

1929

Kinross

No. 15605

SUBJECT

CO 533/386

Departmental Offences Ordinance

Previous

15361/28

Subsequent

See 22183/52

Uganda

1. a / Gov. Ball 44. 24 Jan 2
 An authenticated copy of Departmental Order
 No 25 of 1920 together with copy of legal report
 thereon by the acting attorney general
 (1 authenticated copy to (copy))

The S. of S. has approved of the
 part of this bill.

As regards the 4 points on
 which the order differs from
 the Bill (vide A.G.'s report)

(1) the alteration to cl 2 is on
 the right side

(2) that to cl 3 makes the
 order similar to that in force in
 the TT

(3) that to cl 6 is also on
 the right side

(4) the amendment to cl 7 follows
 from (1)

Sanction 1921

20/1/21

They have added "or drug" after
 after "drink" in s 3(4) but do not
 mention the alteration, which no
 direction need not be taken. Is the change

In a letter of 10/10/20 of Departmental Officers Order
11225 of 1920 together with copy of legal report
forwarded by the Acting Attorney-General.
(1. unauthenticated copy of letter)

The S. of S. has approved of the
draft of this bill.

As regards the 4 points on
which the order differs from
the Bill (vide A.G.'s report).

- (1) the alteration to cl. 2 is on
the right side
- (2) that to cl. 3 makes the
order similar to that in force in
the T.T.
- (3) that to cl. 6 is also on
the right side
- (4) the omission of cl. 7 follows
from (1)

Section 273

G. Eastwood
20/1/19

They have asked "or drug" A.S.
after "drink" in s. 3(4) but do not
mention the alteration, which so
far as (1) will be... to the chem

in ~~change~~ 3 as to the maximum
fine follows T.D. it is not desirable
to object - but as regards the
argument of the Council & Customs,
if the 10% is omitted, the whole
cannot be very much!

? in sanctioning note the
addition to section 3(4).

H. H. Klein

21/7/29

all

22.2.29

above

to SA 148-1 and 197/1929

Notes
4/3/29
H.H.K.

RECEIVED 3 p.m. 10 July, 1929.
Twelve printed copies of the
Financial Statement, 1928.

Three copies to Library.

by

St. Cliffe

10. 29

above

19th August, 29.
Trans. 13 copies of order. No. 35.

(Spare copies to Library.)

by

St. Cliffe

11/9/29

^{copy}
in change 3 as to the minimum
fine follows T.P. it is not desirable
to object - but as regards the
argument the British Customs,
if the 10% is correct, the whole
would be very much!

insufficiently note the
addition to section 3(4)

J.V. Allen

21/7/29

all
22.2.29
at once

Notes
4/3/29
H.A.

2 To Sec. 148 - 1 and - 17/7/29

3. COLONIAL SECRETARY 3 p.m. 10 July, 1929.
Forwards twelve printed copies of the
Departmental Offences Ordinance, 1928.
Spare copies to Library.

Per by

Concliff

6 VIII 29

at once

H.A.

4. Col. Sec. 3 p.m. 19th August, 29.
Trans. 12 copies of Ordce. No. 35.

(Spare copies to Library.)

Per by

Wheeler

17/9/29

H.A.

(L.S.)

JACOB WILLIAM BARTH.

[31ST DECEMBER, 1928.]

No. XXXV.

1928



Colony and Protectorate of Kenya.

IN THE NINETEENTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.
JACOB WILLIAM BARTH.

Acting Governor.

[31ST DECEMBER, 1928.] Date of assent

An Ordinance to Provide for the Punishment of Departmental Offences.

31st December, 1928.

Date of
commencement.

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 "Departmental Offences Ordinance, 1928." Short title.

2. (1) In this Ordinance, unless the context otherwise requires, the term "subordinate officer of Government" means, in the case of an officer appointed under the conditions of service ordinarily applicable to Europeans, an officer whose salary does not exceed £500 per annum, and, in the case of any other officer, an officer whose salary does not exceed £228 per annum. Interpretation.

Approved by the Regd. on 15/12/28

3

4

(L.S.)

JACOB WILLIAM BARTH.

[31ST DECEMBER, 1928.]

No. XXXV.

1928



Colony and Protectorate of Kenya.

IN THE NINETEENTH YEAR OF THE REIGN OF
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1. This Ordinance may be cited as the "Departmental Offences Ordinance, 1928." Short title

2. (1) In this Ordinance, unless the context otherwise requires, the term "subordinate officer of Government" means, in the case of an officer appointed under the conditions of service ordinarily applicable to Europeans, an officer whose salary does not exceed £500 per annum, and, in the case of any other officer, an officer whose salary does not exceed £228 per annum. Interpretation

(2) The powers by this Ordinance conferred upon the Head of a Department shall be exercised only by such Heads of Departments, Senior Commissioners, and other European officers as the Governor may by notice in the Gazette from time to time determine.

Offences.

3. If any subordinate officer of Government—

- (1) contravenes any regulation or instruction in force in the department in which he is serving; or
- (2) disobeys or neglects to obey any lawful order of any officer in authority over him; or
- (3) is impertinent or disrespectful to any officer in authority over him or to any member of the public; or
- (4) is intoxicated or is under the influence of drink or drugs while on duty; or
- (5) in general, conducts himself or acts in a manner calculated to prejudice the work or the efficiency of the department in which he is serving or unnecessarily to interfere with the work of another department.

he may, after due investigation by the Head of the Department in which he is serving, be fined by such Head of Department a sum not exceeding one quarter of a month's pay.

Provided that in no case shall the aggregate amount of fines inflicted in any one month exceed one quarter of a month's pay.

Provided further that an offender under this section may, in lieu, wholly or partly, of a fine, be allotted extra duty without remuneration, so only that the value of such extra duty, or of such fine and extra duty, shall not exceed one quarter of a month's pay.

Evidence. 4. A Head of Department may convict upon such evidence, not given upon oath or affirmation, as he shall think fit.

5. A fine imposed under section 3 may be enforced by deduction from the officer's salary. Pay may be stopped.

6. A Head of Department or other officer authorized to exercise the powers of a Head of Department under this Ordinance shall, at the end of every month, submit to the Governor, through the Colonial Secretary, a return, in such form as the Governor may require, of all fines inflicted during the month. Such return shall operate as an appeal against the fines inflicted, and the Governor may, after calling for such information, if any, as he may require, cancel or reduce any fine and order the refund of the whole or part of the same. Returns to be made every month.

7. Nothing in this Ordinance contained shall be deemed to derogate from the powers otherwise conferred upon any Government officer to impose a fine upon any persons in the service of Government or shall apply to any fine so imposed. Ordinance not to affect powers otherwise conferred.

8. Nothing in this Ordinance shall relieve any person from any of the consequences of any act or default punishable both under this Ordinance and under any other Ordinance or law. Saving clause.

Provided that no person shall be twice punished for the same offence:

Provided also that where the Governor shall have declared by writing under his hand that he has cancelled the penalty imposed on a person convicted of an offence against this Ordinance, in order that proceedings may be taken against such person in court of law, such person shall not be deemed to have been punished for or to have expiated such offence.

9. The Governor may make Rules—

- (1) conferring powers upon Heads of Departments to enable them to enquire into offences;
- (2) prescribing the manner in which and the objects to which fines imposed under this Ordinance shall be applied;
- (3) regulating procedure;
- (4) generally to give effect to this Ordinance.

Power to make rules.

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- (3) regulating procedure;
- (4) generally to give effect to this Ordinance.

Power to make rules.

No. XXXV.

Departmental Offences

1888

Passed in the Legislative Council the twenty-first day of December in the year of Our Lord one thousand nine hundred and twenty-eight.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

G. R. SANDFORD,
Clerk of the Legislative Council.

Passed in the Legislative Council the twenty-first day of December in the year of Our Lord one thousand nine hundred and twenty-eight.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council, and is presented for authentication and assent as a true and correct copy of the said Bill.

G. R. SANDFORD

Clerk of the Legislative Council.



THE SECRETARIAT,
NAIROBI,
KENYA.

3

WHEN REPLYING
PLEASE QUOTE
NO. _____
AND DATE

E/23554/Vol.II

RECEIVED
25 AUG 1929
COL. OFFICE

10th July, 1929.

101

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and in continuation of Kenya Despatch No. 44 of the 24th January, 1929, now has the honour to transmit twelve copies of the Departmental Offences Ordinance, 1928.

Colony and Protectorate of Kenya.

AN ORDINANCE

No. 35 OF 1928.

Assented to in His Majesty's name this thirty-first day of December, 1928.

J. W. BARTH,
Acting Governor.

[31ST DECEMBER, 1928.] Date of assent.

An Ordinance to Provide for the Punishment of Departmental Offences.

31st December, 1928.

Date of commencement.

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 "Departmental Offences Ordinance, 1928." Short title.

2. (1) In this Ordinance, unless the context otherwise requires, the term "subordinate officer of Government" means, in the case of an officer appointed under the conditions of service ordinarily applicable to Europeans, an officer whose salary does not exceed £500 per annum, and, in the case of any other officer, an officer whose salary does not exceed £228 per annum. Interpretation.

(2) The powers by this Ordinance conferred upon the Head of a Department shall be exercised only by such Heads of Departments, Senior Commissioners, and other European officers as the Governor may by notice in the Gazette from time to time determine.

3. If any subordinate officer of Government— Offences.

- (1) contravenes any regulation or instruction in force in the department in which he is serving; or
- (2) disobeys or neglects to obey any lawful order of any officer in authority over him; or
- (3) is impertinent or disrespectful to any officer in authority over him or to any member of the public; or
- (4) is intoxicated or is under the influence of drink or drugs while on duty; or
- (5) in general, conducts himself or acts in a manner calculated to prejudice the work or the efficiency of the department in which he is serving or unnecessarily to interfere with the work of another department.

he may, after due investigation by the Head of the Department in which he is serving, be fined by such Head of Department a sum not exceeding one quarter of a month's pay.

Colony and Protectorate of Kenya.

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1. This Ordinance may be cited as the "Departmental Offences Ordinance, 1928." *Short title.*

2. (1) In this Ordinance, unless the context otherwise requires, the term "subordinate officer of Government" means, in the case of an officer appointed under the conditions of service ordinarily applicable to Europeans, an officer whose salary does not exceed £500 per annum, and, in the case of any other officer, an officer whose salary does not exceed £225 per annum. *Interpretation.*

(2) The powers by this Ordinance conferred upon the Head of a Department shall be exercised only by such Heads of Departments, Senior Commissioners, and other European officers as the Governor may by notice in the Gazette from time to time determine.

3. If any subordinate officer of Government— *Offences.*

- (1) contravenes any regulation or instruction in force in the department in which he is serving; or
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Provided that in no case shall the aggregate amount of fines inflicted in any one month exceed one quarter of a month's pay.

Provided further, that an offender under this section may, in lieu, wholly or partly, of a fine, be allotted extra duty without remuneration, so only that the value of such extra duty, or of such fine and extra duty, shall not exceed one quarter of a month's pay.

Evidence

4. A Head of Department may convict upon such evidence, not given upon oath or affirmation, as he shall think fit.

Pay may be stopped.

5. A fine imposed under section 3 may be enforced by deduction from the officer's salary.

Returns to be made every month.

6. A Head of Department or other officer authorised to exercise the powers of a Head of Department under this Ordinance shall, at the end of every month, submit to the Governor, through the Colonial Secretary, a return, in such form as the Governor may require, of all fines inflicted during the month. Such return shall operate as an appeal against the fines inflicted, and the Governor may, after calling for such information, if any, as he may require, cancel or reduce any fine and order the refund of the whole or part of the same.

Ordinance not to affect powers otherwise conferred.

7. Nothing in this Ordinance contained shall be deemed to derogate from the powers otherwise conferred upon any Government officer to impose a fine upon any persons in the service of Government or shall apply to any fine so imposed.

Saving clause.

8. Nothing in this Ordinance shall relieve any person from any of the consequences of any act or default punishable both under this Ordinance and under any other Ordinance or law.

Provided that no person shall be twice punished for the same offence.

Provided also that where the Governor shall have declared by writing under his hand that he has cancelled the penalty imposed on a person convicted of an offence against this Ordinance, in order that proceedings may be taken against such person in court of law, such person shall not be deemed to have been punished for or to have expiated such offence.

Power to make rules.

9. The Governor may make Rules—

- (1) conferring powers upon Heads of Departments to enable them to enquire into offences;
- (2) prescribing the manner in which and the objects to which fines imposed under this Ordinance shall be applied;
- (3) regulating procedure;
- (4) generally to give effect to this Ordinance.

Provided that in no case shall the aggregate amount of fines inflicted in any one month exceed one quarter of a month's pay.

Provided, further, that an offender under this section may, in lieu, wholly or partly, of a fine, be allotted extra duty without remuneration, so only that the value of such extra duty, or of such fine and extra duty, shall not exceed one quarter of a month's pay.

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Ordinance not to affect powers otherwise conferred.

7. Nothing in this Ordinance contained shall be deemed to derogate from the powers otherwise conferred upon any Government officer to impose a fine upon any persons in the service of Government or shall apply to any fine so imposed.

Saving clause.

8. Nothing in this Ordinance shall relieve any person from any of the consequences of any act or default punishable both under this Ordinance and under any other Ordinance or law:

Provided that no person shall be twice punished for the same offence:

Provided also that where the Governor shall have declared by writing under his hand that he has cancelled the penalty imposed on a person convicted of an offence against this Ordinance, in order that proceedings may be taken against such person in court of law, such person shall not be deemed to have been punished for or to have expiated such offence.

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- (2) prescribing the manner in which and the objects to which fines imposed under this Ordinance shall be applied;
- (3) regulating procedure;
- (4) generally to give effect to this Ordinance.

~~The Departmental Office~~

An Ordinance ^{to amend the provisions}
passed for the Amendment
of Departmental Offices

2. I take this

opportunity ^{to inform} ~~to inform~~ that,

in addition ~~to~~ the

Section ~~3 (4)~~ of the Ordinance

as has been

passed by the Legislative

Council ~~since~~ from the

draft Ordinance ~~as submitted~~ ^{to which the}

by Attorney General refers in

his ~~to~~ Edward George Herbert

to report,

on the ~~14th~~ August,

the words "or dango" ^{have been} ~~being~~ added

after the ~~word~~ "drink" in

Section 3(4) of the Ordinance as passed

I have etc.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA.

No. 44

RECEIVED
18 FEB 1929
COL. OFFICE

January, 1929.

Sir,

1520/20
(172)

With reference to your despatch No. 701 of the 26th September, 1928, I have the honour to transmit two authenticated copies of Ordinance No. XXV of 1928 entitled "The Departmental Offences Ordinance, 1928," which passed its third reading on the 21st December, 1928, and to which I assented in the name of His Majesty on the 31st December, 1928. Two copies of the Legal Report prepared by the Acting Attorney General are also enclosed.

Ordinance.

Legal Report.

Twelve printed copies of the Ordinance will follow in due course.

I have the honour to be,

Sir,

Your most obedient, humble servant,

M. A.
ACTING GOVERNOR.

Am 9/148-07 FEB 1929

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.

- 14. This Ordinance shall apply only in cases where the Application of husband and wife has been made under the definition of the word "husband" contained in section 2 of the Statute Cap. 170. Ordinance as amended by the Revised Edition of the Laws (Ordinance) 1928.
- 15. The Chief Justice and the Judges of the Court—
 - (a) prescribing the terms and conditions of the loan to be paid in instalments and interest thereon;
 - (b) prescribing the procedure to be followed in the execution of the Ordinance;
 - (c) generally for the carrying out of the provisions of this Ordinance.
- 17. This Ordinance shall come into force on such date (to be named) as the Governor shall by proclamation in the Gazette appoint.

Ed. 7 of 1928.
Power to make Rules.

A. ORDINANCE

No. 35 OF 1928.

Assented to in His Majesty's name this thirty-first day of December, 1928.

J. W. BARTH,
Acting Governor.

[31st DECEMBER, 1928.] Date of assent.

An Ordinance to Provide for the Punishment of Departmental Offences.

31st December, 1928.

Date of commencement.

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 "Departmental Offences Ordinance, 1928."

2. (1) In this Ordinance, unless the context otherwise requires, the term "subordinate officer of Government" means, in the case of an officer appointed under the conditions of service ordinarily applicable to Europeans, an officer whose salary does not exceed £500 per annum, and, in the case of any other officer, an officer whose salary does not exceed £300 per annum.

Interpretation.

(2) The powers by this Ordinance conferred upon the Head of a Department shall be exercised only by such Heads of Departments, Senior Commissioners, and other European officers as the Governor may by notice in the Gazette from time to time determine.

3. If any subordinate officer of Government—

Offences.

- (1) contravenes any regulation or instruction in force in the department in which he is serving; or

- (2) disobeys or neglects to obey any lawful order of any officer in authority over him; or
- (3) is impertinent or disrespectful to any officer in authority over him or to any member of the public; or
- (4) is intoxicated or is under the influence of drink or drugs while on duty; or
- (5) in general, conducts himself or acts in a manner calculated to prejudice the work or the efficiency of the department in which he is serving or unnecessarily to interfere with the work of another department.

he may, after due investigation by the Head of the Department in which he is serving, be fined by such Head of Department a sum not exceeding one quarter of a month's pay.

Provided that in no case shall the aggregate amount of fines inflicted in any one month exceed one quarter of a month's pay:

Provided further that an offender under this section may, in lieu, wholly or partly, of a fine, be allotted extra duty without remuneration, so only that the value of such extra duty, or of such fine and extra duty, shall not exceed one quarter of a month's pay.

4. A Head of Department may convict upon such evidence, not given upon oath or affirmation, as he shall think fit.

5. A fine imposed under section 3 may be enforced by deduction from the officer's salary.

6. A Head of Department or other officer authorised to exercise the powers of a Head of Department under this Ordinance shall, at the end of every month, submit to the Governor, through the Colonial Secretary, a return, in such form as the Governor may require, of all fines inflicted during the month. Such return shall operate as an appeal against the fines inflicted, and the Governor may, after calling for such information, if any, as he may require, cancel or reduce any fine and order the refund of the whole or part of the same.

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8. Nothing in this Ordinance shall relieve any person from any of the consequences of any act or default punishable both under this Ordinance and under any other Ordinance or law.

Provided that no person shall be twice punished for the same offence:

Provided also that where the Governor shall have declared by writing under his hand that he has cancelled the penalty imposed on a person convicted of an offence against

Returns to be made every month.

Ordinance not to affect powers otherwise conferred.

Saving clause.

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Power to make rules.

9. The Governor may make Rules—
- (1) conferring powers upon Heads of Departments to enable them to enquire into offences;
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 - (3) regulating procedure;
 - (4) generally to give effect to this Ordinance.

- (2) disobeys or neglects to obey any lawful order of any officer in authority over him; or
- (3) is impudent or disrespectful to any officer in authority over him or to any member of the public; or
- (4) is intoxicated or is under the influence of drink or drugs while on duty; or
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- (3) regulating procedure;
- (4) generally to give effect to this Ordinance.

Power to make rules.

LEGAL REPORT.

THE DEPARTMENTAL OFFENCES BILL, 1928.

The object of this Bill is to promote the efficiency of the public service by enabling disciplinary fines of limited amounts to be imposed upon subordinate officers of Government. The Bill follows very largely the Ordinance at present in force in Tanganyika Territory, except that the limit of salary up to which a person is considered to be a subordinate officer under this Bill is higher.

2. Experience has proved that some deterrent is required for minor cases of neglect or carelessness, which do not warrant stoppage of increment or dismissal, and which, if overlooked, may result in general slackness and inefficiency resulting in considerable inconvenience and possible loss to the public. The Departments of the public service in which the powers to be given will be chiefly used are the Post Office, the Public Works Department, the Printing Department and the Customs Department.

3. The draft proposed Bill was sent to the Secretary of State by this Government under cover of despatch No. 440 dated the 4th August, 1928, and in his despatch No. 701 dated the 26th September, 1928, the Secretary of State approved of the introduction of this Bill.

4. Since that time, certain other alterations have been made in the Bill, namely:-

- (a) Clause 2 (2) of the Bill has been altered to provide that the powers conferred by the Bill shall be exercised only by such heads of departments, senior commissioners and other European officers as the Governor may by notice in the Gazette from time to time determine.

This alteration was made by Executive Council, as it was thought that, by this means, a strong safe guard would be provided that the powers given by the Bill should not be abused.

- (b) Clause 3.

The amount of the fine has been altered from a sum not exceeding ten per centum of a month's salary to one quarter of month's pay.

This alteration was made at the instance of the Honourable the Commissioner of Customs, who pointed out that, in the case of persons who were earning only a very small salary, ten per centum of a month's salary would constitute so small a fine that it would not, in his opinion, act as a deterrent.

Seeing that the Customs Department is a very large one and that it is one of the departments which will be affected by this Bill, Executive Council thought it desirable that this alteration should be

4. Since that time, certain other alterations have been made in the Bill, namely:-

(a) Clause 2 (2) of the Bill has been altered to provide that the powers conferred by the Bill shall be exercised only by such heads of departments, senior commissioners and other European officers as the Governor may by notice in the Gazette from time to time determine.

This alteration was made by Executive Council, as it was thought that, by this means, a strong safe guard would be provided that the powers given by the Bill should not be abused.

(b) Clause 3.

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Seeing that the Customs Department is a very large one and that it is one of the departments which will be affected by this Bill, Executive Council thought it desirable that this alteration should be made.

(c) Clause 6.


It was thought better that the returns of fines imposed to be sent in every month, should be submitted to the Governor and not to the Colonial Secretary.

It was felt that if this course were adopted, public officers would know that the fines imposed upon them would be reviewed by the highest authority in the Colony, and that they would, therefore, be sure of a fair hearing.

(d) Clause 7.

In view of the alteration in Clause 2 (2), Clause 7 of the Bill has been deleted.

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



Nairobi,
31st December, 1928.

ACTING ATTORNEY GENERAL.

1929

Kerala

No. 15606

SUBJECT

CO 533/386

*The British Colonial
Probate (Amendment) Ordinance*

Previous

Subsequent

245
... authorized copies of the British & Colonial
Trade (annual) Order No. 21 of 1920 together with
large report thereon, and minute observations.
(1 authorized copy to library)

Mr. Howells

to this ^{article} all right, please?

G. Latham

21.2.29

I should have thought that the words
"on behalf of the League of Nations"
should have been inserted ~~after~~ before
"is being exercised"

E. T. Howell
4/3/29

Mr. Boyd

I think the correct expression is

"... mandate on behalf of the L. of N is being exercised
by His Majesty in His Majesty's Colonies or any other part of
His Majesty's dominions."

J. L. Smith

5/3/29

No. the Colonial Law Commission
decided ^{to take} that "His Majesty in His Majesty's Colonies" and to
give up. The phrase will have to run -

"A mandate on behalf of the League of
Nations is being exercised by His Majesty's
Government in the United Kingdom of Great Britain
and Northern Ireland or in any other part of
His Majesty's dominions."

(This formula is suggested by...)

J. Boyd
5/3/29

T.O.

The definition in the Ord. is faulty as it omits to indicate what kind of mandate is being referred to. I wd suggest that they shd either adopt the formula as stated by Mr Lloyd, if they refer to the "species" of the mandate is necessary, or the simple one wh. is to be found in s. 11(2) of the Companies Act 1928 in respect of which a mandate under the League of Nations has been accepted by His Majesty."

Al.

8/iii/29

? can full copy be sent as requested by Mr Richard at A. in substitution of the previous copy of the Ord. 11.3.29

Mr Board

Please see Mr Richard's minute who suggests alternative which do you prefer?

Mr Allen

13/3/29

I have been asked to include a clause in the Ord. which would be necessary to include a clause.

Ed Lloyd 14/3/29

I prefer Mr Lloyd's formula.

Mr Board agrees that it is not necessary to direct amendment.

So : sanction & give the

Correct formula for future use

Mr Allen (The formula is to be used)

20/3/29

Sir J. Fisher

Mr Lloyd's formula can be accepted for present use? but I am not at all sure that it is a proper thing for our British Govt. to perpetuate to the effect that "a British protectorate" is to be understood as including territory administered under mandate. There are those who regard with suspicion (quite unjustified by the facts) everything done by this country in connection with mandated territory. Is there a risk that a definition of this kind wd. give a handle to those who wd. wish to accuse Governments of trying to acquire a hold upon the mandated territories, to which she has no right? It wd. be quite easy to amend A.L. Ch. 12 in such a way as not to

admit / other possible
difficultly

See Parkman
20.3.29

Yes - Provision could have been made enabling Cap. 12 to be applied to any territory in respect of which a Mandate [see Box 10's formula]... as though it were a British possession or protectorate.

The point has been considered in other connexions and it has been thought desirable to abstain from definitions purporting to make "British protectorate" include mandated territories - for the purpose of the particular legislation.
cf. sec 107A of the Amm. Act

BR
29/3/29

Then we had better explain that the Ord. in its present form is open to objection, ~~and that the Ord. should be replaced by an Ord. on the lines of Sir J. Risley's minute - adding that in the meantime no advice will be rendered to HM.~~

in respect of the Ord.
agreed accordingly. See Parkman
21.3.29
at once

copy
6.1.60

Noted in
Precedent Book
1/1/30

To Gov. 232-1 and 10 APR 1929

3. COLONIAL SECRETARY 3 p.m. 19 AUGUST 1929
Transmits 12 printed copies of the Ordinance.
Copies to Library.

The Ordinance has not been examined
the para. 4 of No. 2 is under change as to
Distribution (if any) is required at the moment
Put by
H. C. Clifton

4. Gov. Brigg 24.8.29

One authenticated and 12 printed copies to Library.
Two authenticated and twelve printed copies of an Ordinance intituled "The Probate and Colonial Probates (Amendment) Ordinance, 1929" together with copy of the Legal Report by the Attorney General.

The "Inhabitant" of
mandated territory has been
correctly reproduced have you
any legal objections otherwise?

at once
7/1/30

5. See no legal objection to the

Resubmitted
2.1.30.

Sanction of (The above Ord. is
referred
at once
7/1/30



KENYA

No. 747

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

4 December, 1929.

RECEIVED
28 DEC 1929
COL. OFFICE

My Lord,

I have the honour to forward herewith two authenticated and twelve printed copies of an Ordinance intituled "The British and Colonial Probates (Amendment) Ordinance, 1929", which duly passed its third reading in the Legislative Council on the 23rd October, 1929, and to which I assented in His Majesty's name on the 16th November, 1929.

A copy of the Legal Report by the Attorney General is also enclosed.

I have the honour to be,

My Lord,

Your Lordship's most obedient,
humble servant,

Edward Gigg

GOVERNOR.

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1

Amund - 9 - 8 JAN 1930 43

45



Colony and Protectorate of Kenya.

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

EDWARD WILLIAM MACLEAY GRIGG,
K.O.M.G., K.C.V.O., D.S.O., M.C.

Governor.

Assented to in His Majesty's
name this 16th day of *Nov*
1929.

EDWARD GRIGG.

Governor.

**An Ordinance to Amend the British and Colonial
Probates Ordinance.**

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 British and Colonial Probates (Amendment) Ordinance, 1929," and shall be read as one with the British and Colonial Probates Ordinance (Chapter 12 of the Revised Edition), hereinafter referred to as "the Principal Ordinance". Short title.

2. Section 3 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:— Repeal and replacement of section 3 of the Principal Ordinance.

3. The Governor may, on being satisfied that the legislature of any British possession or protectorate or of any territory in respect of which a mandate on behalf of

the League of Nations is being exercised by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland or in any other part of His Majesty's Dominions has made, or is about to make, adequate provision for the recognition in that possession or protectorate or territory as aforesaid of probates and letters of administration granted by the Supreme Court of this Colony, direct by order published in the Gazette that this Ordinance shall apply to that possession or protectorate or territory, and in the event of such provision not being made within a reasonable time, or if made, being so altered that it would not authorise the making of an order as aforesaid the Governor may, by order published in the Gazette, revoke any such order."

Amendment of section 4 of the Principal Ordinance

3. Section 4 of the Principal Ordinance is hereby amended by the insertion of the words "or territory" immediately after the word "protectorate".

Amendment of section 9 of the Principal Ordinance.

4. Section 9 of the Principal Ordinance is hereby amended by the insertion of the words "or territory" immediately after the word "protectorate" in line 6 thereof.

Repeal of Ordinance No. 31 of 1928

5. The British and Colonial Probates (Amendment) Ordinance, 1928, is hereby repealed.

Passed in the Legislative Council the twenty-first day of October in the year of Our Lord one thousand nine hundred and twenty-nine.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

G. R. SANDFORD.

Clerk of the Legislative Council.

LEGAL REPORT.

THE BRITISH AND COLONIAL PROBATES
(AMENDMENT) BILL, 1929.

The British and Colonial Probates (Amendment) Ordinance, 1928, was passed last year for the purpose of carrying into effect the wishes of the Government of this Colony and of Tanganyika Territory in respect of the recognition of probate and letters of administration granted in Kenya and Tanganyika respectively.

The Secretary of State for the Colonies considers that the amending Ordinance, as it stands, is open to certain objections in form, and has requested the Governor to invite the Legislative Council to amend the 1928 amending Ordinance and to enact the necessary legislation in the form proposed by this Bill.

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

Nairobi.

16th November, 1929.

(C. L.) A. D. A. MacGregor.

ATTORNEY GENERAL.

Lawyer 2/11. read. on 15/11/29.
[12 copies received - spare to library]

3.8
15606/29.

(L.S.)

JACOB WILLIAM BARTH.

[31ST DECEMBER, 1928.]

No. ~~XXXI~~

1928



Colony and Protectorate of Kenya.

IN THE NINETEENTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.
JACOB WILLIAM BARTH,

Acting Governor.

[31ST DECEMBER, 1928.] Date of assent

An Ordinance to Amend the British and Colonial Probates Ordinance.

31st December, 1928.

Date of commencement.

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 British and Colonial Probates (Amendment) Ordinance, 1928," and shall be read as one with the British and Colonial Probates Ordinance (Chapter 12 of the Revised Edition), hereinafter referred to as "the Principal Ordinance."

2. Section 2 of the Principal Ordinance is hereby amended by the addition of the following definition:

" 'British Protectorate' includes any territory in respect of which a mandate is being exercised by His Majesty's Government or the Government of any part of His Majesty's Dominions."

Definition of British Protectorate.

92

R 32 APR
D 9

- Mr. Cliffe 28.10.29.
- Mr. Allen *3/3*
- Mr. Whalley B.P.*
- Mr. Parkinson
- Mr. Bunting
- Mr. E. Harding
- Mr. J. Blackburn
- Mr. C. G. G. G.
- Mr. D. Davis
- Mr. S. Wilson
- Mr. Ormsby-Gore.
- Lord Lovat.
- Mr. Amery.

Downing Street,

March, 1929.

10 April

Sir,

I have the honour to acknowledge the receipt of your despatch No. 51 of the 24th January in which you forwarded copies of the British and Colonial Probates (Amendment) Ordinance, 1928.

DRAFT. for conson.

KENYA
No. 232

O.A.G.

2. I am advised that this Ordinance in its present form is open to objection, since the words *definition of* "British Protectorate" *as in* included *any* *mandated* territory ~~in respect of which a man- date is being exercised by His Majesty's Government or the Govt. of any part of His Majesty's Dominions~~ *may be* *as an attempt to take the* *status of such territory* *to* *acquire*

J.P.O. acquire

subject no advice will be tendered
to His Majesty in respect of this
Ordinance *admitted in the House*

Harce

(Signed) L. S. AMERY

KENYA

No. 5



GOVERNMENT HOUSE
NAIROBI,
KENYA.

15
11

RECEIVED
18 FEB 1929
COL. OFFICE

24th January, 1929.

Sir,

I have the honour to forward two authenticated copies of "the British and Colonial Probates (Amendment) Ordinance, 1928", which passed its third reading in the Legislative Council on the 20th December, 1928, and to which I assented on the 31st December, 1928. The Legal Report also is enclosed.

Ordinance

Legal Report

Ken
1
25
1
1

2. The reason for this Ordinance was to enable the carrying into effect of the wishes of this Government and that of the Tanganyika Territory in respect of the reciprocal recognition of probates and letters of administration.

Owing to the lack of definition of a "Mandated Territory" in the principal Ordinance, this reciprocity could not be effected without amendment of the existing law.

3. Ten printed copies of the Ordinance will be forwarded in due course.

I have the honour to be,

Sir,

Your most obedient, humble servant,

ACTING GOVERNOR.

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. 1

12
END

LEGAL REPORT.

THE BRITISH AND COLONIAL PROBATES
(AMENDMENT) BILL, 1928.

This Bill becomes necessary in order to carry into effect the wishes of the Governments of this Colony and of Tanganyika Territory in respect of the reciprocal recognition of probates and letters of administration granted in Kenya and Tanganyika respectively.

Chapter 12 of the Revised Edition, section 3, provides that the Governor may, by order, direct that the Ordinance shall apply to any British possession or protectorate making adequate provision for the recognition of probates and letters of administration granted by the Supreme Court of Kenya; but the term "British possession or protectorate" does not include territory administered under a mandate. A definition of "British Protectorate" has accordingly been added to bring a mandated territory within the scope of the Ordinance. Tanganyika Territory will now apply section 3 of their Ordinance to this Colony, and we will apply section 3 of our Ordinance to them.

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

Nairobi,

ACTING ATTORNEY GENERAL.

31st December, 1928.

Enc. 2 unauthenticated copies of Treaty with Germany (Repeal)
Ordinance cited with legal report.

(There are 2 on the
file now)

(1 unauthenticated copy to Library)

The genesis of this affair was
the S. of P.'s circ. dat. of 16.12.25
(copy law) on which (1) required ~~was~~
~~the~~ because of the admission on the shelves
they wished to accede to a Treaty of
Commerce with Germany & (2) that
that a necessary preliminary to such
accession is the repeal of repressive
legislation.

Because of the
Treaties with the U.S. they have
never acceded to the Treaty, but
as far as I can see there is no
sensible reason why they should not repeal
this legislation. Similar legisⁿ in
this country has already been
repealed.

? signify non-observance of 13

E. J. Rantund

25/2/27

This repeats the whole of
the three orders referred to
in No 1 (11/10/27)
W.L.
26/11
J.M. Allen 26/12

The

The decision on X10492/23 covers the repeal of the
Restriction of Banking Order. As regards the others
the Senate authorities are evidently satisfied that
their utility is spent & there is no need now for
any of the provisions.

Sanction as proposed

J. Smith

27.2.74

Mr. T. Sweeney

Could you, please, find out
what has been done
in this direction in other
of the dependencies. Has
it appeared at any rate
repealed since war time
legislation? See (4) in

X 5172/18 2/1

J.C.P.

28.2.74

Mr. Patterson

I find that of the other E.A.
dependencies only Northern Rhodesia
and Zanzibar have taken action
in this direction. Despite the
promise to introduce such legislation
contained in (4) on X 5172/26, I
have not been able to find either
from the library, XEA or Chieftaincy
(in the last case because a circular
copy was involved) that any order
has been taken out here. 28.2.74

The decision on X10492/27 covers the repeal of the
Restriction of Banking (Ord.). As regards the others
the Kenya authorities are evidently satisfied that
their utility is spent, & there is no need now for
any of the provisions.

Sanction as proposed
A.P. Smith
27.2.29

W. W. Swannery

Could you please find out
what has been done
in this direction in relation
to dep. dependencies. Has
it Uganda at any rate
repealed even war time
legislation? See (4) in

X10512/26
A.P.
28.2.29

W. W. Swannery

I find that of the other EA
dependencies only Northern Rhodesia
and Zanzibar have taken action
in this direction. Despite the
promise to introduce such legislation
contained in (4) on X10512/26, I
have not been able to find either
from the library, XEA or C掖istry
(at least one because a circular
copy was involved) that any order
has been taken out here.

My, dignity, non-attendance (9.3)
I might send a note to the Hon. Mr.
of X10512/26 (4) setting out
has happened, as we cannot
take repealing legislation in Uganda.
A.C. Buchanan
5.12.29

Yr. Obedt. S. 29.

Lal Singh to note.

2 To Gov. 175-1 and 9/3-
a. 4.29.

W. W. Swannery

Will you please, if possible
to the Hon. Mr.

A.C.B.
11.3.29

Yr. Obedt.

Lal Singh → copy (4) need to be right }
Uganda

3 To Rankine 19/3
19/3

W. W.

4. Sol. Sec. 3 p.n. 19th August, 29.
Trans. 12 copies of Ordce. No. 28.

(Spare copies to library)

We have distributed copies of the
original Ordinance to the Hon. Mr. Sept.

Pub. by
(A.C. Cliffe)

27.10.29

W. W.

The decision on X/10492/27 covers the repeal of the
Restriction of Banking Order. As regards the others
the Kenya authorities are evidently satisfied that
their utility is spent, & there is no need now for
any of the provisions.

Sanction as proposed
J.A. Smith
27.2.29

Mr. Sweeney

Could you, please, find out
what has been done
in other districts in relation
to dep. dependencies. Has
it Uganda at any rate
repealed such a term
legislation? See (4) in
X/5172/26.

J.A.P.
28.2.29

Mr. Parkman

I find that of the other EA
dependencies only Northern Rhodesia
and Zanzibar have taken action
in this direction. Despite the
promise to introduce such legislation
contained in (4) on X/5172/26, I
have not been able to find either
in the Library, XEA or Chrysothy
(in the last case because a circular
copy has involved) that any order
has been taken out here.

By, definitely now as assistance (9.3)
I would like to refer to the
of X/5172/26. (4) asking what
has happened, as we cannot
trace repealing legislation in Uganda.

Rec Parkman
5.12.29

Library to note.

Justified
a. 4. 29.
2 To Gov. 175-1 and 2
a. 13. MAR 1929

Mr. Sweeney

Will you, please, get across
to Mr. Parkman
Recd
11.3.29

Mr. Parkman

Letter → Reply 6(3) not to right }
Uganda }
Recd
15.3.29

3 To Parkman
1929
19 MAR 1929

4. Col. Sec. 3 p.m. 19th August, 29.

Trans. 12 copies of Ordce. No. 28.

(Spare copies to library)

We have distributed copies of the
original Ordinance to every other Dept.

Put by

(A. Cliffe)

27.12.29

Covering 3 hrs. Regd. on 15/12/28

4

4

(L.S.)

JACOB WILLIAM BARTH.

[31ST DECEMBER, 1928.]

No. **XXVIII.**

1928



Colony and Protectorate of Kenya.

IN THE NINETEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

JACOB WILLIAM BARTH

Acting Governor.

[31ST DECEMBER, 1928.] Date of assent

**An Ordinance to Repeal the Trading with the
Enemy Ordinance.**

31st December 1928

Date of
commencement

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 Trading with the Enemy Ordinance (Repeal) Ordinance, 1928." Short title

2. The Ordinances mentioned in the schedule to this Ordinance, are hereby repealed to the extent specified in the second column of the Schedule.

Governing 3rd Regd. on 15/12/28/29

4

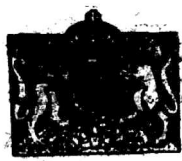
(L.S.)

JACOB WILLIAM BARTH.

[31ST DECEMBER, 1928.]

No. XXVIII.

1928



Colony and Protectorate of Kenya.

IN THE NINETEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

JACOB WILLIAM BARTH

Acting Governor.

[31ST DECEMBER 1928.]

Date of assent

An Ordinance to Repeal the Trading with the Enemy Ordinance.

31st December 1928

Date of commencement

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 Trading with the Enemy Ordinance (Repeal Ordinance, 1928)". Short title

2. The Ordinances mentioned in the schedule to this Ordinance, are hereby repealed to the extent specified in the second column of the Schedule.

Trading with the Enemy

1928

SCHEDULE.

ENACTMENTS REPEALED.

First.	Second.
Short Title of Ordinance Repealed.	Extent of Repeal.
The Trading with the Enemy Ordinance, 1915	The whole.
The Trading with the Enemy Amendment Ordinance, 1916	The whole.
The Trading with the Enemy (Restriction of Banking) Ordinance, 1920	The whole.

It is the Legislative Council this twentieth day of December in the year of Our Lord one thousand nine hundred and twenty eight.

The printed impression has been carefully compared by with the Bill which passed the Legislative Council and is found to be a true and correct copy of the Bill.

G. R. SANDFORD,
Clerk of the Legislative Council.

SCHEDULE.

ENACTMENTS REPEALED.

First.	Second.
Short Title of Ordinance Repealed.	Extent of Repeal.
The Trading with the Enemy Ordinance, 1915	The whole.
The Trading with the Enemy Amendment Ordinance, 1916	The whole.
The Trading with the Enemy (Restriction of Banking) Ordinance, 1920	The whole.

Passed in the Legislative Council this twentieth day of December in the year of Our Lord one thousand nine hundred and twenty-eight.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

G. R. SANDFORD,
Clerk of the Legislative Council.

Mr. Macdonald 143

Mr. Parkinson 157

H 15/MAR
P

15607/11/29

3

- Mr. E. Harding
- Mr. J. ...
- Mr. G. ...
- Mr. C. ...
- Mr. E. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...

and
15/10/2024
March 1929
See Mr. Parkinson's signature

My dear Ransome

I have recently had occasion
to refer to the Uganda telegram
of the 5th July 1926 about the
Treaty of Commerce and Navigation
between the United Kingdom and
Germany. I find that it was
stated there that disabling
legislation against Germany in
Uganda would be repealed, on
~~accordance with power. The 9 of the~~
~~Leg's Circular Dept of the~~
~~the 12th October 1925, but a careful~~
search has not resulted in our
discovering that any legislation to

DRAFT

R. J. D. Ransome Esq.
C.M.G.

(in
X7 5174/26
Set
Printed)

Copy placed
thereon.

ht.

Mr. McAlpine 14/3
 Mr. Parkinson 15/3
 Mr.
 Mr.
 Mr. E. Harding
 Mr. J. Shackleton
 Mr. G. Girdle
 Mr. C. Davis
 Mr. E. Wilson
 Mr. Ormsby-Gore
 Lord Loth.
 Mr. Amery.

R 15/MAR
 D

X15607. H. King

3

And
 No. 1 on 20362/29
 17 March 1929
 St. for Mr. Parkinson's signature

DRAFT.

R. J. D. Rankine, Esq.
 C.M.G.

(W in
 X7 5174 26
 set
 Serial)
 Copy placed
 thereon.

la.

My dear Rankine

I have recently had occasion
 to refer to the Uganda telegram
 of the 8th July 1926 about the
 Treaty of Commerce and Navigation
 between the United Kingdom and
 Germany. I find that it was
 stated there that disabling
 legislation against Germany in
 Uganda would be repealed, in
 accordance with paras 7 to 9 of the
~~Leg's~~ ~~Amendment~~ ~~Act~~ of the
~~14th~~ ~~December~~ ~~1925~~ but a careful
 search has not enabled me
 discovering that any legislation to
 this effect has come home from
 Uganda. Has anything happened
 to

1.6



GOVERNMENT HOUSE,
NAIROBI
KENYA.

KENYA
No. 52

RECEIVED
18 FEB 1929
COL. OFFICE

JANUARY, 1929.

Sir,

10492/27
(153)

With reference to Mr. Ormsby Gore's despatch No. 955 of the 15th November, 1927, regarding the question of removing the restrictive legislation on trading with and by German subjects in Kenya, I have the honour to transmit to you the accompanying two (the enclosed copies of Ordinance No. XXVIII of 1928 entitled "The Trading in the Enemy Ordinances (Repeal) Ordinance, 1928" together with two copies of the legal report prepared by the Acting Attorney General.

The Ordinance passed its third reading in Legislative Council on the 20th December, 1928, and was assented to by His Majesty's assent on the 31st December, 1928.

Prior to the action of this repealing legislation the Government of this Colony consulted with the Governments of Uganda and Zanzibar. These Governments stated that, in their opinion, the proposed repeal of Kenya legislation would not place any of the territories concerned at a disadvantage should they be pressed to withdraw notice of non-accession to the Treaty of Commerce and Navigation between the United Kingdom and Germany, to which the three territories have not acceded owing to the existence of the Zanzibar Treaties.

Recd 145. G/2-7-8-1929

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

- 2 -

I have the honour to be,

Sir,

Your most obedient, humble servant,

A handwritten signature in dark ink, appearing to be 'M. A. H.', written over a horizontal line.

ACTING GOVERNOR.

Colony and Protectorate of Kenya.

AN ORDINANCE

No. 27 of 1928.

Assented to in His Majesty's name this thirty-first day of December, 1928.

J. W. BARTH,
Acting Governor.

[31st DECEMBER, 1928.] Date of assent.

An Ordinance to Amend the Dangerous Petroleum Tax Ordinance.

1st January, 1929.

Date of commencement.

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 Dangerous Petroleum Tax (Amendment) Ordinance, 1928," and shall be read as one with the Dangerous Petroleum Tax Ordinance (Chapter 54 of the Revised Edition) as amended by the Dangerous Petroleum Tax (Amendment) Ordinance, 1927, together hereinafter referred to as "the Principal Ordinance," and shall come into operation on the first day of January, 1929.

Short title and commencement.

2. Section 3 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 3 of the Principal Ordinance.

3. There shall as from the first day of January, 1929, be charged, levied and paid to the general revenue of the Colony by any person importing into the Colony for sale or consumption therein dangerous petroleum, a tax at the rate of fifteen cents a gallon on all dangerous petroleum so imported."

AN ORDINANCE

No. 28 of 1928.

Assented to in His Majesty's name this thirty-first day of December, 1928.

J. W. BARTH,
Acting Governor.

[31st DECEMBER, 1928.] Date of assent.

An Ordinance to Repeal the Trading with the Enemy Ordinance.

31st December, 1928.

Date of commencement.

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 Trading with the Enemy Ordinance (Repeal) Ordinance, 1928."

Short title.

8

Colony and Protectorate of Kenya.

AN ORDINANCE

No. 27 OF 1928.

Assented to in His Majesty's name this thirty-first day of December, 1928.

J. W. BARTH,
Acting Governor.

[31st DECEMBER, 1928.] Date of assent.

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Short title and commencement

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Repeal and replacement of section 3 of the Principal Ordinance

"3. There shall as from the first day of January, 1929, be charged, levied and paid to the general revenue of the Colony by any person importing into the Colony for sale or consumption therein dangerous petroleum, a tax at the rate of fifteen cents a gallon on all dangerous petroleum so imported."

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Acting Governor.

[31st DECEMBER, 1928.] Date of assent.

An Ordinance to Repeal the Trading with the Enemy Ordinance.

31st December, 1928.

Date of commencement.

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 Trading with the Enemy Ordinance (Repeal) Ordinance, 1928."

Short title

2
2. The Ordinances mentioned in the schedule to this Ordinance, are hereby repealed to the extent specified in the second column of the Schedule.

SCHEDULE.

ENACTMENTS REPEALED.

First.	Second.
Short Title of Ordinance Repealed.	Extent of Repeal.
The Trading with the Enemy Ordinance, 1915	The whole.
The Trading with the Enemy Amendment Ordinance, 1916	The whole.
The Trading with the Enemy (Restriction of Banking) Ordinance, 1920	The whole.

AN ORDINANCE

No. 29 OF 1928

Assented to in His Majesty's name this thirty-first day of December, 1928.

J. W. BARTHE,
Acting Governor.

[31st DECEMBER, 1928.]

An Ordinance to Amend the Widows' and Orphans' Pension Ordinance.

31st December, 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 Widows' and Orphans' Pension (Amendment) Ordinance, 1928," and shall be read as one with the Widows' and Orphans' Pension Ordinance (Chapter 34 of the Revised Edition), hereinafter referred to as "the Principal Ordinance."

2. Subsection 1 of section 2 of the Principal Ordinance is hereby amended by the insertion of the words "Northern Rhodesia" after the word "Somaliland" in the definition of "East African Service."

3. Section 4 of section 10 of the Principal Ordinance is hereby amended by the addition of the following paragraph:

(b) Her own re-marriage or bankruptcy.

LEGAL REPORT.

THE TRADING WITH THE ENEMY ORDINANCES
(REPEAL) BILL, 1928.

During last year, enquiries were made by the German Consul at Mombasa as to whether or no the Government intended to repeal the Trading with the Enemy Ordinances, 1915 and 1916, and the Trading with the Enemy (Restriction of Banking) Ordinance, 1920. The Secretary of State for the Colonies was communicated with, and his reply was to the effect that the restrictions on German banking operations in the United Kingdom had been repealed, and that it was open to the Government of Kenya to take the same steps if desired.

Government has therefore decided to repeal the above-mentioned Ordinance, which imposes restrictions on German banking operations, and the opportunity has been taken to repeal also the Trading with the Enemy Ordinances, 1915 and 1916.

The Acts of the Imperial Parliament, corresponding to these two last Ordinances, were repealed some time ago.

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

Mombasa,

31st December, 1928.

T. D. H. Smith
ACTING ATTORNEY GENERAL.

Copy of ...
in connection with ...
authentic ...

W. H. ...
Acll
N. 2. 29
W. H. ...

~~SECRETED UNDER STATUTE~~
Major R. A. S. Dutton (No. 10011) 25 FEB 1929

~~SECRETED UNDER STATUTE~~
Secretariat Gen.
Transmits 12 printed copies of Ordinance No. XVI of 1928.
(Spare copies to library.)
29 Jan 1929

? No distribution necessary, so put
(There was none of the
name etc.)

(S. ...)
10/11/29
1/3
etc

4. ACTING GOVERNOR 143. MARCH, 1929.

Deals seriatim with the incidents to which the allegations made by the Ven. Archdeacon Owen refer.

I attach a memorandum.
? An acknowledgment of this despatch should be sent, with thanks for the full explanation given; ~~the ...~~ ~~the ...~~ and

it will ^{no doubt} ~~perhaps~~ be thought desirable to offer
some further remarks about the 3rd incident.
The Secretary of State is under no obligation
to communicate this report to anyone outside
the office, but perhaps as suggested in the memo
a letter ^{should} be sent to the Anti-Slavery Society.
Mr. Boyd should see on his return at
the beginning of May.

(Continued)

5/4/29

The Daily Worker (No 3 of 15/20/29)
has dealt with Incident II, to which
the Govt gives a good answer
The Anti-Slavery Socy raised Incident
II in No 1 of 10/11/29.

It will be seen from Govt letter

file that the Socy wishes however
to discuss all these matters with
Sir E. Dugg. Mr. Major Dalton wanted
to be heard when the report was in
it is not now available & will not
be in some time - but the matter
does not seem to be serious.

As regards action Incident

II only is immediately concerned &
it is an unfortunate one since
in placing of temporary labourers
under the supervision of a
Contractor's lead, as might have
been stated to abuses, ^{well founded} thus to be
have criticisms. What the

I forgot my date in
meeting with the Socy
was 16/5/29

no doubt
it will ~~perhaps~~ be thought desirable to offer
some further remarks about the 3rd incident.
The Secretary of State is under no obligation
to communicate this report to anyone outside
the office, but perhaps as suggested in the memo
a letter ^{to be sent to the Anti-Slavery Society.}
Mr. Boyd should see on his return at
the beginning of May.

(Continued)

5/4/29

The Daily Worker (No 3 of 15/20/29)
only dealt with Incident II, to which
the Govt gave a good answer
The Anti-Slavery Society raised Incident
III in No 1 of 16/20/29
It will be seen from last issue
file that the Society makes however
I discuss all these matters with
Sir E. Grigg; Major Dutton wanted
to be told when the report is in
it is no longer available and not
to be done some time but the matter
does not seem to be done.

As regards action Incident
III only is immediately concerned &
it is an unfortunate one since
in placing of Ompulson labourers
under the supervision of a
Contractor's lead, as might have
been stated to abuses, thus to be
have criticism. What the

I regret my delay in
dealing with this since
with the pressure
of 27/2

Society asked in their letter was "whether any
administrative action in this matter can be taken".

The question is whether (1) a reply should
now be sent to the Society or (2) wait till Major
Dutton returns and then send him the despatch
leaving the matter to be dealt with between the
Society and Sir E. Grigg.

(1) would seem the better course and in that
case the reply should be on the lines suggested
by Mr. Eastwood. (page 4 of his memo).

Also acknowledge the despatch - say
that the Secretary of State is glad to note the
explanation of Incident I and II but as regards III
enclose a copy of the reply to the Society and ask
that instructions may be given that no similar
arrangement is adopted in future: and as regards
Incident IV agree that it calls for criticism and
concur in the instruction that departmental
officers are not to communicate their requirements
in the matter of labour direct to Heamden.

If this is approved Major Dutton should
also be furnished with a copy of the replies to the
Society and to the C.M.S. - it being explained to
him that the former only deals with Incident III
since that is the only one on which the Society
has communicated with the Govt.

H. T. Allen
27.4.29.

My sympathies in regard to these incidents
are with the Administration.

It is always easy to criticise. But there
are so many links in the chain which may prove
weak, that it is not surprising that at times

there

C.O. 533 / 386

PUBLIC RECORDS OFFICE, Kew, Surrey

it will ^{no doubt} ~~perhaps~~ be thought desirable to offer some further remarks about the 3rd incident. The Secretary of State is under no obligation to communicate this report to anyone outside the office, ^{but perhaps as suggested in the memo a letter should be sent to the Anti-Slavery Society.} Mr. Boyd should see on his return at the beginning of May.

(Continued)

5/4/29

The Daily Worker (No 3 of 152nd/29)
only dealt with Incident II, to which
the Govt gives a good answer
The Anti-Slavery Society raised Incident
III in No 1 of 15th/9/29.
It will be seen from what I have
filed that the Society makes however
it discusses all these matters with
Sir E. Sneyd. Major Dutton wanted
to see the report when the report is in
it is not now available - at least
to a small time - but the matter
has not been discussed.

As regards action Incident
III only is immediately concerned &
it is an unfortunate one since
in placing of compulsory labourers
under the supervision of a
Contractor's agent, as might have
been done to abuses, thus to be
the criticism. What the

Society asked in their letter was "whether any administrative action in this matter can be taken".

The question is whether (1) a reply should now be sent to the Society or (2) wait till Major Dutton returns and then send him the despatch leaving the matter to be dealt with between the Society and Sir E. Grigg.

(1) would seem the better course and in that case the reply should be on the lines suggested by Mr. Eastwood. (page 4 of his memo).

Also acknowledge the despatch - say that the Secretary of State is glad to note the explanation of Incident I and II but as regards III enclose a copy of the reply to the Society and ask that instructions may be given that no similar arrangement is adopted in future; and as regards Incident IV agree that it calls for criticism and concur in the instruction that departmental officers are not to communicate their requirements in the matter of labour to the press.

If this is approved Major Dutton should also be furnished with a copy of the replies to the Society and to the C.M.S. - it being explained to him that the former only deals with Incident III since that is the only one on which the Society has communicated with the Govt.

H. T. Allen
27.4.29.

My sympathies in regard to these incidents are with the Administration.

It is always easy to criticise. But there are so many links in the chain which may prove weak, that it is not surprising that at times

there

there are mistakes - rather it is surprising that with Administrative Officers more than fully occupied and working through native headmen, whose inherited opinions do not coincide with those of the Colonial Government, the Administration does not find it even more difficult to ensure that there are not irregularities or improprieties in connexion with native labour. Archdeacon Owen alleges that the circumstances which he refers to are "typical" incidents which are inevitable under forced labour in our tropical African possessions. The statement of the facts, as given in the Acting Gov's despatch, makes it clear, I think, that the incidents are unusual.

Incidents I and II call for no further comment in view of the explanation given in the despatch.

Incident IV is not likely to recur, the Government having ordered that departmental officers shall no longer communicate their requirements in the matter of labour direct to native headmen; in any event, it was not so serious as the account given by Archdeacon Owen seems to suggest.

Incident III (as to which the anti-slavery society wrote in 1864/29) is open to criticism, as the circumstances leading up to the employment of the fuel contractors for this special work are not taken into account. But

taking

taking those circumstances into account I should find it very difficult to blame the Administrative officer for the arrangement which he made. Lord Milner, when S. of S, once said: "If only people working at this end in comfort would try to realize the conditions under which the men at the other end so often have to work!" It is easy enough in the atmosphere of Whitehall and in the light of subsequent events to say that the arrangement was injudicious; but District Commissioners have a busy life; they have half a dozen calls upon their time simultaneously and a strictly limited number of assistants, possibly even none available at a given moment. Picture a District Commissioner in these conditions called upon to deal with the situation described in the despatch. His one (both natural and proper) desire is to see something done to protect the natives against sleeping sickness, and he seizes what must have seemed a heaven-sent opportunity to get this special and urgent work carried out under European supervision. He believed the contractor to be trustworthy; it was real bad luck that he was "let down". In the circumstances are we to say that he ought to have thought of all the possible implications of his arrangement and the vague possibility that something might go wrong, and so decide that he should not give the natives who had appealed to him the prompt assistance which they needed?

So far as action is concerned, I agree generally with Mr. Allen, except that in writing to the C. & G., as to incident No. 3, we should make it clear that

Substantially agree with all this, but the remedy is given the D.C. full effort in looking on the strict observance of regulations & to help him to make progress with a recourse to superior to of his hand
C.W.S.

there are mistakes - rather it is surprising that with Administrative Officers more than fully occupied and working through native headmen, whose inherited opinions do not coincide with those of the Colonial Government, the Administration does not find it even more difficult to ensure that there are not illegalities or improprieties in connexion with native labour. Archdeacon Owen alleges that the 4 instances which he refers to are "typical" incidents which are inevitable under forced labour in the tropical African possessions. The statement of the facts, as given in the Acting Gov's despatch, makes it clear, I think, that the incidents are unusual.

Incidents I and II call for no further comment in view of the explanation given in the despatch.

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Incident III (as to which the anti-slavery society wrote in 15649/29) is open to criticism, if the circumstances leading up to the employment of the fuel contractors for this special work are not taken into account. But

taking

taking those circumstances into account I should find it very difficult to blame the Administrative officer for the arrangement which he made. Lord Milner, when S. of S, once said: "If only people working at this end in comfort would try to realise the conditions under which the men at the other end so often have to work! " It is easy enough in the atmosphere of Whitehall and in the light of subsequent events to say that the arrangement was injudicious; but District Commissioners have a busy life; they have half a dozen calls upon their time simultaneously and a strictly limited number of Assistants, possibly even none available at a given moment. Picture a District Commissioner in these conditions called upon to deal with the situation described in the despatch. His one (both natural and proper) desire is to see something done to protect the natives against sleeping sickness, and he seizes what must have seemed a heaven-sent opportunity to get this special and urgent work carried out under European supervision. He believed the contractor to be trustworthy; it was real bad luck that he was "let down". In the circumstances are we to say that he ought to have thought of all the possible implications of his arrangement and the vague possibility that something might go wrong, and so decide that he could not give the natives who had appealed to him the prompt assistance which they needed?

So far as action is concerned, I agree generally with Mr. Allen, except that in writing to the C.A.C., as to incident No. 3, we should make it clear that

I entirely agree with all this, but the remedy is to give the D.C. full support in his duties on the spot. Measures of regulation & to help him to make progress without recourse to superiors of his kind.
C.W.S.

be sent to them at Genoa.

Ed Eastman

28.5.23

E. Africa Dept

I should be greatly obliged if I
could have your comments on this,
of which we shall probably hear
more at Genoa!

1.2.23 29/5

Mr. Verner

Mr. Verner Owen is well known to us:
he was in Uganda at one time, and
his area is Kavirondo in Kenya.

If you agree, I think that we
might request this extract to be
copied to Mr. George for review,
with special refs. to the allegation
that insufficient notice is given by
Administrative Officers of requirements
for labour under the Native
Authority or other Ordinances.

This however will not help you
much, so far as the General
Meeting is concerned; and on
the point etc. you noticed
yesterday. The essential that
the native has to receive
of a month's pay - we cannot
give you ref: as the Estimates
provide a contribution for tribal

making copies for
Mr. Boyd & Mr. Allen

200

administrate. If you wish,
we will telegraph ^{to you}.
Kanga urgently to the effect
that in an article just
published by Archdeacon Owen
in the Guardian, it is asserted
that "those immediately
responsible for seeing that
forced labour is exacted
are subordinate African officials
who receive a salary of
4/- a month," and also
that "the average rates of remuneration
to ~~the~~ headmen or
other native tribal authorities."

All Pakistan
25.5.19

Mr. P. S. S. S.

I should be glad if you would do as you
suggest re superintendants' salaries.

D. P. S. S. S.

25/5
27.5.19

Article by Archdeacon Owen in "Manchester
Guardian"

27.5.19 (cont) Telegram (cont) 27 May 1919

administrative. If you wish,
 we will telegraph to the effect
 Kenya regarding the effect
 that in an article just
 published by Archdeacon Owen
 in the Daily. It is asserted
 that "those immediately
 responsible for seeing that
 forced labour is exacted
 are subordinate African officials
 who receive a salary of
 4/- a month" and ask
 O.A.G. to tel. immediately
 average rates of remuneration
 to ~~be~~ be based upon or
 other native tribal authorities.

All Pakistan
 25.5.29

Mr. Pakenham

I should be glad if you would refer to you
 suggest ex-subsidiary articles

D.P. Hill, Mombasa

Recd
 27.5.29

Article by Archdeacon Owen in "Manchester
 Guardian"

27.5.29 Telegram (copy) 27 May 1929

7. To Anti-Slavery & Aborigines Protection Socy }
 (No. 10649) and }
 8. Major Dutton }
 (no. copies 4, 149) }
 29 MAY 1929

9. To Gov. 394-4 Aug. w/copy 7- 29 MAY 1929

Letter from Major Dutton
 30.5.29 attached.

D. Hill

Recd
 31.5.29

10. To Major Dutton s.o. 31.5.29

11. To Gov. 411 - w/copy 5. Cms }

12. To R.V. Vernon }
 (2 copies sent to Manchester)
 (Guardian) 2 copies 6 & 11 }

DESTROYED UNDER STATUTE

13. To J.E.S. Merrick (S.O.) 14 Jan 1929
 (Original reqd. 1529/24 (No. 21).

14. J.E.S. Merrick 18 Feb 29 (S.O.)
 Local interpretation of provisions to section 4
 of Native Authority Ordinance

15. J.E.S. Merrick (S.O.) 28 March 29
 (? certificate system still in force)

16. J.E.S. Merrick (S.O.) 30 April 29
 States certificate system has never been adopted

Other copies (nos. 13, 14, 15 & 16) attached

17. Minutes on 15526/29 (no. 1)

no reply as yet received to W.C.

? remind pl.

As Jordan

6.6.29

BT Bennett

Reed

6.6.29

advance

DESTROYED UNDER STATUTE

16.

20th Oct 1928 come 6th June '29

only Tel

8 June 1929

to order of pay of official bearers,
was reported to the 20th of June 1929
consequently have order to arrange order

for Shelton

I have searched for the incl. to
the Kenya Dept of 19/6 which, it
appears, I took for the "Comm".
It was not absorbed, with numerous
other statistical tables, by Sir S.
Schuster, I am afraid that it
must have perished in the sacks
and or papers which I found it
necessary to destroy after the
Report was published. The figures
were at one time embodied in
an appendix, which did not sur-
vive the early days of the Report.
My recollection is that the Kenya
memo on pay of leadmen was
not a long one.

W.D. Donnan
10.6.29

No reply as yet received to W.C.

? remind pl.

Asfordon

6.6.29.

W Bennett

acc'd

6.6.29

above

2nd Lat les cons 6th June '29

DESTROYED UNDER STATUTE

No.

copy tel

8 June 1929

to all of pay of official headmen,

in respect of the 2nd Lat les of June 1929

to all of pay of official headmen,

for the 2nd Lat les

I have searched for the incl. to the Kenya Dept of 1916 which, it appears, I took for the Com. 2.

It was not absorbed, with numerous other stolen local letters, by Sir P. Denham. I am afraid that it must have perished in the sacks full of papers which I found it necessary to destroy after the report was published. The figures were at one time embodied in an appendix, which did not survive the early days of the Report.

My recollection is that the Kenya memo on pay of headmen was not a long one.

W.D. Downie
10.6.29

W Bennett

acc'd

10.10.29

above

Tel to Gov. cons. 10 June '29.

DESTROYED UNDER STATUTE

20.

O.A. Telegram

13 June 29

gives average rate of pay to headmen

W Bennett

acc'd

12.6.29

above

to Mr. Boyd for copies (S.B.)

18.19.20

OLIVIER

OLIVIER

UNPAID

A BENNER

July, 1929.

Gives particulars of the neglect of children and the...

To Mr. A. BENNER BROADWAY

25th July, 1929.

DESTROYED UNDER STATUTE

No. 22.

As regards the 2nd Lat les. minute of No. 22.

- (i) the incidents referred to in Archbishop Owen's letter to the District Commissioner ^{took} place on the 2nd of May ^{has} not previously come to the notice of the Colonial Office;
- (ii) no report has, therefore, yet been called for from the Acting Governor, but this might now be done;
- (iii) under the Roads ^{and} Natives Reserves Ordinance, Chiefs

Chiefs etc. (may, by agreement with the...
call up labour for work on roads, but

(iv) such labour is, by the Ordinances,
limited to able-bodied males. Abuses of this
limitation have come to notice, but as far as I
am aware, there is no reason to ^{and} expect any de-
liberate laxity on the part of the administration
in preventing such abuses;

(v) enquiries might be made of the Governor
with a view to securing some comparison between
the convictions for refusal to labour, and con-
victions for unlawful enforcement of labour -
similar enquiry has already been proposed in the
case of Uganda.

I therefore submit draft to the Acting
Governor for consideration. (Lord Olivier's
letter does not invite a reply, and perhaps it is
not necessary to send one.)

No. 24. Archdeacon Owen's allegation re-
lates to the employment of children on the Asemblo
Road on June 7th. A similar allegation relating
to the 4th and 6th of June formed the subject of
Major Graham Pole's question in No. 1 of the ^{sub} file-
A. A draft had already been prepared referring
Major Graham Pole's Question and the Answer to
the Governor for a report, but I have now revised
the draft (which I submit herewith) in order to
reply this further allegation by Archdeacon Owen.

Mr. Fenner Brockway should be informed
in continuation of No. 24 that the Acting Governor
is being asked for a Report.

A. Miller
2/8/29

I agree - I have added
a third copy for Owen
to complete the action
see Parkman
5.8.29

G. G. 5.8.29

Send off despatches & then
let Sec of State & to refer all.

B.H.C.
2/8/29

9.8.28.

Recd

~~25~~ TO A.F. Brockway - 19 Aug 29.
DESTROYED UNDER STATUTE

~~26~~ TO Gov. 647. w/copy 1 on Subfile A } ^{24/12} Cms
27 " 648. " 2nd incl to 22 } 20 AUG 1929

28. S.A.G 408. 9 July, 1929.
Offers comments on the article of Archdeacon Owen
submitted 12.11.1929. Sends table
showing rates of salary of Judicial Magistrates.

29 A. Fenner Brockway, M.P. 16 August 1929
Asks that cases of forced labour may be inquired
into.

~~30~~ To A. Fenner Brockway M.P. 20 Aug 29
DESTROYED UNDER STATUTE (No. 29 acknowledged)

31. Minutes on No. 29.

32 To Fenner Brockway ¹⁸⁰ 29 Aug.
(No. 29 answered)

Let to Hon. Mr. Fenner, Conf. (33 Amos) 20, 4 NOV 1929

Act. Gov. 618
Act. Gov. 620

35. ACTING GOVERNOR 618. 28. SEPTEMBER, 1929.
Furnishes full report of enquiry into alleged employment of young children on road repair.

36. ACTING GOVERNOR 620. 28 " "
Gives results of enquiries into compulsory unpaid labour on roads.

Mallen

No.35. Is an answer to No.26, and No.26 was a despatch sent as the result of representations from Mr. Fenner Brockway who, in No.25, was promised a further communication when the report was received.

It is clear from this very well put up report that the existing instructions (quoted in par.10) were fully carried out. The work was communal labour carried out under proper supervision: The District Commissioner had explained to the supervising Mlango that no women or children were required to come out to work, and the Mlango as soon as he came along and found children working, gave them leave to go home. The despatch illustrates very clearly that it is not always possible to prevent children from coming out with, or instead of, their elders, and it shows also that the native community does not regard participation by women or children in this way as any more than reasonable training in the obligations of citizenship.

Mr. Fenner Brockway must be sent the substance of the despatch. I have spoken to you & submit it for comment.

No.36. The

The trip was based primarily upon Mr. Poles P.Q. - No. 1 in 1961/2/1/24 need

No.36. The reply to No.27 deals with a letter sent to the S. of S. by Lord Olivier. In this case, the women and children turned out either because they liked it, or because they thought they ought to take the place of relatives who could not go. The Mlangos who were supervising the work should, when they discovered this, have turned them back, (see the standing instructions in par.10 of No.35). They did not do so, and have accordingly been dismissed from their posts.
No action appears necessary.

If the Convention on Forced Labour eventuates from the International Labour Conference next June, it will be necessary to consider how far the existing practice in Kenya conforms with it. ~~and~~ ^{from para 5 of no. 25} It seems ~~probable~~ that steps will have to be taken to ensure that this forced labour is not used except for ^{road work} roads which are solely of direct interest to the community who perform the forced labour.

G. Easton
27. 11. 29
J. Mallen
27/11/29

No. 36. Interesting - No action required.
No. 35. The Kenya Govt. have gone into the matter carefully. Para 3 of the despatch is really very important: we are often desiring our African administrators to get into the

Wes.

Very significant conclusions can
be drawn from the figures
given.

? but of

Eaton J

3.1.30.

W Allen

3/1/30

15

Declaration

rather than the figures in the
figures of 50-1000 National - 50000
high they can be used
can be used to show that it may
be used to show that it may

to report on the
status in the

It may stand out at about 1
Spender out of 300. I attach
most importance to making sure
that the figures should be low with
excess - about 6/10 of the
Principal 1920 figures with
included.

has not been about that

Wed. 6.1.30

Dr. Glee's

To see

R.H.W.

10.1.30

The number of convictions seems large and
suggests a lack of enthusiasm for this commu-
nism work. I agree with Sir W. Robinson that it would
be interesting to find out what penalties were awarded.
T.D.S. 10.1.30

Ask accordingly; and also
observing that such forces
Communal Labour should be
confined to tasks (e.g. reall
minus road) which are solely
of direct interest to the
Community forces to give
the labour. P 13/1

39 No. 107 - 38. Howard - 6000 - 81 JAN 1930

40. Col. Secretary. Conf'd 3.p.m. 31st. Dec.
29.
Submit a copy of a letter addressed
to the Open Door International, London.

See for info only

Prof
G. Eaton

6.2.30
at

States as to the position and objects of the
Organisation.

Persons concerned nos 33, 34 & 400.

? ask Mr. & Mrs. G

G. Easton

11. 2. 30.

It scarcely seems necessary
to ask. S. D. might see

J. Allen

12/2/30

acceptance

12.2.30

13/2

St. Shields

I agree that it will be
best not to continue the
corruption.

I should be agree from the
Govt. requiring female manual
labour in any case? In this case,
as the Govt would have had to
observe the same precautions,
as to female accommodation &c.
as it exists on their farms
with women for coffee picking, &c.,
I would have been to help
unwisdom. Wed. 13/2/30

States as to the position and objects of the organisation.

Persons converse no 33, 34 & 40.

? ack to 2 part?

E. Entman

11. 2. 30.

It rarely seems necessary
to ack. S. D. might see

W Allen

12/2/30

ack to Entman

12. 2. 30

200

13/2

Dr. Shields

I agree that it will be best not to continue the correspondence.

I should be aware from the Govt. enquiry female manual labour in any case? In this case, as the Govt would have had to observe the same precautions as to housing accommodation etc. as it exists on other farms

Yes. I do not understand Mr Allen's note that it scarcely seems necessary to acknowledge every such letter. Should be acknowledged, as a matter of course, surely. I hope this is always done, and at once, before the closing of the file is completed, when a further answer can be sent if necessary or desirable. In this case, a simple ack. is sufficient. This body consists of middleclass women, few of whom have ever done a day's work, and who are anxious to sacrifice their humbler duties on the altar of theoretical Sex Equality.

This is being dealt with on file 369 Entall
W. J. C. will
3. 3. 30

W. J. C. 15. 2. 30.
at once

W Allen

Off his S. D. ~~ack to~~ to see.

Off road - ~~ack to~~ Entman
W. J. C. 17/2/30
W. J. C. 17/2/30

To Open Door International - 20. 2. 1930
(H. C. Acked)

DESTROYED UNDER STATUTE

Gene Dept

Please see Dr Shields' minutes of 15 Feb. Perhaps can be used like a copy & release the papers.
W. J. C.

20/2/30

See manual note of 3. 3. 30

It is a summary showing the various kinds of punishment inflicted, with particulars of the most severe penalties under each kind of punishment awarded, on Natives convicted during the year 1929 for refusing to perform work when called upon under Sect. 8.(a) of the Native Authority Ordinance.

§ 8 (h) of the Native Authority Ordinance provides that any headman may issue orders requiring the able-bodied men in his district "to work in the making or maintaining of any watercourse or other work constructed or to be constructed or maintained for the benefit of the community to which such able-bodied men belong", provided that such work does not exceed 6 days in any one year.

All the punishments appear to have been under this Section.

The Gov says that the majority of penalties imposed were for refusals to perform work in connection with famine relief. Actually,

The summary showing the various kinds of punishment inflicted, with particulars of the most severe penalties under each kind of punishment awarded, on Natives convicted during the year 1929 for refusing to perform work when called upon under Sect.8.(h) of the Native Authority Ordinance.

§8 (h) of a Native Authority Ordinance provides that any headman may issue orders requiring the able-bodied men in his district "to work in the making & maintaining of any watercourse or other work constructed or to be constructed or maintained for the benefit of the community to which such able-bodied men belong", provided that such work does not exceed 6 days in any one year.

All the punishments appear to have been under this Section.

The Gov says that the majority of penalties imposed were for refusals to perform work in connection with famine relief. Actually

this does not appear in the record given in para: 2 - famine relief work is only mentioned in 2 out of 9 cases - but that is no doubt only due to the brevity of the summary.

~~1929~~
I read it as covering all the cases from 4-9 on page 47 at the total of 875 offenders sentenced to detention S.P.A.

The correct arises out of para: 3 of no. 2 in which the S.P.A. asked to be informed what is the total number of cases in Kenya during say the current year, in which actions have been committed of refusing to perform work when called upon. The answer, given in no. 38, was 948.

It might be of interest to have similar figures in future years.

? ask this Dept. with thanks & ask ~~for~~ to be informed ^{regularly} in future

C.O. 533 386

REPRODUCED FROM THE PUBLIC RECORDS OFFICE OF THE UNITED KINGDOM

Let
[d the number of] convictions
during each period of
twelve months.

referred
to the
Commission

(J. Easton)

16.5.30.

J. Allen

27/5/30

Some
of the
cases
are
of the
same
nature

as proposed.

all proposed

with regard to Mr. Allen's
suggested method of the "further"
distinction is that it
is not a question of the proportion
of the 81 out of the 945 cases.
But I doubt if the point is
worth enquiring.

As proposed?

Let. 28/5/30

As proposed
T.S. 31.5.30
At once

44-10-1111 - 113 Howard - Lms - 10 JUN 1930

45.

Extract from the Official Gazette, dated
June 10th, 1930 - as directed on the file of
Official Gazettes.

? part of. ~~proposed~~

referred to

(J. Easton)

17.7.30.

J. Allen

17/7

at once

SW

act
[d the number of] convictions
during each period of
twelve months

in fact
in law

G. Carbon

16.5.30.

At m. c.

27/5/30

See

9/1/30
2/1/30

20/5

? as proposed.

all persons

28.5.30

with regard to Mr. Allen's
merginal article, if the "famous"
distinction is material, it
is not a question of the proportion
of the 81 but of the 945 cases.
But I doubt if the point is
worth enquiry.

As proposed?

C.C.S. 28/5/30

As proposed
T.S.S. 31.5.30
At m. c.

Att. Sec. Geo. H. H. - H.S. Howard - memo - 10 JUN 1930

203

45.

Extract from the Official Gazette, dated
June 10th, 1930 - as directed on the file of
Official Gazette.

? but 2. (attached)

referred

G. Carbon

27.5.30

At m. c.

17/5

at m. c.

at

Colony and Protectorate of Kenya

GOVERNMENT NOTICE No. 329.

HIS EXCELLENCY the Governor has approved of the following Bill being introduced into Legislative Council.

G. R. SANDFORD,
Clerk to Legislative Council.

A Bill to Amend the Explosives Ordinance, 1929.

BE IT 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 Explosives Short title. (Amendment) Ordinance, 1930," and shall be read as one with the Explosives Ordinance, 1929, hereinafter referred to No. 13 of 1929. as "the Principal Ordinance".
2. Any person dissatisfied by a decision of the Director under section 13, 16, 19 or 20 of the Principal Ordinance may appeal against such decision to the Governor, whose decision shall be final

OBJECTS AND REASONS.

Under sections 13, 16, 19 and 20 of the Explosives Ordinance, 1929, the Director of Public Works is given the power of refusing or revoking licences to carry on commercial undertakings.

2 The object of this Bill is to amend the Principal Ordinance so as to provide for an appeal to the Governor against the decision of the Director of Public Works in such cases.

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43²²



KENYA

GOVERNMENT HOUSE
NAIROBI,
KENYA.

No. 219

12 APRIL, 1930.

RECEIVED
- 5 MAY 1930
COL. OFFICE

My Lord,

(No. 39)

10 JUN 1930

Handwritten note:
In case of...

I have the honour to refer to Your Lordship's despatch No. 107 of 31st January 1930, asking to be furnished with a summary showing the various kinds of punishment inflicted, with particulars of the most severe penalties under each kind of punishment awarded, on Natives convicted during the year 1929 for refusing to perform work when called upon under Section 8 (h) of the Native Authority Ordinance.

2. The kinds of punishment inflicted fall within three categories, fines, detention and imprisonment. In the case of the first two, the most severe penalties imposed are given below in schedule form for Your Lordship's information. In the case of the last named, only one sentence of rigorous imprisonment was imposed, viz:-

Name of accused	- Mango Ouma:
Offence	- Refusing to do communal work:
Sentence	- One Month's R.I.:
District	- South Kavirondo.

Schedule

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

SCHEDULE.

I. The seven most severe Fines imposed.

<u>District.</u>	<u>No.Of Offenders.</u>	<u>Offence.</u>	<u>Fine.</u>
1. North Kavirondo.	3.	Refusing to perform unpaid labour under Section 8(h) Cap. 129, Laws of Kenya. Punishment enhanced for following reason:- Had often refused to work.	Shs 100/- each.
2. North Kavirondo.	1.	Refusing to perform unpaid labour under Section 8(h) Cap. 129, Laws of Kenya. Punishment enhanced for following reason:- Had often refused to work.	Shs 60/-
3. Fort Hall.	1.	Refusing to perform unpaid labour under Section 8(h) Cap. 129, Laws of Kenya.	Shs 50/-
4. Fort Hall.	1.	" " "	Shs 50/-
5. Fort Hall.	1.	" " "	Shs 50/-
6. North Kavirondo.	7.	" " "	Shs 50/- each.
		Punishment enhanced because they had often refused to work.	
7. Fort Hall.	1.	Refusing to perform unpaid labour under Section 8(h) Cap. 129, Laws of Kenya.	Shs 50/-

NOTE: The above were the only fines imposed amounting to as much as Shgs. 50/-

II. The nine most severe penalties of Detention imposed.

<u>District.</u>	<u>No.Of Offenders.</u>	<u>Offence</u>	<u>Period of Detention.</u>
1. North Kavirondo.	1.	Refusing to perform unpaid labour under Section 8(h) Cap. 129, Laws of Kenya. Punishment enhanced for the following reason:-when called upon to work refused and assaulted the "Askari" of the sub-headman sent to call out persons for work.	2 months.

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3.

<u>District.</u>	<u>No. of Offenders.</u>	<u>Offence</u>	<u>Period of Detention</u>
2. Embu.	2.	Refusing to perform unpaid labour under Section 8(h) Cap. 129, Laws of Kenya.	2 months each.
3. Digo.	1.	Refusing to perform unpaid labour under Section 8(h) Cap. 129, Laws of Kenya.	1 month.
4. Meru.	8.	Refusing to perform unpaid labour under Section 8(h) Cap. 129, Laws of Kenya, Viz:-Refusing to work on building store for Famine Relief Food.	1 month each.
5. Meru.	16.	" " " "	1 month each.
6. Meru.	5.	Refusing to perform unpaid labour under Section 8(h) Cap. 129, Laws of Kenya, Viz:Refusing to keep open communication to transport Famine Relief Food.	1 month each.
7. Meru.	33.	" " " "	3 month each.
8. Meru.	12.	" " " "	1 month each.
9. Meru.	3.	" " " "	1 month each.

3. Your Lordship will observe that the majority of penalties imposed, as shown above, were for refusals to carry out communal labour in connection with Famine Relief which was of direct interest and solely of interest to the community called upon to provide the labour. At such a time, as Your Lordship will readily realise, when the threat of very severe famine in the Meru District caused the greatest anxiety to Administrative Officers and Headmen alike, any refusals to carry out work to assist in the alleviation of distress in the District had to be dealt with promptly and severely

4.

severely as an example to all that only by the concerted efforts of all could a supply of food be provided and maintained.

4. In my opinion none of the penalties shown above was inappropriate or excessive.

I have the honour to be,

My Lord,

Your Lordship's most obedient,
humble servant,

Edward Gigg

GOVERNOR.

Ref. No. LS & D.S./156.

COPI.

12th December, 1929.

The Hon. Secretary,
Open Door International,
3 Bedford Square,
LONDON.W.C.I.

Madam,

I am directed by the Governor to furnish you with the following information in reply to your letter of the 2nd August addressed to His Excellency.

(a). In this connection I would refer you to the reply given by the Secretary of State, a copy of which is enclosed to your letter.

The grass bought as paid for at the current rates according to the amount supplied.

(b). The balance was in the negative. In view of the fact that had been illegally exercised I should like to remove any further ground for complaint. The District Commissioner considered it preferable in the circumstances that the work should be completed by male labour.

(c). As in the case of (b) the grass was paid for at current rates according to quantity.

(e). I regret that there is no information available as to the ages of the women employed.

2. I am to add that copies of this correspondence are being forwarded to the Secretary of State for the Colonies.

I have the honour etc.,
SD:H.M.M. MOORE.
COLONIAL SECRETARY.

C. O.

X 5512/23
K 105/21

27.1.30



O. D.
28 JAN
1930

39

J. H. ...
Secretary of State

31. January 1930

DRAFT.

Keizer, No. 107.
Governor Grigg

Sir,

I have to ack. the receipt of your despatch

No: 718 of the 22nd

November, 1929, which you

referred to the number

of natives convicted

during the year 1929

for refusing to perform

work when called

upon under Section 8 of

the Native Authority Ordinance

Native Authority Ordinance

I am anxious to be assured as to

the nature of the

the nature of the

C. O.

X/5312/23

Kenya

Mr. [unclear] 28.1.30.

Mr. [unclear] 27.1.30

Mr. [unclear]

Mr. J. Shucksmith

Mr. [unclear]

Police, U.S. of S.

Police, U.S. of S.

Secretary of State

Handwritten: [unclear] 27/1

C. O. D.
28 JAN
1930

39

31. January 1930

DRAFT.

Kenya, No. 107.
Governor Grigg

Sir

I have to ask the receipt of your despatch

no. 718 of the 22nd

November, ¹⁹²⁹ which you reported on the number

of natives convicted during the year 1929

for refusing to perform work when called

upon under Section 8 of the

~~Native Authority Order.~~ Native Authority Order.

I am anxious to be assured as to the nature of the

20/11/29

38 30



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA.

No. 7/8

27 Nov 1929

My Lord,

I have the honour to refer to Your
 (No. 27) - Lordship's despatch No. 648 of the 20th August
 1929, in paragraph 3 of which you asked for
 certain information in connection with convictions
 for failure to perform communal labour, and to
 (No. 36) - paragraph 6 of my despatch No. 620 of the 28th
 September 1929 in which I informed you that I had
 called for reports and would communicate to
 your Lordship the list of those reports in due course.

2. Reports from all Provinces have now been
 received and from these it appears that the number
 of natives convicted during the current year for
 refusing to perform work when called upon under
 Section 6, Sub-Section 1, Chapter III (Native
 Authority Ordinances) is 646. The great majority
 of these convictions took place before Native
 Tribunals, an insignificant number of the cases
 having been tried by European Subordinate Courts.

3. During the year five sub-headmen of
 North Kavirondo District were charged with unlaw-
 fully ordering their people to work. Three of these

were ...

THE RIGHT HONOURABLE
 LORD PASSFIELD, P.C.,
 SECRETARY OF STATE FOR THE COLONIES,
 DOWNING STREET,
 LONDON, S. W. 1.

20/11/29 - 20 - 31 JAN 1930

C.O. 533 / 386
 PUBLIC RECORD OFFICE LONDON

Done

38 30

KENYA.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

No. 7/8

22nd November 1929.

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 September 1929 in which I informed you that I had
 called for reports and would communicate to
 Your Lordship the gist of those reports in due course.

2. Reports from all Provinces have now been
 received and from these it appears that the number
 of natives convicted during the current year for
 refusing to perform work when called upon under
 Section 8, Sub-Section 3, Chapter 120 (Native
 Authority Ordinance) is 945. The great majority
 of these convictions took place before Native
 Tribunals, an insignificant number of the cases
 having been tried by European Subordinate Courts.

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were ...

Lansing - 107 - 31 JAN 1930

THE RIGHT HONOURABLE
 LORD PASSFIELD, P.C.,
 SECRETARY OF STATE FOR THE COLONIES,
 DOWNING STREET,
 LONDON, S. W. 1.

38³⁰



KENYA.

GOVERNMENT HOUSE,
NAIROBI.

No. 7/18

KENYA.

22 Nov
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Jensen - 107 - 31 JAN 1930

THE RIGHT HONOURABLE
 LORD PASSFIELD, P.C.,
 SECRETARY OF STATE FOR THE COLONIES,
 DOWNING STREET,
 LONDON, S. W. 1.

were found guilty and dismissed their office. The two others were acquitted.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,

Edward Gigg

GOVERNOR.

Under Sec...
formed an...
(b) ... in ...
... ordi...
(c) ...
...
...
...

guardians of the children. Their

statements are as follows:-

Children's statements.

- (1) Gogoo s/o Matete. (A boy of about 11 years of age), ~~states:-~~

"I was at work throwing the earth. I went to help on my own. My father was away so I thought I ought".

- (2) Gogoo s/o Oyumbi. (A boy of about 11 years of age), ~~states:-~~

"I was present on the road work. I heard that all were to turn out so I went. I did not work with a 'Jembe', but threw the earth on one side".

x "Jembe" = a native hoe.

- (3) Oluen s/o Anange. (A boy of about 14 or 15 years), ~~states:-~~

"The Milango said all were to go to work, so I went. My father was away at the time. My father was on a journey to the doctor, he was back that day but lying down as his knee was bad. I considered it my duty to do my bit. I threw earth only".

- (4) Odera s/o Owaur. (A boy of about 14 years of age), ~~states:-~~

"Habi is my uncle. I heard all were called out to work, so I went. I had never worked on any occasion except this on a road. I cut grass with a jembe, which was our village jembe.

guardians of the children. Their

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Children's statements.

(Page 6)

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KENYA.

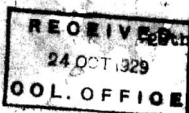
No. 620



3/3
GOVERNMENT HOUSE.

NAIROBI.

KENYA.



20th. September, 1929.

My Lord,

No. 27
I have the honour to refer to Your Lordship's despatch No. 648 of the 20th of August, 1929, on the subject of a letter addressed by the Venerable Archdeacon Owen to the District Commissioner, Central Kavirondo, on the 6th of May, 1929, regarding compulsory unpaid labour on roads.

2. Your Lordship's assumption that enquiries have already been made into the statements contained in that letter is correct. The Venerable Archdeacon Owen mentioned fourteen persons whom he met on the road and whom he assumed to have been ordered out to work and who were other than able-bodied men. Statements have been obtained from 10 of these persons and are as follows:-

(1) Wenngeka w/o Karanja, states:-

"I went with Ateko Mirimu of our own accord to do the road. We got orders from one to do so. My husband is out at work."

(2) Ateko w/o Mirimu, states:-

"I went to the road with Wenngeko. I was nursing her child. I was not working. The child is my grandchild. I had no orders from anyone to go to work and was not working."

(3) Tukunyu s/o Ong'udo, states:-

"I was not working on the road; I was near people working on the road. Archdeacon Owen came along and took my name. I got no

orders ...

THE RIGHT HONOURABLE
LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.

3/3

KENYA.

No. 620



GOVERNMENT HOUSE.
NAIROBI,
KENYA.

RECEIVED
24 OCT 1929
COL. OFFICE

September, 1929.

My Lord,

No. 27

I have the honour to refer to Your Lordship's despatch No. 648 of the 20th of August, 1929, on the subject of a letter addressed by the Venerable Archdeacon Owen to the District Commissioner, Central Kavirondo, on the 6th of May, 1929, regarding compulsory unpaid labour on roads.

2. Your Lordship's assumption that enquiries have already been made into the statements contained in that letter is correct. The Venerable Archdeacon Owen mentioned fourteen persons whom he met on the road and whom he assumed to have been ordered out to work and who were other than able-bodied men. Statements have been obtained from 10 of these persons and are as follows:-

(1) Wenngoka w/o Karanja, states:-

"I went with Ateko Mirimu of our own accord to do the road. We got orders from no one to do so. My husband is out at work."

(2) Ateko w/o Mirimu, states:-

"I went to the road with Wenngoka. I was nursing her child. I was not working. The child is my grandchild. I had no orders from anyone to go to work and was not working."

(3) Mukunyu s/o Ong'udo, states:-

"I was not working on the road; I was near people working on the road. Archdeacon Owen came along and took my name. I got no

orders ...

THE RIGHT HONOURABLE
LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.

orders to work on the road from anyone."

- (4) Yaki s/o Maraya, states:-

"Archdeacon Owen found me standing by the gang on the road. I was with the boy Tukunya. I had no jembe."

- (5) Chetambi s/o Namasa, states:-

"Old man. I am of Orondo's mlango. Orders were given by him to go to clean the roads. My son was away at work so I went. The mlango was there supervising. I saw no women or children."

- (6) Nyagesa d/o Okumba, states:-

"I went to work on the road myself. No one ordered me. My father was ill."

- (7) Muganda s/o Okumba, states:-

"My father was sick so I went to the road myself to work. No one ordered me."

- (8) Sumba d/o Ndibale, states:-

"Orders were given for people to go and work on the road and my father went. We sent to help our father by picking up the grass. Then Archdeacon Owen came along and wrote our names down."

- (9) Fundubare s/o Mukenya, states:-

"I am father of the above and Sumba her brother. I went to work on the roads. I had a pain in my back. My children came to help me. They were not digging they had no jembes. They picked up the grass for me. Olwenya our mlango had given orders to me. No one came to supervise."

- (10) Mamayi s/o Ibuka, states:-

"Archdeacon Owen found me standing by the roadside. I was not working I had a jembe. He told me to go away. Miyula gave orders that every one was to go and work on the road. He came to our boma. My father was ill and my mother was away so we went. No one came to supervise the work."

It appears from the above statements that orders were given by the Mlango or Village Headmen to the effect that labour was required for cleaning a road and that a number of women, children and old

men of their own accord turned out to join the able-bodied population. In this connection I would refer Your Lordship to my despatch No. 619 of the 28th September, 1929, in answer to Your Lordship's despatch No. 647 of the 20th of August, 1929.

No. 35

4. Not only is there no evidence to the effect that any of these persons received instructions to go but there is definite evidence that they did not.

5. It has, however, transpired that certain of the Milango neglected to super-se the work as was their duty and three of these have been dismissed from office. They admitted that they were well aware that only able-bodied adult males are required to work on the roads.

6. With regard to the information required by Your Lordship under (a) and (b) of paragraph 5 of the despatch under reply, I have called for reports from all districts and will communicate to Your Lordship the gist of those reports in due course.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,

J. M. Williams

for GOVERNOR.

35³⁹



KENYA.

No. 619

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
24 OCT 1929
G.O.L. OFFICE

28th. September, 1929.

My Lord,

I have the honour to refer to Your
his Lordship's despatch No. 647 of the 20th August, 1929,
on the subject of the alleged employment in Kenya of
young children with labour called out for the purpose
of keeping public roads in order.

2. The presence of children working with their
elders on local roads early in June last was reported
by the Venerable Archdeacon Owen to the District
Commissioner, Central Kavirondo. The District
Commissioner immediately enquired into the allegations
and reported as follows:-

"I have interrogated twenty one juveniles
and a number of parents, guardians and heads of
x milango. It appears that a section of road is
set out as the responsibility of a certain group
living near but that it is neglected a general
order is given to the group to turn out and do
the necessary cleaning up. It has evidently
become an understood thing amongst the natives
that some one in a village should then put in an
appearance ...

"Milango" (Pl.
x Milango) means a parish or hamlet but is used
also to denote the headman or representative
of the parish. The milango normally contains
a considerable number of villages.

THE RIGHT HONOURABLE
LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.

C.O. 533 / 386
PUBLIC RECORD OFFICE, LONDON

trained in the duty of guarding the village herds and small girls as soon as they are able to walk accompany their mothers to markets carrying on their backs native baskets containing perhaps one or two sweet potatoes, and on other days may be seen with their mothers weeding the family fields with miniature hoes. Similarly, when there is a common obligation to be performed in the interests of the cleanliness of the village or for the improvement of local communications, it is natural for the children as also for the old men to lend a hand.

7 4. It is interesting to observe that in the Report of the International Labour Conference on "Forced Labour", forwarded with Mr. Amery's circular despatch of the 13th of February, 1929, these common obligations are recognised as being so natural to the life of a native village community that on page 282 of the Report it is recommended that "all minor services connected with cleanliness, sanitation and the maintenance of paths and tracks in the immediate vicinity of the village are normal obligations incumbent upon the inhabitants of the villages and should not therefore be subject to regulations applying to forced labour, though they should remain under the general control of the administration"; and on page 283 of the same Report "It is of course certain, where the work exacted is of a light nature, and perhaps also in other cases, that the male adult will be assisted in his work by his family, possibly acting under his compulsion."

5. It is to be admitted that the roads for which ...

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4. It is interesting to observe that in the Report of the International Labour Conference on "Forced Labour", forwarded with Mr. Amery's circular despatch of the 12th of February, 1929, these common obligations are recognised as being so natural to the life of a native village community that on page 282 of the Report it is recommended that "all minor services connected with cleanliness, sanitation and maintenance of paths and tracks in the immediate vicinity of the village ... are normal obligations incumbent upon the inhabitants of the villages and should not therefore be subject to regulations applying to forced labour, though they should remain under the general control of the administration"; and on page 283 of the same Report "It is of course certain, where the work exacted is of a light nature, and perhaps also in other cases, that the male adult will be assisted in his work by his family, possibly acting under his compulsion."

5. It is to be admitted that the roads for which .

46
X/15612/29
34 KonyA

- Mr. Cliffe 1.xi.29.
- Mr. Parkinson 2.11.29
- Mr. Vernon 2/11/29
- Mr. Buxton
- Sir E. Harding
- Sir J. Shuckburgh
- Sir G. Criddle
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Llewellyn
- Mr. Abery

am
40

2/11/29



Confidential

4 November 1929

DRAFT 5-0 for Mr Parkinson

H. M. M. Moore Esq. OBE.

My dear Mr. Moore.

Thank you for your letter of the 12th September about the representations of the Open Door International regarding the employment of women.

We have made ~~some~~ discreet enquiries about this body and learn that it is an organisation with small numbers but eminently respectable & has been in existence for some years and represents the extreme left wing of the

X 15012/29
34 KonyA

Mr. Cliffe 1.xi.29.

Mr. Parkinson 2-11-29

Mr. Vernon 2/11/29

Mr. Bostwick

Sir E. Keating

Sir J. Shuckburgh

Sir G. Corbett

Sir C. Davis

Sir S. Wilson

Mr. Ormsby-Gore

Lord Lovat

Mr. Amery

Ann
40

25/11/29

C. O. 533 / 386

Confidential

14 November 1929

DRAFT.

5-0 for Mr Parkinson

H. M. M. Moore Esq. OBE.

My dear Moore.
Thank you for your letter of the 12th September about the representations of the Open Door International regarding the employment of women.

We have made some discreet enquiries about this body and learn that it is an organisation with small numbers but eminently respectable & has been in existence for some years and represents the extreme left wing of the

C. O. 533 / 386
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

4733



THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
No. &
AND DATE

RECEIVED 11th September, 1929.
8 OCT 1929
OFFICE

Dear *Parkinson,*

I enclose copy of a letter addressed to His Excellency the Governor by the Hon. Secretary of the Open Door International. I do not know whether this Society has any recognised status at home, or whether there is any reason why we should give them the detailed information for which they ask. Pending a further reply from you we are, therefore, taking no action on the letter beyond acknowledging it. The incident referred to is presumably Incident 2 which was dealt with in Kenya despatch No. 143 of the 9th March, 1929, and I think that that despatch gives you all the details necessary for a reply. If, therefore, you consider that some answer should go to this body, perhaps you could say that their letter has been referred to you, and give them whatever answer you consider suitable.

4 NOV 1929
Sumod

No. 4

Yours sincerely,

Am. Wilson

Major A. C. C. Parkinson, O.B.E.

4733



THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
No. 9
AND DATE

RECEIVED 12th September, 1929.
8 OCT 1929
20

Dear *Parkinson,*

Amud
4 NOV 1929

No. 4

I enclose copy of a letter addressed to His Excellency the Governor by the Hon. Secretary of the Open Door International. I do not know whether this Society has any recognised status at home, or whether there is any reason why we should give them the detailed information for which they ask. Pending a further reply from you we are, therefore, taking no action on the letter beyond acknowledging it. The incident referred to is presumably Incident 2 which was dealt with in Kenya despatch No. 143 of the 8th March, 1929, and I think that that despatch gives you all the details necessary for a reply. If, therefore, you consider that some answer should go to this body, perhaps you could say that their letter has been referred to you, and give them whatever answer you consider suitable.

Yours sincerely,

Am. Wilson

Major A. C. S. Parkinson, O.B.E.

· COPY.

THE OPEN DOOR INTERNATIONAL
for the Economic Emancipation of the Woman Worker.

3, Bedford Square,

LONDON, W.C.1.

2nd August, 1929.

To
His Excellency, the Governor,
Kenya,
Africa.

Your Excellency,

I am instructed by the Open Door International to draw your attention to a question asked by Mr. Rennie Smith in the House of Commons on Wednesday, July 24th, concerning the employment of girls in Central Kavirondo, and to the answer given by the Under Secretary of State for the Colonies, copies of which are enclosed, and to ask for details as to the facts of the incident in the North Gem area of Central Kavirondo.

I shall be glad if you will give us information on the following points :-

- a) Was the work of collecting and carrying thatching grass done compulsorily by the women ?
- b) Was it paid work, and if so, at what rate of wages were the women paid ?
- c) When the women doing this work were paid off, on the explicit instructions of the District Commissioner, were they given the opportunity of doing the work voluntarily for payment ?

Copy on 20406729 Uganda

32

Mr. Sect. 22/8

Mr.

Mrs.

Mr. Baines

Sir F. Harding

Sir J. Stuchburgh

Sir G. Grindle

Sir C. Davis

Sir S. Wilson

Mr. [unclear]

Lord [unclear]

Mr. Amey

C. D.
R 26 AUG
D 24

27 August 1955

Dear Sir,

P.

Mr. Lunn has asked me to write to you to say that he has now looked into the ~~case~~ report of punishment inflicted ~~in~~ by the native Court of Buganda Kingdom, Uganda, for refusal to work on the Railway, and the alleged cases of employment of children in Kenya, about which you wrote to him in your two letters of the 16th August.

These two matters

DRAFT.

A. F. C. [unclear] Broadway,
E.C. 4, N.P.

A. F. C. [unclear]
in regard to
last para.

U.D. 533 / 386
PUBLIC RECORD OFFICE, KENYA

Copy on 204406/29 Uganda

51
32

Mr. Sect. 22/8

- Mr.
- Mr.
- Mr. B...
- Sir P. Harding.
- Sir J. Stuchburgh.
- Sir G. Grindle.
- Sir C. D...
- Sir S. Wilson.
- Lord ...
- Mr. Amery

C. D.
R 26 AUG
1944

27 August 1945

Dear Sir.

J.P.

Mr. Lunn has asked me to write to you to say that he has now looked into the ~~case~~ report of punishments inflicted by the native Court of Buganda Kingdom, Uganda, for refusal to work on the Railway, and the alleged cases of employment of children in Kenya, about which you wrote to him in your two letters of the 16th August.

These two matters

DRAFT.

A. Fenner Brockway,
Esq. N.P.

A. Fenner Brockway
in regard to
last para.

Copy on 20406 of Uganda

32

- Mr. Sect. 22/8
- Mr.
- Mr.
- Mr. E. Harding
- Mr. J. Shandburgh
- Mr. G. Grindle
- Mr. C. Denny
- Mr. S. Wilson
- Mr. [unclear]
- Lord [unclear]
- Mr. Amery

C. I.
R 26 AUG
D 2/4

27 August 1959

Dear Sir,

J.P.

Mr. Lunn has asked
has asked me to write
to you to say that he
has now looked into the
earlier report of punishments
inflicted by the native
Court of Buganda Kingdom,
Uganda, for refusal to
work on the Railway,
and the alleged cases
of employment of children
in Kenya, about which
you wrote to him in your
two letters of the 16th August.

These two matters

DRAFT.

A. F. [unclear] Brockway,
Esq. N. P.

The British base
in regard to
last para.

have already been
brought to Lord Pansfield's
notice direct, and in the
Uganda case a despatch
was sent to Uganda on the
19th August asking for a
full report. In the Kenya
case similar action is, by
Lord Pansfield's directions,
about to be taken.

Mr. Lunn wishes ^{me} to add
that he entirely agrees with
what you say in your letter
about the Kenya cases, as to
the desirability of work ^{on roads} being
put in hand when work on
the land is slack; and he
has, in fact, specially ^{asked for} ~~encouraged~~
~~that~~ labour questions in the
Colonies shall be put on the
agenda for the next Colonial
Office Conference, so that
matters of this kind may

Mr.

Mr.

Mr.

Mr. Bottomley.

Sir E. Harding.

Sir J. Shackleton.

Sir C. Gifford.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Lord Lomal.

Mr. Amery.

DRAFT.

be discussed

Yours very truly

Mell
Private Secretary

C.O. 523 / 386
PROPERTY OF THE
CROWN
NOT TO BE REPRODUCED
WITHOUT PERMISSION

Mr.

Mr.

Mr.

Mr. Holtomley

Sir E. Harding.

Sir J. Hutchinson

Sir C. Gifford.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsted-Gore.

Lord Lovat.

Mr. Amery.

DRAFT.

be discussed

Yours very truly

M. H.

Private Secretary

has forwarded to Fenner
Brookway - " ? the note
might be that this note
already been enough to
Lyle's action & that he is
making inquiry of the
FBI in the matter.

When Lyle has replied to
W. Fenner Brookway, the 2 letters
& a copy of the reply might
be attached to the relevant
Lyle's response to J.P.?

you
8/23

act
22.8.29

[Pl. rec'd. x. 15. 21 or 22. 29. 6
withheld for reason of a. 29]
act

Ph. Lyle

Shall I write to W. Fenner

Brookway as to the draft
attached?

act
22/8

Yes W.H. 23. 8. 29

has forwarded to Fenner
Brookway - " ? the note
might be that this note
already been enough to
get's action without he is
making inquiry of the
FBI in the matter.

When hot man has replied to
Mr Fenner Brookway, the 2 letters
& a copy of the reply might
be attached to the relevant
agency regarding job?

yes
8/23

all
22.8.29

[Re. memo. x. 150.21 re Ex. 106. 6
written for version of 10.29]
all

Ph Lyman

Shall I write to Mr Fenner
Brookway as the draft
attached?

all
22/8

Yes wh. 23. 8. 29

As from The Spinney,
Laudwater, Rickmanville,
Herts.

Aug. 16. 1928.

Dear Mr. Linn,

I have seen a copy of a letter addressed by Archdeacon O. of Kavirondo, to the District Commissioner of North Kavirondo, Kakamega, in which he gives a number of instances of children, women, and aged working on the forced labour schemes contrary to law. I summarise them below:-

ackd. 20 Aug 29
and 29 Aug 29

Thursday, May 2nd, Malakisi-Tororo Road, near Malakisi. Boys apparently under age at work.

Friday, May 3rd, Malakisi-Mumias Road. Five women + oldest men at work. One woman had baby whilst old men rest whilst she worked.

~~Saturday, May 4th Malakisi-Mumias Road~~

A little further on a gang was engaged in bridge-repairing, including two boys & three old men.

~~54~~

As from The Spinney,
Laudwater, Rickmansworth,
Herts.

Aug. 16. 1923.

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and 29 Aug 24

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~~Friday, May 3rd, Malakisi-Mumias Road~~

A little further on a gang was engaged in bridge-repairing, including two boys + three old men.

2.

short as the Archdeacon suggests: it was not "an order overnight for immediate execution", it was an order overnight for the work to be begun on the day next but one following.

4. In order to arrive at a just appreciation of the particular incident of which the Archdeacon complains it is necessary to have a clear understanding of the general situation and of the general policy of which the particular incident is an illustration.

5. The main roads of the Colony are constructed and maintained by the Department of Public Works employing paid voluntary labour and are a charge on the general revenues of the Colony. In addition to the main public roads there are an increasing number of local roads and tracks which serve as a primary object the purposes of the local population. These tracks are maintained by unpaid compulsory labour, called out, when necessary, under s.8 (h) of the Native Authority Ordinance Chapter 119 of the Laws of Kenya. They are usually earth tracks the surface of which needs clearing from time to time, when the seasonal rains have produced a crop of weeds a part of which the side drains and culverts demand occasional attention. When once they have been constructed the work of maintaining them in a reasonably serviceable condition is very light and amounts to little more than occasional weeding of the surface and clearing out the drainage ditches.

6. Where these tracks run through thickly populated native reserves the normal procedure is to assign to a village or group of villages a certain

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6. Where these tracks run through thickly populated native reserves the normal procedure is to assign to a village or group of villages a certain

length of road to be their particular care. This procedure is entirely in accordance with the policy advocated in Recommendation (i) at the foot of p. 282 of the Report and Draft Questionnaire presented by the International Labour Conference. I wish to emphasize the fact that it is in no way oppressive, causes in normal circumstances not the slightest hardship to anyone and has been instrumental in effecting to an extent which is difficult to realise progress and development throughout the Native Reserves of the Colony. It has been the means of substituting wheel transport for human portage. There is ordinarily no need to have recourse to the Native Authority Ordinance or the work mentioned and performed under any arrangement. Provided that the roads are not too rough the natives may do their work how and where they please. A few minutes work on a few days of the year for the native inhabitants of the neighbourhood is generally all that is wanted. There is, however, the Native Authority Ordinance in reserve if any compulsion is necessary.

7. The road in question is not a main road as stated by the Archdeacon but is one of the local roads. It may in course of time be taken over by the Public Works Department and become a main public road - as has happened in many cases - but that development has not yet occurred. The Administrative Officer concerned finding that this road was not so clean as it ought to be issued orders that the work which the natives should have done at their leisure but which they had failed to do should be put in hand at once and he gave the local authorities a day in which to collect labourers. In my opinion he was entirely justified in his action.

8. The Archdeacon urges that this system of unpaid compulsory labour should be abolished in favour of a system of paid voluntary labour. There is a great deal to be said for his contention, and as I informed you in paragraph 9 of my despatch referred to above a system has been introduced and is being gradually developed under which the native communities by votes in the annual estimates of their Local Councils make provision for the payment of local labour required for local purposes. The development of this system, however, must be gradual and it will be for a long time desirable in the interests of the health and prosperity of the native village communities that Government should retain the power to compel the able-bodied population to keep their communications open and their surroundings in a sanitary condition. Payment of such work means the imposition of rates. The most satisfactory method of performing a great deal of the necessary work is by casual and irregular effort which is unsupervised and impossible to value in terms of cash. It is preferable at present in most cases that such work should go unpaid than that the people who do it should be rated to pay themselves. With the development of local institutions it is not improbable that the Local Councils will increasingly employ gangs of whole-time labourers paid from the rates who will be responsible under supervision for a great deal of the work of maintenance, thus gradually decreasing the amount remaining to be performed by unpaid labour.

9. Your telegram of the 27th of May, 1929, asking for information as to the average rates of remuneration of headmen and other native authorities has

15612/1929.
(No. 6)

15/12/29.
(600.18 & 20).

15000/18/28 Ra

been answered by my telegrams No. 158 of the 8th of June and 168 of the 13th of June. In elaboration of those telegrams I now enclose for your information a copy of the enclosure to Sir Edward Denham's despatch No. 317 of the 19th of June, 1928. The four-shilling-a month subordinate to whom the Archdeacon refers is the representative of the village who in recognition of his position and of the occasional assistance that he is called upon to render to his official Headman receives a nominal honorarium. The village representative probably averages little more than one day's work for Government per mensem.

10. It is true that there are certain objections to holding barazas, or general meetings on Sundays, at least if there is any obligation on the inhabitants to attend them. On the other hand there are certain advantages. A Sunday meeting does not take natives away from their work on farms or in schools. In order to avoid opportunity for offence the Acting Chief Native Commissioner has recently issued a circular instructing that only in very exceptional circumstances should public barazas be held on Sundays.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,

ACTING GOVERNOR.

C.O. 533 / 385
PUBLIC RECORD OFFICE LONDON

TABLE SHOWING RATES OF SALARY OF OFFICIAL HEADMEN.

Districts.	No. of Headmen.	Average Monthly Salary. Shs.	Highest Monthly Salary. Shs.	Lowest Monthly Salary. Shs.
NYANZA PROVINCE				
North Kavirondo	17	116/-	292/-	60/-
Central "	18	114/-	208/-	85/-
South "	32	55/-	164/-	50/-
South Lumbwa	17	46/-	60/-	26/-
Nandi	26	20/-	35/-	15/-
UKAMBA PROVINCE				
Tetta	10	47/-	70/-	20/-
Machakos	17	35/-	50/-	30/-
Kitui	31	27/-	35/-	20/-
ELGEYO PROVINCE				
	18	57/-	60/-	9/-
	28	50/-	50/-	10/-
	15	50/-	35/-	10/-
	2	50/-	35/-	20/-
WESTERN PROVINCE				
	28	20/-	20/-	20/-
	20	20/-	20/-	20/-
WATERBURY PROVINCE				
	34	14/-	40/-	20/-
	31	10/-	60/-	10/-
	31	10/-	24/-	10/-
WINDHOLE PROVINCE				
	31	34/-	35/-	10/-
	30	56/-	125/-	30/-
	30	27/-	32/-	10/-
WINDHOLE PROVINCE				
	10	20/-	20/-	20/-
Barsaloi	11	20/-	20/-	20/-
Wair	7	10/-	10/-	10/-
Samburu	20	38/-	38/-	10/-
Moyale	12	20/-	65/-	10/-
	10	30/-	30/-	20/-

I also desire to take this opportunity of enquiring

(a) What is the total number of cases in Kenya during, say, the current year, in which natives have been convicted of refusing to perform work when called upon, and

(b) Whether there have been any cases during that period, and if so, how many, in which orders to natives to perform work have been unlawfully or improperly given, and the action taken in such cases.

I have, etc.

(Signed PASSFIELD.)

Mr. Allen 2/8/29

Mr. ~~Downing~~ 5/8

Mr. ~~Downing~~

Sir E. Harding

Sir J. Macdonald

* Sir G. Grindley

Sir C. Davis

Sir S. Watson

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

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Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

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Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Mr. ~~Downing~~ Gaze

Hand. No. 35

Downing Street,

20 August, 1929.

Sir,

I have the honour to transmit to you the accompanying copy of a Question and Answer the House of Commons on the 15th July regarding the alleged employment in Kenya of young children with labour called out for purposes of keeping public roads in order.

2. I understand that the question relates to the allegation that a number of children were employed on the roads in the district of Sakwa and Asembo as recently as the 4th and 6th of June. According to information since supplied through a Member of Parliament, Archdeacon Owen saw a

DRAFT. Copy: see minute

KENYA

No. 647

C.A.G.

Q. and A. (No. 1 of 15612/29 sub-file A)

No 23 6
15612/29

3/4/29

I also desire to take this opportunity of enquiring

(a) What is the total number of cases in Kenya during, say, the current year, in which natives have been convicted of refusing to perform work when called upon, and

(b) Whether there have been any cases during that period, and if so, how many, in which orders to natives to perform work have been unlawfully or improperly given, and the action taken in such cases.

I have, etc.

(Signed PASSFIELD.)

Mr. Allen 2/8/29

Mr. ~~Passfield~~ 5/8

Mr. ~~Downing~~

Sir E. Harding

Sir J. MacNab

Sir G. Grindle

Sir C. Davis

Sir S. Watson 9/8/28

Mr. ~~Downing~~ Carr

Mr. ~~Downing~~ Carr

Mr. ~~Downing~~ Carr

Mr. ~~Downing~~ Carr

DRAFT. Copy: see minute

KENYA

No. 647

C.A.G.

Q. and A. (No. 1 of 15612/29 sub-file A)

No 23 6
15/8/29

Downing Street,

20 August, 1929.

Sir,

I have the honour to transmit to you the accompanying copy of a Question and Answer in the House of Commons on the 12th July, regarding the alleged employment in Kenya of young children with labour called out for purpose of keeping public roads in order.

2. I understand that the question relates to the allegation that a number of children were employed on the roads in the district of Sakwa and Asembo as recently as the 4th and 6th of June. According to information since supplied through a Member of Parliament, Archdeacon Owen saw/a

23.

59, Doughty Street,
London, W. C. 1.

Will Lunn, M.P.,
House of Commons,
S.W.1.

19th
July
1929

Dear Mr. Lunn:

referred in the House of Commons during the discussion
on the Colonial Developments Bill to definite evidence
of the possession of the employment of child labour. I
think it well to report this evidence to you.

Mr. F. E. Owen, Archdeacon of Kavirondo, has sent me,
through Norman Lays, copies of correspondence which
exists between him and Mr. R. Hunter, the Assistant
Magistrate in charge of Kavirondo.

In a letter of the 12th. 1929, Archdeacon Owen reports
that he has discovered a gang of six working on the Asembo
Road. Three of the four were children. They gave
their names as follows -

- Ongao s/o Matito
- Ogogo s/o Uyambo
- Olweny s/o Ang'eng'o
- Odero s/o Oloo.

~~Owen~~
Archdeacon points out that in the Dispatch of the Secretary
of State for the Colonies of September 1921, it was laid
down that the limitations on forced labour in the reserves
should be strictly observed, and urges that the employment
of child labour is not in accordance with that Dispatch.

I hope it may be possible for you to look into this matter.

Yours sincerely,

A. James Brockway
M.P. for East Leyton.

*Recd 23 July 29
and 14 Aug 29*

23.

59, Doughty Street,
London, W. C. 1.

Will Lunn, M.P.,
House of Commons,
S.W.1.

19th
July
1929

*Recd. 23 July 29
and 14 Aug 29*

Dear Mr. Lunn:

I referred to the House of Commons during the discussion on the Colonial Developments Bill to definite evidence of any possession of the employment of child labour. I am glad it will to report this evidence to you.

Mr. W. E. Owen, Archdeacon of Kavirondo, has sent me, through Mr. Norman Lays, copies of correspondence which shows a connection between him and Mr. R. Hunter, the Assistant District Commissioner of Kavirondo.

In a letter of the 12th. 1929, Archdeacon Owen reports that he has discovered a gang of six working on the Asembo Road, and that four were children. They gave their names as follows -

- Ongao s/o Matito
- Ogogo s/o Uyembo
- Olweny s/o Ang'eng'io
- Oders s/o Oloo.

~~Owen~~
Archdeacon ~~points~~ out that in the Dispatch of the Secretary of State for the Colonies of September 1921, it was laid down that the limitations on forced labour in the reserves should be strictly observed, and urges that the employment of child labour is not in accordance with that Dispatch.

I hope it may be possible for you to look into this matter.

Yours sincerely,

A. Norman Brockway
M.P. for East Leyton.

OLD HALL,
RAMSDEN,
CHARLBURY.

19 July 1928

Dear Passport

The enclosed is sent to you

information; this I think C. R.
Bourne may have already conveyed
to you when...

R. Finney

copy of note to you. 648 - 20 AUG 1928

Mr. Bottomley
What is the position?
How we asked the Governor
for a report? When may we expect
it? The public here will infer
that the Chiefs are pleased to
over labour; (b) that there is little or
no contribution paid to the statutory
exemption of women & children;
there are many more convictions for
refusal to labour than there
are for unlawful enforcement
of labour P 22/7

ARCHDEACONRY OF KAVIRONDO.

DIOCESE OF MOMBASA.

Maseno
6/5/19

Dear Lord O'Brien

I enclose a copy of a letter about
forced labour. It is required to
be able to make use of the
above public opinion.

Yours sincerely
W.E. O'Brien

Recd 19 July 19
Inscribed W.E.O.
15/7/19

ARCHDEACONRY OF KAVIRONDO.

—
DIOCESE OF MOMBASA.

Nasero
6/5/19

Dear Lord Olivier,

I enclose to
enclose a copy of a letter about
forced labour. I hope you will be
able to make use of it without
arouse public opinion.

Yours sincerely
W.E. Owen

Recd 19 July 19

Forwarded W.E.O.

15 July 19

The rate of remuneration for native
headmen.

I enclose copies of the
tbl^s wh. have been sent:
they will show where nearly
there was delay in the
matter. As you will

see, the average rate of
remuneration for native
headmen is 6½% a month;

but it is suggested that
Archdeacon Owen may have
been referring to "village elders"
who, when called upon to
assist the official headmen,
receive "nominal honoraria".

Yours
G. PARKINSON.

Signed, G. PARKINSON.

The rate of remuneration of native
headmen.

I enclose copies of the
tbl^t wh. have been sent:
they will show where nearly
there was delay in the
matter. As you will

see, the average rate of
remuneration for native
headmen is 61/- a month;

but it is suggested that
Archdeacon Owen may have
been referring to "village elders"
who, when called upon to
assist the official headmen,
receive "nominal honoraria".

Yours truly
[Signature]

68

20

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

(Dated 13th June Received Colonial Office 10.47.a.m.
13th June, 1929.)

No. 166. 13th June.

No. 19 Your telegram 10th June.

Average ^{rates} ~~rate~~ of native headmen throughout Colony
is 61 shillings per month.

6th 6 6 8 14 16

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

(Dated 13th June Received Colonial Office 10.47.a.m.
13th June, 1929.)

No. 168. 13th June.

160.49 Your telegram 10th June.

frates

Average ~~size~~ of native headmen throughout Colony
is 61 shillings per month,

644 G. E. A. B. 14

Original regd. 15524/29 (No. 33)

70
16.

The Secretariat,

Nairobi,

Kenya.

30th April, 1929.

Dear Parkinson,

10.0.15
With reference to your letter of the 28th March on the subject of certificates for natives who have completed 60 days compulsory labour, I am informed by Debbs that the certificate system proposed by Ainsworth has, as a matter of fact, never been adopted because in practice it has proved unnecessary.

2. You will realize that under Section 8, Sub-section (c) of the Native Authority Ordinance, Chapter 129, Laws of Kenya, the authority of the Secretary of State is necessary before recourse can be had to compulsion. On two occasions only, since the passing of the Amendment Ordinance (No. 26 of 1922) which contained this provision, has the authority of the Secretary of State been asked, viz. (a) work for the construction of branch railways in 1924, and (b) recently in the case of 1000 Meru for work on destruction of locusts in the Northern Frontier Province. In both these cases Administrative Officers kept records of the names of those enrolled and all who performed the necessary work would be automatically exempted from further calls.

3. It is perfectly true that under Sub-section (n) of the same Section, natives may be compelled to work as paid porters for Government Servants on tour and

MAJOR A. C. C. PARKINSON, O.B.E.

for

Original regd. 155.24/29 (No. 33).

70
16.

The Secretariat,

Nairobi,

Kenya.

30th April, 1929.

Dear Parkinson,

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MAJOR A. C. C. PARKINSON, O.B.E.

for

for the transport of urgent Government Stores. It is the duty of the native authorities to see that this provision does not operate harshly on any individual. In most cases records are kept in the Offices of District Commissioners of the natives who have been employed as porters under this sub-section and in practice there is no fear that any particular one will be made to serve as a porter for as many as 60 days in the course of a year. Wheeled transport is rapidly taking the place of human transport in most parts of the Colony.

Yours sincerely,

(sgd) J. E. S. MERRICK.

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Yours sincerely,

(sgd) J. E. S. MERRICK.

Original Recd

(No) 15251/28.

Downing Street,
14 January, 1929.

Dear Merrick,

A propos of the application made by the Acting Governor in his telegram No.339 of the 17th December 1928, for approval for the calling out of 1,000 Meru for the destruction of locusts, the question has been raised as to the interpretation placed in Kenya on the proviso to Section 8 of the Native Authority Ordinance which reads "for a longer period than sixty days in any one year". Martin, to whom I have spoken was himself not clear about it, but thought that "a year" would be interpreted not as a calendar year, but as a period of twelve months reckoned as from the date of calling out, e.g. if these Meru do 60 days work as from the 1st December 1928, they could not be called out for further work before the 1st December 1929.

We have consulted the Interpretation and General Clauses Ordinance, but the definition of "Year" there given is itself not clear.

The clauses of the Native Authority Ordinance relating to compulsory labour excite considerable criticism here and we should like to know definitely how the words "in any one year" would, in practice be interpreted both in this particular case and generally.

The more detailed your explanation, the better we should be pleased. You may be able to give us illustrations to show exactly how the proviso is worked; for there is probably by now quite a number of decisions given by the competent authorities, in accordance with which points that might arise in this connection would be settled.

Yours etc.
(Sgd) A.C.C.PARKINSON

J.E.S.MERRICK, ESQ.

X. 15612/29 Kenya //

Mr. *accy*
Mr.
Mr.

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

Kenya No. 28

2/18

CO
3 June 1929

DRAFT. Kenya No. 411
oag.

3 JUN 1929

copy to R. V. Vanden

hi.

The letter to the Hon. Mr. ...
 All enclosed copy from
 article on food labour
 in Kenya by the Ven.
 Archbishop Owen,
 who appeared in the
 "Manchester Guardian"
 of the 23rd May.

(2) I shall be glad
 to receive you about
 your own article +
 possibly, & in
 particular upon the
 allegation that
 insufficient notice

No 5
 (inserted into copy
 for Mr. Ormsby-Gore)

is given by administrative
officers of requirements
for labour under the
~~Labour Act~~
relevant Ordinances.

(3) On very 1st of the 27th group,
those already asked for
info. as to the average
rates of remuneration of
headmen & other native
labour contractors

(6)

is given by administrative
officers of requirements
for labour under the
~~relevant~~ ~~relevant~~
relevant Ordinances

(5) In my tel. of the 27th May,
I have already asked for
info. as to the average
rates of remuneration of
headmen & other native
tribal activities

(6)

X.156127 of Geneva

78

10

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.



For my signature
S+R
deed

31 MAY 1920

Co
1425

DRAFT.

Major S. A. T. Wilson

Dear Sir,
When you called on
the 31st of November
I spoke about your letter
of the 30th May regarding
the despatch from
the office of Geneva
on the allegations
made by Archdeacon
Over in his article
in the 'Manchester
Guardian' of the 6th Dec.
This note is just
to confirm that
it is not our practice
to send out of the

c/o
H.M. EASTERN AFRICAN TRADE & INFORMATION OFFICE,
ROYAL MAIL BUILDING

COCKSPUR STREET,
(ENTRANCE OPPOSITE GARDENS)
LONDON, S.W. 1.

30th May, 1929.

Dear Parkinson,

Thank you for your letter No. 15612/29 of the 29th of May forwarding a report from Kenya on the allegations made by Archdeacon Owen.

I have this morning shown the papers to the Governor and he has asked me to send a copy of the despatch of the 9th of March to the secretary of the Women's National Liberal Federation. Some time ago a deputation waited upon the Governor to ask him questions in regard to these allegations.

If I do not hear from you I shall assume that you have no objection to this course.

Yours sincerely,

S. A. Johnston

A. C. C. Parkinson, Esq., O.B.E.
Colonial Office,
Downing Street.

Ans. 31 May/29.

ga

Mr. Eastwood 21.5.29.

DOWNING STREET,

Mr.

Mr. Parkinson 26.5.29.

London, 1929.

X Mr. Bottomley 28/5

Sir E. Harding

Sir J. Shuckburgh.

Sir G. Grindell.

Sir C. Davis

Sir S. Wilson (4) on 15612/29.

Mr Ormsby-Gore.

Lord Lovat.

Mr Amery.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 143 of the 6th March, in which you reported upon the allegations made by the Venerable Archdeacon Owen in an article which appeared in the "Manchester Guardian" of the 21st December, regarding the employment of native labour in Kenya.

I wish to thank you for the full statement which you have furnished.

I am glad to note the satisfactory explanation of the incidents narrated in your despatch.

As regards incident No. 111, I enclose a copy of a letter which I have caused to be sent to the Secretary of

DRAFT.

for consen.

K E N Y A

No. 394

O.A.G.

Copy to Uganda Bureau 28.5.29

To The Anti-Slavery & Aborigines Protection Society. (draft herewith).
23 MAY 1929

3 drafts.

Copy of this for Mr. Boyd to take to Geneva

Send to me for insertion to Mr. Boyd.
A. C. J. P.

Done and
21.5.29

C.O. 533 / 386

82 8

Mr. Eastwood. 21.5.29. X. 15612/29. Kenya.

Mr. Allen
Mr. Parkinson *sent 20/5/29*

Mr. Bottomley.

Sir E. Harding.

Sir J. Shuckburgh.

Sir G. Grindall.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Lord Loral.

Mr. Amery.

for comment

DRAFT.

MAJOR E.A.T. DUTTON.

of S. of P. *Public Office*

For Mr. Parkinson's signature.

572

Downing Street

29 May, 1929.

25/5/29

Dear Dutton,

You may remember that on the

13th of February, you wrote to me asking that I should let you know

when we received a report from

Kenya on the allegations made as

to the use of forced labour in

Kenya by ~~the Hon.~~ Archdeacon Owen

in an article ^{he appeared in} of the Manchester

Guardian on the 6th of December,

I am now sending you a copy of a despatch ^{from the Attorney General} which has come in together

with a copy of ^{copies the} my reply ^{sent} and of a letter which has been sent to the

See Nos. 1 & 2 on file.

going
From GOVT. Kenya *9 March 1929*
~~To the Secy of the Govt. (No. 4)~~
To ~~the Secy of the Govt. Kenya~~ *copy 29*
(draft herewith.)

To The Anti-Slavery & Aborigines Protection Society
(draft herewith)

Must be copied as reply is taking duplicate to Geneva.

82

Mr. Eastwood. 21.5.29. X. 15612/29. Kenya.

Mr. Allen

Mr. Parkinson *26/5/29*

Mr. Bottomley

Sir E. Harding

Sir J. Shuckburgh

Sir G. Grindis

Sir C. Davis

Sir S. Wilson

Mr. Ormsby-Gore

Lord Lond.

Mr. Amery

for canon

For Mr. Parkinson's signature.

572

Downing Street

29 May, 1929.

DRAFT.

MAJOR E.A.T. DUTTON.
of S. of Protectorate Office.

2/5/29

Dear Dutton,

You may remember that on the

13th of February, you wrote to me

asking that I should let you know

when we received a report from

Kenya on the allegations made as

to the use of forced labour in

Kenya by ~~the Hon.~~ Archdeacon Owen

in an article ~~in~~ the Manchester

Guardian on the 6th ~~of~~ December,

I am now sending you a copy of a

despatch ~~which has come in~~ together

with a copy of ~~our~~ reply ~~sent~~

a letter which has been sent to the

copy
From Govt. Kenya 9 March 1929
No. 111 of the (N. 2)

To The Anti-Slavery & Aborigines Protection Society (draft herewith)

** Must be copied as copy is being duplicate to Geneva.*

3 drts.

Anti

C.O. 533

386

ANTI-SLAVERY SOCIETY, 10, BLOOMSBURY SQUARE, LONDON, W.C.1

Entomologist, also made a survey and found a large part of the Lake shore heavily infested with tsetse. Mr. Symes in his report lays stress on the heavily infested state of parts of the main land. He states:- 'After Kisumu had been built the Sleeping Sickness came and killed off the greater proportion of the population along the main land shores and practically every man and woman who indulged in fishing. This did not deter the remainder; they moved their villages back to convenient spots at the base of the hills leaving the shore entirely, but they still continued to fish around the islands. Every year very many died. Many of Dr. Enzer's Sleeping Sickness cases were interviewed and interrogated. The majority used the two large watering places on the mainland opposite Ndere for their canoes, so that they were exposed to dense fly on the mainland and on the island. This bit of the shore belt too carried denser bush and larger trees than are found elsewhere, and it is the favoured spot for wood cutting, an occupation indulged in by men, women and children, living over a wide area. The breaking of contact between people and the fly (a) along the mainland opposite Ndere Island and (b) on the islands themselves appears to be a matter of the greatest urgency if infection is to stop. These suggestions (i.e. bush clearing) were put before the Headman and Nyaparas and they

stated

stated that their people were ready to carry out any recommendations for the control of Sleeping Sickness'. Mr. Symes then goes on to suggest that the clearing of watering places might be carried out by the fuel contractor. He further adds that 'All villages are at a distance of 500 yards from fly it is the daily recreation of their inhabitants that results in infection. And again 'It is obvious that treatment alone will not arrest Sleeping Sickness; infection must be cut off as long as contact with fly and population remains as at present.' He further states 'The opening of certain parts of the area mentioned above is cleared to the satisfaction of the Medical Department. He recommends further 'That the work should be done under supervision so that working gangs may not be exposed to fly during the hours of its greatest activity 8 a.m. to 4 p.m.'. He concludes by saying:- 'That the steps that are likely to confer the greatest amount of safety on the population are

(a) The clearing of the area mentioned and the closing of all other parts of the Lake Shore.

(b) The prohibition of island fishing.'

'At a baraza held in Sakwa on 11/6/27 I

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Dear

C.O.

133.

386

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of the case...
arrested, the contractor
was convicted of it.

The only acts
that, in
fact, in
the injury
inflicted by
the beatings
administered
was very
slight.

ined 20% in each case, i.e., a total of
~~It is stated that the actual~~
24. The injury inflicted was very slight,
and no abrasions were visible on the skin
on the day the case was tried, which was
only a few days after the beatings.
European supervision of some sort was
advisable, as the work had to be done
before 8 a.m. or after 4 p.m., and the
result of this was ^{that} only a few hours work
could be done each day. ~~and~~ The men were
not called out for a full day's work.

4. Mr. Amery is satisfied that
the only object of the arrangement ^{is} to
give immediate help to the natives. At
the same time it is, of course, the
recognised policy of the Government of
Kenya not to provide compulsory labour
for ^{private} providing employees, and Mr. Amery
is anxious that no arrangement should be
~~made~~ which might expose the Government,
even indirectly, to the charge of providing
such labour, ~~and he is~~ asking the O.A.G.
to issue instructions to ensure that this

is borne in mind by all concerned.
I am, etc.

(Signed) A. C. C. PARKINSON.

of the trial which
ensued, the contractor
was convicted & fined.

The only acts

of ~~the trial~~ in each case, i.e., a total of

~~24. The injury inflicted was very slight,~~

~~and no abrasions were visible on the skin~~

~~on the day the case was tried, which was~~

~~only a few days after the beatings.~~

~~European supervision of some sort was~~

~~advisable, as the work had to be done~~

~~before 8 a.m. or after 4 p.m., and the~~

~~result of this was only a few hours work.~~

~~could be done each day. The men were~~

~~not called out for a full day's work.~~

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for ^{private} providing employees, and Mr. Amery

is anxious that no arrangement should be

^{made} made which might expose the Government,

even indirectly, to the charge of providing

^{such} labour, and he is asking the O.A.G.

to issue instructions to ensure that this

that, in
point of fact,
the injury
inflicted by
the beatings
administered
was very
slight.

is borne in mind by all concerned.

I am, etc.

(Signed) A. C. C. PARKINSON.

ians at the proper hours; and granted that supervision was necessary, the arrangement adopted was, to say the least of it, injudicious. The O.A.G. says that official supervision was impossible owing to the "enormous amount of other work" to be done in the district: but obviously supervision by contractors who stood to gain from the work was extremely liable to misinterpretation. It is true that had there not existed a public necessity that the wood should be cleared, the arrangements would never have been made, but it seems impossible to get away from the fact that whatever the intention of the district officer in making this arrangement, ~~the~~ ^{in fact} ~~only~~ the labour was forced labour for a private employer - which is not supposed to exist anywhere in the British Empire.

It is at least doubtful whether the District Commissioner should have resorted to it without applying to higher authority.

Perhaps the O.A.G. should be asked to take steps to ensure that in future private individuals are never employed to supervise forced labour.

In No. 2 on 15640/29 the Anti-Slavery Society were told that the Secretary of State was awaiting a report on the allegations made by Archdeacon Owen. They were not definitely promised a further letter when the report was received, but no doubt they will in due course ask whether it has been received, and it might appear more ingenious to write to them now explaining carefully that the O.A.G. reports :

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The explanation on these points might show towards the matter has also X X on pages 7 & 8 of this despatch 1973

1. That the work was of urgent public necessity.
2. That European supervision was considered essential.
3. That the only supervision immediately available was that of these two contractors.
4. That as soon as it was discovered that abuses had occurred the arrangement was terminated and the offenders prosecuted.
5. That the Secretary of State has asked the U. A. G. to take steps to ensure that in future ^{no similar arrangements were to be supervised by} private individuals are never employed to supervise forced labour called up under the Native Labour Office.

Making the point that in District Office was made by mistake of the Com Superintendent (see P. 2 page 8)

1974

1070

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2. That European supervision was considered essential.
3. That the only supervision immediately available was that of these two contractors.
4. That as soon as it was discovered that abuses had occurred the arrangement was terminated and the offenders prosecuted.
5. That the Secretary of State has asked the U. A. G. to take steps to ensure that in future ^{no similar arrangements made for} private individuals are never ^{the supervision of} employed to supervise ^{forced} labour ^{called} up into the Native Labour Office.

Confidential in these points might have been generally the matter discussed X X in para 7 & 8 of the despatch 1/11/33

making the point that the District Office was only contacted by the C.M. Superintendent (see para 8)

1270

Incident No. 1

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 PUBLIC RECORDS OFFICE OF THE UNITED KINGDOM

Headmen to do so. Kendu is a trading centre but is not a township and is part of the South Kavirondo Native Reserve being situated in the Location known as Karachonya. Natives residing in Kendu are subject to the jurisdiction of the Official Headman of that Location.

4. In July 1927 these eight Jaiuo were ordered by their Official Headman to do some work on the road under Section 8 (h) of Chapter 129, Laws of Kenya). This order they refused to obey and their refusal was reported by the Headman to their District Commissioner. The only apparent reason for their refusal was that they claimed that having embraced the Mohammedan or Christian religion they were no longer liable to be called upon for communal work in their Reserve. The District Commissioner informed them that the adoption of a creed did not exempt them from tribal obligations and on the 14th July the order to work was again given to them. This order they again refused to obey and on the 16th July they were prosecuted, found guilty and sentenced to pay the fines mentioned above.

5. In his Judgment the Magistrate trying the Case said "In inflicting the penalty I must be guided by the circumstances. All the accused have been warned several times, they have had an opportunity of agreeing to work tomorrow in which case the Case would be closed. They have definitely refused to listen to reason.

"This matter has now developed into a trial of strength between Accused and the Chief and Government.

"I can see no reason why a native who is a Mohammedan ...

Mohammedan should refuse to obey a lawful order any more than a pagan or a Christian. I have no alternative but to inflict almost the maximum penalty."

6. There is no suggestion that the Accused had at the time any definite occupations which it was difficult or inconvenient for them to leave. I gather, however, that the Archdeacon is not complaining in this particular case that the law has been harshly applied so much as that provision for unpaied communal labour exists. It is not to suppose that you wish me here to enter a defense of that very salutary provision which has been instrumental in effecting so much real progress and development in the Native Reserves of the Colony.

INCIDENT III.

The Official Headman concerned, Chief Ogada, was ordered to collect and carry the grass for the erection of these buildings. This charge is true. The facts are as follows:- The Local Native Council of the District voted a sum of money for erecting certain buildings for the accommodation of the clerics of the prison. The Official Headman concerned, Chief Ogada, directed the erection of these buildings. Chief Ogada is a very prominent Headman, an adherent of the Church Missionary Society and Vice-President of the Kaviriro Taxpayers' Welfare Association of which Archdeacon Owen is the President and there was every reason to believe that he could be entrusted to carry out the Contract without oppressing his people. Unfortunately, however, it appeared that Ogada without the knowledge of the District Commissioner and in spite

of ...

PUBLIC RECORD OFFICE

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10. It is a fact, however, that among most, if not all, native tribes of Kenya thatching is commonly accepted to be women's work. In spite of all Government's orders to the contrary native authorities are very reluctant to abandon their inherited prejudices and moreover they do on occasions find it difficult to obtain male labourers to perform work which they consider to be beneath their dignity.

INCIDENT NO. III. OCTOBER 1927.

Flogging of certain men of Central Kavirondo District by a Fuel Contractor.

11. In dealing with this incident I feel that I cannot do better than quote verbatim the report of the Provincial Commissioner, Nyanza, which he submitted on the 16th of December, 1927, and which reads as follows:-

"I forward herewith a full report by
 " by Mr. Boulderson in regard to the above.
 " Dr. Enzer made a complete census of the popula-
 " tion of these areas and found a considerable
 " amount of Sleeping Sickness in these parts of
 " the Lake shore and Mr. Symes, the Entomologist,
 " also made a survey and found a large part of the
 " Lake shore heavily infested with tsetse. Mr.
 " Symes in his report lays stress on the heavily
 " infested state of parts of the main land. He
 " states:- 'After Kisumu had been built the
 " Sleeping Sickness came and killed off
 " the greater proportion of the population
 " along the main land shores and practically
 " every man and woman who indulged in fishing.
 " This did not deter the remainder; they
 " moved their villages back to convenient
 " spots at the base of the hills leaving the
 " shore entirely, but they still continued

16. In the town of Kisumu there are a number of temporary buildings which from time to time need re-thatching. The custom has been for the Departmental Officers concerned to make their requirements known to Official Headmen in the neighbourhood. They have not, of course, issued specific orders to the Headmen but the latter have in some cases regarded their communications as at least requests by Government and they have probably handed them on as orders to their people.

17. The District Commissioner has recently taken a great deal of trouble to ensure that there should be no compulsion and there seems every reason to believe that in most cases at any rate the grass is cut and carried in in a perfectly voluntary manner. However, it was reported to earn money. On one occasion, for instance, the District Commissioner was informed that a gang of natives, including women and children, had been seen by the Superintendent of Inland Revenue, Constable J. Asuga, with bundles of grass, which they had brought to his office and asked them whether they had been directly ordered by their Headman to bring in the grass or whether they were bringing it in voluntarily. He received a reply that they had brought in the grass because they wanted to earn the cents to spend in the market and that they had not been forced out. Similar gangs were seen on other occasions and the District Commissioner having every reason to suppose that they also were gangs of voluntary labourers did not interfere.

19. On July 27th, 1928, Archdeacon Owen called at the District Commissioner's office and stated that on the 25th July he had found a gang of men and boys forced ...

1	2	3	4	5	6	7	8	9	10
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21	22	23	24	25	26	27	28	29	30
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41	42	43	44	45	46	47	48	49	50

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forced to carry grass. The District Commissioner then questioned several of the gang and most of the men said that they had been ordered to bring in the grass. One stated that he wished to make up his hut tax money, a few stated that they were carrying grass of their own free will in order to earn cents, whilst some of the younger boys said that they had been sent in by their elder brothers.

20. From subsequent enquiries it transpired that this particular gang had been sent in in response to a request by the Superintendent of Inland Revenue and Conservancy.

21. It seems therefore that the Superintendent of Inland Revenue and Conservancy reported to a Headman that he was in need of grass. The latter sent the information round his location without troubling particularly whether or not his people wanted to do the work. This information was apparently interpreted by some person or persons as a Government command and illegal orders were accordingly issued in some cases by the elder brothers of those who joined the gang and in other cases probably by heads of families or villages, and by the Headman's Retainers.

22. In regard to the Archdeacon's allegations of non-payment, these may possibly be true in one or two cases, but substantially they are not in accordance with the facts. The party arrived in Misumu after the office of the Superintendent of Inland Revenue and Conservancy (who had no notice of their impending arrival) was closed. As they could not be paid that day they went away. A heavy rain storm came on shortly after their departure. The District Commissioner went to some pains to trace members of this particular gang but ...

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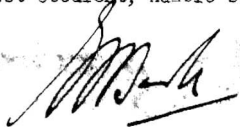
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but could find only two who had not received payment. Of these two one said "Others came back next day for pay, but I did not as I had a lot to do." The other stated "I did not get any cents. It was raining hard. The office was closed. We were told by the Office Boy to go away as there was no European in the office. I did not come back for my cents next day as I was tired. On my way back I was with two others. Archdeacon Owen stopped us. He asked me 'Have you had your cents?' I said I had not as it came on to rain and the office was closed. The others did not talk to Archdeacon Owen. I did the talking. I have always got my cents when bringing in grass before. There were 9 of us, but ^{was} ~~paid~~ ^{paid} ~~by~~. I did not say 'The Europeans refused to give us cents till we brought more 'Olenge' (grass).' I did not hear anyone else say it."

25. I have to admit that this incident calls for a certain amount of criticism. There is no reason however to suppose that it is typical and steps have been taken to prevent its recurrence by the issue of instructions that Departmental Officers may no longer communicate their requirements in the matter of labour direct to native headmen.

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



ACTING GOVERNOR.

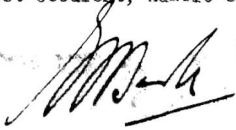
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Downs House,
296, Vauxhall Bridge,
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11th February, 1929.

Copy of letter from Mr. John Harris
to Mrs. Corbett Ashby.

Dear Mrs. Corbett Ashby,

The two main points in Archdeacon Owen's article in the "Manchester Guardian" of the 6th December last were stated in a letter from him to this office of the 21st of October, of the material part of which I enclose a copy, Archdeacon Owen gave in his article several instances of a demand for compulsory labour; one was that referred to in the question which was put in the House of Commons on the 12th of December, (a copy enclosed).

Another was that set out in the letter to this

Association.

A third was that of men in Central Kavirondo, who, in September, 1927, were forced out to work on bush clearing on the Lake shore; about 80 men were forced, contrary to the Ordinance, to work for periods up to two months, without pay; the employer flogged them when the tally of logs did not come up to the standard. The employer was ultimately fined for the floggings, but the labourers got no compensation, and no pay.

Another instance was of Natives in Central Kavirondo who, in July 1928, were ordered to supply thatching grass 2,000 loads. Archdeacon Owen met a caravan of about 250 of them,

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109
END

Question asked in the House December 12th. 1928.

KENYA (GIRL LABOUR).

Mr Kennie Smith asked the Secretary of State for the Colonies whether he was aware that in July and August, 1927, ~~wags~~ ^{gangs} of girls between the ages of 10 and 16 years were ordered out to collect and carry thatching grass in the North Gem area of Central Kavirondo, which involved some of the girls in a daily journey of thirty miles; that some of the girls did three journeys under compulsion, walking between eighty and ninety miles, and that after months of delay they were paid about 5s; and, if so, will he enquire why these orders were given in view of the native authority ordinance?

Mr. Amery: Having seen statements to this effect in a recent article in the Press, I am sending a copy of the article to the officer administering the Government of Kenya and asking him for a report on the facts.

109
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1929

Kenya

No. 15613

SUBJECT

C 0533/386

AK Mubla.

Decision for gratuity in respect of
retired service in the UK.

Prev.

Subsequent

1929