Town Clerk or such other person as the Council or Board, as the case may be, may, with the approval of the Commissioner for Local Government, appoint shall be the returning officer at every election held under these Rules.

21. (1) For the purpose of any election under these Rules the Town Clerk or such other person as may have been appointed as returning officer under the last preceding Rule shall, as soon as may be, cause to be published in the Gazette and in one or more newspapers (if any) circulating in the municipality, and to be posted at such conspicuous places as he shall think fit within the municipality or within the ward or wards in which the election is to be held, a notice of such election, and in such notices shall specify the day and place on and at which he will receive the nomination of candidates for the seat or seats to be filled by election.

(2) The day so fixed shall be not less than ten nor more than fourteen days from the date of the publication of the notice.

22. (1) On the day and at the place fixed under the last preceding Rule the returning officer shall attend at eleven o'clock in the forenoon and for sixty minutes thereafter and shall receive the nomination of any duly qualified candidate for the seat or seats to be filled.

(2) Every candidate shall be proposed and seconded and shall be supported by not less than seven persons other than the proposer and seconder. The proposer and seconder and supporters shall be persons whose names appear on the appropriate voters' rolls for the municipality or ward, as the case may be, for which the candidate seeks election.

(3) Every nomination paper shall be in the form prescribed in the Second Schedule to these Rules and the signatures of the proposer and seconder and supporters shall be witnessed by a magistrate, justice of the peace or notary public.

(4) Every nomination paper subscribed and witnessed as aforesaid shall be delivered to the returning officer by the candidate or by his proposer or seconder at the time and at the place appointed, and any nomination paper which is not so delivered shall be rejected.

23. (1) Every candidate shall be described in his nomination paper in such manner as to the opinion of the returning officer is calculated sufficiently to identify such candidate. No objection to a nomination paper on the ground of the description of the candidate therein being insufficient, or on the ground that such nomination paper does not comply with the provisions of these Rules, shall be valid unless such objection is made to the returning officer at or immediately after the time of delivery of the nomination paper. The decision of the returning officer as to sufficiency of any nomination paper shall be final.

(2) The returning officer shall permit any candidate and his proposer and seconder to examine the nomination paper of any other candidate.

24. (1) If, at the expiration of the time appointed for the election, the number of duly nominated candidates for any municipality or ward, as the case may be, does not exceed the number of councillors or members to be elected for such municipality or ward, the returning officer shall forthwith declare such candidate or candidates to be elected, and shall report such election to the Commissioner for Local Government who shall cause the election to be published in the Gazette.

(2) If the number of duly nominated candidates exceeds the number of councillors or members to be elected as aforesaid, the returning officer shall forthwith adjourn the election for the purpose of taking a poll and shall report to the Commissioner for Local Government the names of the candidates as described in their nomination papers. Upon receipt of such report the Commissioner for Local Government shall cause to be published in the Gazette and in one or more newspapers (if any) circulating in the municipality, and to be posted at such conspicuous places as he shall think fit within the municipality or within the ward or wards in which a poll is to be taken, a notice specifying—

- (a) the ward or wards (if any) in which a poll will be taken;
- (b) the date on which the poll will be taken, which shall not be less than seven days from the date of the publication of the notice;
- (c) the names of the candidates as described in their respective nomination papers and the names of their proposers and seconders;
- (d) the place or places at which a poll will be taken.

25. If after an election has been adjourned for the purpose of taking a poll, one of the candidates nominated shall die before the poll has commenced, the Commissioner for Local Government shall, upon being satisfied of the fact of such death, countermand notice of the poll, and in such case all the proceedings with reference to the election shall be commenced afresh.

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

26. If after a poll has been appointed at any election, any candidate nominated for election shall be desirous of retiring from the candidature, he may, not later than three days before the day of polling, sign and deliver a notice of his retirement to the returning officer, who, on receipt of such notice, shall, if the number of candidates is by such retirement reduced to the number of persons to be elected at such election, declare the remaining candidates to be, on that date, duly elected, and if the said number is not so reduced shall omit the name of the person so retiring from the list of candidates and such person shall not be capable of being elected at such election.

27. (1) The poll at every election shall, unless otherwise ordered by the Commissioner for Local Government, commence at eight o'clock in the forenoon of the day appointed, and shall close at six o'clock in the afternoon of the same day.

(2) Every voter who, on the close of the poll, is present in the polling station for the purpose of voting shall be entitled to receive a ballot paper, and to mark and deposit it in the same manner as if he had voted before the close of the poll.

28. (1) Where the municipality is divided into wards but not into polling districts there shall be one polling station only within each ward.

21. (1) For the purpose of any election under these Rules the Town Clerk or such other person as may have been appointed as returning officer under the last preceding Rule shall, as soon as may be, cause to be published in the Gazette and in one or more newspapers (if any) circulating in the municipality, and to be posted at such conspicuous places as he shall think fit within the municipality or within the ward or wards in which the election is to be held, a notice of such election, and in such notice shall specify the day and place on and at which he will receive the nomination of candidates for the seats or seats to be filled by election.

(2) The day so fixed shall be not less than ten nor more than fourteen days from the date of the publication of the notice.

22. (1) On the day and at the place fixed under the last preceding Rule the returning officer shall attend at eleven o'clock in the forenoon and for sixty minutes thereafter and shall receive the nomination of any duly qualified candidate for the seat or seats to be filled.

(2) Every candidate shall be proposed and seconded and shall be supported by not less than seven persons other than the proposer and seconder. The proposer and seconder and supporters shall be persons whose names appear on the appropriate voters' rolls for the municipality or ward, as the case may be, for which the candidate seeks election.

(3) Every nomination paper shall be in the form prescribed in the Second Schedule to these Rules and the signatures of the proposer and seconder and supporters shall be witnessed by a magistrate, justice of the peace or notary public.

(4) Every nomination paper subscribed and witnessed as aforesaid shall be delivered to the returning officer by the candidate or by his proposer or seconder at the time and at the place appointed and any nomination paper which is not so delivered shall be rejected.

23. (1) If a candidate shall be described in his nomination paper in such manner as to the opinion of the returning officer is calculated sufficiently to identify such candidate. No objection to a nomination paper on the ground of the description of the candidate therein being insufficient, or on the ground that such nomination paper does not comply with the provisions of these Rules, shall be valid unless such objection is made to the returning officer at or immediately after the time of delivery of the nomination paper. The decision of the returning officer as to the validity of any nomination paper shall be final.

(2) The returning officer shall permit any candidate and his proposer and seconder to examine the nomination paper of any other candidate.

24. (1) If at the expiration of the time appointed for the election, the number of duly nominated candidates for any municipality or ward or the case may be, does not exceed the number of councillors or members to be elected for such municipality or ward, the returning officer shall forthwith declare such candidate or candidates to be elected, and shall report such election to the Commissioner for Local Government who shall cause a notice to be published in the Gazette.

(2) If the number of duly nominated candidates exceeds the number of councillors or members to be elected as aforesaid, the returning officer shall forthwith adjourn the election for the purpose of taking a poll and shall report to the Commissioner for Local Government the names of the candidates as described in their nomination papers. Upon receipt of such report the Commissioner for Local Government shall cause to be published in the Gazette and in one or more newspapers (if any) circulating in the municipality, and to be posted at such conspicuous places as he shall think fit within the municipality or within the ward or wards in which a poll is to be taken, a notice specifying—

- (a) the ward or wards in any in which a poll will be taken;
- (b) the date on which the poll will be taken, which shall not be less than seven days from the date of the publication of the notice;
- (c) the names of the candidates as described in their respective nomination papers and the names of their proposers and seconders;
- (d) the place or places at which a poll will be taken.

25. If after an election has been adjourned for the purpose of taking a poll, one of the candidates nominated shall die before the poll has commenced, the Commissioner for Local Government shall, upon being satisfied of the fact of such death, countermand notice of the poll and in such case all the proceedings with reference to the election shall be commenced afresh:

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

26. If after a poll has been appointed at any election, any candidate nominated for election shall be desirous of retiring from the candidature, he may, not later than three days before the day of polling, sign and deliver a notice of his retirement to the returning officer, who, on receipt of such notice, shall, if the number of candidates is by such retirement reduced to the number of persons to be elected at such election, declare the remaining candidates to be on that date duly elected, and if the said number is not so reduced shall omit the name of the person so retiring from the list of candidates and such person shall not be capable of being elected at such election.

27. (1) The poll at every election shall, unless otherwise ordered by the Commissioner for Local Government, commence at eight o'clock in the forenoon of the day appointed and shall close at six o'clock in the afternoon of the same day.

(2) Every voter who, on the close of the poll, is present in the polling station for the purpose of voting shall be entitled to receive a ballot paper and to mark and deposit it in the same manner as if he had not yet begun the close of the poll.

28. (1) Where the municipality is divided into wards but not into polling districts there shall be one polling station only within each ward.

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PROCLAMATION No. 18.

COLONY AND PROTECTORATE OF KENYA.



LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.



BY His Excellency Sir Jacob William Barth, Knight, Companion of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 11 of the Local Government (Municipalities) Ordinance, 1928, I do hereby declare the area described in the schedule hereto to be a Municipality under the jurisdiction of a Municipal Board, to be known as the Municipality of Nakuru.

GOD SAVE THE KING,

Given under my hand and the Public Seal of the Colony this 10th day of January, 1929.

By Command of His Excellency the Acting Governor.

W. M. LOGAN,

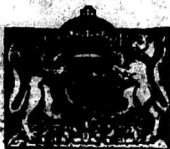
for Acting Colonial Secretary's Deputy.

SCHEDULE.

The area comprising the gazetted Township of Nakuru, together with farm L.O. N. 452/2, 453, 454, 455 and 1047 including all subdivisions thereof.

PARLIAMENTARY NO. 18

COLONY AND PROTECTORATE OF KENYA.

LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.



BY His Excellency Sir Jacob William Barth,
Knight, Companion of the Most Excellent
Order of the British Empire, Acting
Governor and Commander-in-Chief of the
Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by
section 11 of the Local Government (Municipalities)
Ordinance, 1928, I do hereby declare the area described in the
schedule hereto to be a Municipality under the jurisdiction of its
Municipal Board, to be known as the Municipality of Nakuru.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony
this 10th day of January, 1929.

By Command of His Excellency the Acting Governor.

W. M. LOGAN,

for Acting Colonial Secretary's Deputy.

SCHEDULE.

The area comprising the gazetted Township of Nakuru,
together with farm L.O. Nos. 452/2, 453, 454, 455 and 10,
including all subdivisions thereof.

PROCLAMATION No. 19.

THE DISEASES OF ANIMALS ORDINANCE.
(Chapter 157 of the Revised Edition, section 4.)

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE.
(Chapter 1 of the Revised Edition, section 18.)

GOVERNMENT NOTICE No. 201 of 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following areas to be infected areas for the purposes of the said Diseases of Animals Ordinance:—

RINDERPEST

Farm L.O. No. 401, Nakuru Township Reserve,
Nakuru District.

The Soloi District, Nakuru District.

The Subukia District, Nakuru District.

And, further, I do hereby declare that the following portion of Proclamation No. 138, dated the 24th day of December, 1928, declaring Farms L.O. Nos. 185, 1, 187, 2, 186 and 1004, Messrs. The

Church of Scotland Mission, Kikuyu, Dagoretti District, to be infected areas (Rinderpest).
Given under my hand at Nairobi this second day of January, 1929.

A. G. DOHERTY,
Chief Veterinary Officer.

PROCLAMATION No. 20.

THE DISEASES OF ANIMALS ORDINANCE.
(Chapter 157 of the Revised Edition, section 4.)

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE.
(Chapter 1 of the Revised Edition, section 18.)

GOVERNMENT NOTICE No. 261 of 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following area to be an infected area for the purposes of the said Diseases of Animals Ordinance:—

RINDERPEST:

Farm L.O. No. 3917, Mr. A. O. Trench, Mau Summit, Ravine District.

Given under my hand at Nairobi this ninth day of January, 1929.

A. G. DOHERTY,
Chief Veterinary Officer.

GOVERNMENT NOTICE No. 22.

CONFIRMATION OF ORDINANCE.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance (No. 17 of 1928):—

AN ORDINANCE TO REPEAL THE AERIAL NAVIGATION
ORDINANCE.

By Command of His Excellency the Acting Governor.

Nairobi.

Dated this 10th day of January, 1929.

C. W. HAYES-SADLER,
for Acting Colonial Secretary's Deputy.

PROCLAMATION No. 19.

THE DISEASES OF ANIMALS ORDINANCE.
(Chapter 157 of the Revised Edition, section 4.)

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE.
(Chapter 1 of the Revised Edition, section 18.)

GOVERNMENT NOTICE No. 231 of 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following areas to be infected areas for the purposes of the said Diseases of Animals Ordinance:—

RINDERPEST

Farm L.O. No. 43, Nakuru Township Reserve,
Nakuru District.

The Solai District, Nakuru District.

The Subukia District, Nakuru District.

And, further, I do hereby declare that the following portion of Proclamation is revoked:—

That portion of Proclamation No. 138, dated the 24th day of December, 1928, declaring Farms L.O. Nos. 185, 1, 18572, 186 and 1004, Messrs. The

Church of Scotland Mission, Kikuyu, Dagoretti District, to be infected areas (Rinderpest).

Given under my hand at Nairobi this second day of January, 1929.

A. G. DOHERTY,
Chief Veterinary Officer.

PROCLAMATION No. 20.

THE DISEASES OF ANIMALS ORDINANCE.
(Chapter 157 of the Revised Edition, section 4.)

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE.
(Chapter 1 of the Revised Edition, section 18.)

GOVERNMENT NOTICE No. 231 of 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following area to be an infected area for the purposes of the said Diseases of Animals Ordinance:—

RINDERPEST

Farm L.O. No. 3917, Mr. A. O. Trench, Mau Summit, Ruwac District.

Given under my hand at Nairobi this ninth day of January, 1929.

A. G. DOHERTY,
Chief Veterinary Officer.

GOVERNMENT NOTICE No. 22.

CONFIRMATION OF ORDINANCE.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance (No. 17 of 1928):—

AN ORDINANCE TO REPEAL THE AERIAL NAVIGATION
ORDINANCE.

By Command of His Excellency the Acting Governor.

Nairobi.

Dated this 10th day of January, 1929.

C. W. HAYES-SADLER,
for Acting Colonial Secretary's Deputy.

PROCLAMATION NO. 2.

THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.

By His Excellency Sir Jacob William Barth,
Knight, Commander of the Most Excellent
Order of the British Empire, Acting Governor
and Commander in Chief of the Colony and
Protectorate of Kenya.



IN EXERCISE of the powers conferred upon me by section 106 of the Local Government (Municipalities) Ordinance, 1928, I do hereby nominate and appoint the following persons to form a Municipal Board with jurisdiction over the area which is by the said Ordinance constituted the Municipality of Mombasa, pending the first nomination of members of the Mombasa Municipal Board under the provisions of section 9 of the Ordinance—

The Resident Commissioner, *Chairman*.
Mr. P. Barry.
Mr. E. C. Phillips.
Mr. C. M. Boys-Hinderer.
Mr. P. L. Fenton.
Mr. H. H. McPhee.
Mr. W. H. Lewis.
Mr. F. A. Bemister.
Sheikh Khamis bin Mohamed bin Juma.
Mr. G. V. O. Bulkeley.
The Hon. G. Walsh.
The Hon. Sheikh Ali bin Bahar, C.M.G., C.B.E.
Mr. Bomanji H. Mistri.
Mr. A. M. Campbell.

Proclamation No. 126 of the 24th November, 1928, is hereby revoked.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony,
this 28th day of December, 1928.

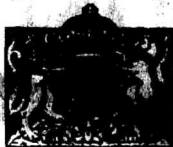
By Command of His Excellency the Acting Governor.

W. M. LOGAN,
for Acting Colonial Secretary's Deputy

‘Colony and Protectorate’ of Kenya.

PROCLAMATION No. 125.

COLONY AND PROTECTORATE OF KENYA.

THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION.

EDWARD GRIGG.

L.S.

BY His Excellency Sir Edward William Macleay Grigg, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross; Lieutenant-Colonel in His Majesty's Army (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by Section 106 of the Local Government (Municipalities) Ordinance, 1928, I do hereby nominate and appoint the persons appointed to be Councillors by Government Notice No. 347 of the 27th June, 1928, to form a Municipal Council with jurisdiction over the area which by the said Ordinance is constituted the Municipality of Nairobi, pending the first election and nomination of Councillors for the Municipality of Nairobi under the provisions of Section 5 of the Ordinance.

GOD SAVE THE KING.

Given under my hand and the public seal of the Colony this 24th day of November, 1928.

By Command of His Excellency the Governor.

H. T. MARTIN,
Acting Colonial Secretary

PROCLAMATION No. 126.

COLONY AND PROTECTORATE OF KENYA.

THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION.

EDWARD GRISOLLE,

BY His Excellency Sir Edward William Macleay, G.C.M.G., Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by Section 106 of the Local Government (Municipalities) Ordinance, 1928, I do hereby nominate and appoint the following persons to form a Municipal Board with jurisdiction over the area which is by the said Ordinance constituted the Municipality of Mombasa, pending the first election and nomination of members of the Mombasa Municipal Board under the provisions of Section 9 of the Ordinance:—

The Resident Commissioner (Chairman),
 The Hon. J. Gunning,
 Mr. P. Barry,
 Mr. E. C. Phillips,
 Mr. A. F. M. Cress,
 Mr. R. W. N. Morrison,
 Mr. A. Morrison,
 Mr. A. C. Freeman-Pountney,
 Mr. J. B. Paolva,
 Mr. A. B. Patel,
 Mr. H. A. S. Visram,
 Mr. P. E. Jeevaier,
 Sheikh Khamis bin Mohamed bin Juma,
 Mr. Sri Ram Neli,
 Mr. Govind Vishnu Juvekar,
 Mr. Madhavjee Laljee Sachania,
 The Hon. G. Walsh,
 Mr. G. V. O. Bulkeley,
 The Hon. Sheikh Ali bin Salim, C.M.G. C.B.E.
 Mr. A. M. Campbell.

GOD SAVE THE KING

Given under my hand and the public seal of the Colony this 24th day of November, 1928.

By Command of His Excellency the Governor.

H. T. MARTIN,
 Acting Colonial Secretary.

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PROCLAMATION No. 18

COLONY AND PROTECTORATE OF KENYA.



THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.



BY His Excellency Sir Jacob William Barth, Knight, Comptroller of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 11 of the Local Government (Municipalities) Ordinance, 1928, I do hereby declare the area described in the schedule hereto to be a Municipality under the jurisdiction of a Municipal Board, to be known as the Municipality of Nakuru.

GOD SAVE THE KING

Given under my hand and the Public Seal of the Colony this 10th day of January, 1929

By Command of His Excellency the Acting Governor.

W. M. LOGAN

for Acting Colonial Secretary's Deputy

SCHEDULE

The area comprising the gazetted Township of Nakuru together with farm L.O. Nos. 432, 433, 434, 435 and 4017 including all subdivisions thereof.

January 15, 1929.

PROCLAMATION No. 19.

THE DISEASES OF ANIMALS ORDINANCE.
(Chapter 157 of the Revised Edition, section 4.)

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE.
(Chapter 1 of the Revised Edition, section 13.)

GOVERNMENT NOTICE No. 291 of 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following areas to be infected areas for the purposes of the said Diseases of Animals Ordinance:—

RINDERPEST:—

Farm L.O. No. 141 Nakuru Township Reserve,
Nakuru District.

The Sio District, Nakuru District.

The Subukia District, Nakuru District.

And further, I do hereby declare that the following provision of Proclamation No. 138, dated the 15th day of October, 1928, declaring Farms L.O. Nos. 18, 1, 180, 2, 186 and 1004, Messrs. The

Church of Scotland Mission, Kikuyu, Dagoretti District, to be infected areas (Rinderpest).

Given under my hand at Nairobi this second day of January, 1929.

A. G. DOHERTY,
Chief Veterinary Officer.

PROCLAMATION No. 20.

THE DISEASES OF ANIMALS ORDINANCE.
(Chapter 157 of the Revised Edition, section 4.)

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE.
(Chapter 1 of the Revised Edition, section 13.)

GOVERNMENT NOTICE No. 231 of 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following area to be an infected area for the purposes of the said Diseases of Animals Ordinance:—

RINDERPEST:—

Farm L.O. No. 3917, Mr. A. O. Trench, Mau Summit, Ravine District.

Given under my hand at Nairobi this ninth day of January, 1929.

A. G. DOHERTY,
Chief Veterinary Officer.

GOVERNMENT NOTICE No. 22

CONFIRMATION OF ORDINANCE

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance (No. 17 of 1928):—

AN ORDINANCE TO REPEAL THE AERIAL NAVIGATION ORDINANCE.

By Command of His Excellency the Acting Governor.

Nairobi.

Dated this 10th day of January, 1929.

C. W. HAYES-SADLER,
for Acting Colonial Secretary's Deputy.

PROCLAMATION No. 17.

COLONY AND PROTECTORATE OF KENYA.



THE LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.

PROCLAMATION.

J. W. BARTH.

BY His Excellency Sir Jacob William Barth,
Knight, Commander of the Most Excellent
Order of the British Empire, Acting
Governor and Commander-in-Chief of the
Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 106 of the Local Government (Municipalities) Ordinance, 1928, I do hereby nominate and appoint the following persons to form a Municipal Board with jurisdiction over the Municipality of Nakuru, pending the first election and nomination of members of the Nakuru Municipal Board under the provision of section 13 of the Ordinance:—

The Senior Commissioner, Chairman.
Mr. H. D. Thackrah.
Mr. J. B. Parke.
Mr. H. P. Barber.
Major J. A. Macdonald.
Mr. W. A. Guin.
Mr. W. Jenkins.
Mr. W. Allan.
Dr. N. M. Shah.
Mr. Umardin Karimbox.
The District Engineer, Kenya and Uganda Railways and Harbours.

GOD SAVE THE KING

Given under my hand and the Public Seal of the Colony this 10th day of January, 1929.

By Command of His Excellency the Acting Governor

W. M. LOGAN,
for Acting Colonial Secretary's Deputy.

PROCLAMATION No. 16.

COLONY AND PROTECTORATE OF KENYA.



THE CREDIT TRADE WITH NATIVES ORDINANCE.

PROCLAMATION.

J. W. BARTH.



BY His Excellency Sir Jacob William Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander in Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 2 of the Credit Trade with Natives Ordinance (Chapter 130 of the Revised Edition), I do hereby declare that the aforesaid Ordinance shall apply to the Northern Frontier Province on and after the 1st day of January, 1929.

GOD SAVE THE KING

Given under my hand and the Public Seal of the Colony at Nairobi this 2nd day of January, 1929.

By Command of His Excellency the Acting Governor.

J. E. S. MERRICK,
Acting Colonial Secretary's Deputy

PROCLAMATION NO. 16.

COLONY AND PROTECTORATE OF KENYA.



THE CREDIT TRADE WITH NATIVES ORDINANCE.

PROCLAMATION.

J. W. BARTH.



BY His Excellency Sir Jacob William Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander in Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 2 of the Credit Trade with Natives Ordinance (Chapter 130 of the Revised Edition), I do hereby declare that the aforesaid Ordinance shall apply to the Northern Frontier Province on and after the 1st day of January, 1929.

GOD SAVE THE KING

Given under my hand and the Public Seal of the Colony at Nairobi this 2nd day of January, 1929.

By Command of His Excellency the Acting Governor.

J. E. S. MERRICK,

Acting Colonial Secretary's Deputy

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KENYA.

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

No. 33

F
-9-PLB 329
COL. OFFICE

19th January, 1929.

Sir,

15407/28
(h/1)

With reference to Sir Edward Grigg's despatch No. 567 of October 12th last with which were transmitted copies of the Local Government (Municipalities) Ordinance, 1928, I think it will be useful to acquaint you with the passage of events since this Ordinance was brought into operation on November 27th, 1928, in Nairobi and Mombasa.

Copy to J.C.

2. As you are aware, the provisions of the Ordinance require that, immediately upon its being brought into operation, a Council and Board for Nairobi and Mombasa respectively should be appointed under Section 106 to carry on the principal administration in the case of Nairobi of the new enlarged area, and in that of Mombasa of the new Municipality pending the first election or nomination of Councillors. This position was explained early in October to the Nairobi Municipal Council and the District Committee, Mombasa. It was intimated that His Excellency the Governor proposed to bring the Ordinance into operation with effect from October 31st, and nominations of members for appointment under that section of the Ordinance were invited.

3. To ---

TO THE RT. HON. LIEUT. COL. L.C.M.S. AMERY, P.C., M.P.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET

3. To deal first with the position in Nairobi, I should say that the Kenya Central Indian Association on October 29th requested the Governor to defer the operation of the Ordinance until after the Hilton Young Commission had made their Report. The reply to this request was that the Ordinance had been enacted after discussion and agreement at the Round Table Conference and provided for a system of Municipal Government with which the enquiries of the Hilton Young Commission were unconnected. I

Letter to K.C.I.A.
of the 28/11/28.

enclose copy of the letter in question.

4. The Nairobi Municipal Council, at a meeting at which the Indian members formed the majority of Councillors present, appeared to have misunderstood the legal position and passed a resolution recommending that "the existing Council carries on under the old Ordinance until the new Council is brought into existence". I attach for your information a copy of the minutes of a special sub-committee of the old Council appointed to formulate criticism of the Municipal Bills and of the Council's resolution on October 30th. This resolution could obviously not be put into effect, and the position was discussed by the Acting Commissioner for Local Government with the Mayor and the member of Legislative Council for Nairobi North - the then acting member for Nairobi South was unable to be present - and His Excellency the Governor on their advice adopted the following procedure, viz :-

Minutes of Meeting of Sub-Committee of Nairobi Municipal Council of the 21/10/28.

Resolution of Nairobi Municipal Council of the 20/10/28.

- That the Ordinance be brought into operation forthwith;
- That the present Municipal Council be appointed under Section 106 to carry on;
- That they be appointed for a definite period of three months to :-

- (a) get election machinery ready.
- (b) prepare the 1929 Budget for the present

That an intimation be made that, as soon as elected members are formally elected, the new Council will be required to frame Supplementary Estimates to deal with the area to be added to the present Municipality.

5. Accordingly the old Municipal Council was re-appointed under Section 106 of the new Ordinance as an Interim Council for the enlarged area, and almost at once the four Indian members sent letters of resignation to the Town Clerk on the ground that acceptance of the communal basis of representation prescribed in the Ordinance might prejudice their case in respect of a common roll franchise pending the issue of the Hilton Young Commission's Report. These resignations were in accordance with the decision of the Kenya Central Indian Association, but that decision was not concurred in by a number of leading Indians including Messrs. Malik and T. M. Jeevanjee, though the former accepted it and resigned from the Nairobi Council with his confreres. Subsequently the leaders of the Kenya Central Indian Association discussed the position with the Acting Commissioner for Local Government whom I authorised to give an undertaking that, should the Indians change their attitude, I would inform you by telegraph that their presence on the new Council must not be interpreted in any way as acceptance of the communal basis of franchise. These discussions were, however, unavailing since the Executive of the Association determined that, no matter what assurances were given, they would abide by their previous decision. While Messrs. Malik and Jeevanjee have obtained considerable support from the merchant and landowning section of the Indian Community in favour of acceptance of seats forthwith on the Council, they have not yet formally submitted representations to Government or suggested nominees. Consequently the official Indian attitude as

represented by the Kenya Central Indian Association is for the time non-cooperation, though their leaders have stated during the discussions with them that they do not wish to be thought to be contemplating complete non-cooperation and resistance to rate-paying.

6. The withdrawal of the Indians left the number of the Nairobi Council at eight and as, under the Ordinance, a number of at least ten must be appointed, I have nominated four Europeans in their places. These appointments took effect from the 8th instant. I enclose for your information a copy of a letter by Mr. Malik in this connection which appeared in the local press last week.

Mr. Malik's
letter dated
11/1/29.

7. In regard to Mombasa, the Indian Community responded to the invitation to furnish names for His Excellency the Governor's nomination, and these appointments together with those of European members and Government representatives were duly made. On the eve of the first meeting of the new Board, the Indians resigned on the ground that Government had broken faith in appointing three instead of two Government representatives. It will be recalled that, in the record of the Round Table Conference agreement, while up to four Government representatives were included in the constitution of the Mombasa Board, the Indian members recorded that in their view two such representatives were sufficient. Subsequently a deputation of Indian leaders in Mombasa consisting of Messrs. Pandya, A. B. Patel and Allidina Visram came up to Nairobi and, at an interview with the Acting Commissioner for Local Government, stated that their wish was genuinely for cooperation and asked that I would meet them either by reducing Government's

of one unofficial European as a Government representative, increase such representation by appointing one unofficial Indian. The deputation was informed and indeed recognised that, whatever view I might take in the matter, the appointment of an unofficial Indian could not be accepted unless I was satisfied that, if I decided to appoint an Indian to represent Government's interests, a suitable Indian in Government service could not be found. I considered this position and it appeared to me that Government's own position would be strengthened by the appointment of a Treasury official and that, as the Senior Treasury official at Mombasa was an Indian - Mr. Bomanji H. Mistri, a trusted servant of long experience - and as his appointment would serve this interest and at the same time pave the way to the amicable return of the Indians to the Board, his appointment might be made to the general advantage. I accordingly appointed him and he has taken his seat. In the meantime, however, the Indian informal elections which were, in view of this decision, to have taken place on Sunday, the 6th instant, for the selection of the seven Indian nominees for appointment did not eventuate. The leaders of the Kenya Central Indian Association went down from Nairobi on the preceding Friday, and at a mass meeting persuaded the Mombasa Indian Community, which hitherto had not advanced the same reason for abstention from municipal representation, to fall into line with the Nairobi community and to decline to enter the Board until the publication of the Hilton Young Commission Report. There are therefore no Indian members at present on the Board. The enclosed copy of a letter published in the press by the President of the Kenya Central Indian Association, and of a reply to it by Mr. Pandya will be of interest.

Mr. Varma's letter
dated 9/1/29.

Mr. Pandya's
letter of
11/1/29.

8. The importance to the local Indians of municipal administration and of their taking an active part in it is, of course, realized by all those who are rate-payers and the present Indian policy is regarded as an unwise move in the political game by what appears to be a substantial section of that community. This section recognises the disadvantages at which any important part of the whole municipal community will be placed if it should deliberately stand outside the responsibilities and duties of municipal administration. I believe that this moderate opinion will consolidate itself and insist on the divorce of municipal from imperial politics. The present ground for abstention cannot logically be abandoned on the mere publication of the Hilton Young Commission Report and must, it would seem, be maintained throughout the discussions of that Report until a decision on it is taken. It may be, therefore, that Indian participation in municipal affairs will cease for some considerable time, and that fact must be a matter of real regret to Government. I am, however, satisfied and feel sure that you will agree that, apart from the postponement of the operation of the new municipal machinery which was impracticable, everything which could be done to meet reasonable demands has been done and that the position must now be left to work itself out.

9. I have thought it advisable to send a copy of this despatch to the Government of India.

I have the honour to be,

Sir,

Your most obedient, humble servant,



ACTING GOVERNOR.

C.O. 533 / 385
ALL WITHOUT PERMISSION OF THE
PUBLIC RECORD OFFICE, LONDON

COPY.

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THE SECRETARIAT,
NAIROBI.

S/C. L.G. 1/4/8/45.

28th November, 1928.

Sir,

With reference to your letter of the 29th October, I am directed to inform you that the Local Government (Municipalities) Ordinance 1928 was introduced into Legislative Council and enacted after discussion and agreement at the Round Table Conference on which representatives of your Association sat. It provides for a system of municipal government with which the enquiries of the Hilton Young Commission are unconnected.

2. The Ordinance has been brought into operation with effect from the 27th, and in the case of Nairobi the former Municipal Councillors have been reappointed to carry on the municipal administration until the Council, as provided in Section 5 of the Ordinance, can be established. In the meantime election rules for the election of the European members will be considered, and Estimates for the old municipal area will be prepared.

Supplementary Estimates dealing with the added areas will be prepared, and submitted as Supplementary Estimates next year by the Council established in accordance with the provisions of Section 7 of the Ordinance.

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

(SGD) H. T. MARTIN.

ACTING COLONIAL SECRETARY.

To. The Hon. General Secretary.

MEETING OF
SPECIAL SUB-COMMITTEE TO FORMULATE CRITICISM ON THE
MUNICIPAL BILLS.
PUBLISHED IN THE GAZETTE FOLLOWING ON THE FEETHAM
COMMISSION REPORT.

Held October 24th, 1928

PRESENT:-

H.W. The Mayor (Councillor Wood), Chair;
Councillors Malik and Usall

Also the following Councillors were co-opted and present:- Councillors Patel, Shapley, and Sirdar Hakam Singh.

MINUTES.

1. The Minutes of Meeting held August 1st. were held as read and confirmed.
2. A letter from the Ag. Commissioner for Local Government, Lands and Settlement was submitted, copy of which is attached to these Minutes.
3. After discussion of the various matters at issue, it was DECIDED to RECOMMEND Council to pass the following Resolution:-

"The Local Government (Municipalities)
Ordinance, 1928"

"The Nairobi Municipal Council much regret that the majority of the recommendations forwarded in their letter T.C. 815/5/10 of August 4th, 1928, being suggested alterations to the proposed Ordinance published in the Official Gazette for information and criticism, have not been given effect to. They also regret that their request contained in their letter T.C. 580/3/7 of May 28th, 1928 to be given an opportunity to give evidence before the Select Committee appointed to deal with the legislation was not granted in a feasible or reasonable manner. (The Gazette notification of the Select Committee sittings in Mombasa on August 15th. and containing a proposed amendment to the previous proposed Bill was only received on Saturday, August 11th.)

"It is especially desired to protest that the present Section 95 regarding the audit of the Council's Accounts has been insisted upon in spite of the Nairobi Municipal Council's request for amendment and the Acting Commissioner for Local Government, Lands and Settlement's remarks in his address to Legislative Council in Mombasa when presenting the Ordinance.

"The Municipal Councillors, being desirous of doing everything possible to assist in the progress of the Nairobi Municipality, are prepared to act on the interim Council referred to in Para. 3 of the

"Acting Commissioner for Local Government, Lands and Settlement's letter, Ref. C. MUN. 2/1/65, of October 10th., 1928. If Government desire this Interim Council to be augmented by representation from the extended areas, it is recommended that such additional representation should be such that the composition of the interim Council as a whole should conform to the representations laid down in Section 5 of the Ordinance."

"The Local Government (Rating) Ordinance, 1928"

"The Nairobi Municipal Council wish to record that they incurred the expense of taking a considered legal opinion from the Corporation's legal advisers, who have a considerable experience of the local condition and difficulties of the collection of a Rate on Unimproved Site Values in Nairobi.

"This opinion was endorsed by the Council and forwarded to the Acting Commissioner for Local Government Lands and Settlement under cover of our letter T.C. 845/5/10 of August 4th. 1928.

"The above Ordinance has been instituted without giving effect to the recommendations referred to above and therefore the Municipal Council can take no responsibility should in future the collection of rates prove a matter of considerable difficulty, which the Council anticipate will be the case".

Communications on this subject should be addressed to—

THE UNDER SECRETARY OF STATE,
Economic & Overseas Dept.,
INDIA OFFICE,
LONDON, S.W. 1.

and the following number quoted—

E. & O. 628/29.

may want see the letter 7/2
Reference to previous correspondence:

Letter ^{no. 4} to the India Office of the 26th January 1929
~~from~~ No. 1552.

RECEIVED
-9 FEB 1929
COL. OFFICE

INDIA OFFICE,
P⁴ February, 1929.

5.
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The Under Secretary of State for India sends 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,
S.W.1.

Origin.

Date.

Subject.

Telegram to
Government of
India, Department
of Education,
Health and Lands,
No. 341

30.1.29. Kenya Local Government
(Municipalities) Ordinance.

Copy also sent to—

Copy telegram from Secretary of State to Viceroy,
Department of Education, Health and Lands, dated 30
January, 1929.

341. Your telegram dated 22nd January, No. 71 O.S.
Kenya Local Government (Municipalities) Ordinance. Colonial
Office agree that substance of report of conclusions of
Special Committee contained in my telegram dated 29th June,
1928, can be given in reply to (a) of question in Legislative
Assembly. As regards (b) and (c), Colonial Office state that
amendments to Bill proposed by Government of Kenya, in order
to give effect to recommendations of Special Committee, were
published for information and opportunity was afforded for
suggestions or criticisms prior to amendments being considered
by Legislative Council, vide Kenya Official Gazette dated 24th
August

2. Bill was finally passed on 30th August, 1928 and
Governor assented to it on 8th October. Papers follow by
mail.

Mr. Allen 25/1
Mr. Parkinson 25.1.29
Mr.

IMPORTANT

Downing Street,

26 January, 1929.

Sir E. Harding.
Sir J. Shuckburgh.
Sir G. Grindle.
Sir C. Davis.
Sir S. Wilson.
Mr. Ormsby-Gore.
Lord Lovat.
Mr. Amery.



Sir,

I am etc. to acknowledge

the receipt of your letter of the
24th January E. & O. 556/29 regard-
ing a question to be asked in the
Indian Legislative Assembly on the
subject of the Kenya Local Govern-
ment (Municipalities) Ordinance

2. Mr. Amery agrees that the
substance of the Report of the
conclusions of the ~~Committee~~ ^{Special}
Committee contained in the tele-
gram to the Government of India
of the 29th of June 1928 is given
in reply to the enquiry in the
first part of the question.

3. As regards the remaining
parts of the question, I am to

DRAFT. C/o: 1. minute

THE U. S. OF STATE,
(ECONOMIC AND OVERSEAS DEPT.),
INDIA OFFICE.

Extract (bracketed in Press
cutting 616 in 15084)

Kenya Official Gazette
No 148. 9 August 1928.

2e9 11. Council Sabelis
9 Aug. 14 - 30 1/2

24/1

enclose a copy of a statement
which appeared in the ^{E. Africa} local Press
on the 6th of July, 1928, together
with a copy of the Kenya Official
Gazette of the 9th of August, 1928,
notifying the amendments to the Bill
which the Government intended to
propose. It will be observed that
it is stated in this ^{notice} Gazette that
persons desirous of putting forward
suggestions or criticisms with
regard to the Bill should send them
to the Clerk to the Legislative
Council as soon as possible, and that
careful consideration would be given
by the Select Committee ^{of the Council} to all such
suggestions and criticisms. A full
statement was made on behalf of the
Government in the Legislative Council
on the motion of the second reading of
the Bill on the 15th of August. The
Bill was finally passed on the 30th.

None of the debate will be
at all found in pages 475
of 476 of the
minutes volume

152
and the Journal
attached to it
on the 8 Oct 1928.

of August 1928 / Mr. Amery understands

that the procedure adopted was that
recommended by the Special Committee

itself.

I am to suggest that the
Govt. of India should be informed
that the amendments to the Bill
proposed by the Govt. of Kenya
in order to give effect to
as recommended the recommendations
of the Special Committee were
published for information and an
opportunity was afforded for
suggestions or criticisms invited
prior to the amendments being
considered by the Legislative
Council.

I am, etc.

(Signed) A. C. G. PARKINSON.

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3

- Mr. Allen 25/1
- Mr. Parkinson 20-12/28
- Mr.
- Mr. Bottomley 25/1
- Sir E. Harding.
- Sir J. Shuckburgh.
- Sir G. Grindle.
- Sir C. Dairs.
- Sir S. Wilson.
- Mr. Ormsby-Gore.
- Lord Lovat.
- Mr. Amery.

Qto. for Mr. Parkinson's sig.

Downing Street,

26 January, 1929.

Dear Turner,

In connection with our official reply to your official letter

of the 24th ~~of~~ January regarding

the Kenya Local Government (Municipalities) Ordinance, I enclose a

copy of a letter which was sent by the Governor of Kenya to the

Viceroy of India on the 12th ~~of~~

October last, dealing with the conclusions of the round table

conference held in the Colony in ~~the~~

June ~~last~~. A copy of this letter

came to the S. of S. in one of the despatches forwarding the ~~various~~

Ordinances which have been passed

DRAFT. Cpls: v. minute

E. F. TURNER, ESQ.

India Office

12 Oct 428 ✓
(Hague) Encl ✓
not of 112007/28

locally as a result of the Report

of the Peetham Commission, and

we hope shortly to be in a posi-

tion to send you ^{official} copies of those

Ordinances (which are very

lengthy and require ^{a long} considerable

time for consideration), together

with the relevant correspondence:

It would seem desirable to let

you have a copy of the Governor's

letter to the Viceroy at once in

case you have not already received

it from the Government of India.

(Signed) G. FRANKINSON

that careful consideration would be given by the Select Committee to all such suggestions and criticisms. (C), the passage at "X" above is possibly the undertaking, ~~that~~ no action will be taken on the recommendations before the parties concerned had an opportunity of considering them.

The recommendations of the ^{Committee} Special/Full under four heads.

Recommendation I. Acceptance of enlarged Nairobi municipal area, subject to provisos (a) as to the application of the Private Streets Ordinance, and (b) a levy upon increased value of property due to suburban improvement schemes as part of town planning scheme.

This recommendation apparently did not involve any amendment of the Ordinance, and was, therefore, not covered by the notification in the Gazette of the 9th of August. As regards the provisos, the Government explained in the debate of the 10th of August (page 481 volume herewith) that the Private Streets Ordinance had already been applied to the Nairobi Municipality, and that in submitting a scheme, a town planning authority is required to submit financial proposals, taking into consideration the increased value brought to private property by the operation of its scheme.

Recommendation II. The municipal estimates for Nairobi and Mombasa to be passed only by some stated majority to be discussed by Select Committee of the Legislative Council in due course.

The underlined words show that no amendments

Any further communication on this subject should be addressed to—
The Under Secretary of State for India,
Economic & Overseas Department,
India Office,
London, S.W. 1,
and the following reference quoted—
E. & O. 556/29.



157 2
5647
INDIA OFFICE,
WHITEHALL,
LONDON, S.W. 1.

24th January, 1929.

Important.

Sir,

No. 41 on

With reference to your letter of the 26th June, 1928, No. 15033/28, and connected correspondence, concerning the Kenya Local Government Bill and the recommendations of the Special Committee set up by the Governor, regarding representation of the European and Indian communities on the Mombasa and Nairobi Municipal Councils, I am directed by the Secretary of State for India to transmit, for the information of the Secretary for the Colonies, copy of a telegram received from the Government of India relating to a question to be asked in the Indian Legislative Assembly on the subject.

Dated 22nd Jan. 1929.
Ans. 26 Jan 29

2. Viscount Peel would be glad to be informed, as quickly as possible, of the views of Mr. Secretary Amery as to the reply which should be given to the Government of India on the points mentioned in the last sentence of the telegram. A copy of the Secretary of State's telegram to the Government of India of the 29th June, 1928, to which reference is made, is enclosed.

I am, Sir,

Your obedient Servant,

E. Turner

The Under Secretary of State
Colonial Office.

RTJ/DW

(53 words)

P. & O.

533

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COPY OF TELEGRAM 1929

(COPIES
CIRCULATED)

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

Dated New Delhi, 22nd January, 1929.

Received 6 p.m., 22nd January, 1929.

71-08. Notice has been received of question in the Legislative Assembly enquiring inter alia (a) what the recommendations of the round table conference convened by the Kenya Governor to consider the Bill based on the Feetham Commission Report on Local Government were, (b) whether the recommendations were published for the public information, and (c) whether the Governor gave undertaking that no action would be taken on the recommendations before the parties concerned were given the opportunity to consider them. As regards (a) we have information, vide your telegram 1796, of 29th June. On (b) and (c) we have no information. Kindly telegraph urgently (1) whether the substance of the report of the round table conference, contained in your telegram 1796, can be given in reply to (a) and (2) material for answering (b) and (c).

E. & O. 4220/28.

TELEGRAM

from Secretary of State to
Viceroy, dated 29th June, 1928.

1796.

Education Department, Peethan Commission Report.
C.O. recently decided that Kenya Local Government bill of
which Governor is sending you copy might be proceeded with
but it was arranged that it should be considered by a
Committee outside the Legislative Council in order that
representatives of Indian community might take part in its
consideration

Following telegram received from Governor 22nd
June Begins: *Here is not that of my immediately following telegram in S.T.C.*

Code 1797 Your telegram of 18th June Local Government Bill.

I appointed the following Committee which sat this week
under the chairmanship of Martin. Europeans Conway Harvey,
Francis Scott, Mitchell for Nairobi and Atkinson for
Mombasa. Indians Phadka and Malik for Nairobi Pandya and
Abdul Hussein Khaderbhoy for Mombasa. The Indians were
selected by Central Indian Association and the Europeans
by selected members. The terms of reference were as
follows:

"(1) To discuss such clauses of the Local Government
bill as involve a difference of opinion between the
European and Indian communities and to endeavour to arrive
at an agreement

(2) Where it is found that agreement cannot be arrived
at to record definite grounds on each side for disagreement

(3) Provided however that Committee shall not be at
liberty to discuss subject of municipal representation
otherwise than in accordance with terms of Clause 6
paragraph 4 of Command Paper of 23rd July 1923".

The Committee agree to following recommendations

(1) Acceptance of enlarged Nairobi municipal area subject to the proviso that for the purpose of internal development of the suburbs provisions of the private Streets ordinance should be applied and that inception of new suburban construction scheme forming a part of a town planning scheme should be accompanied by enforcement where possible of levy upon property increased in value provided for in the town planning ordinance

(2) The inclusion in the Bill in respect of both Mombassa and Nairobi of provision for municipal estimates to be passed only by some stated majority be discussed by Select Committee of the Legislative Council in due course.

(3) No further safeguards for minority were considered necessary beyond those already contained in the Bill.

(4) Remaining recommendations are in respect of proportion of racial representation only and Committee agreed that the following proportion in Nairobi and Mombassa would be fair and reasonable and each side pledged themselves to urge acceptance to their several communities

(a) Nairobi : Europeans 7 Indians 1 or 2 Government representatives in addition to the Resident Commissioner for Nairobi and on establishment of a Nairobi District Council as recommended in Feetham Report addition of a member from such Council to be considered on its merits. The Indians expressed a preference for two rather than three Government representatives but leave the matter to the Government. This objection is due to direct Railway representation as recommended by the Commission. I consider Government representatives essential.

(b) Mombassa Resident Commissioner as Chairman / Europeans 7 Indians up to 4 Government representatives appointed irrespective of

race and not necessarily to be officials. Here again the Indians would prefer smaller number of Government representatives but leave the matter to the Government.

Both Communities prefer nomination only of members in Mombassa and in Nairobi the Indians prefer nomination and the Europeans election as provided in the Bill. Railway representation in these recommendations is absorbed in Government representation on the ground that Railway land remains Crown land. I believe this agreement to be thoroughly satisfactory and the Committee to be sufficiently representative and in touch with the two communities to justify the immediate introduction of the Bill its recommendations to be put forward in the form of Government amendments. The Committee report is unanimous and fully signed and I should be glad of telegraphic permission to introduce the Bill August session in Mombassa. Ends.

X This agreement appears satisfactory from Indian point of view. I understand that the Governor anticipates that there may be further trouble with European suburbs on one side and two Indian agitators Oza and Pass on the other but that the latter will not carry sufficient influence to override Ibadke and Iandya if the Government of India endorses the agreement.

Please telegraph urgently whether you are ready to endorse it as I should like to be able to inform GRIGG before 5th July when he leaves for the Northern Frontier District and will be out of reach of the telegraph for some time. It is not proposed to publish the agreement till shortly before August session of Legislative Council but Kenya Government may announce that the Committee have reached a general agreement and that amendments to the bill are now being drafted to give effect to it.

HTJ/DW.

(53 words)

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EAD
481

COPY OF TELEGRAM

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

Dated New Delhi, 22nd January, 1929.

Received 6 p.m., 22nd January, 1929.

(COPIES
CIRCULATED)

71-08. Notice has been received of the question in the Legislative Assembly enquiring inter alia,

(a) what the recommendations of the round table conference convened by the Kenya Governor to consider the Bill based on the Feetham Commission Report on Local Government were, (b) whether the recommendations were published for the public information, and (c) whether the Governor gave the undertaking that no action would be taken on the recommendations before the parties concerned were given the opportunity to consider them.

rewards (a) we have information, vide your telegram 1796, of 29th June. On (b) and (c) we have no information. Kindly telegraph urgently (1) whether the substance of the report of the round table conference, contained in your telegram dated June 29th, can be given in reply to (a) and (2) material for answering (b) and (c).