

1930.

Kenya.

No. 16199

SUBJECT

C 0533/400

Education Bill.

Previous

46144/24 (1929 Order)

See 16196/20 (Re-organization  
of African  
Education)

Subsequent

See 16305/39 (Educ. Dept.  
Report)

17144/31

1. H.M.M. Moore for Gov. 328..... 20th. May 30.

Trs a copy of a Bill to make provision for Education throughout the Colony and Protectorate which it is proposed to introduce into Legislative Council subject to any change of the S. of S.

2. Gov. GRIGG. Tel. 213. .... 18th. June 39.

Requests authority to publish Bill at once in order that it may be considered at next meeting of Legislative Council on 10th. July and be referred to Select Committee..

The new Bill contained in No.1 is concerned entirely with the organisation of education and appears to contain little that is really controversial. It differs very considerably from the existing organisation, and I have not, therefore, tried to compare the two, but I attach a note summarising each. A statement of the object and reasons of the bill is printed on pages 14 and 15 of the bill.

The only controversial point is that as to clause 19(5) and clause 42. The Indian Central Committee has objected to power being given to provide that schools may be restricted to members of one race. This is, I think, almost a reductio ad absurdum of the claim to equality made by the Indians. There is I think no other point calling for comment.

*copy*

*See § 26 of B.6*

As to compulsory education see the remarks on pages 17 - 21 of the Report of the Select Committee on the draft estimates. The question of compulsory education for Europeans or Indians is, I think, purely one of finance. At present the cost of European education is £66,092, or, allowing for a share of administration, say, £61,000 or £62,000. This is balanced by:-

School fees, say	26,000	†
School boarding fees, say	9,000	†
European Education Tax	11,000	
* Wines and Spirit Consumption tax	39,000	
Total	£65,000	

\* imposed specially to counterbalance cost of European Edu.

It is not possible from the Estimates to state exactly the figures, as it is not shown what proportion of school fees (£8,250) and school boarding fees (£12,700) is paid by the Indians.

The extra cost of introducing compulsory education for Europeans is estimated at £10,000 (see page 18 of Report of Select Committee). If the European population like to tax themselves to the extent of an extra £10,000 there would, I imagine, be no objection at this end to their doing so, but in reply to the Governor it should, perhaps, be made clear that the Secretary of State would only consider the introduction of compulsory education as justified for any particular race if extra taxation for that race were introduced.

There is no time for the bill to be considered by the Advisory Committee as, if it is to be introduced at the next session, the Governor must have a reply at a very early date. Mr. Vischer might not think it necessary to refer it to the Committee at all (in which case the Governor could be told by telegram that the Secretary of State approves the introduction of the bill and has no observation to make upon it except as at X above as to finance).

G. Johnston  
27.6.20

Mr. Vischer

It is a nuisance that this should be so urgent, but we must try to get off

the days unless of the introduction of the bill is required by the Study Orders. The Gov. can if necessary be satisfied. But Gov. should if from having reply by the end of the month.

a telegram in reply in the course of this week.

Would you please advise whether there appears to be anything to which exception should be taken in the Draft Bill.

As to compulsory education, I see that this comes up as a subject for the C.O. Conference (R/S/3/3/1920).

As to cost of European education in Kenya, we have exact figures for 1922 - see PA file 1607/20/10/20. I think that we could reasonably say that if the Kenya Govt. wish to introduce compulsory education for Europeans, the Govt. assumes that the European education tax will be increased by such amount as would cover the cost involved.

P80

A. C. Parkman  
27.6.20

Mr. Parkinson.

I have looked through this carefully and I find that a number of very controversial points are raised on which the members of the Advisory Committee hold very pronounced views. I would not like (and do not think I can in fairness to the other members of the Committee) to take upon me to express any personal opinion which would enable you to send a reply by telegram, nor do I think it will be possible to let the Secretary of State have the considered opinion of the Advisory Committee in time to reach the Governor together with the report of his Select Committee. Perhaps you might send a telegram to the Governor stating these difficulties, or if you think it is necessary to give the authority he asks for, tell him that the Committee will be consulted, making it quite clear that the Committee has not been consulted. The Agenda for the next meeting on July 31st is already very full and I don't think there would be time to arrive at any definite recommendations even if we put the papers on the Agenda. The next meeting of the Advisory Committee will be held in September.

Hammaköcher

25. 6. 30.

Mr. Parkinson  
Mr. Abbott  
I am sorry about this, and  
I hope that the House will

only be retained if they cannot  
have still later in September  
views upon a Bill  
received here 10 June.

But if there is a real  
risk of the Committee  
raising serious objection  
to important principles  
incorporated in the Bill,  
then it is safer, I suppose,  
to discuss the Bill  
before publication and  
if I am right in thinking  
that to be the case, I put  
up a Mr. Tol. for comment.

It goes however the  
impression that at the  
session the Gov. Com. will  
be taking the 1931 Estimates,  
so that they will have  
especially wanted to know  
what to do about this;  
at the same time, the  
statements made in  
the 1920 report of the  
Report of the S. C. in the  
1930 Estimates beneath was

held good, if the hall  
were purchased and  
introduced at a  
session of the Legislative  
Council at the end  
of 1930 - I do not  
know for certain, but  
it is to be assumed  
that there will be a  
session as usual  
in the last part of  
the year.

All Parkerson

28. 6. 30

Mr Fisher, with whom I have  
discussed how to meet the  
fund. I. can help the  
C. in 50% with the  
A. I. etc. measure for  
Europeans - & he will  
undertake, arrange this

All C.

29. 5. 30

do not think things have

transitions been very rapid since

the publication of the first

Ed. as in 1928. - & let S.

Sp. in 1928. - it has gone.

Wed. 29. 6. 30

bill good, if the bill  
will published and  
introduced at a  
session of the Legislative  
Council at the end  
of 1930 - I do not  
know for certain, but  
it is to be assumed  
that there will be a  
session as usual  
in the last part of  
the year.

All Parkinson  
26. 6. 30

Mr. Vischer with whom I have  
discussed hopes that the  
bill will come before the  
Council on 21st with the  
N.A. educ. proposals for  
Europeans - & he will  
just accept, arrange this

All  
Mr. Vischer has I 27. 5. 30  
do not think things have  
transpired been very satisfactory  
since the publication of the bill.

It is no diff. - 9. 4. 30.  
Shills in after it has gone.

Wed. 27. 6. 30

3 To Goskel (192 and) - 2/6/30  
5

Leave to  
the Committee  
to see  
to see

Mr. Vischer.

You wish to see these papers urgently as  
I understand that you have arranged for a sub-committee  
to be set up to consider No. 1, so that there  
will be no chance of the Committee finding by July  
31st that they have no time to consider the proposals  
and deferring them till a later date.

You will see that the Governor has sent  
home 35 copies of No. 1 and its enclosure for circulation  
to the Committee, but I am afraid that they should  
really have also copies of the existing Ordinance  
which is repealed by this Ordinance, and of pages  
17 to 21 (and the second paragraph) of the Report  
of the Select Committee on the Estimates for 1930.  
We have not sufficient copies of either of these for  
the Committee and there is no time to obtain them from  
Kenya. I am afraid therefore, that they will have  
to be copied. You or Mr. Morris will arrange for  
this?

Mr. Parkinson considers that it will be desirable  
that the despatch should be circulated with a covering  
note. The covering note could explain that the objects  
and reasons of the bill are explained on pages 14 and  
15 of it; it could observe that the bill amongst  
other things enables the Governor, with the advice of  
the Executive Council, to introduce by proclamation  
compulsory education for such races or sections of the  
community and the children of such sex and age as  
may be prescribed. It might point out that provision  
for the introduction of compulsory education already  
exists in the present Ordinance (section 33) though

in a somewhat different form, and that the passage of the bill does not necessarily involve the introduction of compulsory education immediately as a corollary.

Perhaps if you agree you would let Mr. Parkinson see a draft of the note which you propose to circulate.

G. Eastwood  
27/30

Mr. Eastwood.

The following points, not all of which are referred to in the Governor's despatch, ought perhaps to be brought prominently before the attention of the Committee.

Clause 2: Definition of School. This is said in the statement of objects and reasons to be on the lines of the Nigerian and Tanganyika Ordinances. It is a point to which the missions have always attached importance.

Clauses 21/22: Constitution and Functions of School Area Committees. The possibility of a majority of Local Native Council members to be noted. These Committees will advise the Director on opening management and closing of Government and Aided schools, Arab and African. It is rather curious that the Governor makes no special reference to this new organisation in his covering letter.

Clauses 26/32: Compulsory Education. In the present Ordinance, Section 33, compulsion can be declared only [when the Governor is satisfied that there is a general demand for it amongst the communities] concerned, and that ample school accommodation exists. These conditions appear to be omitted in the present Bill.

The Bill is so designed as to make it possible to combine compulsion with the payment of fees. The Director is responsible for deciding whether parents can afford fees or not, an unpleasant and onerous duty. The question whether compulsion plus fees is justifiable or desirable is important.

Yes - but not  
valuable

See verbal  
Sub Committee  
27/3

This part could be met if  
the addition of a sentence  
to provide that no  
imposition shall be  
made under Cl. 26 except  
as at A.

Clauses 33/34: The control of private schools given to the Director by these clauses is substantially the same as that ensured under the present Ordinance. It might be considered by some excessive, e.g. why should the curriculum in private schools (private = unaided) have to be approved by the Education Department?

Clause 37: This gives the Director power to require the dismissal of any teacher in any aided school without apparently having to give any reason at all. The same power is given in the present Ordinance. It might be considered by some as an unnecessarily drastic provision.

Clause 42: The protest of the Indian community against the provision for racial restrictions in Government schools seems to require ampler consideration than the Governor gives to it in his covering letter. There is not, I think, any such provision in the existing Ordinance. Perhaps such restriction is the actual procedure which it is now proposed to regularise by Statute. The question of mixed parentage must involve many difficulties. Apparently the unfortunate Director is expected to make a final decision where there is any doubt regarding the racial classification of the child.

The above remarks are what I suggest being noted in a short memorandum or note to be circulated to members of the Committee, together with a copy of the Governor's despatch and a copy of the Bill, if enough copies are available, before the next meeting on July 31st. I would like you to consult Mr Parkinson and ask him for any alterations or additions which he

considers should be made to the note before it is sent out.

Hammischer  
5.7.30.

Mr. Teacher  
Mr. Eastwood  
Mr. Parkinson

The memo to be noted, with the various other documents, reached me this morning. I have arranged with Copying

Dept. for 35 copies to be made in

time for circulation with the July Agenda of the Adv. Bd. on Educ.

If this file is sent to me on 22<sup>nd</sup> July, I shall attach a copy of the memo as noted for record, and return it to Mr Parkinson for his use at the meeting.

P.H. Morris

11/7/30

I am writing personally to members asking them to give their attention to these papers so that it can be dealt with quickly at the meeting.  
Hammischer/15.

after consulting  
Mr Parkinson

John

It will be left to the local people to object to this.

Dismissal only after the Director's approval.

It could also be left to the local people to object to this.

No doubt there is the fact of racial restriction to be made, one of it is not to be made. Disqualification. Clearly such restriction is desirable, or at least inevitable, in practice, but it may be possible to put it in an Ord.

Said to Mr Morris on  
22nd July to return  
to Mr Allen (Mr Parkin  
late then be on leave)

Richard  
15.7.30  
at once

Mr Allen

This reached me after I sent the  
slip about these lps to you this  
morning.

I sent the original memo to  
Mr Parkin some days ago, a copy  
of the memo as worded will be  
sent to you in a day or so with  
the Agenda for the meeting of the Ad.  
Ctee (to be held on 31<sup>st</sup> July): I have  
none by me at the moment.

P.H. Morris  
23/7/30

DESTROYED UNDER STATUTE

Gov. Grigg. Tel. 268. 25th. August 301  
Grateful for probable date of reply to No; 1.

5. Extract from Draft Minutes of 17th. Meeting of  
Advisory Committee held on 31st. July 30.

Mr Visden

It seems clear that the Bill must  
go on, wait for your next  
meeting on 10 Sept. - see copy  
Mr Gray's note in folder  
below.

If you can undertake to  
have it examined at that  
meeting, we shall feel as in  
it beneath?

You wd. bring with you,  
I suppose, such comments  
as have been received from  
members to docket beneath  
see Parkin

Mr Visden is away. - Mr Gray's  
note - so we must telegraph  
without waiting

Revised to  
Mr Morris  
on Sept. 6  
As shall need  
to see

To go to tel. No 268

all  
K.P. 30  
by Aug. 30

P.T.O



memorandum for the Committee drawing attention to points in the Bill. The despatch with the E.A. Department memorandum and the "Objects and Reasons" at the end of the print of the Bill make clear what the Government is trying to do and need not be elaborated in this minute.

(2) The Department agrees with the two criticisms of the Bill made by the Committee (Miss Burstall was satisfied with the explanation given to C1.5) - the important one being in regard to C1.42 which would give statutory power to the Director of Education to exclude a child from a Government school on grounds of race. As to this see separate minute attached which I sent to Mr. Busha in advance. The Kenya Government must, I think, work out its own new clause to replace clause 42, ~~which would give statutory power to the Director of Education to exclude a child from a Government school on grounds of race.~~

(3) No other points were raised at the Committee meeting and the Department has none to raise. But as the result of earlier circulation of the Bill to members of the Committee, one or two members had sent written observations - see notes from Miss Burstall and Sir G. Maxwell attached.

As to these:-

(a) I see no objection to including in the telegram to the Officer Administering the Government Miss Burstall's point as to the appointment of women on education boards and committees.

(b) Sir G. Maxwell covers several points; for

for convenience, I have marginally minuted his letter; I think that, with the exception of C1.42 already dealt with, there is nothing arising out of the letter which need be taken up.

(c) I submit draft telegram for consideration; if approved, the telegram should be sent off urgently.

*all the above*  
3.10.50

I agree generally with the note.

As regards (b) in the draft telegram to which Mr. Robinson has drawn my attention I feel that in principle the right of appeal to the Government should be allowed. But I do not want to press this too far, to be generally the intention of Kenya to give as much power to the Director as possible - and if you proceed on appeal here there are several other sections which consistently with a right would have to be changed.

*Mr. Robinson is right. Arthur Hughes*  
- 3 -

*Sir S. Wilson*

This has been very fully considered by the Committee but I do not think there are any points beyond those in the draft telegram to which I need draw attention. I have

have made a small alteration  
in (C) of the draft, with which  
Mr Perkins was agree - to  
put all the cases, in the  
Director, covered in his letter  
to the School Committee, and  
send them out

Oct 3 10.30

P. E. S.

9 Tel. no. 215 is for hys - 6 Oct. 1930

10 Extract from Prof. Smith's 18 Meeting held on 27/9/30  
reg. also (N.S.) confirmed  
his. Minutes - N.S.  
without alteration 15. Naah...  
7

11 Extract from informal minutes of 18 meeting of  
Library Committee on subject in the enclosed field

James  
24.2.31  
at

12 Extract from Official Gazette dated 9th. Oct. 1930.  
Registered in accordance with minutes on  
16055/30

? put by  
Thomas  
29/11/30

James  
24.2.31  
at

SW

T. F. S.  
21. 12.30  
P. E. S.

hu

13 2 copies of report of Select Committee on  
the Education Bill received under cover of  
letter from 9th Dec. dated 30 January 1931  
spare to library

we would worry about this  
at present, but it looks nearly

Part  
James  
24.2.31  
at

12/3

REPORT  
OF  
A SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL  
APPOINTED TO CONSIDER AND REPORT ON THE PRO-  
VISIONS OF A BILL TO MAKE PROVISIONS FOR  
EDUCATION THROUGHOUT THE COLONY AND  
PROTECTORATE.

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Your Excellency,

We, the members of the Select Committee on the above Bill, have the honour to report that we recommend that the Bill be amended in the following respects -

1. That Clause 1 be amended by substituting the figures "1901" for the figures "1900" therein.
2. That Clause 2 be amended -
  - (a) by deleting the words "established and" in the definition of "Public School";
  - (b) by substituting the words "duly authorized by the Director" for the word "appointed" in the definition of "Inspector";
  - (c) by deleting the definition of "School medical officer" and substituting therefor the following:-

"School medical officer" means any officer of the Medical Department or any other registered medical practitioner duly appointed by the Director of Medical and Sanitary Services to act as school medical officer."
  - (d) by deleting all the words after the word "nurse" in the eighth line of the definition of "School nurse";
  - (e) by deleting the words "other than the father and mother" in the fifteenth line of the definition of "parent".
3. That Clause 4 be amended by inserting after the word "time" at the end of line 32 of the Clause the words "from funds voted for the purpose by the Legislative Council".

4. That Clause 5 be amended by inserting before the word "provide" in line 17 of the Clause the words "from funds voted for the purpose by the Legislative Council".

5. That Clause 7 (1) be amended by inserting the words "affecting education" between the word "motion" and the word "submitted"; by the substitution of the word "two members" for the words "a member"; by the insertion of a full stop after the word "Council", and by the deletion of the words "and accepted by the Chairman".

6. That Clause 8 be amended by inserting the following as paragraph "(b)" -

"(b) at least one member of each advisory Council shall be an elected member of the Legislative Council."

by substituting the word "appointment" for the word "nomination" in paragraph (b); and by renumbering paragraph (b) as (c).

7. That Clause 11 be amended by inserting the figure "(1)" after the figure "11"; by deleting the word "special" in the penultimate line of the Clause, and by adding the following as sub-clause (c) -

"(2) It shall be the duty of the Chairman to report to the Council the action taken on any matter on which the Council has advised the Director."

8. That Clause 14 be amended by inserting after the word "schools" in the third line of the Clause the words "or if the Director receives a requisition in writing from not less than 50% of the parents of the children in attendance at such school or group of schools".

9. That Clause 15 be amended by deleting the words "three, six or" in the first line of the Clause and substituting therefor the words "not less than three or more than", and by substituting the word "appointed" for the word "nominated" in the third line of the Clause.

10. That Clause 16 be amended by inserting after the word "committee" in the first line of the Clause the words "as near as may be".

11. That Clause 17 be amended by deleting the figure "(1)" after

the figures "17"; by inserting after the word "committee" in the first line of the Clause the words "or thereafter whenever necessary"; by inserting as paragraph (b) the following -

"(b) appoint a secretary who may, with the approval of the Director, be an officer of the Department;";

by renumbering paragraphs (b) and (c) as (c) and (d) respectively; by adding as paragraph (e) the following -

"(e) decide by ballot the members who shall retire in each year under section 16 of this Ordinance;";

and by deleting sub-clause (2).

*Handwritten:*  
12. That Clause 19 be amended by substituting the word "appeal" for the word "approval" in the ultimate line of sub-clause (5), and by adding as sub-clause (7) the following -

12. That Clause 19 be amended by substituting the word "appeal" for the word "approval" in the ultimate line of sub-clause (5), and by adding as sub-clause (7) the following -

"(7) to advise generally on matters affecting the interests of the school;";

13. That Clause 21 be deleted and the following substituted therefor -

"21. A school area committee shall consist of a chairman who shall be the Provincial Commissioner or a deputy nominated by him, and the following members -

(i) in areas in which there is one local native council -

(a) three members nominated by the local native council and appointed by the Provincial Commissioner;

(b) such other members as the Governor may from time to time appoint not being less than three nor more than six in number;

(ii) in areas in which there are two or three local native councils -

(a) two members nominated by each local native council and appointed by the Provincial Commissioner;

(b)

- (b) such other members as the Governor may from time to time appoint not exceeding twice the number of members nominated by local native councils and not being less than the number of members nominated by the local native councils;
- (iii) in areas in which there are four or more local native councils -

- (a) one member nominated by each and appointed by the Provincial Commissioner;
- (b) such other members as the Governor may from time to time appoint not exceeding twice the number of members nominated by local native councils and not being less than the number of members nominated by local native councils.

Provided that in case a school area committee is constituted in an area in which there is no local native council the school area committee shall be constituted in such manner as the Governor may from time to time decide."

14. That Clause 24 be amended by deleting the full stop at the end of Paragraph (b) and by adding after the word "him" the words "or by the Provincial Commissioner".
15. That Clause 25 be amended by substituting the word "four" for the word "three" in sub-clause (2); by inserting the word "a" between the word "or" and the word "school" in the first line of sub-clause (3); by substituting the word "Governor" for the word "Director" in the first line of sub-clause (4) and by deleting the words "and shall not be eligible for re-appointment" at the end of the said sub-clause.
16. That Clause 26 be amended by deleting the words "with the advice of the Executive Council" and substituting therefor the words "with the advice and consent of the Legislative Council".
17. That Clause 27 be amended by deleting the words "in case of irregular attendance such child may be excluded from school" at the end of sub-clause (c); by deleting the words

- (b) such other members as the Governor may from time to time appoint not exceeding twice the number of members nominated by local native councils and not being less than the number of members nominated by the local native councils;
- (iii) in areas in which there are four or more local native councils -
  - (a) one member nominated by each and appointed by the Provincial Commissioner;
  - (b) such other members as the Governor may from time to time appoint not exceeding twice the number of members nominated by local native councils and not being less than the number of members nominated by local native councils.

Provided that in case a school area committee is constituted in an area in which there is no local native council the school area committee shall be constituted in such manner as the Governor may from time to time decide."

- 14. That Clause 22 be amended by deleting the full stop at the end of paragraph (c) and by adding after the word "him" the words "or by the Provincial Commissioner";
- 15. That Clause 23 be amended by substituting the word "four" for the word "three" in sub-clause (2); by inserting the word "a" between the word "of" and the word "school" in the first line of sub-clause (1); by substituting the word "Governor" for the word "Director" in the first line of sub-clause (4) and by deleting the words "and shall not be eligible for re-appointment" at the end of the same sub-clause;
- 16. That Clause 26 be amended by deleting the words "with the advice of the Executive Council" and substituting therefor the words "with the advice and consent of the Legislative Council";
- 17. That Clause 27 be amended by deleting the words "In case of irregular attendance such child may be excluded from school" at the end of sub-clause (2); by deleting the words

"of the Executive Council" in sub-clauses (4) and (5) and substituting therefor in each case the words "and consent of the Legislative Council", and by transposing sub-clauses (3) and (4) and renumbering them as (4) and (3) respectively.

18. That sub-clause (1) of Clause 29 be deleted and the following substituted therefor -

"29. (1) When a proclamation has been issued under this Part it shall be the duty of every parent of a child who, but for the fact that he has not yet attained the age at which education becomes compulsory for him, would have been subject to such proclamation, not less than six months before such child attains such age as aforesaid to forward in writing to the Director or to an education officer approved by the Director the following particulars in regard to such child -

- (i) full name and sex;
- (ii) date of birth;
- (iii) distance of residence from nearest school;
- (iv) name of the school to which it is proposed to send such child, or alternatively if the parent of such child does not intend to send it to school he shall inform the Director in what other way he proposes to give it efficient instruction."

by inserting as sub-clause (2) the following -

"(2) It shall be the duty of the parent of every child who, within six months after the date on which a proclamation is issued under this part, will attain the age at which education becomes compulsory for him, to forward in writing to the Director or to an education officer approved by the Director the particulars prescribed in sub-section (1) of this section."

by substituting the words "three months" for the words "one month" in the second line of sub-clause (2); by substituting the words "not exceeding" for the word "or" in two places in the third line of sub-clause (3); and by renumbering sub-

"of the Executive Council" in sub-clauses (4) and (5) and substituting therefor in each case the words "and consent of the Legislative Council", and by transposing sub-clauses (3) and (4) and renumbering them as (4) and (5) respectively.

18. That sub-clause (1) of Clause 29 be deleted and the following substituted therefor -

"29. (1) When a proclamation has been issued under this Part it shall be the duty of every parent of a child who, but for the fact that he has not yet attained the age at which education becomes compulsory for him, would have been subject to such proclamation, not less than six months before such child attains such age as aforesaid to forward in writing to the Director or to an education officer approved by the Director the following particulars in regard to such child -

- (i) full name and sex;
- (ii) date of birth;
- (iii) distance of residence from nearest school;
- (iv) name of the school to which it is proposed to send such child, or alternatively if the parent of such child does not intend to send it to school he shall inform the Director in what other way he proposes to give it efficient instruction."

by inserting as sub-clause (2) the following -

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by substituting the words "three months" for the words "one month" in the second line of sub-clause (2); by substituting the words "not exceeding" for the word "or" in two places in the third line of sub-clause (3); and by renumbering as

clauses (2) and (3) as (3) and (4) respectively.

19. That sub-clause (2) of Clause 30 be amended by substituting the word "four" for the word "three" in the penultimate line of the sub-clause; and that the proviso to sub-clause (3) be amended by substituting the words "one month" for the words "four weeks" in the last line of the proviso.

20. That Clause 37 be amended by the deletion of the first sentence and the substitution thereof of the following -

"The appointment of teachers in a public school other than a Government school shall lie with the manager of such school, but every such appointment shall be subject to the approval of the Director";

and by the substitution of the word "public" for the word "aided" in the marginal note to the Clause.

21. That sub-clause 39 (c) be amended by the deletion of the comma appearing after the word "proceedings" in the third line of the sub-clause.

22. That Clause 40 be amended by the deletion of the comma appearing after the word "section" in the second line of the Clause.

23. That Clause 43 be amended by substituting the word "public" for the word "Government" in the first line of the Clause.

24. That Clause 45 be deleted and the following clauses re-numbered accordingly.

25. That Clause 46 be amended in the following respects -

(a) by substituting the word "in" for the word "by" in paragraph (c);

(b) by inserting the following paragraph (j) -

"(j) prescribing conditions for securing liberty of conscience and due respect for the religious beliefs of pupils attending public schools;"

(c) by renumbering paragraphs "(j)" to "(h)" as "(k)" to "(o)";

and

(d) by substituting the words "be Apprenticed"  
for the words "by apprentice" in line 3 of  
paragraph (1).

We have the honour to be,  
Your Excellency's most obedient servants,

SD. A.D.A. MACGREGOR.

SD. G.V. MAXWELL.

SD. JOHN L. GILKS.

SD. H.S. SCOTT.

SD. C.F. WALKINS.

SD. H.R. MONTGOMERY.

SD. H.E. SCHWARTZ.

SD. T.J. O'SHEA.

SD. F.A. BENISTER.

SD. FRANCIS SCOTT.

SD. A.F. MALIK.

SD. GEORGE BURNS.

Nairobi,  
31st December, 1950.

19

EDUCATION BILL.

Minority Report by Chief Native Commissioner.

I regret that I am unable to agree to the proposed amendment to Clause 26 of the Bill, which would have the effect of substituting the Legislative Council for the Executive Council. Such a step would in my view be unconstitutional, for, once a law has been enacted by the Legislature with a suspending provision as regards the application of that law or any part of it to a specified area or class of persons, its subsequent application is an administrative question to be decided by the Executive Government, and not by the Legislature which is functus officio in that regard. (c.f. The Fencing Ordinance, 1929, section 4. The Cattle Cleansing Ordinance " 4. The Sugar Ordinance - Cap.154 " 10. The Native Liquor Ordinance - Cap.135. Section 3, and many other Ordinances).

2. Moreover, the Select Committee was advised by the Attorney-General that the expression "public funds" includes Local Native Funds. The proposed amendment would therefore prevent a native tribal community, which might be prepared to bear the whole cost of local schools through local native rates levied under the provisions of the Native Authority Ordinance, from exercising a local option to have compulsory education among its own people within its own area by a resolution passed under section 24 (a) of the Native Authority Ordinance, and duly approved under section 28 thereof. I can see no justification for such an interference with the powers and functions which have been vested by law in Local Native Councils and the Executive Government.

G. V. MAXWELL  
CHIEF NATIVE COMMISSIONER.

2nd January, 1951.

## GOVERNMENT NOTICE No. 559.

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

G. R. SANDEFORD,

*Clerk to the Legislative Council.*

**A Bill to make provision for Education throughout the Colony and Protectorate.**

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 Education (short title) Ordinance, 1930."

## PART I

## DEFINITIONS.

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

"Director" means the Director of Education;

"Department" means the Department of Education of the Colony;

"School" means an institution in which not less than ten pupils receive regular instruction and shall include any assembly of not less than ten pupils for the purpose of receiving regular instruction but shall not include—

(a) any institution or assembly in which the instruction is wholly or, in the opinion of the Director, mainly of a religious character; or

(b) any institution owned and maintained by a religious society for the purpose of training persons—

(i) for the ordained ministry; or

(ii) for admission to a religious order under the direction of or associated with such religious society;

"Public school" means any school established and maintained from public funds or aided by grants-in-aid from public funds;

"Government school" means a public school maintained from public funds;

"Private school" means a school which receives no assistance from public funds;

"Inspector" means any person appointed to be an inspector of schools;

"Education officer" means any officer of the Department or any person named as such carrying the written authority of the Director to visit or inspect schools or to assist in the carrying out of the provisions of the Ordinance;

"School medical officer" means any officer of the Medical Department duly appointed by the Director of Medical and Sanitary Services to act as school medical officer; or any other registered medical practitioner lawfully acting in that capacity;

" Medical inspection " means the physical examination of children in attendance at school, and the consideration of all matters affecting the health of such children by a school medical officer and shall include physical examination by a school nurse;

" School nurse " means any person appointed by the Director of Medical and Sanitary Services to be a school nurse, and any person lawfully acting in that capacity;

" School Committee " means a committee appointed under Part IV;

" Parent " means the father of a child and if there be no father or if the father be absent from the Colony or dead the mother of such child and, if the child has been placed by order of a competent court in the custody of some person other than the father and mother, the custodian so appointed, and if the father and mother are both dead or absent from the Colony the person having actual custody of such child.

" Manager " means the person or persons directly responsible for the maintenance of a school other than a Government school, and if such person or persons are not resident in the Colony means the person acting on his behalf or their behalf;

" Child " means any person under the age of twenty-one years.

PART II

CONTROL OF EDUCATION.

Functions of Department.

3. The functions of the Department shall be the performance of all work necessary or incidental to the control of education by the Governor and the exercise of any powers or the carrying out of any duties that may be specially conferred on or by this Ordinance or by rules made thereunder.

General powers of Governor.

4. The Governor may from time to time—

- (a) establish or maintain or make grants in aid of schools;
- (b) establish or maintain boarding houses accessory to schools established or maintained under this Ordinance, and make grants or advances in aid of the establishment, maintenance or repair of boarding houses accessory to schools maintained or aided under this Ordinance, provided that in the case of schools aided from public funds the consent of the manager shall first have been obtained;
- (c) make grants in aid of governesses and tutors;
- (d) make grants in aid of such of the following institutions as are constituted and administered in manner approved by him—
  - (i) public libraries and public museums;
  - (ii) orphanages, provided that grants in aid of such institutions may include grants in aid of the maintenance of the inmates thereof;
  - (iii) creches;

(iv) institutions or organisations which in his opinion promote the education or health of the children of the Colony;

(v) institutions or organisations for the education of adults;

(e) provide for the conduct of all such examinations as are held under the supervision or control of the Department;

(f) provide in whole or in part for transporting children to or from any public school;

(g) provide for the compulsory medical inspection of children at school and for the exclusion on medical grounds of children from school;

(h) make such other provision for the carrying on of public education as may be consistent with the provisions of this Ordinance.

5. The Governor may from time to time provide bursaries—

- (i) to assist in transporting children to any public school which in the opinion of the Director provides education suitable to their age or standard of attainment or in boarding them at or near any such school;
- (ii) to assist in the education or maintenance or transport of children or students who are undergoing or proceeding to undergo courses of instruction at institutions approved by the Governor outside the Colony,

and may withdraw any such bursaries, provided always that the grant or withdrawal of any bursary shall be in accordance with and subject to conditions prescribed by rule.

PART III.

ADVISORY COUNCILS.

6. The Governor may appoint one or more Advisory Councils to advise the Director in regard to matters affecting education in the Colony.

Advisory Councils appointed by Governor.

7. The functions of an Advisory Council shall be to advise the Director upon the following matters in connection with the education of the race or community in whose interests the Council is appointed—

Functions of Advisory Councils.

- (a) the organization of schools;
- (b) the curricula to be adopted in different types of schools;
- (c) the fees to be charged in Government schools;
- (d) the fees to be charged in boarding houses attached to Government schools;
- (e) to advise on proposed legislation affecting education;
- (f) any matter submitted by a member of the Council and accepted by the Chairman;
- (g) any other matters referred to the Council by the Director.

8. An Advisory Council shall consist of such and so many members as the Governor may from time to time decide and shall hold office for a period of three years provided that—

Constitution and period of Advisory Council.

- (a) the chairman of an Advisory Council shall be the Director or his nominee;

October 9, 1930.

(b) The Governor may at any time revoke the nomination of any member.

Secretary to  
Advisory  
Council.

9. The Secretary to an Advisory Council shall be an officer of the Department appointed by the Director.

Quorum of  
Advisory  
Council.

10. An Advisory Council shall at its first meeting decide the number required to constitute a quorum. 5

Meetings of  
Advisory  
Council.

11. An Advisory Council shall meet not less than once in each year and at such other time as the Director may decide; provided that on receipt of a written requisition signed by three members, the Director shall within six weeks of the receipt of such requisition summon a special meeting of the Council. 10

#### PART IV.

##### SCHOOL COMMITTEES.

Provisions of  
this part not  
to apply to  
Arabs or  
Africans.

12. The provisions of this Part shall not apply to schools for the education of Arab or African children. 15

Appointment of  
school  
committees  
for Govern-  
ment schools.

13. If, in the opinion of the Director the establishment of a school committee is in the interests of any Government school or group of schools, he shall take steps to constitute a school committee for such Government school or group of schools as provided in the next following section. 20

Constitution  
of school  
committees.

14. A school committee shall consist of three, six or nine members as the Director shall in each case decide, such members to be nominated by the Governor. 25

Provided that in the case of a Government school established to meet the educational requirements of the Colony as a whole, and not of a particular locality, the constitution of the committee for such school shall be as the Governor may direct.

Additional  
members.

15. The Governor may appoint as an additional member of any school committee any person who is, in his opinion, a benefactor of such school or of one of the schools in respect of which the committee is constituted. 30

Tenure of office  
of school  
committees.

16. (1) One-third of the members of a school committee, other than the additional member or members appointed in terms of the preceding section, shall retire in rotation after holding office for one year, but shall be eligible for re-appointment. 35

(2) If a member of a school committee resign or die or be absent from the Colony, the Director may appoint a member to take his place. 40

(3) If a member of a school committee absent himself without leave from two consecutive meetings of his committee without an explanation satisfactory to the committee he shall be deemed to have resigned. 45

(4) The Governor may on the recommendation of the Director call upon a member of a school committee to resign and he shall thereupon be deemed to have resigned.

October 9, 1930.

17. (1) At the first meeting of a school committee the committee shall—  
Chairman and  
quorum of  
committee.

(a) elect a chairman;

(b) fix the number required for a quorum;

(c) make rules for the conduct of their business, subject to the approval of the Director. 5

(2) The Secretary of a school committee shall be an officer of the Department appointed by the Director.

18. A school committee shall meet not less than once in every four months, provided that the chairman may summon a special meeting if he considers such meeting to be necessary and shall summon such a meeting on the written request of not less than half the members. Meetings of  
committee.

19. The functions of a school committee shall be—  
Functions  
of school  
committee.

(1) to advise regarding the school buildings and premises; 15

(2) to recommend reduction or remission of fees for books, stationery or equipment or tuition or board or medical attendance in the case of children whose parents are in the opinion of the committee unable to pay such fees in whole or in part; 20

(3) to report on boarding houses (not maintained by Government) for children in attendance at school when called upon to do so by the Director;

(4) to account for grants in aid of repairs or maintenance of the school buildings or premises when such are not maintained by Government; 25

(5) to consider and decide all applications for admission or readmission of pupils to the school in respect of which the Committee is appointed, subject to the right of approval to the Director whose decision shall be final; 30

(6) to assist generally in the administration of the school in so far as required by rule or so far as called upon to do so by the Director.

35 Provided that the Committee shall have no control or authority over any teacher or servant appointed by the Government.

#### PART V.

##### SCHOOL AREA COMMITTEES FOR ARAB AND AFRICAN EDUCATION.

20. The Governor may constitute school area committees in respect of such areas or districts as he may think fit or may combine two or more such areas or districts for the constitution of such committee. School area  
committees in  
certain areas.

21. School area committees shall consist of the following members—  
Constitution of  
school area  
committees.

(a) the chairman who shall be the District Commissioner serving in the area or a deputy nominated by the chairman;

(b) three members who shall be appointed by the District Commissioner or nominated by the local native council with the approval of the Provincial Commissioner; 50

(c) such other members as the Governor may from time to time appoint, not being less than three nor more than six in number:

Provided that in case a school area committee is constituted in respect of an area in which there are two or more local native councils, the Provincial Commissioner shall be chairman and the local native councils shall nominate two representatives each, and the Governor shall appoint such number of members as he may decide not exceeding twice the number of members nominated by the local native councils, and not being less than the number of members nominated by the local native council.

Provided further that in case a school area committee is constituted in an area in which there is no local native council the school area committee shall be constituted in such manner as the Governor may from time to time decide.

22. The functions of a school area committee shall be as follows:—

- (a) to advise the Director in regard to the provision of schools within its area;
- (b) to make recommendations to the Director in regard to the opening, management or closing of public schools for Arabs and Africans in the area;
- (c) to make recommendations to the Director as to the nature and amount of assistance to be invited from any local native council for the carrying out of any educational project for the benefit of Africans;
- (d) subject to the provisions of any Ordinance relating to the use of land to make recommendations to the Director as to the sites for the establishment of schools for Arab and African children;
- (e) to advise the Director generally upon any educational matters referred to the committee by him.

23. (1) A school area committee shall hold office for a period of three years.

(2) A school area committee shall meet not less than once in every three months.

(3) If a member of school area committee resign or die, the authority nominating such member shall nominate a substitute who shall hold office for the period for which the member whom he replaces would have continued to be a member if he had not resigned or died.

(4) The Director may call upon a member of a school area committee to resign and he shall thereupon be deemed to have resigned and shall not be eligible for re-appointment.

24. A school area committee shall decide what number of members shall constitute a quorum at the meetings of such committee provided that in no case shall such quorum be less than one-third of the members.

25. Any member of a school area committee other than the chairman may resign therefrom by notification in writing to the chairman.

Functions of school area committee.

Period of office of school area committee.

Quorum of school area committee.

Resignation of members of school area committee.

### PART VI. COMPULSORY EDUCATION.

26. (1) The provisions of this Part shall apply only to such races or sections of the community, and to children of such sex and age as the Governor with the advice of the Executive Council may by proclamation prescribe.

(2) Such proclamation may apply the provisions of this Part to the whole of the Colony or to such area or areas as may be defined in such proclamation.

27. (1) It shall be the duty of the parent of every child to whom this Part has been applied who has reached the age at which education is made compulsory in respect of such child and has not completed the age at which education ceases to be so compulsory to cause such child to attend at a school on every day on which such school is open unless such child—

- (a) is in the opinion of the Director receiving efficient instruction in some other way; or
- (b) is prevented from ill-health or any other cause whether temporary or permanent which the Director may deem a sufficient excuse for non-attendance; or
- (c) the parent is in the opinion of the Director unable to pay the fees prescribed for tuition under this Ordinance and has applied for but has not received exemption from the payment of such fees.

(2) If any such child as aforesaid lives more than three miles by the nearest road from a school (or more than two miles from a school if he has not completed his ninth year) the following provisions (subject to the exceptions otherwise in this section provided) shall apply:—

- (a) if in the opinion of the Director the parent of such child is himself in such a financial position as to enable him to make the necessary provision for the child's attendance at school, whether in respect of fees, transport or boarding or fees and transport and boarding it shall be the duty of such parent to do so at whatever distance he may reside from the school;
- (b) if in the opinion of the Director the parent is in such a financial position as to enable him to defray a portion of the fees, transport, or boarding of his child in order to enable him to attend school and in case such fees have been remitted in whole or in part, and there have been provided by the Government or by any other person or body to the approval of the Director reasonable facilities or assistance for such transport or boarding the parent shall not be excused from causing the child to attend school regularly by reason that the whole cost of transport or boarding is not defrayed by the Government;
- (c) if in the opinion of the Director the parent is not in a financial position to pay the fees prescribed under this Ordinance or to defray the cost of such transport or boarding or any portion thereof he shall be excused from sending his child to school unless the fees are wholly remitted and facilities for transport or boarding or both free of cost to the parent have been provided by the Government or from some other approved source.

Duties of parents where education of children is compulsory.

(3) It shall be the duty of the parent of every such child who has reached the age at which education ceases to be compulsory for such child, and who remains on the school roll to cause such child to attend regularly. In case of irregular attendance such child may be excluded from school.

(4) The Governor may with the advice of the Executive Council prescribe the limits of age between which attendance at school is compulsory, either for children of any race or section of the community or for children of either sex.

(5) The Governor may with the advice of the Executive Council by proclamation vary the distance prescribed in this section.

Duty of  
principals to  
report  
irregular  
attendance.

28. Every principal of a school at which a child whose attendance at school is required under the preceding section is enrolled shall report to the Director or other education officer approved by him, any case of irregular attendance on the part of such child, in such manner as may be by rule prescribed.

Parents' duty  
to notify  
particulars of  
children.

29. (1) Every parent of a child to whom this Part has been applied shall not less than six months before such child attains the age at which education becomes compulsory for such child forward in writing to the Director or to an education officer approved by the Director the following particulars in regard to such child:—

(i) full name;

(ii) date of birth;

(iii) distance of residence from nearest school;

(iv) name of the school to which it is proposed to send such child, or alternatively if the parent of such child does not intend to send it to school he shall inform the Director in what other way he proposes to give it efficient instruction.

(2) Every parent of a child to whom this Part has been applied entering the Colony shall within one month of arrival in the Colony forward in writing to the Director the information required in the preceding subsection.

(3) Any person who fails to give any information required under this section shall on conviction be liable to a penalty of fifty shillings for a first offence and to a penalty of five pounds for a second or subsequent offence.

Procedure in  
case of non-  
attendance.

30. (1) If the Director or the education officer charged by him with the duty of seeing that all children who are required to receive education do receive education, is of opinion that any such child is not receiving education he shall apply to a magistrate having jurisdiction in the area in which the parent of such child resides, for an order calling upon the parent to cause such child to attend school and shall at the same time inform such parent that such application is being made to the magistrate.

(2) The magistrate upon receipt of such application shall after allowing the parent an opportunity of stating either in writing or in person any reason why an order should not be made, make an order to the parent to cause his child to attend school regularly or to give his child efficient instruction in

(3) It shall be the duty of the parent of every such child who has reached the age at which education ceases to be compulsory for such child and who remains on the school roll to cause such child to attend regularly. In case of irregular attendance such child may be excluded from school.

(4) The Governor may with the advice of the Executive Council prescribe the limits of age between which attendance at school is compulsory, either for children of any race or section of the community or for children of either sex.

(5) The Governor may with the advice of the Executive Council by proclamation vary the distance prescribed in this section.

Duty of principal to report irregular attendance.

25. Every principal of a school at which a child whose attendance at school is required under the preceding section is enrolled shall report to the Director or other education officer approved by him, any case of irregular attendance on the part of such child, in such manner as may be by rule prescribed.

Parents' duty to notify particulars of children.

26. (1) Every parent of a child to whom this Part has been applied shall not less than six months before such child attains the age at which education becomes compulsory for such child forward in writing to the Director or to an education officer approved by the Director the following particulars in regard to such child:—

- (i) full name;
- (ii) date of birth;
- (iii) distance of residence from nearest school;
- (iv) name of the school to which it is proposed to send such child, or alternatively if the parent of such child does not intend to send it to school he shall inform the Director in what other way he proposes to give it efficient instruction.

(2) Every parent of a child to whom this Part has been applied entering the Colony shall within one month of arrival in the Colony forward in writing to the Director the information required in the preceding sub-section.

(3) Any person who fails to give any information required under this section shall on conviction be liable to a penalty of fifty shillings for a first offence and to a penalty of five pounds for a second or subsequent offence.

Procedure in case of non-attendance.

30. (1) If the Director or the education officer charged by him with the duty of seeing that all children who are required to receive education do receive education, is of opinion that any such child is not receiving education he shall apply to a magistrate having jurisdiction in the area in which the parent of such child resides, for an order calling upon the parent to cause such child to attend school and shall at the same time inform such parent that such application is being made to the magistrate.

(2) The magistrate upon receipt of such application shall after affording the parent an opportunity of stating either in writing or in person any reason why an order should not be made, make an order to the parent to cause his child to attend school regularly or to give his child efficient instruction in

some other way to the satisfaction of the Director, unless he is of opinion that the matter should be reconsidered by the Director. In that event he shall request the Director to reconsider the matter and if the Director renews the application he shall give his decision. If the magistrate decide against the issue of such an order no such application with respect to the same child shall be made before the lapse of three months from the date of the magistrate's decision.

(3) If a parent to whom the magistrate has issued an order in accordance with the preceding sub-section fails to carry out such order, the Director or an education officer acting with the authority of the Director shall cause such parent to be summoned before a magistrate and on conviction such parent shall be liable to a penalty not exceeding fifty shillings for a first offence and for a second or any subsequent offence a penalty not exceeding ten pounds.

Provided that a complaint under this sub-section with respect to the same child shall not be repeated at any less interval than four weeks.

31. If a parent who is summoned before a magistrate as provided in the preceding section claims that he is providing efficient instruction the magistrate may call for a report on such instruction to be submitted to him by an inspector.

Power to call for report on education of child not attending school.

32. In any proceedings before a magistrate for an order or penalty in regard to the school attendance of children under this Ordinance the following provisions shall apply:—

Provisions as to legal proceedings.

(a) it shall lie on the parent to prove that the child is not of the age in respect of which attendance at school is compulsory;

(b) the magistrate may require by summons the parent of a child to produce the child before him and any parent failing to comply with such a summons without reasonable excuse to the satisfaction of the magistrate shall be liable on summary conviction to a penalty not exceeding five pounds;

(c) in any proceedings relating to a child at which the child is present the magistrate shall sit either in a different room from that in which the ordinary sittings of the court are held, or at different times from those at which the ordinary sittings of the court are held, and no persons other than the officers of the court, officers of the Department and the parties to the case, their advocates and other persons directly concerned in the case shall, except by leave of the magistrate, be allowed to attend;

(d) no fees shall be payable for any process applied for or issued under this Part.

## PART VII

### PRIVATE SCHOOLS.

33. (1) It shall be the duty of the manager of any private school in the Colony:—

Registration of private schools.

(a) to register such school at the office of the Department;

(b) to keep a register of teachers employed thereat, showing the qualifications of such teachers;

- (c) to see that the school is properly conducted and provided with a curriculum approved by an inspector;
- (d) to see that the principal teacher keeps a register of enrolment and a register of daily attendance of pupils in the form prescribed by the Director and furnishes to the Department at such times and for such periods as the Director may require correct returns in the form prescribed by rule of the entries in any register kept as aforesaid.

(2) Any such manager as aforesaid who shall fail to comply with any of the requirements of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds.

Inspection of private schools.

34. (1) The Director or any person specially authorised by him may from time to time visit any private school and if it appears to the Director on the report of such person or from his own inspection that such school is conducted in a manner which is in the opinion of the Director calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereof he may order the premises on which such school is held to be closed for school purposes, or he may give notice to the manager ordering such alteration in the structure of the premises or the conduct of the school as he may think necessary to be made within a time fixed by such order and if the same be not made to his satisfaction within the time prescribed, he may order the premises to be closed, provided that the manager may appeal within seven days to the Governor in Council against such order to close a school. Pending the decision of the Governor in Council the school may remain open.

(2) Any person who—

(a) shall obstruct or hinder the Director, or any other person in the lawful exercise of the powers conferred by this section; or

(b) shall continue to conduct the school without having carried out within the time prescribed as aforesaid the requirements as aforesaid; or

(c) shall without permission of the Director use for the purposes of a school any premises ordered to be closed under the powers of this section.

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

(3) The Director or any accredited representative may at any reasonable time without notice visit and inspect any private school in the Colony and such of its records as are required by the Department, provided that in the case of madrasah schools the inspection shall be carried out by a woman duly authorised.

#### PART VIII

#### TEACHERS.

Teachers required to have certificates.

35. No person except in special circumstances to be recognised as such by the Director shall be appointed as a teacher in any public school who does not hold a certificate or licence to teach issued or recognised by the Director, and every licence to teach and every certificate issued under the provisions of this section shall be signed by the Director.

- (c) to see that the school is properly conducted and provided with a curriculum approved by an inspector;
- (d) to see that the principal teacher keeps a register of enrolment and a register of daily attendance of pupils in the form prescribed by the Director and furnishes to the Department at such times and for such periods as the Director may require correct returns in the form prescribed by rule of the entries in any register kept as aforesaid.

(2) Any such manager as aforesaid who shall fail to comply with any of the requirements of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds.

Inspection of private schools.

34. (1) The Director or any person specially authorised by him may from time to time visit any private school and if it appears to the Director on the report of such person or from his own inspection that such school is conducted in a manner which is in the opinion of the Director calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereof he may order the premises on which such school is held to be closed for school purposes, or he may give notice to the manager ordering such alteration in the structure of the premises or the conduct of the school as he may think necessary to be made within a time fixed by such order and if the same be not made to his satisfaction within the time prescribed, he may order the premises to be closed, provided that the manager may appeal within seven days to the Governor in Council against such order to close a school. Pending the decision of the Governor in Council the school may remain open.

(2) Any person who—

- (a) shall obstruct or hinder the Director or any other person in the lawful exercise of the powers conferred by this section; or
- (b) shall continue to conduct the school without having carried out within the time prescribed as aforesaid the requirements as aforesaid; or
- (c) shall without permission of the Director use for the purposes of a school any premises ordered to be closed under the powers of this section,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

(3) The Director or any accredited representative may at any reasonable time without notice visit and inspect any private school in the Colony and such of its records as are required by the Department, provided that in the case of parochial schools the inspection shall be carried out by a woman duly authorised.

#### PART VIII

##### TEACHERS.

35. No person except in special circumstances to be recognised as such by the Director shall be appointed as a teacher in any public school who does not hold a certificate or licence to teach issued or recognised by the Director, and every licence to teach and every certificate issued under the provisions of this section shall be signed by the Director.

Teachers required to have certificates.

36. In the case of teachers who may be employed in a Government school at the time of the passing of this Ordinance but who do not hold a certificate to teach, ten years' approved experience of teaching shall be regarded as equivalent to the possession of a certificate. All teachers appointed to teach in Government schools after the date of this Ordinance with less than ten years' approved experience shall be required to obtain a certificate before their appointments are confirmed.

Provision in case of existing teachers.

37. The appointment of teachers in public schools shall be subject to the approval of the Director. The manager of a public school may be required to dismiss any teacher upon the order of the Director approved by the Governor and refusal to comply with such order shall entitle the Director to refuse or withhold the grant payable to such school.

Teachers in aided schools to be approved by the Director.

38. (1) The manager or principal of any institution in which provision is made for the training of teachers may with the approval of the Director enter into an agreement in the form to be by rule prescribed whereby the person undergoing a course of training as a teacher is required to serve as a teacher on the completion of the course of training for a period not longer than the period of training.

Students in training to be subject to agreement to teach.

(2) No stamp duty shall be payable on any agreement made under this section.

#### PART IX

##### FEES.

39. (1) Such fees as may be prescribed by rule shall be payable in any Government school provided that the Governor in Council may, at any time and for such period as he shall think fit, by order determine that no fees for tuition or for books or for medical attendance be payable in any one or more of such schools or in any class or classes of such schools or in respect of any individual pupil or group of pupils.

Fees in Government schools.

(2) All fees for tuition or books or board, or medical attendance shall as the Director may decide be payable by the month or term in advance to principals of schools, or to such other person as the Director may decide, and any person not so paying shall within fourteen days after the commencement of the month or term as the case may be, be notified in writing by the person to whom the payment is required to be made, that such fees are due.

(3) If such fees are not paid within one month after such notice is duly given the Director may institute legal proceedings, in his own name against the person in default for the recovery thereof.

(4) The Director may remit in whole or in part the fees due in respect of tuition or books or board or medical attendance if he is satisfied that the parent of the child in respect of whom such remission is recommended is unable to pay such fees in whole or in part.

40. All fees whether paid or recovered as in the last preceding section, shall be accounted for and paid into the general revenue of the Colony.

Fees to be paid into general revenue.

## PART X.

## MISCELLANEOUS:

Delegation  
of authority  
by Director.

41. When any proceedings under this Ordinance are brought in the name of the Director it shall be lawful for the Director to appoint any person to conduct the proceedings in court on his behalf. 5

Children to  
attend school  
serving  
prescribed  
area.

42. The Director may by order published in the Gazette prescribe the area to be served by any Government school. No child living outside the area so prescribed shall be admitted to the school serving such area without the written permission of the Director, and any child living outside the area so prescribed who has been admitted to such school may be excluded from such school, but such exclusion shall not be deemed to be a sufficient excuse for non-attendance at school within the meaning of Part VI of this Ordinance. 10

Medical  
inspection.

43. Every child in attendance at a Government school shall be liable to medical inspection provided that if the parent of any child objects to medical inspection he may signify his objection in writing to the Director through the school committee if one exists who shall either excuse such child from medical inspection or submit the matter to the Governor whose decision shall be final. 15 20

Apprentice-  
ship for  
learning trade.

44. (1) Every child attending a public school and undergoing a course of training for any trade or vocation or a preliminary general course of instruction leading to such course of training shall be bound by a form of apprenticeship to be prescribed by rule to complete such course of training unless released therefrom with the authority of the Director. 25

(2) No stamp duty shall be payable on any agreement made under this section.

Instruction  
in musketry.

45. The Governor may authorise the Director to make suitable arrangements whereby boys in attendance at any public school shall receive instruction in musketry provided that no such instruction shall be given to any boy whose parent indicated in writing his desire that such boy be excused from such instruction. 30 35

## PART XI.

## RULES AND REGULATIONS.

Power of  
Governor  
or Council  
to make rules.

46. The Governor in Council may from time to time make rules—

- (a) prescribing the conditions of admission to Government schools; 40
- (b) prescribing the conditions of expulsion or exclusion from school on grounds of age, discipline or health, and the administration of corporal punishment; 45
- (c) prescribing the manner by which compulsory attendance at school is to be ensured; 45
- (d) prescribing the conditions for the payment of grants in aid of boarding houses conducted in connection with Government schools; 45

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serving  
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- (d) prescribing the conditions for the payment of grants in aid of boarding houses conducted in connection with Government schools;

(e) prescribing the conditions of payments of grants in aid of schools, or boarding houses;

(f) prescribing the conditions of the grant of bursaries to enable children to attend school, either by means of transport or boarding or both;

(g) prescribing the conditions under which funds raised by local native councils or other local bodies are to be expended for educational purposes;

(h) prescribing the amounts and the manner of payment of fees payable under this Ordinance and the recovery thereof;

(i) prescribing the manner in which the medical inspection and treatment of school children shall be carried out;

(j) prescribing the conditions of payment of grants in aid of public libraries;

(k) prescribing the conditions of the issue of teachers' certificates or licences and the withdrawal of such certificates or licences;

(l) prescribing the conditions under which children may for the purpose of learning a trade or becoming teachers by apprenticeship to the Director or his representative or to the head of an approved institution;

(m) prescribing the duties of officers appointed under this Ordinance;

(n) generally for the better carrying out of the objects of this Ordinance.

47. The Director may make Regulations—

(a) prescribing the subjects of instruction to be given in any public school and the courses in such subjects;

(b) prescribing conditions of any examinations held by the Department and the fees payable for any examinations held by or under the supervision of the Department;

(c) prescribing the manner in which records, statistics, and accounts shall be kept and returns and reports shall be made to the Department;

(d) prescribing the procedure to be adopted at meetings of bodies constituted under this Ordinance;

(e) prescribing the conditions of the use of Government school buildings out of school hours.

48. The Education Ordinance, 1924, is hereby repealed.

## OBJECTS AND REASONS.

The Bill differs from the existing Ordinance in several important details.

1. The Ordinance of 1924 aims at securing the management of education. The Bill claims to make provision for education. There is a distinction in aim in the two titles, which is indicated by the statement of powers to be taken by Government. These are enumerated in Part III.

Power of  
Director  
to make  
regulations.

2. The organisation at present in force in Kenya is as follows:—

- (i) Director.
- (ii) Advisory Central Committees presided over by the Colonial Secretary.
- (iii) Advisory School Area Committees.
- (iv) Boards of Governors apparently not authorised under the law.

3. There are four advisory central committees for European, Indian, African and Arab education.

There are advisory committees in different areas of the country for European, Indian and African education. Local native councils also take part in the provision of educational facilities for Africans.

There are also Boards of Governors.

4. For a country of the size of Kenya the provision of advice and of local bodies appears to be unnecessarily great.

5. It is therefore proposed to cut out the school area committees for European and Indian education, retaining the central committees. It is at the same time proposed to create school committees for each school. The constitution of these committees should in the opinion of the central committees be by nomination and not by election.

6. As regards African education it is felt that the time has not yet arrived for the creation of school committees for individual schools, but provision is proposed for the creation of school area committees based as far as possible on the areas of local native councils giving the local native councils a considerable representation.

7. Advice in regard to the education of Arabs is provided for by the creation of one central committee sitting at the coast.

8. The proposed composition of the central committees calls for some explanation. The position of the Colonial Secretary and of the Director of Education under the existing law appears anomalous. The Colonial Secretary is chairman of a body the function of which is to advise the Government of which he is the chief officer under the Governor. The Director of Education is called upon to be a member of a committee which advises Government on matters concerning his own department. In deference to the strong recommendations of all the central committees, it is proposed to retain the Director on these committees as chairman.

9. The Bill proposes a direct enactment of compulsion for any race in any area prescribed by proclamation but provision remains for the retention of fees which may be remitted by administrative act.

The advantage of this proposal is that the country is not at once committed to free compulsory education and that compulsion may be followed by remission of fees. That is to say the introduction of free compulsory education may be gradual and may be made to fit the financial position of the Colony.

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There is considerable alteration in the requirements in respect of compulsion. The provisions of the existing law are unsatisfactory. The provisions in the Bill are based on the English practice with limits in regard to distance which will suit the conditions of the country.

10. A point of detail which requires special mention is the definition of *school*. The present definition is open to objection in regard to native schools. The proposed definition is taken partly from Nigeria and partly from Tanganyika.

16/9/30

28  
11

XEA

Adv. Com. on Educ. in Kenya

Extract from confidential minutes  
of 18<sup>th</sup> meeting, 25/9/30

7. Kenya: Education Bill. A memorandum had been circulated to members before the meeting held in July.

MR. VISCHEN explained that at the previous Meeting members had been asked to send in their comments in writing on the Kenya Education Bill, and that comments had been received from certain members.

MISS BURSTALL, referring to Section (f) of Clause 5 of the Bill, said she could not understand why denominational schools should be penalized by bursaries being refused to children attending them. She said that, with regard to the analysis of the Bill given on page 2 of the despatch, further appeal to the Governor should be made possible from the Director of Education's judgment. Finally, she did not agree with the proposed racial discrimination envisaged under Clause 42.

MR. PARKINSON, referring to Miss Burstall's criticism of Section (i) of Clause 5, drew attention to the Governor's explanation of the Clause in the despatch; and it was also pointed out that the definition of "public school" included all approved denominational schools.

MR. OLDHAM, referring to Clause 42, said that a statutory exclusion of pupils on racial grounds from any school maintained by public funds was contrary to the traditional principles of British policy. If public discussion should arise on the subject, it would be embarrassing for some members of the Committee if the Committee had approved without question a clause of this nature.

MR. PARKINSON informed the Committee that he had discussed the matter with Mr. Biss, who had given him to understand that the present system of excluding children from certain schools for racial reasons (effected in practice through the Government School Committees under Section 14 of the existing Education Ordinance) might be challenged in the Courts; and yet it was clear that there would be the strongest local opposition (which could not be ignored) to any proposals for mixed racial education: the Europeans would not tolerate this.

The difficulty of the Eurasians was referred to, it being mainly in connexion with Eurasian children that trouble arose.

Further discussion revealed a general feeling that, while in practice it might be desirable and practicable to restrict admission on racial grounds in some schools, it was unnecessary and undesirable to make statutory provision for such restriction; and the Committee decided to recommend that Clause 42 should be deleted from the Bill.

MR. OLDHAM then referred to Clause 21, whereby it was possible that there might be a majority of local Native Council representatives on a school area committee. He considered that expert educational opinion should command a majority of such committees and suggested that managers of grant-aided schools should be represented. Though it was desirable that the interest of local Native Councils should be secured in the manner proposed, experience in India and elsewhere pointed to the need for caution in the assignment of educational responsibility to such bodies.

It was pointed out by members that this suggested arrangement was in force in Tanganyika Territory; and that Mr. Oldham's recommendation was consistent with the advice given by the Committee on the proposals for African education in Kenya. The Committee recommended that action should be taken accordingly.

Section 6 of the Principal Ordinance proposed to be amended:—

Examination of  
immigrants.

6. Any person desiring to enter the Colony shall, before being allowed to do so, appear before the immigration officer, who shall, after such examination as he may consider necessary, inform such person and the master of the ship, if any, which has conveyed him to the Colony, whether he is a prohibited immigrant or not. Provided that if such person withholds or conceals from the immigration officer any fact or information which would bring such person within any of the classes of prohibited immigrants defined in section five, he shall be deemed to have contravened this Ordinance.

YEA

16/9/30

28

Adv. Chas. on Educ. in Colls

Extract from Conference minutes  
of 18<sup>th</sup> meeting, 25/9/30

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It was pointed out by members that this suggested arrangement was in force in Tanganyika Territory; and that Mr. Oldham's recommendation was consistent with the advice given by the Committee on the proposals for African education in Kenya. The Committee recommended that action should be taken accordingly.

Advisory Committee on Education in the Colonies. 10<sup>29</sup>

Extract from Draft Minutes of 13<sup>th</sup> Meeting held on 25/9/30

X.X.E.A.

REC  
14 OCT 1930  
OFFICE

An advance copy of this has been placed by Mr Parkhouse on the file.

Please register for record & send to E.A. Dept to see.

I shall inform you in due course when minutes are confirmed

P.H.M. over  
22/10/30

See No. 8.

placed before the Committee and with its recognition of the need for instruction in English as a second language.

With reference to the need for closer control of private schools, which was emphasised by the Bishop in Polynesia, he noted that an Inspector of Indian schools had recently been appointed by the Government.

The Bishop in Polynesia also expressed his agreement with the redrafted resolution, and, after further discussion, the resolution in its revised form was accepted by the Committee, subject to a slight alteration in the wording of the first paragraph which arose out of information supplied by Mr. Seymour and the Bishop.

The resolution as finally approved by the Committee for submission to the Secretary of State is printed as Appendix A to these Minutes.

6. Mauritius: Salaries of Masters of Royal College.

Copies of a letter from the Rector of the Royal College to the Colonial Secretary, together with the covering despatch from the C.A.C. had been circulated to members with a note on the subject by Mr. Mayhew.

Mr. Mayhew explained the situation, and the Committee agreed that the recommendations made by the Rector should be accepted.

7. Kenya: Education Bill.

A memorandum had been circulated to members before the meeting held in July.

Mr. Vischer explained that at the previous meeting members had been asked to send in their comments in writing on the Kenya Education Bill, and that comments had been received from certain members.

P.T.O.

Miss Burstall, referring to section (1) of Clause 5 of the Bill, said she could not understand why denominational schools should be penalised by bursaries being refused to children attending them. She said that, with regard to the analysis of the Bill given on page 2 of the despatch, further appeal to the Governor should be made possible from the Director of Education's judgment. Finally, she did not agree with the proposed racial discrimination envisaged under Clause 42.

Mr. Parkinson, referring to Miss Burstall's criticism of section (1) of Clause 5, drew attention to the Governor's explanation of the clause in the despatch; and it was also pointed out that the definition of "public school" included all approved denominational schools.

Mr. Oldham, referring to Clause 42, said that a statutory exclusion of pupils on racial grounds from any school maintained by public funds was contrary to accepted educational policy.

Mr. Parkinson informed the Committee that he had discussed the matter with Mr. Eiss, who had given him to understand that the present system of excluding children from certain schools for racial reasons (effected in practice through the Government School Committees under Section 14 of the existing Education Ordinance) might be challenged in the Courts; and yet it was clear that there would be the strongest local opposition (which could not be ignored) to any proposals for mixed racial education; the Europeans would not tolerate this.

P.T.O.

The difficulty of the Eurasians was referred to, it being mainly in connection with Eurasian children that trouble arose.

Further discussion revealed a general feeling that, while in practice it might be desirable and practicable to restrict admission on racial grounds in some schools, it was unnecessary and undesirable to make statutory provision for such restriction; and the Committee decided to recommend that Clause 42 should be deleted from the Bill.

Mr. Oldham then referred to Clause 21, whereby it was possible that there might be a majority of local Native Council representatives on a school area committee. He considered that expert educational opinion should command a majority on such committees and suggested that managers of grant-aided schools should be represented. Though it was desirable that the interest of local Native Councils should be secured in the manner proposed, experience in India and elsewhere pointed to the need for caution in the assignment of educational responsibility to such bodies.

It was pointed out by members that this suggested arrangement was in force in Tanganyika Territory; and that Mr. Oldham's recommendation was consistent with the advice given by the Committee on the proposals for African education in Kenya. The Committee recommended that action should be taken accordingly.

O.O. *2/10/30* X. 16199/30. Kenya.

X Mr. Mayhew. 3-10

Mr.

Mr.

X Sir C. Bottomley. 3-20-30

Sir J. Shuckburgh.

Sir G. Grindle.

+ ~~Permt. U.S. of S.~~ *8/10/30*

Parly. U.S. of S.

X Secretary of State. *6/10*

*Withdrawn  
3:30p 6/10/30*

**DRAFT. CODE TELEGRAM.**

IMPORTANT.

GOVERNOR,

NAIROBI.

No. 215 Confidential My telegram

No. 163 I have now received comments of Education Advisory Committee on the Education Bill and I am prepared to approve introduction subject to the following:-

(a) Clause 21 would allow of local native council representatives being in a majority on a school area committee. Experience in India and elsewhere points to need for caution in assignment of education responsibility to such bodies. In this connection see paragraph 5 of my despatch 722 of 17th September.

Advisory Committee urge that expert educational opinion should command a majority and they suggest that managers of grant-aided schools should

*[5 in 1629/10]*

should be represented.

I assume that you will see no difficulty in  
arranging <sup>rearranging</sup> ~~rearranging~~ <sup>text</sup> ~~rearranging~~  
So far as concerns ~~rest~~ of Bill it would suffice if sub-  
Clause C were amended to <sup>include</sup> ~~include~~ minimum number  
of Governor's nominees <sup>to exceed</sup> ~~to exceed~~ whatever may be  
number thought best for native council nominees.

(b) Committee represent that statutory exclusion  
of pupils on racial grounds from any school maintained  
from public funds is contrary to accepted educational  
policy, and while in practice it may be desirable and  
possible to restrict admission on racial grounds in  
some schools it is unnecessary and undesirable to make  
statutory provision for this and they recommend deletion  
of Clause 4E. I realise the difficulty which your  
Government feel in the matter, but I agree with the  
Committee's view which in any event I should have felt  
bound to take. Could not a clause be substituted more

on the lines of Section 14 of existing Ordinance giving <sup>school</sup>  
~~the Board of Education power to~~ ~~admit or reject children~~  
~~absolute discretion to the Director~~

to admit or reject children. I should have no objection  
to that and I do not wish you to refer to me again before  
introduction of Bill if you follow this suggestion.

New paragraph

As a matter of procedure it is recommended that

women

to be added

This is very clear  
suggestion to  
omit the point  
of members: the  
actual phrase  
was written  
specifically in the bill  
see

Agree  
Am

let me know

I think it that you  
will feel as difficulty  
in this respect  
in section 14 of  
para 2 (vii) of  
which shows that  
it is valuable  
in practice  
for my point. See

C.O.

Mr.

Mr.

Mr.

Sir C. Bottomley

Sir J. Shackburgh

Sir G. Grindle

Parly. U.S. of S.

Parly. U.S. of S.

Secretary of State

women should be appointed to the  
various education councils and  
committees. I assume that you would  
be willing to act on this suggestion.

SECY.

DRAFT.

TELEPHONE.  
BOARS HILL 139

8c 35  
SUNNING WOOD,  
BOARS HILL,  
OXFORD.

2<sup>nd</sup> August, 1930.

My dear Viscount,

I mention my  
observations on the Kungu Bird -  
The many specimens sent in the  
Bird seem to me to be more suitable  
for the East African Department of the  
C.O. than for the Advisory Committee.

With kind regards,

Yours very sincerely  
Ernest Innes

TELEPHONE,  
BOARS HILL 139

8c 35  
SUNNING WOOD,  
BOARS HILL,  
OXFORD.

2<sup>nd</sup> August, 1930.

My dear Viscount,

I thank you very  
much for your reservation in the Kanga Bill -  
The many objections pointed in the  
Bill seem to me to be more a matter  
for the East African Department of the  
C.O. than for the Advisory Committee -  
with kind regards,

Yours very sincerely

Ernest Casson

The Kenya Education Bill 1950.

In the main, the new matter in the Bill relates to the re-organisation of administrations; and there seems to be no evidence of abstract, or general, educational policy, in which the opinion of a committee such as ours would be of assistance.

Matters connected with the Advisory Council (Part III of the Bill), School Committees (Part IV) and School Area Committees for Maasai and Mijikenda Education (Part V) must be decided by the local authorities with regard to political, as well as administrative, questions, regarding which the Advisory Committee has no knowledge; and the attitude of the Advisory Committee can only be that of refusal from comment upon these matters, and leave the full responsibility to the local government and the Colonial Office.

C. No. 1000  
referred  
O.S.

Approved  
by the  
Honourable  
Member  
O.S.

Similarly, with regard to Clause 12 of the Bill, the Advisory Committee can do no more than note that it reserves in the Colonial Office memorandum that such restrictions exist at present, without legislative provision; that it assumes that, notwithstanding the Government is persuaded that, despite the Indian precedent, it is necessary to retain statutory powers; and that, in any event, this reservation the Advisory Committee is not prepared to express any opinion -

The definition of "public school" in the Bill may, in one aspect, be regarded as nothing more than a mere definition for the purpose of clarity in draftsmanship in the various clauses in which it appears. It is as well known to reserve that ~~definition~~

Private Schools are not public schools, and hence  
a new definition cannot possibly make them what  
they are not. This being so, it might be more  
discreet perhaps to adhere to the terminology  
of the present law, in which they are defined as  
"Private Schools". The Wisconsin Committee  
contented itself with this reservation.

The Kansas Government is inclined to  
consider whether in Part VI it might not be  
advisable to restrict compulsory attendance to  
"public schools". As the Bill stands at present,  
compulsory attendance at private schools is  
contingent -

Under the "Repeal" clause of the  
Bill (Clause 49), all Rules, etc., made  
under the old law will automatically  
come to an end immediately the new law  
comes into force. Under, however, the  
Rules are promulgated at the same time as  
the new law, there may be some difficulty.

Henry C. Chase

2<sup>nd</sup> August, 1910

The Com. had  
not made on  
this case this  
and it will be  
the best  
of case of 1910

1. The Com. has  
not made any  
provision to  
compulsory  
for a particular  
area - i. e. does  
not intend compulsory  
attendance now. The  
Committee did not have  
the power to do this  
if it were to  
be made with  
the Com. would be  
the

It is not possible  
to do this in the  
present law. It  
is only possible  
if the Com. will  
be able to do this  
in the future.



86

It is advisable to advise Kenya  
 authorities to appoint women on the  
 various education boards & committees  
 especially where there are many educated  
 English women now living in Kenya. The  
 number seems likely to increase.

See Education Act, England,  
 1902.

Jac. A. Puntall  
 July 31<sup>st</sup> 1930.

*Su*

Mr. Bushe Mr. Parkinson

Registered file in circ. But would you advise on the following.

The Kenya Govt. propose to introduce a new Education Bill - copy herewith. Clause 42 would give statutory power to the Director to exclude a child from a Govt. school on racial grounds. The Indians object (see passages marked X and in Gov's despatch herewith).

The Education Advisory Committee have recommended the deletion of clause 42; the Dept. on political grounds, agrees that the clause should come out, as it is undesirable, especially at this juncture, to introduce a Bill which provides in black and white for this racial separation - although, as a matter of practice, it is necessary to keep the races separate for schooling in Kenya: also the "Eurasian" is a special problem, and in regard to Eurasians it is necessary that the authorities should be able to exclude them from European schools.

I understand that hitherto the exclusion of a child from a European school has been effected under § 14 of the existing Ordinance (copy herewith) - i.e. the thing is worked through the Committees.

Mr. Biss of the Education Dept. told me that the action of the Govt. in thus excluding a child from a European school may be, possibly now is being, challenged in the Courts.

Do you think that if the Govt. place in their new Bill provision similar to § 14 of the present Ordinance giving power as in that § either to

to the Director of, as previously, to the  
School Committee, they will be in a position  
to exclude an Indian or Eurasian child from a  
European school without any appreciable risk  
of the action being declared illegal by a  
Court.?

A. C. C. Parkinson

26.9.30.

W. Parker

I do not think that the old Section 14 in its existing form would be very effective, but of course it is quite possible to draft a Clause on those lines which would give the Director or Committee an absolute discretion to admit or reject any children. What puzzles me a little bit is the extent to which this would be consistent with the provisions for compulsory education. A parent has got to send his child to a school if it is within a certain distance. If the Committee refuse to admit the child to the school, what happens then?

H.B. 29. 9.30.  
 I think it will be all right under the scheme for this Bill - i.e. compulsory. It will be introduced only in a given area in a given area - hence, all got, will not introduce it unless an appropriate scheme will be available.

3.10.20

Extract from minutes  
of 18<sup>th</sup> meeting of Advisory  
Committee on Education

S 41

7. Kenya Education Bill

A memorandum had been circulated to members before the meeting held in July.

Mr. Fischer explained that at the previous meeting members had been asked to send in their comments in writing on the Kenya Education Bill, and that comments had been received from <sup>several</sup> members.

Miss Burstall, referring to section (i) of Clause 5 of the Bill, said she could not understand why denominational schools should be penalised by bursaries being refused to children attending them. She said that, with regard to the analysis of the Bill given on page 2 of the despatch, further appeal to the Governor should be made possible from the Director of Education's judgment. Finally, she did not agree with the proposed racial discrimination envisaged under Clause 42.

Mr. Arkinson referring to Miss Burstall's criticisms of section (i) of Clause 5, drew attention to the Governor's explanation of the clause in the despatch, and it was ascertained that the definition of "public school" included all approved denominational schools.

Mr. Aldham referring to Clause 42, said that a statutory exclusion of pupils on racial grounds from any school maintained by public funds was contrary to accepted educational policy. Mr. Arkinson informed the Committee that he had discussed the matter with Mr. Bies, who had given him to understand that the present system of excluding children

children from certain schools for racial reasons (effected in practice through the Government school committees under Section 14 of the existing Education Ordinance) might be challenged in the Courts; and yet it was clear that there would be the strongest local opposition (which could not be ignored) to any proposals for mixed racial education: the Europeans would not tolerate this. The difficulty of the Eurasians was referred to, it being mainly in connection with Eurasian children that trouble arose.

Further discussion revealed a general feeling that, while in practice it might be desirable and practicable to restrict admission on racial grounds in some schools, it was unnecessary and undesirable to make statutory provision for such restriction; and the Committee decided to recommend that Clause 42 should be deleted from the Bill.

Mr. Oldham then referred to Clause 21, whereby it was possible that there might be a majority of Local Native Council representatives on a school area committee. He considered that expert educational opinion should command a majority on such committees and suggested that managers of grant-aided schools should be represented. Though it was desirable that the interest of Local Native Councils should be secured in the manner proposed, experience in India and elsewhere pointed to the need for caution in the assignment of education responsibility to such bodies.

It was pointed out by members that this suggested arrangement was in force in Tanganyika Territory; and that Mr. Oldham's recommendation was

42  
consistent with the advice given by the Committee on the proposals for African education in Kenya. The Committee recommended that action should be taken accordingly.

43 164  
RECEIVED  
-3 SEP 1930  
COLONIAL OFFICE

TELEGRAM from the Governor of Kenya to the Secretary of State for the Colonies.

(Dated 3rd September Received Colonial Office 11.4.a.m. 3rd September, 1930.)

No. 284.

Your telegram of 29th August No. 163 for which I am explaining by despatch, Estimates Session will begin on or about 21st October. If Advisory Committee approve generally of Education Bill should be glad if you would telegraph permission during last week September to publish Bill thus enable me to proceed with Bill during October Session subject to any recommendations you have to make by despatch.

Ans of 6/10/30  
No 6

O.O.

X. 16/99/30 Uringa <sup>44</sup> 6.

Mr. Alder P. 27. 8. 30

Mr. Viscountess

Mr. Parkman 24/8/30

Sir C. Bottomley

Sir J. Stubbings

Sir G. Grenville

Parl. U.S. of S.

Early U.S. of S.

Secretary of State

answ

9/10

10 pm 29. 8. 30 08  
G. did sent

DRAFT. Code telegram

General  
Kairali

no. 278 You tel. of

25 August no. 268

Education Bill  
was placed on  
agenda for  
Advisory Committee  
at end of July  
but ~~it~~  
time did not permit  
of its consideration

Next meeting of  
Committee will be  
towards end of  
September

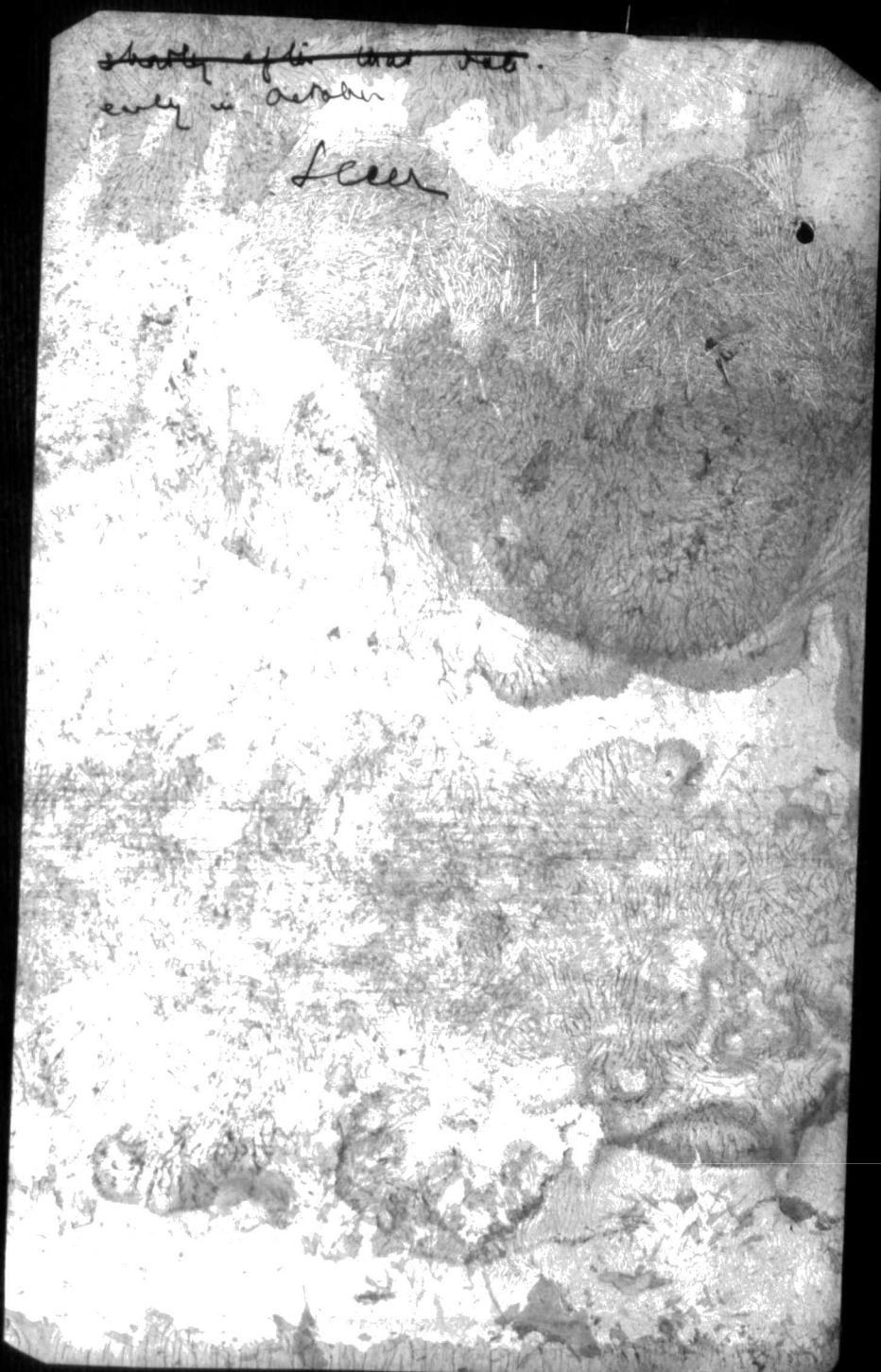
I hope to be  
able to reply  
to your despatch

Rec'd. to Mr. Kairali  
to arrange for convening  
of an bill at  
meeting of 25 Sept

~~shortly after the war.~~

early in October

seen



Advisory Committee on Education in the Colonies.

49

Extract from Draft Minutes of 17<sup>th</sup> Meeting held on 31/7/30

X X.E.A.

Please register on file about Kenya Educ Bill (I am sending you a separate extract for file about Native Educ) and send to E.A. Dept.

P. H. Morris  
26/8/30

5 46

8. Kenya: Native Education and the Education Bill.

The Report of the sub-committee embodying the reply recommended to be sent to the Kenya Government with reference to the comments of that Government on the Report of the Advisory Committee on the original proposals from Kenya had been circulated to members, together with copies of the Education Bill 1930 and the Governor's covering despatch.

It was decided to approve the Report of the sub-committee and to inform the Secretary of State that the Committee had no observations to make on the Kenya Education Bill, subject in each case to any comments which members might wish to make in writing. Members were invited to forward their comments to Mr. Vischer, who would submit them to the Kenya Department.

Sealhead  
16/12/30

O.O.

X. 16. 1997 20 days

347

Mr. Auld 27.6.30.

Mr. Vischer agrees 27.6.

Mr.

A. Sir C. Bottomley 27.6.30

Sir J. Shuckburgh

Sir G. Grenville

Parlt. U.S. of S.

Parly. U.S. of S.

Secretary of State. Cousins

*Handwritten notes:*  
Baker  
27/6/30  
[Signature]

DRAFT. Coll. Tel.

Important

Government

Kearney

(2) No. 100 Your tel. of 18 June  
 No. 213 Education Bill is  
 one upon which I feel it  
 essential to have views  
 of Advisory Education  
 Committee. It has been  
 quite impossible since receipt  
 of your draft of 20 May 1930  
 to place it before  
 the Committee and in the  
 circumstances I cannot  
 be considered in time to  
 permit of publication for  
 introduction at coming  
 session of Legislative Committee  
 I will do what I can to  
 expedite ~~the~~ but  
 there is much urgent  
 matter already awaiting  
 consideration by the  
 Committee and I do not

Reciev. urgently  
 to the [unclear]  
 to arrange for  
 collection of doc't.  
 requiring copying  
 to [unclear] [unclear]

like to present a reply  
to you asap. by any  
definite date. I shall of  
course no reply to you  
explaining to Council  
that it has not yet been  
possible for me to let you have  
~~my views~~ in the water and  
that while I much regret  
any inconvenience which  
may be caused by delay  
~~in the presentation~~  
legislation of this nature necessarily  
requires very full consideration

Dear

L. THE EXISTING ORDINANCE.

Schools are divided into three categories  
(1) Government Schools established and maintained ~~by~~ <sup>or</sup> public funds. (2) assisted Schools, (3) Private Schools which receive no assistance from public funds.

The Education of all races is supervised by the Director with the advice of central committees, one for each race)

There are also area committees under the Senior Administrative Officer of the district having various advisory duties in regard to school buildings, curricula, the admission of pupils into Government Schools, etc.

The local Manager of every assisted or private school is required to keep various registers and returns. The Director may visit and inspect any assisted or private school, and if he discovers abuses order it to be closed, subject to the right of appeal.

Teachers must have certain qualifications and must hold a licence to teach, signed by the Director. The appointment of teachers in assisted schools to be subject to the approval of the Director.

Fees in Government schools to be settled by regulation.

If the Governor is satisfied <sup>that there is</sup> by a general demand for compulsory education amongst any community in any area, and that ample accomodation exists, and that compulsory education is necessary, he may, with the advice of the Executive Council, order that it shall be introduced. The number of times that

children

children will be compelled to attend to vary according to the distance which the child has to go to school. If there is no school within three miles the child need not attend.

II. THE NEW BILL.

Part 1.

Definitions. The schools are divided into (1) Public Schools, i.e. any school established and maintained from public funds or aided by grants-in-aid from public funds. (2) Government Schools i.e. public schools maintained from public funds. (3) Private Schools receiving no assistance from public funds.

Part 2.

The Governor is given general powers to establish and maintain schools, and provide generally for the carrying on of education. He may provide (clause 5) bursaries:- "(1) to assist in transporting children to any public school which, in the opinion of the Director, provides education suitable to their age or standard of attainment or in boarding them at or near any such school" (ii) to assist in the education, maintenance or transport of children attending schools outside the Colony.

(<sup>One</sup> ~~The~~ Committee wish to substitute the word "approved" for the word "public" ~~in line 1.~~ <sup>in line 1.</sup> It has also been suggested that the words "religious denomination" be added after the word ~~in line 1.~~ <sup>at X</sup>. The Governor cannot recommend either.)

Part 3.

The Governor may appoint one or more advisory councils under the chairmanship of the Director to advise on the organisation, fees, draft legislation affecting education, etc.

Part 4.

Part 4.

Which does not apply to Arab or African schools, provides for the appointment of school committees for Government schools; their functions are to advise, report and make recommendations on various matters, in particular, (clause 19 (5)) "to make recommendations to the Director as prescribed in §42 of the Ordinance". Clause 42 provides that "the Director shall in respect of any Government school decide <sup>whether</sup> attendance at such schools is to be restricted to children of a particular race."

(cl: 42 (2) (b) and  
 consequential or  
 cl: 42 (1))

see minute as  
 to this  
 J.

(The Indian Committee are opposed in principle to the whole of clause 42 and to clause 19(5)). It has also been suggested that the word "public" be substituted for the word "Government" <sup>in clause 43(1)</sup>.

Part 5.

Provides for School Area Committees for Arab and African education under the chairmanship of the District Commissioner; to contain three members nominated by the local <sup>native</sup> ~~representative~~ Council, and not more than six other members appointed by Government. These Committees are to make recommendations as to the provision of schools and their situation, the assistance to be granted from local native funds, etc., etc.

Part 6.

~~Provision for~~ compulsory education; it is to apply only to "such races or sections of the community and to children of such sex and age as the Governor, with the advice of the Executive Council, may, by proclamation prescribe." The provisions may apply to the whole or part of the Colony.

(cl: 47)

There are clauses providing for assisted transport to children of poor parents, for remission of fees at the discretion of the Director, etc., etc.

- Part 7. All private schools are to be registered, to follow approved curricula and ~~the~~ teachers are to keep rolls of those present. There are similar provisions for inspection to those in the existing law.
- Part 8. Teachers are to hold certificates or licences issued or recognised by the Director.
- Part 9. Provides for fees in Government schools and for their remission in whole or in part at the Director's discretion.
- Part 10. Contains miscellaneous provisions.  
(See ~~also~~ <sup>also</sup> clause 42 in Part 4 ~~and~~ clause 19).  
Medical inspection, apprenticeship, instruction in musketry, etc.
- Part 11. Rule making power.

RECEIVED  
17 JUN 1930  
COL. OFFICE

52

TELEGRAM from the Governor of Kenya to the Secretary of State for the Colonies.

(Dated 18th June Received Colonial Office 1.5.p.m. 18th June, 1930.)

No. 213.

(No. 1) My despatch of 20th May 1930 No. 328. In view of undertaking recorded on pages 19 and 20 of Report of Select Committee on 1930 Estimates I consider it most desirable that Education Bill should if possible be considered before next Budget Session. I therefore request authority to publish Bill at once in order that it may be considered at next meeting of Legislative Council in Mombasa on 10th July and be referred to Select Committee. Select Committee would not report before Budget Session at the end of August or early September which would give ample time for me to receive your considered opinion upon Bill before Report of Select Committee is adopted.

KENYA.

No. 328



GOVERNMENT HOUSE  
NAIROBI,  
KENYA.

RECEIVED  
10 JUN 1930  
COL. OFFICE

20 May, 1930.

My Lord,

I have the honour to forward, for Your Lordship's consideration, a copy of a Bill to Make Provision for Education throughout the Colony and Protectorate, which I propose to introduce into Legislative Council subject to such observations as Your Lordship may wish to make upon it. Thirty-five further copies of the Bill are being transmitted under separate cover for reference to Your Lordship's Advisory Committee. The need for this legislation is shown in the Statement of Objects and Reasons <sup>printed at the end of the Bill</sup> and it is only necessary to add that the existing Ordinance is in certain respects out of date. The administrative machinery provided lacks definiteness and the prescriptions in regard to compulsory education in the existing Ordinance are difficult to administer.

Under separate cover.

11/14/30  
(1930 Ord.)

2. The Bill has been discussed by the Central Committees in this Colony on European, Indian, Arab and African Education whose proposed amendments to the original draft have been introduced so far as considered desirable. Certain proposals were not found acceptable by the Director of Education with whose views I am, after consulting my Executive Council, in general agreement.

/The

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

The most important of these proposals were as follows:-

(1) Clause 2. The African Committee recommended the deletion of the definition of "Public School" and the insertion of a new definition as follows: "Assisted School shall mean a school whose establishment or maintenance is assisted by public funds". The object of this proposal is to emphasize the private character of mission schools. The purpose of the Bill is to create a public system and it is clearly right that schools which receive large grants and which are conducted under conditions laid down by the Education Department should form part of that system.

(ii) Clause 4. It was proposed that the powers given to the Governor in this Clause and in Clause 5 be given to the Governor in Council. I agree, however, with the Director of Education that it is unnecessary to burden the Governor in Council with the regulations necessary under this Clause. Financial control is already exercised by the Legislature with regard to the Annual Estimates.

(iii) Clause 5(i). One Committee recommended that the word "approved" be substituted for "public" in this sub-clause. The effect would be that the Governor might be called upon to grant bursaries at private schools, where the fees are higher, and neither the parents nor the school authorities should require such form of assistance.

(iv) Clause 5(i). I am unable to support a suggestion that the words "religious denomination" be inserted after the word "age" in line 3 of this

/Sub-clause.

- 3 -

sub-clause. It is not proper, in the opinion of the Director of Education, in which I concur, that public funds should be utilised to enable pupils to attend schools of particular denominations. It will be observed that the Clause does not prevent the Director from granting bursaries to children attending schools of particular denominations, but it would be obviously wrong to grant such facilities for education on purely denominational grounds.

(v) Clause 19(5). The Indian Committee advise the deletion of the whole of this sub-clause as they object in principle to exclusion on ground of race, and have gone so far as to state that they would wish Indians and Europeans to attend the same school. I consider this sub-clause should stand; moreover, cases arise not infrequently where children of mixed blood are concerned, when it is clearly advisable to have some statutory means of exclusion.

(vi) Clause 36. It was suggested that the word "public" be substituted for the word "Government" in line 2 of this Clause. The clause as drafted is merely intended to secure protection to old Government teachers who are already protected under the existing law, and I see no reason to extend this protection in the manner proposed.

(vii) Clause 42. The Indian Committee expressed themselves as opposed in principle to the whole of this clause. I have commented upon this question in (v) supra to which I have nothing to add.

It was suggested by one Advisory Committee that the word "public" be substituted for the word "Government" in line 1 of sub-clause (1) of this clause.

clause. Your Lordship will observe, however, that a public school includes not only Government, but aided schools and I am opposed to the suggestion that the Director of Education should be given power to instruct aided schools to insist upon rigid restriction with regard to race.

It was also recommended, with regard to sub-clause (3) of this clause that the words "for decision which shall be final" in line 5 thereof be deleted and the following be inserted - "If the Director agrees with the recommendation of the School Committee this decision shall be final, but if he disagrees the matter shall be referred to the Governor whose decision shall be final". I am unable to agree with this recommendation. The Director of Education is, in my opinion, the proper person to discharge the responsibility of deciding upon the action to be taken on the School Committee's Report.

The Governor would be generally guided by the recommendations and finding of the Director, and the further appeal proposed is in my opinion unnecessary.

3. Your Lordship is aware from pages 18 and 19 of the Report of the Select Committee on the draft Estimates for the current year that the question of introducing compulsory education was discussed and that I gave an undertaking that further opportunity for the consideration of this proposal would be given to the Select Committee which I propose to appoint to report on the Bill now forwarded to Your Lordship. In the Bill as originally drafted the principle of compulsion was made applicable to Europeans only subject

*Comp. edu.*

to an extension to other races by the Governor in Council, but as it was clear that a demand would arise sooner or later among the Indian community for similar treatment, and in fact I had received indications that the demand exists already, I directed the amendment of the draft Bill to its present form whereby the Governor in Council may apply the compulsory provisions to any race in any part of the Colony. Your Lordship will observe also that in Part IX of the Bill provision is made for the remission of fees in whole or in part by administrative "act". This will facilitate adjustment if it is found desirable that compulsory education, if and when introduced, should also be free.

Certain provisions in the original Bill, and still retained in Part VI, were the subject of criticism by the various Advisory Central Committees. The most important were:-

(a) Clause 29(1). It was suggested that a further prescribed particular be "the race of both parents". I am opposed to the inclusion of this provision. Power is already taken under Clause 22 to deal with cases of mixed race and to provide exclusion on racial grounds from any particular school. The suggested amendment would not assist administration and lead only to friction.

(b) Similarly a suggestion was made that a new sub-clause 29(2)(a) be inserted to read as follows:-  
 "The Immigration Authority shall forward to the Department the names and ages of all children who enter the Colony and the parents' addresses, and the Department shall thereupon send notices asking for the particulars required in section 29(1) but non-receipt

of such notice shall not excuse the parent from sending such particulars".

I agree with the Director of Education that this supplementary provision is unnecessary and would involve additional inter-departmental work. Provision is already made for submission of the required information under sub-clause 29(2).

4. I have already mentioned that Part IX of the Ordinance enables remission of fees in certain cases. Other new provisions enable action to be taken by the Director of Education in the case of failure to pay the fee prescribed. The provisions of the existing Ordinance are somewhat defective in this latter respect. The greatest difficulty has been experienced in many instances in collecting fees from defaulting parents, and the Director of Education is constantly called upon to write off fees that can no longer be recovered, in some cases for comparatively large amounts.

5. As I am anxious that this Bill be proceeded with as early as possible, I shall be grateful for Your Lordship's views on its provisions at an early date.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble  
servant,

*Wm. L. Moore*  
for GOVERNOR.

Copies of this are available, but are  
to be clipped in with the other doc'ts  
COLONY AND PROTECTORATE OF KENYA.



A BILL TO MAKE PROVISION FOR EDUCATION  
THROUGHOUT THE COLONY AND  
PROTECTORATE.

66

**A Bill to make provision for Education throughout the Colony and Protectorate.**

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 Education (short title) Ordinance, 1960".

PART I

DEFINITIONS.

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

"Director" means the Director of Education;

"Department" means the Department of Education of the Colony;

10 "School" means an institution in which not less than ten pupils receive regular instruction and shall include any assembly of not less than ten pupils for the purpose of receiving regular instruction but shall not include—

15 (a) any institution or assembly in which the instruction is wholly or, in the opinion of the Director, mainly of a religious character, or

(b) any institution owned and maintained by a religious society for the purpose of training persons—

(i) for the ordained ministry, or

20 (ii) for admission to a religious order under the direction of or associated with such religious society;

"Public school" means any school established and maintained from public funds or aided by grants-in-aid from public funds;

"Government school" means a public school maintained from public funds;

"Private school" means a school which receives no assistance from public funds;

30 "Inspector" means any person appointed to be an inspector of schools;

"Education officer" means any officer of the Department or any person named as such carrying the written authority of the Director to visit or inspect schools or to assist in the carrying out of the provisions of the Ordinance;

35 "School medical officer" means any officer of the Medical Department duly appointed by the Director of Medical and Sanitary Services to act as school medical officer, or any other registered medical practitioner lawfully acting in that capacity;

"Medical inspection" means the physical examination of children in attendance at school, and the consideration of all matters affecting the health of such children by a school medical officer, and shall include physical examination by a school nurse.

"School nurse" means any person appointed by the Director of Medical and Sanitary Services to be a school nurse, and any person lawfully acting in that capacity.

"School Committee" means a committee appointed under Part IV.

"Parent" means the father of a child and if there be no father or if the father be absent from the Colony or dead the mother of such child and if the child has been placed by order of a competent court in the custody of some person other than the father and mother, the custodian so appointed, and if the father and mother are both dead or absent from the Colony the person having legal custody of such child.

"Manager" means the person or persons directly responsible for the maintenance of a school other than a Government school, and if such person or persons are not resident in the Colony means the person acting on his behalf or their behalf.

"Child" means any person under the age of twenty-one years.

PART II

CONTROL OF EDUCATION.

3. The functions of the Department shall be the performance of all work necessary or incidental to the control of education by the Governor and the exercise of any powers or the carrying out of any duties that may be specially conferred on it by this Ordinance or by rules made thereunder.

4. The Governor may from time to time—

- (a) establish or maintain or make grants in aid of schools;
- (b) establish or maintain boarding houses necessary to schools established or maintained under this Ordinance, and make grants or advances in aid of the establishment, maintenance or repair of boarding houses accessory to schools maintained or aided under this Ordinance; provided that in the case of schools aided from public funds the consent of the manager shall first have been obtained;
- (c) make grants in aid of governesses and tutors;
- (d) make grants in aid of each of the following institutions as are constituted and administered in manner approved by him—
  - (i) public libraries and public museums;
  - (ii) orphanages, provided that grants in aid of such institutions may include grants in aid of the maintenance of the inmates thereof;
  - (iii) creches;

(iv) institutions or organisations which in his opinion promote the education or health of the children of the Colony;

(v) institutions or organisations for the education of adults.

(c) provide for the conduct of all such examinations as are held under the supervision or control of the Department;

(f) provide in whole or in part for transporting children to or from any public school;

(g) provide for the compulsory medical inspection of children at school and for the exclusion on medical grounds of children from school;

(h) make such other provision for the carrying on of public education as may be consistent with the provisions of this Ordinance.

5. The Governor may from time to time provide bursaries—

(i) to assist in transporting children to any public school which in the opinion of the Director provides education suitable to their age or standard of attainment or in boarding them at or near any such school;

(ii) to assist in the education or maintenance or transport of children or students who are undergoing or proceeding to undergo courses of instruction at institutions approved by the Governor outside the Colony.

and may withdraw any such bursaries, provided always that the grant or withdrawal of any bursary shall be in accordance with and subject to conditions prescribed by rule.

PART III

ADVISORY COUNCILS.

6. The Governor may appoint one or more Advisory Councils to advise the Director in regard to matters affecting education in the Colony.

7. The functions of an Advisory Council shall be to advise the Director upon the following matters in connection with the education of the race or community in whose interests the Council is appointed—

- (a) the organisation of schools;
- (b) the curricula to be adopted in different types of schools;
- (c) the fees to be charged in Government schools;
- (d) the fees to be charged in boarding houses attached to Government schools;
- (e) to advise on proposed legislation affecting education;
- (f) any matter submitted by a member of the Council and accepted by the chairman;
- (g) any other matter referred to the Council by the Director.

8. An Advisory Council shall consist of such and so many members as the Governor may from time to time decide and shall hold office for a period of three years provided that—

- (a) the chairman of an Advisory Council shall be the Director or his nominee;

Functions of Department

General powers of Governor

Advisory Councils appointed by Governor

Functions of Advisory Councils

Constitution and period of Advisory Council

(b) the Governor may at any time revoke the nomination of any member.

Secretary to Advisory Council.

9. The Secretary to an Advisory Council shall be an officer of the Department appointed by the Director.

Quorum of Advisory Council.

10. An Advisory Council shall at its first meeting decide the number required to constitute a quorum.

Meetings of Advisory Council.

11. An Advisory Council shall meet not less than once in each year and at such other times as the Director may decide; provided that on receipt of a written requisition signed by three members, the Director shall within six weeks of the receipt of such requisition summon a special meeting of the Council.

PART IV  
SCHOOL COMMITTEES

Provisions of this part not to apply to Arab or African.

12. The provisions of this Part shall not apply to schools for the education of Arab or African children.

Appointment of school committees for Government schools.

13. If, in the opinion of the Director the establishment of a school committee is in the interests of any Government school or group of schools, he shall take steps to constitute a school committee for such Government school or group of schools in the manner set forth in the next following section.

Constitution of school committees.

14. A school committee shall consist of three, six or nine members as the Director shall in each case decide, each member to be nominated by the Governor.

Provided that in the case of a Government school established to meet the educational requirements of the Colony as a whole, and not of a particular locality, the constitution of the committee for such school shall be as the Governor may direct.

Additional members.

15. The Governor may appoint as an additional member of any school committee any person who is, in his opinion, a benefactor of such school or of one of the schools in respect of which the committee is constituted.

Term of office of school committees.

16. One-third of the members of a school committee, other than the additional member or members appointed in pursuance of the preceding section, shall retire in rotation after holding office for one year, but shall be eligible for re-appointment.

17. If a member of a school committee resign or die or be absent from the Colony, the Director may appoint a person to take his place.

18. If a member of a school committee absent himself without leave from two consecutive meetings of the committee without an explanation satisfactory to the committee, he shall be deemed to have resigned.

19. The Governor may on the recommendation of the Director call upon a member of a school committee to resign and he shall thereupon be deemed to have resigned.

17. (1) At the first meeting of a school committee the Chairman and quorum of committee shall—

(a) elect a chairman;

(b) fix the number required for a quorum;

(c) make rules for the conduct of their business, subject to the approval of the Director;

(2) The Secretary of a school committee shall be an officer of the Department appointed by the Director.

18. A school committee shall meet not less than once in every four months, provided that the chairman may summon a special meeting if he considers such meeting to be necessary and shall summon such a meeting on the written request of not less than half the members.

19. The functions of a school committee shall be—

(1) to advise regarding the school buildings and premises;

(2) to recommend reduction or remission of fees for books, stationery or equipment or tuition or board or medical attendance in the case of children whose parents are in the opinion of the committee unable to pay such fees in whole or in part;

(3) to report on boarding houses (not maintained by Government) for children in attendance at school when called upon to do so by the Director;

(4) to account for grants in aid of repairs or maintenance of the school buildings or premises when such are not maintained by Government;

(5) to make recommendations to the Director as prescribed in section 42 of the Ordinance;

(6) to assist generally in the administration of the school in so far as required by rule or so far as called upon to do so by the Director.

Provided that the Committee shall have no control or authority over any teacher or servant appointed by the Government.

PART V  
SCHOOL AREA COMMITTEES FOR ARAB AND AFRICAN EDUCATION.

20. The Governor may constitute school area committees in respect of such areas or districts as he may think fit or may combine two or more such areas or districts for the constitution of such committees.

21. School area committees shall consist of the following members:—

(a) the chairman who shall be the District Commissioner serving in the area or a deputy nominated by the chairman;

(b) three members who shall be appointed by the District Commissioner on nomination by the local native council with the approval of the Senior Commissioner;

Chairman and quorum of committee.

Meetings of committee.

Functions of school committee.

School area committees in certain areas.

Constitution of school area committees.

(b) the Governor may at any time revoke the nomination of any member.

9. The Secretary to an Advisory Council shall be an officer of the Department appointed by the Director.

10. An Advisory Council shall at its first meeting decide the number required to constitute a quorum.

11. An Advisory Council shall meet not less than once in each year and at such other time as the Director may decide; provided that on receipt of a written requisition signed by three members, the Director shall within six weeks of the receipt of such requisition summon a special meeting of the Council.

PART IV

SCHOOL COMMITTEES

12. The provisions of this Part shall not apply to schools for the education of Arab or African children.

13. If in the opinion of the Director the establishment of a school committee is in the interests of any Government school or group of schools, he shall take steps to constitute a school committee for such Government school or group of schools in the manner set forth in the next following section.

14. A school committee shall consist of three, six or nine members as the Director shall in each case decide, each member to be nominated by the Governor.

Provided that in the case of a Government school established to meet the educational requirements of the Colony as a whole, and not of a particular locality, the constitution of the committee for such school shall be as the Governor may direct.

15. The Governor may appoint as an additional member of any school committee any person who is, in his opinion, a benefactor of such school or of one of the schools in respect of which the committee is constituted.

16. One third of the members of a school committee, other than the additional member or members appointed in terms of the preceding section, shall retire in rotation after holding office for one year, but shall be eligible for re-appointment.

17. If a member of a school committee resign or die or be absent from the Colony, the Director may appoint someone to take his place.

18. If a member of a school committee absent himself without leave from two consecutive meetings of the committee without an explanation satisfactory to the committee he shall be deemed to have resigned.

19. The Governor may on the recommendation of the Director call upon a member of a school committee to resign and he shall thereupon be deemed to have resigned.

Secretary to Advisory Council

Quorum of Advisory Council

Meeting of Advisory Council

Provisions of this Part not to apply to Arab or African schools

Appointment of school committees for Government schools

Constitution of school committee

Additional member

Retire of office of school committee

17. (1) At the first meeting of a school committee the Chairman and quorum of committee shall—

- (a) elect a chairman;
- (b) fix the number required for a quorum;

(c) make rules for the conduct of their business, subject to the approval of the Director.

(2) The Secretary of a school committee shall be an officer of the Department appointed by the Director.

18. A school committee shall meet not less than once in every four months, provided that the chairman may summon a special meeting if he considers such meeting to be necessary and shall summon such a meeting on the written request of not less than half the members.

19. The functions of a school committee shall be—

- (1) to advise regarding the school buildings and premises;
- (2) to recommend reduction or remission of fees for books, stationery or equipment or tuition or board or medical attendance in the case of children whose parents are in the opinion of the committee unable to pay such fees in whole or in part;
- (3) to report on boarding houses (not maintained by Government) for children in attendance at school when called upon to do so by the Director;
- (4) to account for grants in aid of repairs or maintenance of the school buildings or premises when such are not maintained by Government;
- (5) to make recommendations to the Director as prescribed in section 42 of the Ordinance;
- (6) to assist generally in the administration of the school in so far as required by rules or so far as called upon to do so by the Director.

Provided that the Committee shall have no control or authority over any teacher or servant appointed by the Government.

PART V

SCHOOL AREA COMMITTEES FOR ARAB AND AFRICAN EDUCATION

20. The Governor may constitute school area committees in respect of such areas or districts as he may think fit or may combine two or more such areas or districts for the constitution of such committees.

21. School area committees shall consist of the following members:—

(a) the chairman who shall be the District Commissioner serving in the area or a deputy nominated by the chairman;

(b) three members who shall be appointed by the District Commissioner on nomination by the local native council with the approval of the Senior Commissioner.

Chairman and quorum of committee

Meeting of committee

Functions of school committee

School area committees in certain areas

Constitution of school area committee

(e) such other members as the Governor may from time to time appoint, not exceeding six in number:

Provided that in case a school area committee is constituted in respect of an area in which there are two or more local native councils, the Senior Commissioner shall be chairman and the local native councils shall nominate two representatives each, and the Governor shall appoint such number of members as he may decide not exceeding twice the number of members nominated by the local native councils.

Provided further that in case a school area committee is constituted in an area in which there is no local native council the school area committee shall be constituted in such manner as the Governor may from time to time decide.

Functions of school area committees.

22. The functions of a school area committee shall be as follows:—

- (a) to advise the Director in regard to the provision of schools within its area;
- (b) to make recommendations to the Director in regard to the opening, management or closing of public schools for Arabs and Africans in the area;
- (c) to make recommendations to the Director as to the nature and amount of assistance to be invited from any local native council for the carrying out of any educational project for the benefit of Africans;
- (d) subject to the provisions of any Ordinance relating to the use of land to make recommendations to the Director as to the sites for the establishment of schools for Arab and African children;
- (e) to advise the Director generally upon any educational matters referred to the committee by him.

Period of office of school area committees.

23. (1) A school area committee shall hold office for a period of three years.

(2) A school area committee shall meet not less than once in every three months.

(3) If a member of a school area committee resigns or the authority nominating such member shall nominate a substitute who shall hold office for the period for which the member whom he replaces would have continued to be a member if he had not resigned or died.

(4) The Director may call upon a member of a school area committee to resign and he shall thereupon be deemed to have resigned and shall not be eligible for re-appointment.

Quorum of school area committees.

24. A school area committee shall decide what number of members shall constitute a quorum at the meetings of such committee provided that in no case shall such quorum be less than one-third of the members.

Resignation of members of school area committees.

25. Any member of a school area committee other than the chairman may resign therefrom by notification in writing to the chairman.

PART VI

COMPULSORY EDUCATION

Education to be compulsory.

26. (1) The provisions of this Part shall apply only to such areas or sections of the community, and to children of such sex and age as the Governor with the advice of the Executive Council may by proclamation prescribe.

(2) Such proclamation may apply the provisions of this Part to the whole of the Colony or to such area or areas as may be defined in such proclamation.

27. (1) It shall be the duty of the parent of every child to whom this Part has been applied who has reached the age at which education is made compulsory in respect of such child and has not completed the age at which education ceases to be so compulsory to cause such child to attend at a school on every day on which such school is open unless such child—

- (a) is in the opinion of the Director receiving efficient instruction in some other way; or
- (b) is prevented from attending by any other cause whether temporary or permanent which the Director may deem a sufficient excuse for non-attendance; or
- (c) the parent is in the opinion of the Director unable to pay the fees prescribed for tuition under this Ordinance and has applied for but has not received exemption from the payment of such fees.

(2) If any such child as aforesaid lives more than three miles by the nearest road from a school (or more than two miles from a school if he has not completed his ninth year) the following provisions (subject to the exemptions otherwise in this section provided) shall apply:—

- (a) if in the opinion of the Director the parent of such child is himself in such a financial position as to enable him to make the necessary provision for the child's attendance at school, whether in respect of fees, transport, or boarding or fees and transport and boarding it shall be the duty of such parent to do so at whatever distance he may reside from the school;
- (b) if in the opinion of the Director the parent is in such a financial position as to enable him to defray a portion of the fees, transport or boarding of his child in order to enable him to attend school and in case such fees have been remitted in whole or in part, and there have been provided by the Government or by any other person or body to the approval of the Director reasonable facilities or assistance for such transport or boarding the parent shall not be excused from causing the child to attend school regularly by reason that the whole cost of transport or boarding is not defrayed by the Government;
- (c) if in the opinion of the Director the parent is not in a financial position to pay the fees prescribed under this Ordinance or to defray the cost of such transport or boarding or any portion thereof he shall be excused from sending his child to school unless the fees are wholly remitted and facilities for transport or boarding or both free of cost to the parent have been provided by the Government or from some other approved source.

(3) It shall be the duty of the parent of every such child who has reached the age at which education ceases to be compulsory for such child, and who remains on the school roll to cause such child to attend regularly. In case of irregular attendance such child may be excluded from school.

(4) The Governor may with the advice of the Executive Council prescribe the limits of age between which attendance at school is compulsory, either for children of any race or section of the community or for children of either sex.

(5) The Governor may with the advice of the Executive Council by proclamation vary the distance prescribed in this section.

Duty of principals to report irregular attendance.

28. Every principal of a school at which a child whose attendance at school is required under the preceding section is enrolled shall report to the Director or other education officer approved by him, any case of irregular attendance on the part of such child, in such manner as may be by rule prescribed.

Parents' duty to notify particulars of children.

29. (1) Every parent of a child to whom this Part has been applied shall not less than six months before such child attains the age at which education becomes compulsory for such child forward in writing to the Director or to an education officer approved by the Director the following particulars in regard to such child:

- (i) full name;
- (ii) date of birth;
- (iii) distance of residence from nearest school;
- (iv) name of the school to which it is proposed to send such child, or alternatively if the parent of such child does not intend to send it to school he shall inform the Director in what other way he proposes to give it efficient instruction.

(2) Every parent of a child to whom this Part has been applied entering the Colony shall within one month of arrival in the Colony forward in writing to the Director the information required in the preceding sub-section.

(3) Any person who fails to give any information required under this section shall on conviction be liable to a penalty of fifty shillings for a first offence and to a penalty of five pounds for a second or subsequent offence.

Procedure in case of non-attendance.

30. (1) If the Director or the education officer charged by him with the duty of seeing that all children who are required to receive education do receive education, is of opinion that any such child is not receiving education, he shall apply to a magistrate having jurisdiction in the area in which the parent of such child resides, for an order calling upon the parent to cause such child to attend school and shall at the same time inform such parent that such application is being made to the magistrate.

(2) The magistrate upon receipt of such application shall after affording the parent an opportunity of stating either in writing or in person any reason why an order should not be made, make an order to the parent to cause his child to attend school regularly or to give his child efficient instruction in

some other way to the satisfaction of the Director, unless he is of opinion that the matter should be reconsidered by the Director. In that event he shall request the Director to reconsider the matter and if the Director repeals the application he shall give his decision. If the magistrate decides against the issue of such an order no such application with respect to the same child shall be made before the lapse of three months from the date of the magistrate's decision.

(3) If a parent to whom the magistrate has issued an order in accordance with the preceding sub-section fails to carry out such order, the Director or an education officer acting with the authority of the Director shall cause such parent to be summoned before a magistrate and on conviction such parent shall be liable to a penalty not exceeding fifty shillings for a first offence and for a second or any subsequent offence a penalty not exceeding ten pounds.

Provided that a complaint under this sub-section with respect to the same child shall not be repeated at any less interval than four weeks.

31. If a parent who is summoned before a magistrate as provided in the preceding section claims that he is providing efficient instruction the magistrate may call for a report on such instruction to be submitted to him by an inspector.

Power to call for report on education of child not attending school.

32. In any proceedings before a magistrate for an order or penalty in regard to the school attendance of children under this Ordinance the following provisions shall apply:—

Provisions as to legal proceedings.

- (a) it shall lie on the parent to prove that the child is not of the age in respect of which attendance at school is compulsory;
- (b) the magistrate may require by summons the parent of a child to produce the child before him and any parent failing to comply with such a summons without reasonable excuse to the satisfaction of the magistrate shall be liable on summary conviction to a penalty not exceeding five pounds;
- (c) in any proceedings relating to a child at which the child is present the magistrate shall sit either in a different room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings of the court are held, and no persons other than the officers of the court, officers of the Department and the parties to the case, their advocates and other persons directly concerned in the case shall, except by leave of the magistrate, be allowed to attend;
- (d) no fees shall be payable for any process applied for or issued under this Part.

PART VII

PRIVATE SCHOOLS

33. (1) It shall be the duty of the manager of any private school in the Colony—

Registration of private schools.

- (a) to register such school at the office of the Department;
- (b) to keep a register of teachers employed thereat, showing the qualifications of such teachers.

- (b) to see that the school is properly conducted and provided with a curriculum approved by an inspector;
- (c) to see that the principal teacher keeps a register of enrolment and a register of daily attendance of pupils in the form prescribed by the Director and produces to the Department at such times and for such periods as the Director may require correct returns in the form prescribed by rule of the entries in the register kept as aforesaid.

(2) Any such manager as aforesaid who shall fail to comply with any of the requirements of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds.

Inspection of private schools.

34. (1) The Director or any officer specially authorised by him may from time to time visit any private school and if it appears to the Director on the report of such officer or from his own inspection that such school is conducted in a manner which is in the opinion of the Director calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereat he may order the premises on which such school is held to be closed for school purposes, or he may give notice to the manager ordering such alteration in the structure of the premises or the conduct of the school as he may think necessary to be made within a time fixed by such order and if the same be not made to his satisfaction within the time prescribed, he may order the premises to be closed, provided that the manager may appeal within seven days to the Governor in Council against such order to close a school. Pending the decision of the Governor in Council the school may remain open.

(2) Any person who—

- (a) shall obstruct or hinder the Director, or any other person in the lawful exercise of the powers conferred by this section; or
- (b) shall continue to conduct the school without having carried out within the time prescribed as aforesaid the requirements as aforesaid; or
- (c) shall without permission of the Director use for the purposes of a school any premises ordered to be closed under the powers of this section,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

(3) The Director or any accredited representative may at any reasonable time without notice visit and inspect any private school in the Colony and such of its records as are required by the Department provided that in the case of parochial schools the inspection shall be carried out by a woman duly authorised.

#### PART VIII.

##### TEACHERS.

Teachers required to have certificates.

35. No person except in special circumstances to be determined as such by the Director shall be appointed as a teacher in any public school who does not hold a certificate of licence to teach issued or recognised by the Director, and every licence to teach and every certificate issued under the provisions of this section shall be signed by the Director.

36. In the case of teachers who may be employed in a Government school at the time of the passing of this Ordinance but who do not hold a certificate to teach, ten years' approved experience of teaching shall be regarded as equivalent to the possession of a certificate. All teachers appointed to teach in Government schools after the date of this Ordinance with less than ten years' approved experience shall be required to obtain a certificate before their appointments are confirmed.

Provisions in case of existing teachers.

37. The appointment of teachers in public schools shall be subject to the approval of the Director. The manager of a public school may be required to dismiss any teacher upon the order of the Director approved by the Governor and refusal to comply with such order shall entitle the Director to reduce or withhold the grant payable to such school.

Teachers in aided schools to be approved by the Director.

38. (1) The manager or principal of any institution in which provision is made for the training of teachers may with the approval of the Director enter into an agreement in the form to be by rule prescribed whereby the person undergoing a course of training as a teacher is required to serve as a teacher on the completion of the course of training for a period not longer than the period of training.

Students in training to be subject to agreement to teach.

(2) No stamp duty shall be payable on any agreement made under this section.

#### PART IX.

##### FEES.

39. (1) Such fees as may be prescribed by rule shall be payable in any Government school provided that the Governor in Council may, at any time and for such period as he shall think fit, by order determine that no fees for tuition or for books or for medical attendance be payable in any one or more of such schools or in any class or classes of such schools or in respect of any individual pupil or group of pupils.

Fees in Government schools.

(2) All fees for tuition or books or board, or medical attendance shall as the Director may decide be payable by the month or term in advance to principals of schools, or to such other person as the Director may decide, and any person not so paying shall within fourteen days after the commencement of the month or term as the case may be, be notified in writing by the person to whom the payment is required to be made, that such fees are due.

(3) If such fees are not paid within one month after such notice is duly given the Director may institute legal proceedings, in his own name against the person in default for the recovery thereof.

(4) The Director may remit in whole or in part the fees due in respect of tuition or books or board or medical attendance if he is satisfied that the parent of the child in respect of whom such remission is recommended is unable to pay such fees in whole or in part.

40. All fees whether paid or recovered as in the last preceding section, shall be accounted for and paid into the general revenue of the Colony.

Fees to be paid into general revenue.

PART X.

MISCELLANEOUS.

Delegation of authority by Director.

41. When any proceedings under this Ordinance are brought in the name of the Director it shall be lawful for the Director to appoint any person to conduct the proceedings in court on his behalf.

Exclusion of children from school owing to race.

42. (1) The Director shall in respect of any Government school decide whether attendance at such school is to be restricted to children of a particular race.

(2) It shall be the duty of the principal of a school so restricted to refuse the admission to his school of any child in respect of whom the parent has not declared in a form to be by rule prescribed that such child belongs to the race to which such school is restricted.

(3) If the principal of the school has reason to believe that the declaration of the parent is open to doubt he shall report the matter to the school committee who shall within one month of receiving such report submit their recommendation to the Director for decision which shall be final. In cases where there is no school committee or where the school committee does not within one month of receiving the principal's report submit a recommendation to the Director the principal of the school shall forthwith refer the matter to the Director who after instituting such inquiries as he deems necessary shall make his decision which shall be final.

Children to attend school serving prescribed area.

43. The Director may by order published in the Gazette prescribe the area to be served by any Government school. No child living outside the area so prescribed shall be admitted to the school serving such area without the written permission of the Director, and any child living outside the area so prescribed who has been admitted to such school may be excluded from such school, but such exclusion shall not be deemed to be a sufficient excuse for non-attendance at school within the meaning of Part VI of this Ordinance.

Medical inspection.

44. Every child in attendance at a Government school shall be liable to medical inspection provided that if the parent of any child objects to medical inspection he may signify his objection in writing to the Director through the school committee if one exists who shall either excuse such child from medical inspection or submit the matter to the Governor whose decision shall be final.

Apprenticeship for learning trade.

45. (1) Every child attending a public school and undergoing a course of training for any trade or vocation or a preliminary general course of instruction leading to such course of training shall be bound by a form of apprenticeship to be prescribed by rule to complete such course of training unless released therefrom with the authority of the Director.

(2) No stamp duty shall be payable on any agreement made under this section.

Instruction in mnemonics.

46. The Governor may authorize the Director to make suitable arrangements whereby boys in attendance at any public school shall receive instruction in mnemonics provided that no such instruction shall be given to any boy whose parent indicates in writing his desire that such boy be exempted from such instruction.

PART XI.

RULES AND REGULATIONS.

47. The Governor in Council may from time to time make rules—

Power of Governor in Council to make rules.

(a) prescribing the conditions of admission to Government schools;

(b) prescribing the conditions of expulsion or exclusion from school on grounds of age, discipline, health or race, and the administration of corporal punishment;

(c) prescribing the manner by which compulsory attendance at school is to be ensured;

(d) prescribing the conditions for the payment of grants in aid of boarding schools conducted in connection with Government schools;

(e) prescribing the conditions of payments of grants in aid of schools, or boarding houses;

(f) prescribing the conditions of the grant of bursaries to enable children to attend school, either by means of transport or boarding or both;

(g) prescribing the conditions under which funds raised by local native councils or other local bodies are to be expended for educational purposes;

(h) prescribing the amounts and the manner of payment of fees payable under this Ordinance and the recovery thereof;

(i) prescribing the manner in which the medical inspection and treatment of school children shall be carried out;

(j) prescribing the conditions of payment of grants in aid of public libraries;

(k) prescribing the conditions of the issue of teachers' certificates or licences and the withdrawal of such certificates or licences;

(l) prescribing the conditions under which children may for the purpose of learning a trade or becoming teachers by apprenticeship to the Director or his representative or to the head of an approved institution;

(m) prescribing the duties of officers appointed under this Ordinance;

(n) generally for the better carrying out of the objects of this Ordinance.

Power of Director to make regulations.

48. The Director may make Regulations—

(a) prescribing the subjects of instruction to be given in any public school and the courses in such subjects;

(b) prescribing conditions of any examinations held by the Department and the fees payable for any examinations held by or under the supervision of the Department;

(c) prescribing the manner in which records, statistics, and accounts shall be kept and returns and reports shall be made to the Department;

- (c) prescribing the procedure to be adopted at meetings of bodies constituted under this Ordinance;
- (d) prescribing the conditions of the use of Government school buildings out of school hours.

Repeal.

40. The Education Ordinance, 1924, is hereby repealed. 5

#### OBJECTS AND REASONS.

The Bill differs from the existing Ordinance in several important details:

1. The Ordinance of 1924 aims at securing the management of education. The Bill aims to make provision for education. There is a distinction in aim in the two titles, which is indicated by the statement of powers to be taken by Government. These are enumerated in Part III.

2. The examination at present in force in Kenya is as follows:

- (i) Director.
- (ii) Advisory Central Committees presided over by the Colonial Secretary.
- (iii) Advisory School Area Committees.
- (iv) Boards of Governors apparently not authorised under the law.

3. There are four advisory central committees for European, Indian, African and Arab education.

There are advisory committees in different areas of the country for European, Indian and African education. Local native councils also take part in the provision of educational facilities for Africans.

There are also Boards of Governors:

4. For a country of the size of Kenya the provision of advice and of local bodies appears to be unnecessarily great.

5. It is therefore proposed to curtail the school area committees for European and Indian education, retaining the central committees. It is at the same time proposed to create school committees for each school. The constitution of these committees should, in the opinion of the central committees, be by nomination and not by election.

6. As regards African education it is felt that the time has not yet arrived for the creation of school committees for individual schools, but provision is proposed for the creation of school area committees based as far as possible on the areas of local native councils giving the local native councils a considerable representation.

7. Advice in regard to the education of Arabs is provided for by the creation of one central committee sitting at the coast.

8. The proposed composition of the central committees calls for some explanation. The position of the Colonial Secretary and of the Director of Education under the existing law appears unambiguous. The Colonial Secretary is chairman of a body the function of which is to advise the Government of which he is the chief officer under the Governor. The Director of Education is called upon to be a member of a committee which advises Government on matters concerning

his own department. In deference to the strong recommendations of all the central committees, it is proposed to retain the Director on these committees as chairman.

9. The Bill proposes a direct enactment of compulsion for any race in any area prescribed by proclamation but provision remains for the retention of fees which may be remitted by administrative act.

The advantage of this proposal is that the country is not at once committed to free compulsory education and that compulsion may be followed by remission of fees. That is to say the introduction of free compulsory education may be gradual and may be made to fit the financial position of the Colony. If it is decided to introduce free compulsory education in 1930, the Bill allows for it.

There is considerable alteration in the requirements in respect of compulsion. The provisions of the existing law are unsatisfactory. The provisions in the Bill are based on the English practice with limits in regard to distance which will suit the conditions of the country.

10. There are two points of detail which require special mention. The first of these is the proposed enactment in regard to children of mixed race (clause 42).

11. The second point is the definition of school. The present definition is open to objection in regard to native schools. The proposed definition is taken partly from Nigeria and partly from Tanganyika.

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35 copies of extract from beginning of para 5 on page 17  
to end of para 2 on page 21 to be made



COLONY AND PROTECTORATE OF KENYA

REPORT OF THE  
SELECT COMMITTEE ON  
DRAFT ESTIMATES  
1930.

AS ADOPTED BY LEGISLATIVE COUNCIL  
19th DECEMBER, 1929.

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REPORT OF THE SELECT COMMITTEE ON  
DRAFT ESTIMATES FOR 1930.

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(As adopted by Legislative Council  
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# REPORT OF THE SELECT COMMITTEE ON DRAFT ESTIMATES FOR 1930.

The Select Committee of the Legislative Council appointed on the 12th Meeting, November, 1929, to consider the draft Estimates for 1930, held its first meeting on the 14th November, and was in daily session until the 3rd December, when it adjourned for the preparation of a draft report. The draft of this report was considered at meetings held on the 16th and 17th December.

His Excellency Sir Edward Grim presided over the meetings of the Committee held on November 14th, 15th, 20th, December 2nd, 3rd, 16th and 17th. Over the remainder of the sittings the Colonial Secretary presided.

Before the Committee's work began, debate had taken place in Legislative Council on a amendment moved by the Member for Nairobi, North, and supported by all European Elected Members: That it be a recommendation to the Select Committee by this House that the expenditure be reduced by at least £150,000. This amendment was defeated, but it was clear from that and the subsequent jobs that Elected Members were anxious to secure such reduction in the Estimates as might be found possible. A motion that they wished to propose reallocation between certain Heads of Estimates. An undertaking was given in the Legislative Council by the Colonial Secretary on behalf of Government that the Government would sympathetically consider any concrete suggestions put forward in Select Committee for specific reductions on votes, and would also consider any broad reallocations between Heads of Estimates that might be proposed.

Reductions and reallocations suggested.

At the first meeting of the Committee the general question of reallocation was discussed, and Elected Members pressed for further provision to be made, in particular, for agricultural services and for the Kenya Defence Force.

Reallocations.

When draft Estimates were framed, the Report of the Agricultural Commission had not been received, and a one-line vote of £5,500 had been included for subsequent allocation when consideration had been given to the recommendations of the Agricultural Commission. Proposals for the augmentation of services within the one-line vote of £5,500 were placed before the Committee by the Director of Agriculture and a sub-committee was formed to investigate these and other matters connected with the service of the Agricultural Department which might require reflection in the Estimates for 1930. The Committee considered the suggestions put forward by this sub-committee at a subsequent meeting and its recommendations thereon are given in a later section of this report.

Agricultural services.

Further consideration was given to the question of the provision which should be made in Estimates for the Defence Force and a revised schedule of requirements, prepared by the Central Defence Force Committee and based in part on a capitation grant, was submitted to and approved by the Committee.

Defence Force.

The draft Estimates of Expenditure were examined in detail, Head by Head, and certain adjustments and deletions have been proposed which are dealt with separately in subsequent paragraphs of this report. Before passing on to a consideration of Departmental Estimates, however, the Committee wishes to refer to certain more general aspects of Government policy as

General questions.

reflected in Annual Estimates which affect in some degree the Estimates of practically all Government Departments and which are of fundamental importance in considering the financial implications of present practice. These may be classified as including—

- (1) The terms of service laid down for Government servants;
- (2) The Government housing policy;
- (3) The standard of construction laid down for public buildings; and
- (4) Clerical services and organisation.

**Terms of Service.**

On a general examination of Government policy as reflected in the draft Estimates for 1930, Elected Members have come to the conclusion that the terms of service for European and Asian members of the staff are on a whole which is not only unrelated to the conditions under which service in Kenya is performed, but which is also much more expensive than the Colony can afford. Terms of service in respect of leave and passage regulations are still virtually the same, except in some points of detail, as they were in the early days of the Colony, when conditions of life in Kenya were largely unknown, when little development had taken place, and when there was little or no resident population. Elected Members consider that conditions in all these respects have so changed in the past thirty years that a complete overhaul of the leave system is necessary.

They pressed for a pronouncement by Government on the attitude the Government proposes to adopt towards a revision of the leave and passage conditions of service applicable to Civil Servants in Kenya.

His Excellency stated that the desire for a revision of these regulations had Government's full sympathy, but that the first consideration in Government's opinion was to ensure that the Colony should be able to recruit the best men available, and that the report of a Committee appointed to consider this question, which was laid on the table of the Legislative Council in July, 1929, had been sent to the Secretary of State in the first instance in order that the views of the Secretary of State and his advisers might be obtained on the possible effect the adoption of that report would have on recruitment for the Kenya Service.

The report had also been sent to neighbouring Governments in order that they might have an opportunity of considering the proposals made, more particularly in view of the fact that the issue would become complicated on the establishment of a Central Authority in charge of Common Services, unless concerted action were taken in all the territories concerned.

Elected Members consider that definite steps should be taken to devise and introduce new leave regulations, more suited to Kenya conditions than are the present regulations, before the issue is complicated by the establishment of a Central Authority, as they believe that the necessity for uniform treatment in respect of leave conditions for the Common Services must inevitably impede the desire to remodel leave conditions in Kenya. They realise that the adoption by Kenya of leave and passage regulations differing from those in force in neighbouring territories might have an effect on the recruitment of certain of the senior grades of officers to the Kenya service, but they do not consider that the same argument can be held to apply to the filling of posts in the junior grades, where greater reliance is being placed on local applicants for Government employment.

A majority of the Committee therefore recommends that immediate steps be taken, by means of the appointment of a Committee to investigate the practicability of applying to all future local recruits the terms of service in respect of leave and passages proposed by the Committee which sat in 1928 and 1929, leaving it optional to present members of the Service who have been locally recruited to come in under those regulations, and to make such recommendations as it may think fit in regard to the institution of a local Civil Service working on different terms of service from those Civil Servants who, for the present at any rate, must be recruited from overseas.

Captain Schwartz, Major Robertson Eustace, and Lieutenant Durham dissent from this recommendation, as they consider that revised terms of service on the lines proposed by the Committee which sat in 1924 should be brought into force immediately for all new appointments, whether recruited locally or overseas, an option being given to present members of the Service to come under these conditions if they desire to do so.

In regard to terms of service in general, Elected Members consider the idea to be aimed at as a system of equated pay for all Civil Servants which would give Civil Servants a greater degree of independence in making their own arrangements not only in respect of their passages when taking leave overseas but also in respect of housing and other present privileges of the Service. In the opinion of Elected Members, such a system would be advantageous from every point of view. Rates of pay would be expressed in terms of their real value, Civil Servants would take their place as members of the community, and not as a class apart, and numbers of items representing hidden overheads, necessary under the present system to deal with the various subsidiary privileges of the Service, but difficult to check, would disappear from the Colony's Estimates.

In regard to the conditions of service of Asian Civil Servants, Elected Members consider that an even stronger case exists for complete revision. They hold that the present leave system is a heritage from the early days of the East Africa Protectorate in which it was necessary to obtain the services of Asian Civil Servants in certain capacities for service in a new and untried country on terms which would prove attractive to them. They consider that the developments which have since taken place in regard to the amenities of life in Kenya, the improvements in health conditions in the country as a whole, and the fact that the great majority of Asians now appointed to the Service are recruited locally, justify complete reconsideration of the terms of service under which Asian Civil Servants are engaged, particularly in view of the fact that the health conditions in Kenya, as they are at present, appear to compare favourably with those to be found in India. On these grounds they are of opinion that the policy of granting any passage privileges as part of the terms of service for Asian officials is open to question and that these and other factors governing the appointment of Asians in the Kenya Government Service should be subjected to comprehensive re-examination.

Elected Members consider that the whole question of Government housing policy requires re-examination and revision. They agree that in certain out-districts, where local enterprise is not yet sufficiently developed, a case exists for the erection by Government of quarters for the accommodation of Government servants, provided that the cost and standard of the accommodation is properly attuned to the circumstances of the Colony. But they hold that in the larger centres present policy is wrong in more than one respect. In the first place, they understand that in a number of cases accommodation is rented for Government servants at a sum in excess of the amount of house allowance to which they are entitled under their terms of service. In the second place, they disagree in principle with the use of public funds to erect quarters for Government servants in centres such as Mombasa, Nairobi, Nakuru and Eldoret, where building development is being carried out by private enterprise. State ownership of large numbers of houses entails considerable expenditure in upkeep and supervision which remains to a large extent undisclosed in Annual Estimates, and it is, in their opinion, open to little doubt that present practice is uneconomical in terms of money as well as objectionable in principle.

In support of this opinion they instance a statement which was placed before the Committee giving a comparison of the cost of constructing Asian quarters at Mombasa with the cost of paying house allowances to the same staff. The estimated cost of these quarters, together with the value of the land occupied, amounts to £59,348 for the housing of eighty Asian Civil Servants, or approximately £700 for each quarter. This average cost appears to Elected Members to be out of proportion to the requirements of the race or the financial capacity of the country.

**Housing of Government Servants.**

Information was placed before the Committee by the Director of Public Works to the effect that during the first six months of 1930 a sum of £8,192 had been paid as rents for houses occupied by Government servants and that the amount which would have been paid to those servants in respect of house allowance at the rates laid down during the same period would have been £9,728—a difference of £1,534 for the first half of 1930.

The Committee was informed that the system under which houses had been rented for Civil Servants in some cases at a figure in excess of the house allowance to which the occupier of the house was entitled, had been introduced in order to remedy to some extent the position which had arisen in past years owing to the great shortage of houses in Nairobi and other large centres. Elected Members stated that there might in the past have been justification for action being taken on these lines as an emergency measure but that it had not been their view that the introduction of the scheme of authorising advances to Civil Servants to buy their own houses would help to remedy the position and they thought therefore that that scheme had been brought into operation definite steps should be taken to stop the practice of renting houses for Civil Servants. Elected Members do not consider that it would be in all respects equitable to change the present practice without due notice but they recommend that a proposal should be made at the earliest moment that in so far as Nairobi, Mombasa, Nakuru and Eldoret are concerned all renting of houses of Government officials will cease during the course of the next year and that after the end of 1930 any Civil Servant for whom it is not possible to provide a Government house in those centres will be paid the house allowance to which he is entitled under the Regulations leaving it open to him to make what arrangements he wishes either by coming in under the building scheme or by making other arrangements for his own accommodation.

His Excellency stated that before any such change in system could equitably be brought into effect it would be possible to make enquiries into the present basis of house allowances which had not been examined for some years, and he suggested that arrangements should be taken by means of the appointment of a committee to examine the present basis of house allowances and whether the present rates are equitable in the centres to which the above proposal applies.

The Committee also suggests that the scope of the scheme for making advances to Civil Servants to build or buy their own houses should be extended to officers in Nakuru and Eldoret and in other centres as convenient areas and that the Committee which is at present considering that scheme should go into the details of order to be taken whether they operate which has so far been based on the working out of the scheme and whether any modifying the scheme in any respect.

At present with the number of a professional staff on the subject of renting houses for Government servants in Nairobi, Mombasa, Nakuru and Eldoret, Elected Members are of the opinion that a determination be made that the Government does not propose to build any more houses for Government servants in those towns of an area the size to which the present scheme applies. They feel that the time which has been taken during the past four years to increase the number of houses for Government servants in the larger towns were necessitated by the great shortage of houses in those towns for Civil Servants which existed in the first few years of the present year, but they believe that the position has now been sufficiently relieved and they think it important that the operations of private enterprise should not be hampered by the Government's activity in building houses.

His Excellency stated that it was difficult to make any definite announcement on the recommendations put forward by Elected Members on the information at present before him but he would like to appoint a Committee under the chairmanship of the "Lecturer" to be set up to investigate various matters raised at each of the centres mentioned and stated that he hoped to be in a

position to make an interim pronouncement on the subject as soon as he has had time to consider the recommendations of that Committee in regard to the situation in Nairobi, if possible before the end of January, 1930.

His Excellency stated that the terms of reference to the Committee would include an examination of the effect of a declaration by Government that Civil Servants for whom no houses are available should draw house allowance and make their own housing arrangements, whether by renting a house or coming in under the building scheme, with particular reference to the adequacy or otherwise of the present basis of house allowances and in order to avoid undue hardship to the Civil Servants concerned. The terms of reference would be framed so as to enable the Committee to deal with other points raised by Elected Members and to report if they so wished any cases which came to their notice in which it appeared that restrictions placed on building under Municipal By-laws appeared to add unnecessarily to the cost of building.

Elected Members consider that the type of building being erected in Kenya out of public funds for subsidiary purposes such as housing and police stations is in many instances out of all proportion to the financial capacity of the country, and that present standards must on that account severely limit the range over which improvements can be made in existing accommodation or new buildings can be constructed to satisfy new requirements in a developing country. They recommend that standard designs for this class of building be overhauled with a view both to cheapening costs and to making a greater use of local materials.

Elected Members express the opinion that in a number of Departments there seems to be a tendency reflected in Annual Estimates to add to the establishment of clerks, one clerk here and one clerk there, without any special examination of whether the increase in clerical work in any one office could be more adequately dealt with by a reorganisation in the office establishment rather than by the process of adding to that establishment a 4th Grade Non-European Clerk who in many cases cannot pull his weight until after months of training. In other words, a solution is often sought by adding to the quantity of clerks rather than by aiming at an improvement in quality. Elected Members believe that an increase in work may occur in many offices from year to year and that some additional clerical assistance may be necessary from time to time but they disagree with the suggestion that because a 4th Grade Clerk can be secured for £90 per annum it is necessarily economical to add a number of such clerks to the establishment because each appointment entails further commitments, whether by way of providing house accommodation or house allowance, leave and passage privileges, annual increments in salary and ultimately, perhaps, a pension, so that, on the ground of expense alone, it may easily be found that a re-organisation which aims at the employment of a smaller number of better qualified and more highly paid clerks will be more in the interests of the Colony while a greater prospect of ensuring efficiency will be achieved at the same time.

His Excellency stated with particular reference to a proposal included in draft Estimates for the appointment on a temporary basis of twenty-five additional non-European clerks for work in Provincial and District offices, that the Government is not satisfied that the office organisation in Provinces and Districts is conducted on the most efficient lines or that the appointment of additional non-European clerks is the best way to remedy the present position more especially as it is possible that in many of these offices the appointment of trained and responsible clerks of the type of non-commissioned or warrant officers employed in the Army would relieve the District Officers of much clerical work which necessarily takes up a great deal of their time under the present system.

His Excellency stated that he proposed to detail an experienced officer to examine the question and to make recommendations as to measures which might be taken to improve existing conditions whether by an alteration in

system or by the employment of more experienced and responsible clerks, and also to go into the question of the necessity for returns which have to be rendered at present from such offices. Elected Members suggested that the enquiry would be more effective if a person acquainted with modern office practice were associated with the officer of administrative experience in making these investigations. The Committee recommends that an enquiry be held on these lines.

Elected Members also consider that the scope of an enquiry of this nature might probably be extended to the offices of other Government Departments in which it is possible that the employment of more experienced clerks might be of advantage and that full use is not being made of modern office equipment and in which it may therefore be found that economy in personnel could be achieved by an alteration in system.

They suggest, further, that in all future cases in which Heads of Government Departments wish to propose an increase in clerical establishment, the possibility of improving the quality rather than the quantity of the clerical establishment in the office in question should be carefully examined before any suggestion is put forward.

Elected Members again expressed the view that closer liaison should be kept between the Education Department and Government Departments in regard to advertising vacancies which might be expected to arise during the ensuing year in the Government Service. They suggest that steps might be taken to arrange for a qualifying examination to be held for this purpose and that details of the examination should be circulated throughout the country so that parents who desire their children to enter the Civil Service may have full knowledge of the dates and places at which the examination will be held.

The Committee regards it as important that extended opportunities should be made available to young European residents in Kenya to obtain appointments in the clerical branches of Government Departments.

Unofficial Members wish to record their opinion that, on a vacancy arising in the office of Head of a Kenya Government Department, the claims of an officer in the Kenya Service who is believed to possess the necessary qualifications for the office and to be efficient in his work, should be considered in preference to those of other candidates from outside the Colony who are not acquainted with local conditions.

### SURPLUS BALANCES.

The Committee examined the position of the Colony's Surplus Balances, with particular reference to the proposals made by the Select Committee on the draft Estimates for 1929 for the allocation of the Colony's Surplus Balances in part to reserves and in part to the construction of capital works.

That Select Committee proposed that a sum of £50,000 should be reserved for use by the Treasury as a working balance as required, on the understanding that it is permissible for the Treasurer to obtain additional funds for maintaining necessary working balances as a temporary measure by means of an overdraft, but that if such overdraft at any time appears to be more than temporary in its nature recourse should be had to Surplus Balances.

The Treasurer made it clear to the Select Committee on the draft Estimates for 1929 that he could only agree to the reservation from Surplus Balances of so comparatively small a sum as £50,000 for the purpose of a working balance if current revenue month by month continued to exceed current expenditure.

The Committee was informed that since this proposal had been made a year ago the Government had come to the conclusion that a sum of £50,000 was not a sufficient reserve for working balance purposes, partly because the sum held as a working balance should not be made dependent on the condition to which the Treasurer referred, namely, that current revenue month by

Employment in Government service of locally educated Europeans.

Vacancies in office of Head of Department.

month should exceed current expenditure, and partly because sums of money which went to make up the Colony's liquid working balance were largely held in hard cash at outstations and District Treasuries.

The majority of the Committee, Captain Kenealy dissenting, agreed with the Government that the sum to be reserved for working balance purposes should be increased to £100,000. It understands that close supervision is kept by the Treasurer of the Colony's balances and that all available money earns interest at the highest possible moment. To this extent the amount of money which is regarded as being required for working balance purposes is largely an academic matter and the only effect of increasing the reserve for working balance purposes from £50,000 to £100,000 is to ensure that allocation of Surplus Balances to other purposes does not take place in excess of what is possible in practice.

The Select Committee on the draft Estimates for 1929 recommended that a sum of £200,000 from Surplus Balances available at the end of 1927 should be definitely set aside for the Land Bank and invested until so required in easily realisable securities such as advances pending the raising of loans.

His Excellency explained to the Committee that the position in regard to the Land Bank had been modified since the Select Committee sat on the draft Estimates for 1929. In the first place, the Secretary of State had authorised the allocation of £240,000 for Land Bank purposes from Loan Funds. This meant that funds for Land Bank purposes could be obtained by means of advances pending the raising of loans to the extent of £240,000 at any time, and that such initial money as might be necessary for starting a Land Bank was therefore assured. His Excellency also stated that negotiations had been in progress with private banks, which, if brought to fruition, would render it unnecessary to rely to so large an extent on public funds.

A number of Elected Members expressed opposition to the proposal that funds for starting the Land Bank should be drawn from Loan rather than from Surplus Balances of the Colony, one reason for this view being that money set apart for this purpose from Surplus Balances could be loaned by the Land Bank at a lower rate of interest than money borrowed by the Colony on the London market. The Committee as a whole was, however, unable to subscribe to this opinion. Several members concurred with the Government's view that there were objections to the use of the Colony's Surplus Balances, which represent the excess of revenue received from all sections of the community over expenditure during a number of years, on a measure which was designed to benefit primarily the interests of one section of the community only; and that the use of Surplus Balances for Land Bank purposes would lock these balances up for too long a period. In regard to the suggestion that money obtained from Surplus Balances could be loaned for Land Bank purposes at a lower rate of interest than money borrowed in London, several members of the Committee agreed with the Government that it would be preferable, if any such subsidy to the Land Bank was to be brought into effect, to expose the subsidy and make definite provision for it in Estimates so that it would be clear to what extent public funds were subsidising the Land Bank.

The majority of the Committee agreed to the proposal that the Land Bank should be financed from advances pending the raising of a loan and to the incorporation of an item for Land Bank purposes in the schedule to a future Specific Loan ordinance. Mr O'Shea, Lord Francis Scott, Captain Kenealy and Lieut Col. Durham are of opinion that money should be set aside for the Land Bank from the Colony's Surplus Balances.

Major Grogan wishes his dissent to be recorded to the use of Surplus Balances for extraordinary works. He is of the opinion that Surplus Balances should be kept in a liquid form as an equilibrating factor to maintain the Colony's financial stability in the event of a bad year and that for this purpose a substantial reserve is essential, but he considers that as soon as

the figure decided upon, which he suggests should be £1,000,000, has been attained, a reduction in taxation should take place. Expenditure on capital works for development purposes should, in his opinion, be met from loan funds, the charge being thus spread over two or three generations and not directly levied on the present population. Captain Schwartz and Lieut. Col. Kirkwood wish to associate themselves with Major Grogan's views on this matter.

Financial position.

The statement given on page 10 of the draft Estimates for 1930 showed that the estimated excess of assets over liabilities at 31st December, 1930, was £578,014.

The proposals put forward by the Committee for adjustments and deletions in the draft Estimates for 1930 will, if approved, have the effect of increasing that figure to £578,849, the allocation of which, on the lines proposed by the Select Committee on the draft Estimates for 1929, as modified by the above recommendations, will be as follows:—

Working Balance Reserve	£100,000
Unallocated Stores	170,000
General Reserve—10 per cent. of the highest net revenue obtained in any previous year, say	230,000
Total	£460,000
Additional Reserve, unallocated	118,849
Total	£578,849

Supplementary Estimates.

In a number of instances referred to in this Report, the Committee did not feel justified in making definite provision in the Estimates for 1930 for certain services which are, in fact, contemplated but in regard to which proposals are not yet sufficiently mature, and the suggestion has in some cases been made that on further information being forthcoming proposals for expenditure should be placed before Legislative Council during the course of the year for consideration with Supplementary Estimates. Expenditure of this nature incurred during 1930 will, naturally react on the Colony's Surplus Balances at the end of 1930, but the Acting Treasurer feels that there is little doubt that general savings in estimated expenditure and increases in revenue will be sufficient to meet the cost during 1930 of the services contemplated, in this Report for consideration with Supplementary Estimates and the Committee is of the opinion that it is not therefore necessary to make any consequential adjustment in the figure which shows the estimated excess of assets over liabilities as at the 31st December, 1930.

Effect of recommendations on the Estimates.

The alterations to the Draft Estimates proposed by the Committee are specified in detail in the Schedule attached to this report. Their effect may be summarised as follows:—

	£	£
Increase in Revenue Estimates	17,870	
Increase in Estimates of Recurrent Expenditure		8,890
Increase in Estimates of non-Recurrent Expenditure against Revenue		10,004
Decrease in Estimates of non-Recurrent Expenditure against Surplus Balances	21,566	
Net increase in estimated excess of Assets over Liabilities as at 31st December, 1930		20,835
	£39,755	£39,755

Incorporating these recommendations the Estimates show —

Estimated Revenue	£3,460,612
Estimated Expenditure—	
Recurrent	3,319,653
Non-Recurrent chargeable to Revenue	164,909
Non-Recurrent chargeable to Surplus Balances	126,037

The financial position of the Colony as reflected in the Estimates as now prepared may be indicated in the following form:—

Actual Excess of Assets over Liabilities as at 31st December, 1929	£879,307
Revised Estimates of Revenue, 1929	3,297,370
Revised Estimates of Expenditure, 1929	4,176,877
Estimated Excess of Assets over Liabilities as at 31st December, 1929	702,136
Revenue Estimates, 1930	3,486,612
Estimated Expenditure against Revenue, 1930—	
Recurrent	£3,319,653
Non-Recurrent	164,909
Balance	704,866
Estimated Expenditure on works to be undertaken in 1930 from Surplus Balances	126,037
Estimated Excess of Assets over Liabilities on 31st December, 1930	£578,849

## REVENUE ESTIMATES.

The Estimates of Customs Revenue were examined with the Commissioner of Customs, who informed the Committee that he was confident that the amount included in draft Estimates would be collected but that it was improbable that any considerable sums would accrue in excess of the Estimate. Great difficulties were experienced in calculating Estimates of Customs Revenue owing to the fact that the Customs Department was responsible for the collection of revenue on goods imported into Kenya, Uganda and to a certain extent Tanganyika, and variations in agricultural conditions in all three countries affected the importation of goods and the amount of revenue accruing to each.

The Committee was informed that subject to the sanction of the Secretary of State it was Government's intention to impose taxation on an individual basis in the Northern Frontier and Turkana Provinces as soon as circumstances permitted and that a Bill would be prepared with this object in view for introduction in Legislative Council in due course, when an opportunity would be afforded for debate on the question.

The Committee discussed the question of estate duties. A majority, Mr. O'Shea, Captain Kenealy and Mr. Bernister dissenting, recommends that an effort should be made to abolish estate duties in Kenya if the revenue can be sacrificed on the grounds, *inter alia*, that capital in Kenya is for the most part held in land, house property and development which is not readily realisable and that the imposition of estate duties has, therefore, the effect of discouraging the importation of capital and consequent development.

Notes of  
payment of  
rents, etc.

Elected Members suggested that it would be a great convenience to the farming community if the various calls made upon them for taxes, licences, rents, and so on, did not all occur in January. His Excellency undertook to investigate the position and if legally possible to issue instructions that final notices by the Land Office regarding the payment of rents should not issue until March in each year. His Excellency also undertook that steps would be taken wherever possible to ensure that notice should be issued to defaulters before the doubled taxes were levied under the Non-Native Poll Tax and Education Tax Ordinances.

## EXPENDITURE ESTIMATES.

### ADMINISTRATION.

#### GENERAL STAFF.

Elected Members again pressed for the abolition of the posts of H.B.M.'s Consul for Southern Abyssinia and the Frontier Agent, Mait, on the grounds that these posts were not a fair charge on the Colony's revenue, and that there were no longer adequate reasons for retaining them.

The views of the Committee on the subject of the proposal to appoint additional non-European clerks for work in Provincial and District Offices have already been referred to. The Committee recommends that until an inquiry has been held into measures which might be taken to improve existing conditions, whether by an alteration in system or by the employment of more experienced clerks, no provision should be made for increasing the clerical establishment in Provincial and District Offices. Elected Members agree that if, as a result of the inquiry, it is found that the clerical establishment in Provinces and Districts requires strengthening or that a change in system or in staff is desirable, proposals for reorganisation may be included in Supplementary Estimates during the course of the year.

#### LOCAL GOVERNMENT, LAND AND SETTLEMENT.

His Excellency gave the Committee further information regarding the progress of settlement schemes, and stated that the agreement of the Imperial Treasury to assist a limited number of settlers under the closer settlement schemes which had already received the approval of Legislative Council, depended on the institution of a Land Bank. He stated that the Secretary of State had authorized the inclusion of £240,000 in a future Loan Schedule for Land Bank purposes, and has agreed that money might be made available for a Land Bank from advances pending the raising of the loan.

His Excellency stated that preliminary expenditures in connection with the closer settlement schemes for the leasing and preparation, the provision of water supply, and the erection of some kind of accommodation on the "A" farms was estimated to cost about £25,000 on the basis of the present scheme, and he proposed to ask the Secretary of State's approval to obtain the money required for this purpose by means of advances against loans on the understanding that the liability in this respect would be taken over by the Land Bank when organized. If this was not possible, Legislative Council would be asked to authorize this expenditure against the Colony's Surplus Balances.

In addition to expenditure on the preparation of farms there was provision in the draft Estimates for 1938 in the form of a vote of £3,492 for Expenses of Closer Settlement Schemes (Head XVIII, item B), and it was intended to use this money on the survey of A and B farms and preliminary expenditure on a demonstration farm. The original idea had been that there should be a demonstration farm for settlers under the A Scheme only, but it was possible that such a farm could serve a wider purpose, and this possibility was at present under examination by the Director of Agriculture.

His Excellency stated that the A Scheme was originally contemplated to make provision for forty-eight settlers, and the B Scheme for seventy-five, of whom it had been proposed that twenty-four under Scheme A and thirty under Scheme B should be assisted from Imperial funds. The approval of

H.B.M.'s  
Consul for  
Abyssinia and  
Frontier  
Agent, Mait,  
Items C and  
D  
Classical Staff  
11/2/38

Land and  
Settlement.

the Secretary of State in regard to the Imperial assistance to be provided extended to twelve immigrants under Class A and ten immigrants under Class B, and the Secretary of State had made it clear that he was prepared to consider the grant of assistance from Imperial funds to a greater number under both schemes if experience showed that the schemes were working satisfactorily in practice. In the meantime, His Excellency stated that Government was contemplating an increase in the number of farms available for local applicants under both schemes to make up the full numbers involved.

Reference was made to the practice in force in other countries whereby Closer Settlement was featured by the State on terms which provided that in cases where sub-division is desired and terms have been agreed between the parties concerned, the applicant submits details of the purchase he proposes, the terms which both parties are prepared to accept, and his own financial and other circumstances, an approval of which by a Board constituted for the purpose, the State acquires the holding in question and the applicant becomes a Crown tenant. The financial assistance which has been given him by the State remains as a first charge on the land and is redeemable over a long period. A majority of the Committee recommends that proposals for the application of a similar system to Kenya should be worked out in detail for consideration on a subsequent occasion, on the ground that such a scheme might enable local applicants who had experience of farming in Kenya, but who might not have the necessary capital to buy a farm of their own, to obtain the means to secure land in the country and reap the benefit of the experience they had already gained.

Under the Closer Settlement Scheme the intention is that advances should be made to applicants to the extent of £400, and, in exceptional cases, of £600, the advance so made being a first charge on the land. His Excellency stated that the Government was also prepared to investigate the question of whether assistance from the Colony's funds should be given on similar lines to settlers who proposed to acquire land apart from the Closer Settlement Schemes, but a majority of the Committee was not prepared, pending the result of the inquiry suggested above, to make any recommendation that such assistance should be given.

Major Grogan expressed his opposition to State assistance of settlement and disagrees with the proposals for State assistance referred to above.

Elected Members commented on the land alienations which had actually occurred during the past twelve months, and suggested that a number of farms put up for auction had been excessively priced. His Excellency undertook that an inquiry would be made into his allegation.

Captain Kenealy wishes his dissent to be recorded to this section of the Estimates.

#### PROVINCIAL ADMINISTRATION.

The Committee agreed to certain minor adjustments within the votes proposed for the Nziwa and Kikuyu Provinces which had been suggested by the Senior Commissioners concerned since the preparation of draft Estimates, and which do not affect the total sums involved.

An adjustment in the Local Transport and Travelling Vote for the Naivasha and Naivasha Provinces was also agreed to.

Elected Members were of opinion that the provision proposed for the Coast Province was excessive, particularly in respect of Tribal Police, and asked that the Senior Commissioner of the Coast Province be instructed to reduce the Estimates by £400.

#### AGRICULTURAL DEPARTMENT.

Elected Members asked for an expression of Government's policy in regard to the recommendations contained in the Report of the Agricultural Commission. In particular they asked for the views of the Government in

Nziwa and  
Kikuyu  
Provinces

Naivasha  
Provinces  
Items 125

Coast  
Province

Report of  
Agricultural  
Commission

regard to the creation of a Board of Agriculture. The Colonial Secretary stated that in principle the Government was prepared to accept the recommendation that a Board of Agriculture should be set up, that the Board should be called a "Board of Agriculture" rather than a "Board of Agriculture and Development" as suggested by the Commission, and that the Board should be advisory to Government, working much on the same lines as the Inter-Colonial Railway Council or Railway Board. He stated that the Government was prepared to agree that the Chairman of the Board of Agriculture should receive some form of emoluments, and that it had been suggested that the Chairman should receive £5 per day for each day spent on the work of the Board and that he should receive a free Railway pass and a motor car allowance at the rate of fifty cents a mile. He stated that further details regarding the constitution and functions of the Board had not yet been adequately considered, but that it seemed possible that legislation would be necessary to provide for the constitution of the Board and to define the Board's functions, and that in this event, a further opportunity would be provided for discussing in Legislative Council detailed matters arising out of the recommendation of the Agricultural Commission on this matter.

Elected Members expressed themselves as being in favour of the broad principle of the establishment of a Board of Agriculture with a non-official as Chairman but agreed that the details of the constitution and functions of the Board required further elaboration before any definite action was taken to establish the Board. They recommended that Government should go into the question in detail with a view to suggesting the best means of setting up the Board.

#### Augmentation of Services.

Proposals were placed before the Committee by the Director of Agriculture by the addition to Estimates of new appointments and services from the one-line vote of £5,500 included in draft Estimates, Head III, item 146. These proposals were as follows:—

ITEM NO.	Provision in printed Draft Estimates	Amended Provision 1930	Increase	
<b>ADMINISTRATIVE AND GENERAL.</b>				
6	3 Senior Agricultural Officers (1 at £720 by £30 to £840 by £40 to £920, and 2 at £600 by £30 to £720 by £30 to £840)	818	1,218	400
7	2 Agricultural Officers (£480 by £20 to £600 by £30 to £720)	720	1,200	480
8	1 Agricultural Economist (£600 by £30 to £720 by £30 to £840)		200	200
13	6 Clerks (Grade A)	4,959	5,559	600
14	7 Clerks (Grade B)			
15	6 Clerks (Learner and Grade C)			
<b>OTHER CHARGES.</b>				
19	Passages	4,140	4,700	560
21	Travelling Allowances	650	750	100
22	Local Transport and Travelling	3,380	3,680	300
24	Library Books and Periodicals	150	280	100
<b>DIVISION OF NATIVE AGRICULTURE.</b>				
41	5 Agricultural Officers (£480 by £20 to £600 by £30 to £720)	2,060	2,226	166
<b>SCOTT AGRICULTURAL LABORATORIES AND COPPER SERVICES</b>				
54a	1 Assistant Mycologist (£480 by £20 to £600 by £30 to £720)		160	160
55a	1 Soil Chemist (£600 by £30 to £720 by £40 to £840)		300	300
56a	1 Assistant Agricultural Officer (£372 by £12 to £480 by £20 to £600)		240	240
57	7 Laboratory Assistants	1,246	1,516	270
<b>PLANT BREEDING SERVICES</b>				
71a	1 Laboratory Assistant		120	120
<b>EXPERIMENT STATION, COAST.</b>				
<i>Personal Emoluments</i>				
	1 Agricultural Officer (£480 by £20 to £600 by £30 to £720)		240	240
<i>Other Charges</i>				
	Development and Upkeep of Station		1,100	1,100
	Passages		80	80
	Travelling Allowances		20	20
	Local Transport and Travelling		70	70
<b>TOTAL</b>		<b>£ 18,120</b>	<b>23,829</b>	<b>5,500</b>

Sub-Committee appointed

A sub-committee was appointed to examine these proposals with the Director and to consider proposals which had been submitted after the draft Estimates had been prepared in respect of coffee and sisal services and fishery services at the Coast. The text of the sub-committee's report has been included as an appendix to this report.

Coffee and sisal services

Following the recommendations of the sub-committee in regard to Coffee Services, His Excellency thought that although it appeared that no specific provision might be necessary in the Estimates for 1930, a token sum should be included as an indication of Government's intention to proceed with the recommendations of the Agricultural Commission on this matter. He stated that full details of what was required had not yet been worked out and that two of the points still awaiting consideration were whether it would be necessary to introduce legislation to carry those recommendations into effect and, if so, whether separate Bills would be desirable to deal with the coffee and sisal services or whether it would be sufficient to introduce an enabling Bill which could be applied to the coffee and sisal industries and to any other industries which might put forward a similar case for consideration. The Committee agreed that a token sum of £500 should be inserted for this purpose.

Fishery Services

The sub-committee recommended that provision be made in the 1930 Estimates to carry out further fishery investigations, and that inquiry be made immediately as to the availability and suitability of one of the tugs or boats in the hands of the Port Authority. Mr. Powys Cobb expressed his opposition to the recommendation made by Dr. von Bonde to the effect that Government should procure an experimental decked motor fishing boat costing about £300 sterling and said that he was in favour of the adoption of Dr. von Bonde's subsequent recommendation that a scientific investigation be conducted by a fully equipped trawler into the potential trawling areas.

The recommendation of the majority of the sub-committee contemplated the insertion in Estimates of a sum of £1,250 to provide for the purchase and delivery of a decked motor boat and deep-sea line fishing equipment at a cost of £740, together with recurrent expenditure for fuel for the motor for six months of an officer in charge and for the upkeep of the motor boat, including labour during that period.

On consideration of the recommendation a majority of the Committee came to the conclusion that greater progress could be made and more satisfactory results obtained by entering into negotiations with an experienced firm with a view to their carrying out experimental work in connection with the establishment of a fishing industry at Mombasa. From preliminary correspondence which has already taken place it appears that Messrs. Van Fisheries, Ltd., are willing to negotiate in the matter and to send out a trawler to do the necessary experimental work, subject to a guarantee by the Government of Kenya to cover the cost of the experimental trip up to a maximum sum of £5,000. The Committee recommends that provision to the extent of £5,000 should be inserted in the Estimates for 1930 in order to enable negotiations on these lines to proceed and the work to be undertaken in 1930 if satisfactory arrangements can be made on the understanding that the Company concerned would be wholly responsible for all the work connected with this investigation, including the land organisation. The Committee also recommends that inquiries should be addressed to the Empire Marketing Board with a view to ascertaining whether that Board could give advice as to firms which might be willing to undertake such work or would be prepared to offer any assistance towards the expense of undertaking a comprehensive fishery survey on the understanding that the Colony would also contribute a proportion of the cost.

Amami Institute

Elected Members pressed for a complete review of the arrangements under which agricultural research is at present being carried on at Amami. They consider that both on geographical and climatic grounds the present institute is situated in the wrong place, and while they do not oppose the inclusion of the necessary provision in the Estimates for 1930, at a figure of £2,025, they recommend that this payment should be regarded as the final contribution from

the Government of Kenya to Amami Institute pending thorough investigation of the question of suitable sites for an agricultural research station in East Africa. His Excellency stated that Kenya's priority to pay attention of more recurrent development at Amami would in any case come under review in the light of future discussions on the coordination of research matters under a Central Authority for Eastern Africa when appointed.

In this connection Elected Members observe that a very large sum of money is inserted in Estimates for contributions to bodies and institutions outside Kenya and they consider that the necessity for continuing such contributions should be reviewed and that any proposals for adding to their number should be very carefully scrutinised before any commitment is entered into by the Government of Kenya to contribute to them.

The Committee recommends that a one-line vote of £4,000 be inserted in Estimates for "Expenses of Board of Agriculture and Committees", the Board of Agriculture intention being that expenditure incurred in connection with such committees as the Coast Advisory Committee should be met from this source.

The majority of the Committee was of the opinion that the Board should have a secretary of its own, not a member of the Civil Service, who should be paid for from this vote.

The Committee was of the opinion that, as an interim measure and until experience of the operation of the Board of Agriculture had been gained, sufficient liaison would be maintained between the Board of Agriculture and boards dealing with specific industries, such as the Coffee Board, by an undertaking given by His Excellency that he would ask one or more representatives of such boards, and if possible the chairman of such boards, to serve on the Board of Agriculture.

The Director of Agriculture and the Agricultural Commission recommend the institution of an experimental farm within the Coastal area. The Director of Agriculture stated that he was in touch with the Coastal Planters' Association on the matter. Elected Members suggested that a Coast Advisory Committee should be appointed and that the site for an experimental station should be selected by the Department of Agriculture in consultation with that committee and a definite scheme worked out and agreed to, both by the Director of Agriculture and by the Coast Advisory Committee, before any expenditure was incurred on an experimental station at the Coast. On this understanding a majority of the Committee recommends that the necessary provision should be made in the Estimates for 1930 on the lines proposed by the Director of Agriculture, but that the provision of funds for buildings at the station should be deferred until details of the scheme and of the building requirements are known, when proposals should be submitted for consideration with Supplementary Estimates if necessary.

The Committee endorses the recommendations of the sub-committee in regard to the proposals placed before it for augmentation of agricultural services in the Estimates for 1930 except in one respect. The sub-committee had proposed that the additional appointment of one Assistant Agricultural Officer under the division of native agriculture should be deleted and it was explained that the view held by the sub-committee was that while Senior Commissioners in Provinces should have at their disposal advice from trained Agricultural Officers it was better that actual demonstration in agricultural work in the Native Reserves should be carried out by District Officers, trained, wherever possible, in agricultural practice, than by Assistant Agricultural Officers. The sub-committee was of the opinion that the results obtained from employing Assistant Agricultural Officers of little experience were not commensurate with the expense involved, and that a change to the system advocated would be of greater value in the Reserves. The majority of the Committee accepted the view put forward on behalf of the Government that very valuable work was being done by Agricultural Officers in the Reserves, that it was not practicable to promote agricultural development solely by means of instruction

Proposals for augmentation of services

given by the District Officers, and that the suggestion that an additional Assistant Agricultural Officer for work in the Reserves should be appointed was a reasonable one and should be provided for in Estimates for 1930.

Senior  
Agricultural  
Officers.

The Committee agreed to the proposal recommended by the sub-committee that two Senior Agricultural Officers should be appointed for part of the year 1930 on condition that it should be recognised that the new appointment proposed for work in headquarters should be a temporary appointment and subject to review when experience has been gained of the working of the departmental organisation on the institution of a Board of Agriculture.

The Committee suggests that the rate of pay laid down for Senior Agricultural Officers should be £600 by £30 to £720, by £30 to £840.

Grading and  
Inspection.

The Committee is informed that in the light of more recent information regarding the quantity of grain for export during the forthcoming season the estimates of the grading and inspection services require review. It is intended also to introduce inspection at two inland centres as the result of discussions which took place at a meeting of the joint maize and wheat consulting committee held on the 18th November, 1929. A revised schedule for grading and inspection services was placed before the Committee and the Committee recommends the incorporation of this revised schedule in Estimates, resulting in a net increase of £1,350 to the Expenditure Estimates, against an increase of £1,370 in the Estimates of Revenue for this service.

Meat Factory.

The Committee regards it as important that early steps should be taken to ensure the establishment of a Meat Factory in order to enable surplus stock in the possession of native holders, particularly in the Ukauba Reserve, to be culled. It strongly recommends that a meat factory should be established without delay and, as it believes that difficulties are bound to arise in negotiating with private firms in respect of guarantees of quantities of stock to be made available for such an enterprise at a fixed price, it recommends that the Government should take the necessary steps to set up a factory and operate it, with or without the co-operation of private enterprise, on lines which will enable native herds to be culled in areas where such a course is necessary and on terms which will ensure that any profit made on the undertaking, after taking into account all working costs and interest charges, shall be returned to the native area concerned.

Fencing and  
Dipping.

The Committee was informed that it was the view of the Director of Agriculture that no special staff would be required to carry out the provisions of the Dipping Ordinance when passed, but that staff would be necessary to superintend operations under the Fencing Ordinance. The Director of Agriculture estimated that work under that Ordinance would require the full attention of a Superintendent of Fencing who would require clerical assistance and that at a later date it would probably be necessary to provide for the appointment of an Inspector of Fencing. The Committee understands that provision to the extent of £1,000 will be necessary in a full year for the three posts and recommends that in the Estimates for 1930 provision should be made to the extent of £500 for the appointment of a Superintendent and a clerk during a part of the year, leaving for further consideration at a later date the question of whether it will be necessary to provide in the Estimates for 1931 or in Supplementary Estimates, 1930, for an Inspector of Fencing.

The Committee understands that details are not yet available as to the provision which may be necessary to carry out that part of the fencing which will be required under the Ordinance in respect of Crown lands. The Committee suggests that when details are known proposals should be placed before Council during the course of the year for consideration with Supplementary Estimates.

Contribution  
to Imperial  
Scheme for  
Agricultural  
Scholarships.  
Item 26.

The Committee understands that payment at less than the agreed basis was made in two previous years in respect of the contribution from the Government of Kenya to the Imperial Scheme for Agricultural Scholarships, and that to rectify this error the provision inserted in the Estimates for 1930 should be increased from £650 as shown in draft Estimates to £947.

Passive head portion marked between red lines  
on pages 17 & 18

Extract from Report of Select Committee of Kenya  
Legislative Council on Draft Estimates for 1930.

Education Department

Section 26

Section 26

given by the District Officers, and that the suggestion that an additional Assistant Agricultural Officer for work in the Reserves should be appointed was a reasonable one and should be provided for in Estimates for 1930.

Senior  
Agricultural  
Officers.

The Committee agreed to the proposal recommended by the sub-committee that two Senior Agricultural Officers should be appointed for part of the year 1930 on condition that it should be recognised that the new appointment proposed for work in headquarters should be a temporary appointment and subject to review when experience had been gained of the working of the departmental organisation on the institution of a Board of Agriculture.

The Committee suggests that the rate of pay laid down for Senior Agricultural Officers should be £600 by £50 in £720, by £30 to £840.

Grading and  
Inspection.

The Committee is informed that in the light of more recent information regarding the quantity of grain for export during the forthcoming season the estimates of the grading and inspection services require review. It is intended also to introduce inspection at two inland centres as the result of discussions which took place at a meeting of the joint maize and wheat consulting committee held on the 15th November, 1929. A revised schedule for grading and inspection services was placed before the Committee and the Committee recommends the incorporation of this revised schedule in Estimates, resulting in a net increase of £1,359 to the Expenditure Estimates, against an increase of £1,370 in the Estimates of Revenue for this service.

Meat Factory.

The Committee regards it as important that early steps should be taken to ensure the establishment of a Meat Factory in order to enable surplus stock in the possession of native herders, particularly in the Ukamba Reserve, to be culled. It strongly recommends that a meat factory should be established without delay and, as it believes that difficulties are bound to arise in negotiating with private firms in respect of guarantees of quantities of stock to be made available for such an enterprise at a fixed price, it recommends that the Government should take the necessary steps to set up a factory and operate it, with or without the co-operation of private enterprise, on lines which will enable native herds to be culled in areas where such a course is necessary and on terms which will ensure that any profit made on the undertaking, after taking into account all working costs and interest charges, shall be returned to the native area concerned.

Pencing and  
Dipping.

The Committee was informed that it was the view of the Director of Agriculture that no special staff would be required to carry out the provisions of the Dipping Ordinance when passed, but that staff would be necessary to superintend operations under the Fencing Ordinance. The Director of Agriculture estimated that work under that Ordinance would require the full attention of a Superintendent of Fencing who would require clerical assistance and that at a later date it would probably be necessary to provide for the appointment of an Inspector of Fencing. The Committee understands that provision to the extent of £1,800 will be necessary in a full year for the three posts and recommends that in the Estimates for 1930 provision should be made to the extent of £500 for the appointment of a Superintendent and a clerk during a part of the year, leaving for further consideration at a later date the question of whether it will be necessary to provide in the Estimates for 1931 or in Supplementary Estimates 1930 for an Inspector of Fencing.

The Committee understands that details are not yet available as to the provision which may be necessary for any part of the fencing which will be required under the Ordinance in respect of Crown lands. The Committee suggests that when details are known proposals should be placed before the Council during the course of the year for consideration with Supplementary Estimates.

Contribution  
to Imperial  
Scheme for  
Agricultural  
Scholarships.  
Item 36.

The Committee understands that payment at less than the agreed basis was made in two previous years in respect of the contribution from the Government of Kenya to the Imperial Scheme for Agricultural Scholarships, and that to rectify this error the provision inserted in the Estimates for 1930 should be increased from £650 as shown in draft Estimates to £947.

## AGRICULTURAL DEPARTMENT, EXTRAORDINARY

The Committee notes that a sum of £860 has been inserted in Estimates for expenses of control, observation and upkeep of equipment for locust services in order to retain the services of one Locust Officer during the year. If conditions should necessitate greater expenditure in respect of an anti-locust campaign during 1930, proposals for expenditure will be placed before Executive Council.

Locust  
Services.  
Item 4.

The Director of Agriculture asked that the sum provided in draft Estimates for expenses in connexion with the control of Striga, pests, diseases, etc., might be increased from £200 to £600. He stated that it was proposed to employ the services of honorary inspectors and to pay them a petrol or other suitable motor allowance, on lines which had proved satisfactory in the past in connexion with the Maize Weevil Borer. The Committee suggests that the question of introducing legislation to deal with noxious weeds and the means of applying such legislation if adapted should be considered by the Board of Agriculture when constituted.

Expenses in  
connexion  
with control  
of Striga,  
pests, diseases,  
etc.  
Item 5.

## COAST AGENCY

Elected Members suggested that the work at present being performed by the Coast Agency might be more economically carried out by private enterprise. They were informed that the possibility of using the services of private firms had been closely examined, and that it had been found that such a course would prove more expensive than the present system. The Agency as at present constituted serves both Kenya and Uganda, Uganda paying £2,000 towards the cost.

Possibility of  
using private  
enterprise.

The Committee agreed to the proposal, reflected in draft Estimates that an additional motor lorry should be bought for the Coast Agency.

Additional  
motor lorry.

## CUSTOMS DEPARTMENT

The Committee agreed to a proposal placed before it that the salary of the post of Deputy Commissioner of Customs be increased from £480 to £1,000 per annum, on the ground that during the frequent absences from Mombasa of the Commissioner of Customs the full responsibility of the substantive office devolves upon the Deputy Commissioner. In order to avoid an increase on this amount in the vote for the Customs Department, the Commissioner of Customs proposed a reduction of £40 in the provision proposed for Boatmen, Lanpmen, Sweepers, etc.

Salary of  
Deputy  
Commissioner  
of Customs.  
Item 8.

Item 21.

## EDUCATION DEPARTMENT

Elected Members were anxious that the principle of making education compulsory for European children should not be introduced without opportunity being given for debate on the matter in the Legislative Council.

Compulsory  
Education.

His Excellency referred to the views expressed by the Select Committee on the draft Estimates for 1928 to the effect that the Committee considers the first essential to be the placing of elementary education on a sound basis, and that elementary education should be compulsory for European children. It understands the Government wishes to prepare proposals for the introduction of compulsory elementary education for European children early in 1930, and that one feature of its proposals will be to make provision for some form of remedial training at an earlier age than at present.

The Select Committee on the draft Estimates for 1930 was informed that His Excellency had deferred taking definite action pending the arrival of the new Director of Education, with whom he proposed to go fully into the matter.

Elected Members expressed doubt as to the necessity for adopting the principle of compulsory education at the present stage. His Excellency informed the Committee that preliminary provision had been inserted in the draft Estimates for 1930 for the introduction of compulsory education for

European children in the belief that this policy has already received the concurrence of the Elected Members of the Council, and that it was necessary for Government to implement this policy. He added that it was certainly the opinion of the Government that compulsory education should be introduced for European children, but that Government had no desire to do so without the fullest discussion in regard to cost by the Legislature.

**Tuition costs.**

The tuition costs of European education in Kenya were examined in detail with the Director of Education. A statement prepared for the Committee by the Director indicates that the inclusive cost per child of tuition in Government European schools amounts to approximately £47, including interest charges on the capital cost of the buildings.

Elected Members considered that the cost of educating European children as indicated by those figures was so out of proportion to the circumstances of the Colony that the whole system would require revision before educational facilities could be extended in Kenya.

The Director of Education stated that the cost per head must inevitably be high in a country the population of which is comparatively small and widely distributed and where the teaching staff must, in part at least, be recruited from overseas, but he informed the Committee that the Department had already achieved some success in reducing the cost per head and was making continual efforts to secure greater reductions. He stated that the technical opinion of recruiting officers at home was to the effect that any attempt to reduce the scale of salaries of the teaching staff would affect the kind of teacher recruited, and that it was in the opinion of Government important to secure the services of the best class of man for European education in Kenya.

**Cost of Compulsory Education.**

The introduction of free and compulsory education for European children was estimated to cost an additional £10,000 per annum, made up as follows:

Free boarding to 150 pupils	£6,000
Three extra teachers	1,000
Establishment officers	500
Loss of tuition fees	2,000
Reserve	500
<b>Total</b>	<b>£10,000</b>

If this proved to be a fact fewer children than were at present expected to come in under a system of compulsory education, the cost would be proportionately less.

After considerable discussion a majority of the Committee accepted the principle that education should be compulsory for European children in Kenya.

A majority of Elected Members expressed the opinion that the compulsory system should not be imposed in Kenya on the present basis of cost. Some also held the view that compulsory education did not necessarily imply that education should be free.

**Tuition fees.**

A proposal was discussed to the effect that a standard tuition fee should be worked out representing the actual inclusive cost of tuition per child as it may be expected to be in five or ten years, since when the number of children attending school has increased and the administrative charges per head have decreased, and that the full standard fee should be charged in respect of each child attending school, subject to remission of this fee in whole or in part according to the circumstances of the case, an application by the parent or guardian, the object being to ensure that parents who could afford to pay the standard fee in full should do so, and that those who could not pay in full should pay according to their means. A majority of the Elected Members favoured this course, but His Excellency was unable to accept this recommendation and informed the Committee that the view of Government was that, in so far as tuition is concerned, elementary education for European children, if made compulsory, should be free.

With reference to the expressed desire of Elected Members that the principle of making education compulsory for European children should be accepted by Legislative Council, His Excellency informed the Committee that the application of compulsory education must in any case await the passing of a new Education Bill now in course of preparation. He undertook that the Bill, after second reading, would be referred to a Select Committee, which would include all Elected Members, to go fully into the statistics of the number of children not now receiving education who would be sent to school under the compulsory system, and other details affecting the application of the compulsory principle and the financial commitments involved. In view of the opportunity which will thus be afforded next year of discussing the question both in Legislative Council and in Select Committee, the Committee recommends that the token sums inserted in draft Estimates in respect of compulsory education should be deleted pending the results of those discussions, and that the question of ways and means should be reserved for consideration at that time.

**Further opportunity for discussion.**

*Items 22 and 23*

His Excellency undertook that the tuition charges to be made in respect of children from neighbouring territories who attend schools in Kenya would be made the subject of separate consideration, and stated that he proposed to bring this question forward for discussion at the Governors' Conference in January, 1930.

**Children from neighbouring territories.**

The Committee agreed with the Government's view that fees in respect of boarding expenses should be based on the full cost of boarding and that parents should be called upon to pay boarding fees in full, subject to partial or total remission on examination of the circumstances if remission was applied for by parents, on the lines of the system at present in force.

**Boarding fees.**

The Committee was informed that the provision proposed in the draft Estimates in respect of Grants-in-Aid to Missions had been prepared on the basis of the Grant-in-Aid Rules already approved by the Legislative Council. The Director of Education expressed the opinion that these Rules should be reconsidered as he was inclined to think that the basis of grants might prove capable of improvement. He did not wish at the moment to express any definite opinion on this point and he considered that in any case it would be necessary to continue grants on the present basis during the course of 1930 as notice must be given before existing commitments can be disturbed. He described the present lines as equitable but ambitious and he inclined to the view that a system of capitation grants would be preferable.

**Grants-in-Aid to Missions.**

After examination with the Director of Education of the implications of the present educational policy as reflected in the draft Estimates for 1930, Elected Members expressed the opinion that a halt should be called in the development of that policy, and, while they were prepared to agree that existing schools could not be closed down, they recommended that no increases in the Education Vote, other than those in respect of contractual obligations which at present exist, should be inserted in Estimates, pending a full investigation by a committee specially appointed to examine and report on the present activities of the Education Department and to frame recommendations as to a Government educational policy suited to the requirements and capacity of the Colony.

**Financial implications of present policy.**

His Excellency informed Elected Members that their recommendations presented difficulties to the Government in three respects. In the first place, the Government educational policy as represented in annual Estimates over a number of years had been agreed to by successive Select Committees, and the terms of the resolution itself did not explain why it should be necessary at the present stage to hold up or revoke a policy which had been agreed to for many years. In the second place, the Central Committee on Education were already in existence on which Elected Members were represented and no reasons had been expressed why those Central Committees should be superseded by a committee specially appointed to go into questions of education policy. In the third place, it was not clear how it was proposed

that a committee of this kind should be related to the present system of administration of the Education Department by the Director, assisted by the advice of Central Committees on Education.

His Excellency stated that the effect of the proposals put forward by Elected Members would be to stop all development for the time being and to prevent the occupation for education purposes of certain buildings which had been completed or were in course of erection. It would not, for instance, be possible to open the school which had been erected under considerable pressure, at Kilimanjaro. At Kileleshwa it would be necessary for the education of increasing numbers of children to be undertaken by an inadequate staff. In regard to Indian education, it had proved necessary to provide eight additional teachers for the Nairobi School during 1929 and the deletion of these posts from Estimates would entail turning 200 children away from school who were at present attending school. In addition, from 250 to 300 Indian children who are now applying for education would have to be refused admittance, and there would be a further restriction in Indian schools throughout the country because assistance from Government funds would not be forthcoming. In regard to African education, His Excellency stated that the proposal would have the effect of stopping all development, both in existing schools and in schools about to be opened, and that the Government could not accept responsibility for facing such a situation, more particularly as it was the Government's view that the development of African services should be considered in close relation with the increase of revenue derived from African taxation.

Elected Members express doubt particularly on four points connected with State education in Kenya:

- (1) The liability of parents to pay the cost of tuition and board if they are in a position to do so.
- (2) The terms of service and rates of pay laid down for the teaching staff.
- (3) The number of languages in which education in State schools should be conducted, and
- (4) The basis of grants-in-aid in respect of African education.

and they stated that, while full opportunity had been given for discussing these points in detail, they were opposed to the introduction of any new principles in the Government educational programme.

His Excellency undertook that full opportunity for discussion of the first two points would be given when the proposed Education Bill was before Council during 1930 and that these points would be referred for detailed examination to a committee, including all Elected Members, after the second reading of that Bill. His Excellency stated that the question of languages to be used in Government schools, apart from the resolutions already passed in respect of African education, would be specifically referred for examination to the Central Education Committee concerned. In regard to the question of grants-in-aid for African education, His Excellency undertook that a committee would be appointed to consider the present Grants-in-Aid Rules during 1930 and to make recommendations for altering the basis of grants if it appeared desirable to do so.

On this understanding the Elected Members stated that they were prepared to accept the Estimates of the Education Department for 1930 on the lines shown in draft Estimates, with the exception of the provision made for introducing compulsory education for European children and of the proposed vote for making grants-in-aid for Gean education, this latter being a suggestion which had not previously received approval and whose implications could not at the moment be foreseen. His Excellency said that Government would accept the deletion of provision for grants-in-aid to be made in respect of Gean education although with regret, because he recognised the difficulty of incurring any obligation on the part of the State

to foreign subjects resident in the territory. Canon Leakey dissents from the recommendation that provision for making grants-in-aid for Gean Education should be deleted from Estimates.

The Committee recommends that the scale of fees for boarding be re-examined with a view to ensuring that charges are made on parents which will cover the full cost of boarding, including overheads, and in respect of the proposal to open a school in connection with the Nairobi Indian School the Committee suggests that the scale of fees should be laid down on similar lines.

#### ADMINISTRATION

Reference was made to the views expressed by Elected Members in the Report of the Select Committee on draft Estimates for 1929 on the general organisation of the head office of the Education Department and to His Excellency's undertaking that the new Director of Education would look into the matter with a view to obtaining a lower proportion of administration to other expenses, and to the suggestion that the Education Department head office should be organised so as to release the personal assistant to the Director for inspection work.

The Director of Education stated that, in accordance with that undertaking, he proposed to carry out an extended experiment covering a period of eighteen months with a smaller head office staff. Three months of this period had already elapsed and he would report at a later date on the possibility of reducing the head office staff in this way.

The Select Committee on draft Estimates for 1928 agreed to the insertion in Estimates of the post of Accountant on condition that the post was not a pensionable post. The Director of Education explained to the Committee that the officer appointed to fill the post of Accountant in the Education Department had been previously employed as a clerk and that if he had continued in the Service in that capacity he would have become pensionable on reaching the salary of £300 per annum. He had been selected for the post of Accountant from among a number of applicants and the Director of Education suggested that the pensionable status which he was in the process of acquiring by virtue of his service in a clerical capacity should be given to him in his capacity as Accountant in the Education Department. The Committee agreed to this post becoming pensionable on the understanding that the recommendation made in this matter should not be regarded as establishing a precedent.

#### EUROPEAN EDUCATION

The Director of Education informed the Committee that he had drafted a memorandum for consideration by the Central Committee on European Education for centralising secondary education for European children in the Kabete High School when that school opened in 1931. No such proposal had yet been referred to or approved by the Central Committee or by the Government. The matter was still open for discussion and effect would not be given to his proposal until after consideration by the Central Committee. The Director of Education undertook to go very carefully into the arguments against this policy, advanced by an Elected Member, to the effect that if secondary education were centralised in Nairobi many parents would be unable for reasons of expense to take advantage of the facilities offered at Kabete, whereas, if facilities for secondary education were provided in local schools, parents would be able to take advantage of them, and by this method of greater number of European children in Kenya would be able to obtain some measure of higher education.

Elected Members asked for an undertaking that nothing would be done to alter the present policy before the Legislative Council had had an opportunity of debating the question. The Colonial Secretary undertook that this suggestion would be referred to the Governor in Council and that an announcement would be made on the subject at a later date.

## INDIAN EDUCATION.

The Committee understands that elementary education in Indian schools is at present conducted in Gujarati and Urdu, which are used in the first instance as a medium of education. This has led to the necessity for duplication of staff and has, in the past, proved unnecessarily expensive in small schools. The Director of Education has taken steps to confine the use of two languages to the larger schools with a view to reducing the cost.

English is used as a medium of instruction in Indian schools after Standard V.

The Director of Education informed the Committee that the standard of education in the Government Indian Schools at Nairobi was carried to London accreditation standard, that the fees paid by the parents of children being educated upon this standard were Sh. 8 a month, and that the inclusive cost of such education would probably be in the neighbourhood of about £20 per head. Maximum Fees for elementary education were lower but the number of children in these classes was large and the salaries of the teaching staff were relatively small.

## ARABIC AND AFRICAN EDUCATION.

Elected Members criticised the high cost per head indicated by the figures included in the annual report of the Education Department for 1924 in respect of education at the Jeanes School. The purpose of training at that school was explained to the Committee. The Director of Education stated that the function of the Jeanes teacher was to try to raise the standard of living and health in the Reserves, to promote child welfare, to improve farming and social conditions generally.

The Committee examined with the Director of Education the question of the Government newspaper *Habari*. The Director of Education stated that in his opinion the position was not entirely satisfactory and that he had been trying to improve it by taking steps to decrease the cost of production and by obtaining a larger number of advertisements. He had come to the conclusion that the prospect of this undertaking becoming self-supporting on the present basis was unlikely to be realized. The present circulation is about 6,250, but the lion's share goes to the publication of the fact that the cost of a copy 1/40 is the same as the postage on that copy and that no revenue from sales is therefore derived from a single copy sent by post.

Grant-in-Aid is asked for an increase in the amount of money provided for Grants-in-Aid to Schools, particularly in order that increased grants might be made available for the teaching and training of African women and girls.

The members of the Committee further discussed the proposal before it that a sum of £150 be transferred from item 85 of the Estimates, as drafted, "Boarding Expenses" to item 77, "Grants-in-Aid to Schools". The Director of Education explained that this alteration would enable him to make some additional provision for institutions in respect of which the provision originally made in draft Estimates may prove to be inadequate and stated that he hoped to be able to employ funds to meet the cost of boarding expenses for Africans by calling upon local native councils to provide additional funds for the boarding of their children's education in their areas. Captain Kennedy agrees with this recommendation but considers that the allocation of funds for African education requires a decision with a view to making greater provision for Grants-in-Aid to Schools. Major Crogan dissents from this recommendation on the ground that the general question of policy in regard to the amount which should be appropriated in the Grants-in-Aid to African Schools must await the decision of the Committee on the subject.

## FOREST DEPARTMENT.

Elected Members complained of the absence of any definite forest policy and maintained that under the present system money was being frittered away and misapplied, use was being made of valuable land. The Forest Adviser informed the Committee that he had prepared a general report which

was practically ready for submission to Government and which contained recommendations as to a future forest policy. The Committee trusts that every endeavour will be made to reach a decision on the various proposals made in the report in consultation with the Forest Adviser before he leaves the Colony.

The Committee understands that about one quarter of the planting carried out by the Forest Department in the past has been undertaken for the purpose of railway fuel and that the time is in sight when adequate supplies of railway fuel will have been secured. No agreement has yet been reached with the Railway Administration on the subject of a guarantee by the Railway to take the fuel so planted but the matter is still under consideration.

## GAME DEPARTMENT.

The Acting Game Warden explained the policy underlying the appointment of two Vermin Control Officers and stated that one was at present working in the Rift Valley and the other on the Coast. Elected Members suggested that it might be possible to arrange for vermin destruction in selected areas to be carried out by private individuals who might be offered facilities to carry out this work without expense to the State. The Acting Game Warden stated that one of the Vermin Control Officers was about to resign at the end of the year and undertook to explore the possibility of obtaining assistance on these lines before any new appointment was made. He also undertook to see if it was possible to obtain further assistance in vermin destruction, particularly in respect of buffalo in highland areas, by private individuals working on a licence-free basis with permission to retain trophies.

Questions were asked as to the policy being pursued in respect of applications to export live animals. The Acting Game Warden stated that the policy was to permit facilities to authorised persons to capture animals for exportation to zoos but that these facilities did not extend to persons who wished to procure live animals for travelling menageries. Elected Members were not satisfied as to the grounds for this differentiation and the Colonial Secretary undertook that the Government would examine the question.

## INTEREST.

Elected Members suggest that the possibility should be further examined of securing to the public benefit the temporary use of the considerable amount of floating capital which circulates in the Colony, as by way of issuing legal Treasury Bills. The Acting Treasurer undertook to carry out further investigations on this matter but stated that previous enquiries had led to disappointing results.

## JUDICIAL DEPARTMENT.

The Registrar of the Supreme Court informed the Committee that the Chief Justice had come to the conclusion that it would not be possible, with the staff of eight Resident Magistrates provided for in draft Estimates, to open a Resident Magistrate's Court at Kitale during 1926 and that it would be preferable to use the services of the new Resident Magistrate for relief purposes. In these circumstances the Committee understands that the provision made for clerical staff and other charges in respect of the proposed Resident Magistrate's Court at Kitale should be deleted from Estimates and Head D, that the Administration personnel, namely, one District Officer and one Clerk, deleted from draft Estimates in anticipation of the opening of this Court, should be restored to the Estimates under the Head Administration.

The Committee welcomes the proposal reflected in draft Estimates to provide a staff of stenographers for taking notes of the proceedings in Court. It is given to understand that the use of stenographers will lead to a great saving in the time occupied by Court proceedings and that this will not only increase the turnover at the Court but will also prove a great convenience and economy to the public inasmuch as shorter demands will be made on the time of jurors and witnesses. The Committee also understands that the use of shorthand notes is preferable in the interests of justice.

Railway fuel plantations.

Vermin Control Officers.

Export of live animals.

Resident Magistrates item 3.

Head D, items 9 and 11.

Stenographers item 8.

Tuition costs and fees.

Jeanes School.

Habari Press 75 and 76.

Grants-in-Aid to Schools item 77.

Forest policy.

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English is used as a medium of instruction in Indian schools after Standard V.

The Director of Education informed the Committee that the standard of education in the Government Indian Schools at Nairobi was carried to London accreditation standard, that the fees paid by the parents of children being educated upon this standard were Sh. 8 a month, and that the inclusive cost of such education would probably be in the neighbourhood of about £20 per head per annum. Fees for elementary education were lower but the number of children in these classes was large and the salaries of the teaching staff were relatively small.

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Elected Members criticised the high cost per head indicated by the figures included in the Annual Report of the Education Department for 1933 in respect of education at the James School. The purpose of training at that school was explained to the Committee. The Director of Education stated that the function of the James teacher was to try to raise the standard of living and health in the Reserves, to promote child welfare, to improve cleanliness and social conditions generally.

The Committee examined with the Director of Education the question of the Government newspaper *Habari*. The Director of Education stated that in his opinion the position was not entirely satisfactory and that he had been trying to improve it by taking steps to decrease the cost of production and by obtaining a larger number of advertisements. His first step to the completion of this project is at this undertaking becoming self-supporting on the present basis was unlikely to be realised. The present circulation is about 3,250, but the financial success of the publication is affected by the fact that the cost of a copy 40 cents is the same as the postage on that copy and that no revenue from sales is therefore derived from advertisements by post.

Canon Leakey proposed an increase in the amount of money provided for Grants-in-Aid to the particularly to cover that increased grant might be made available for the teaching and training of African women and girls.

The majority of the Committee agrees to a suggestion made before it that a sum of £500 be transferred from Item 8 of the Estimates as drafted. "Boarding Expenses" to Item 7, "Grants-in-Aid to Schools". The Director of Education explained that this alteration would enable him to make consequential provision for institutions in respect of which the provision originally included in draft Estimates was thought to be inadequate, and stated that he hoped to be able to supplement funds to meet the cost of boarding expenses for Africans by calling upon local native councils to provide additional funds for the boarding of children being educated in their areas. Captain Kennedy agrees with this recommendation but considers that the allocation of funds for African education requires revision with a view to making greater provision for Grants-in-Aid to Schools. Major Brown dissents from this recommendation on the ground that the general question of policy in regard to the amount which should be provided in the Estimates for Grants-in-Aid to African Schools must await the issue of the terms of a new Bill.

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was practically ready for submission to Government and which contained recommendations as to a future forest policy. The Committee trusts that every endeavour will be made to reach a decision on the various proposals made in the report in consultation with the Forest Adviser before he leaves the Colony.

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The Committee welcomes the proposal reflected in draft Estimates to provide a staff of stenographers for taking notes of the proceedings in Court. It is given to understand that the use of stenographers will lead to a great saving in the time occupied by Court proceedings and that this will not only increase the turnover at the Court but will also prove a great convenience and economy to the public inasmuch as shorter demands will be made on the time of jurors and witnesses. The Committee also understands that the use of shorthand notes is preferable in the interests of justice.

Tuition costs and fees.

James School.

"Habari"  
Items 75, 71  
and 77.

Grants-in-Aid to Schools.  
Item 77.

Forest policy.

Railway fuel plantations.

Vermin Control Officers.

Export of live animals.

Resident Magistrates.  
Item 5.

Item 11.

Items 9 and 12.

Stenographers.  
Item 8.

There are at present two verbatim reporters on the establishment of the Secretariat whose duties include the reporting of the proceedings of the Legislative Council. Their services have from time to time been called upon to report important Court proceedings when Legislative Council is not in session, but there is no relief establishment.

The Committee suggests that the number of stenographers appointed to the service of the Judicial Department should be increased from two, as shown in the draft Estimates, to three, and that eight months' provision in respect of their salaries should be made, the figure remaining at £900 in the Estimates for 1930. It understands that there will be ample work to keep three stenographers fully employed and that the provision of the additional stenographer proposed by the Committee will go some way to obviate the difficulties which would otherwise arise when any of the Court Stenographers or Legislative Council Reporters is absent on leave.

Assistant Chief  
Clerical  
Interpreter,  
Item 3.

The Committee agrees to the provision proposed in draft Estimates for an additional appointment of Assistant Chief Clerical Interpreter in order that, in addition to the Court Interpreters proficient in General, there may also be one well versed in Hindustani.

Captain Raueally expresses his opposition to the Judicial Department Estimates as a whole on the ground that no steps have been taken by Government to invest selected members of the unofficial community with magisterial powers other than those at present held by Justices of the Peace.

#### LEGAL DEPARTMENT.

Chief  
Counsel,  
Item 5.

The Committee examined with the Attorney General the possibility of securing economy in the cost of the Legal Department by making a more extended use of the services of private legal firms and was satisfied that such a course could not, in present circumstances, enable any reduction to be made in the staff of Crown Counsel.

Office  
Superintendent,  
Item 1.

The Committee considers that the question of substituting a post of Office Superintendent in the Legal Department for the post of Clerk should be referred back to the Attorney General with a request that if, after further personal experience of the working of his office, he is satisfied that a sufficiently strong case exists for the creation of a post of Office Superintendent, he should put forward his recommendation in connexion with the Estimates for 1931.

#### LOCAL GOVERNMENT CONTRIBUTIONS TO LOCAL AUTHORITIES.

Road Grants  
to District  
Councils.

The Acting Commissioner for Local Government, Lands and Settlement explained to the Committee the proposals reflected in draft Estimates for the payment of Road Grants to District Councils. In addition to the basic road grants made under section 101 of the Ordinance, provision to the extent of £14,437 has been inserted (Head XIV, items 5 and 6) in respect of grants which, subject to the approval of the Governor in Council (advised by the Central Roads and Traffic Board) of detailed applications to be submitted by District Councils, may be made to District Councils during 1930 under the terms of section 105 of the Local Government (District Councils) Ordinance, 1928, on account of—

- construction and maintenance of new district roads;
- improvement of existing district roads;
- new permanent bridges or other special works in connexion with district roads.

Some Elected Members doubted whether the sum of £5,000 proposed in respect of grants under section 105 (1), (a) and (c) of the Ordinance would be sufficient. The Acting Commissioner for Local Government, Lands and

Settlement informed the Committee that this was a lump sum vote and that no part of it would be expended until applications had been received in accordance with the provisions of the Ordinance and had been approved by the Government; and he thought that it was improbable that a larger sum than £5,000 would be required for this purpose during 1930.

The Committee agreed to the provision remaining at £5,000 on the understanding that, if it was subsequently found that more money was required to satisfy reasonable demands from District Councils for the construction and maintenance of new district roads or for new permanent bridges, or other special works in connexion with district roads, there would be no objection to proposals being put forward for consideration with Supplementary Estimates during the course of the year.

The Acting Commissioner for Local Government, Lands and Settlement advised the Committee that further information which had been received since the draft Estimates were prepared indicated that the amount (which would be required to provide for the payment to District Councils of Vehicle Licence Fees under section 106 of the Local Government (District Councils) Ordinance, 1928, was now estimated to be £650. The Committee recommends that this alteration be made in draft Estimates.

Vehicle  
Licence Fees,  
Item 6.

#### LOCAL GOVERNMENT CONTRIBUTIONS TO LOCAL AUTHORITIES—EXTRAORDINARY.

A sum of £750 was inserted in draft Estimates for a special grant for roads in the Eldoret Municipality as a first instalment towards certain work to be undertaken on the main trunk road and the Railway road within the Eldoret Municipality at a total estimated cost of £6,000. Mr. O'Shea stated that the original intention had been to provide £2,000 in the Estimates of three successive years, but in view of the desire which had been expressed by Elected Members to cut down expenditure during 1930 he did not press for the amount inserted in the Estimates for 1930 to be increased. He expressed the hope, however, that a more substantial figure would be approved for insertion in the Estimates for 1931.

Special grant  
for roads to  
Eldoret  
Municipality,  
Item 7.

The Committee understands that it is now estimated that the amount of money required during 1930 in respect of road plant for District Councils will be £1,365 and not £1,755 as shown in the draft Estimates.

Road Plant  
for District  
Councils,  
Item 1.

#### MEDICAL DEPARTMENT.

The Acting Director of Medical and Sanitary Services stated that the major part of the increase included in the draft Estimates of the Medical Department was caused by the necessity for making full provision for twelve months in 1930 in respect of new appointments for which provision had been made for part of a year only in the 1929 Estimates. He stated that the staff provided for on these Estimates was not yet fully complete, but that considerable progress was being made with the erection of the new hospitals sanctioned a year ago. Anti-malarial work has been proceeding throughout the year, Visits and inspections have been made in districts with good results, and an interim report has been received on malarial questions from Lieut. Col. James, who visited Kenya during the early part of the year and made a number of recommendations to which effect has been given in the draft Estimates for 1930.

Anti-malarial  
measures.

The Committee is informed that the incidence of malaria during the current year is considerably less than it has been during the past three years.

While not disagreeing in detail with any part of the medical programme reflected in the Estimates of the Medical Department, Elected Members considered that the amount of money proposed to be appropriated under this head in 1930 was too large and asked the Acting Director of Medical and Sanitary Services to reduce his Estimates by £7,000.

Reduction in  
Medical  
Estimates.

In response to this request, the Acting Director of Medical and Sanitary Services submitted a list of reductions in the Medical Department Estimates, totaling £2,850, and indicated the effect that such reduction would have on the departmental organisation.

The list submitted was as follows:

*Item 18.—African Clerks.* Reduce by four Clerks, saving £187. This would mean that the Medical Officers at Fort Hall, Kerio, Kericho, and Tebu would remain without clerical assistance, and would have much of their time occupied with clerical duties which might more profitably be spent on medical work.

*Item 23.—Medical Officers.* Reduce by one new appointment, saving, with consequential other charges, £400. Provision had been made for this additional Medical Officer to give effect to a proposal made by Lieut. Col. James, of the Ministry of Health, who recently visited the Colony, to make recommendations with regard to anti-malaria measures which should be adopted. The Medical Officer in question was intended to enable a malaria observation station to be established at the Trans Nzora.

*Item 26.—Dispensers.* Reduce by one new appointment, saving, with consequential other charges, £305. This appointment was inserted in draft Estimates to strengthen the Store Staff of the Department.

*Item 28.—Nursing Sisters.* Reduce by four posts, saving, with consequential other charges, £1,088. This reduction would mean that four hospitals at Ikeriara, Kyaniha, Machakos and Kakamega would have one Nursing Sister only, instead of two, as contemplated.

*Item 31.—Wardmaster.* Reduce by one post, saving, with consequential other charges, £219. The post in question was intended for Mombasa in order to enable sound training of African staff and the maintenance of discipline.

*Item 41.—Dispensary Clerks.* Reduce by two posts, saving £130. This would prevent the appointment of Compounders to Dispensary Clerks, with the result that no medical attention could be given at the hospitals in those towns when the Medical Officer was out.

*Item 43.—Mental Hospital Warders.* Suggestion to be deleted, saving £69. The intention was to provide staff for the new and existing Asylums in the Mombasa Mental Hospital.

*Item 47.—Various Assistants of Hospitals and Mental Hospital.* Reduce by £125.

*Item 50.—Entomologist.* Reduce by one new appointment, saving, with consequential other charges, £345. The proposal for appointment of an Entomologist followed the recommendations of Lieut. Col. James, and was intended particularly for malaria research.

*Item 59.—Laboratory Assistant.* Reduce by one new appointment, saving, with consequential other charges, £414. This appointment was recommended by Lieut. Col. James to assist the Entomologist, to be employed for malaria research.

*Item 74.—Laboratory Storekeeper.* New appointment to be deleted, saving £168. This new appointment was intended to strengthen the storekeeping staff at the Laboratory.

*Item 76.—Medical and Surgical Stores, Equipment, etc.* Reduce by £1,300. The Acting Director proposed the reduction solely in order to meet the suggestion put forward by Elected Members. He considered any reduction in the vote uneconomical, and likely to lead to unsatisfactory results. It was essential, in his opinion, that Medical Officers should have at their disposal an adequate supply of stores and equipment.

*Item 87.—Travelling Allowances.* Reduce by £320. The effect of the reduction would be to limit to the present year's figures the amount allocated to each district, although it was the aim of the Department to ensure that Medical Officers travelled more extensively in the districts.

*Item 91.—Uniforms.* Reduce by £50.

*Item 102.—Anti-Malaria Measures.* Reduce by £504, leaving the vote at £1,000. The Acting Director explained that money was found from this vote for oiling, washing and draining, and that expenditure on investigations regarding epidemics was also met from it. With the limited funds available after this reduction had taken place, less work of this kind would be carried out.

*Item 107.—Repairs to Dispensaries and Hospitals in Native Reserves.* Reduce by £50.

*Item 108.—Medical Grants to Missions.* Reduce by £205. This reduction did not contemplate any diminution in the grants provided for in 1920. The figure of £205 consisted of a balance of £80 which had not been allocated when draft Estimates were framed, and a sum of £125 provided in draft Estimates for the Maseno Maternity Home, in regard to which Elected Members had recommended that no funds should be provided for completing the building and for equipment until a definite scheme had been submitted to and approved by the Legislative Council.

*Item 117.—Propaganda.* Reduce by £400, leaving the vote at £1,000.

In regard to this list of proposed reductions, the Acting Director of Medical and Sanitary Services stated that he would prefer to see the provision stand in each case as included in draft Estimates, but he said that if it was necessary on financial grounds to reduce the total amount of the vote by approximately £7,000, the reductions suggested would enable this to be done with the least interference with departmental activities. He made a special plea, however, for the retention in Estimates, without reduction, of the amounts included in draft Estimates for African Clerks, Medical Officers, Entomologists, Laboratory Assistants and Medical and Surgical Stores and Equipment, as he felt that in these cases, particularly, if the reductions he had proposed, the public service would suffer if the original proposals incorporated in draft Estimates were not approved.

A majority of the Committee was not prepared to recommend that the provision made for the three appointments inserted in draft Estimates in accordance with the proposals put forward by Lieut. Col. James should be excised from the Estimates, namely, the new appointments of—

- One Medical Officer.
- One Entomologist, and
- One Laboratory Assistant.

A majority of the Committee recommends that with these exceptions the proposal put forward by the Acting Director of Medical and Sanitary Services be accepted. Major Barry Johnston and Canon Leakey wished their dissent to be recorded to any Secretary in the Medical vote.

The Committee understands that Lieut. Col. James's report is at present in course of printing in England, and Elected Members asked for an early opportunity of considering this report when available, in order that they may be satisfied that the expenditure proposed on anti-malarial work of this nature is justified, and while a majority of them have recommended that provision be made in Estimates for the three appointments in question, they do not wish any steps to be taken to fill these posts until after an opportunity has been given for considering the report.

Elected Members understand that fees in respect of medical attention and hospital charges in Government Hospitals are levied on non-natives only. They appreciate the advantages which may accrue to public health from the present

Report

attention

system of free treatment of natives in the Reserves in cases where a general campaign against disease is being undertaken but they consider that fees might well be charged in respect of medical attention given in cases of a more personal kind, such as operations for specific complaints, as apart from general public health treatment. They do not suggest any immediate alteration of policy of such a kind as would affect the Estimates for 1930 but they suggest that careful consideration should be given during the course of the year to the whole question of fees charged in Government hospitals and by Government Medical Officers in order that a clear definition may be arrived at of the policy to be pursued in the future.

Maintenance of Infectious Diseases Hospital and Leprosy Establishments, Nairobi, Item 167

Elected Members asked for further information regarding the proposed increase from £2,500 to £3,500 in respect of the maintenance of Infectious Diseases Hospital and Leprosy Establishments. The Acting Director of Medical and Sanitary Services stated that the expenditure under this item during recent years had been as follows:

1926	£1,594
1927	1,620
1928	2,228
1929 (first nine months)	2,018

The monthly averages of patient days for Nairobi and Mombasa in these years and for the first nine months of the current year have been as follows:

	Nairobi	Mombasa
1926	1,845	785
1927	2,949	1,021
1928	3,928	1,731
1929 (on nine months)	3,025	1,682

The average number of patient days for Nairobi is, however, increasing and for July, August and September it has been 4,582, an increase of about 1,000 days per month. On the average expenditure for the first nine months, the original estimate for the year of £2,500 would be exceeded by £96, but allowing for the increasing number of patients admitted at Nairobi in the three months July to September and for increased requirements at Kakamega and Malindi it is expected that a further expenditure of about £200 will be required, making a total expenditure of £2,700 in all. In 1930 the new Leprosy Camp on the Coast will be in commission and may be expected to require about £400 per annum for maintenance, bringing the total requirements to £3,100. If no increase in the number of patients elsewhere were to occur and if the cost of all foodstuffs were to decrease appreciably, this sum would be more than sufficient; as, however, a large decrease in the cost of foodstuffs other than maize meal cannot be expected at all stations and as a further increase in patients may be expected, he anticipates that the sum of at least £3,300 will be required for 1930. The Committee suggests that a reduction of £200 be made on the original estimate of £3,500 in view of the falling cost of certain foodstuffs.

MEDICAL DEPARTMENT—EXTRAORDINARY

A sum of £1,500 is provided under Head XXXIV, Item 2, for the completion of a Maternity Home in Masego, and the amount provided under Head XXV, Medical Department—Extraordinary, for capital contributions to hospitals, maternity and child welfare institutions, includes a sum of £386 for the equipment of the Maternity Hospital building already partially erected at Masego.

It appears that about three years ago a scheme for erecting a maternity home at Masego was started at the instance of a local missionary and that funds to the extent of about £1,250 have since then been subscribed, partly by the Church Missionary Society, partly by small grants from Education and Medical Department votes and partly by contributions from local native council funds. At the end of 1927 it was found that the money available was

Masego Maternity Home

insufficient to complete the building, and the Central Kavirondo and North Kavirondo Local Native Councils voted £125 more each with which to complete the building, making the total amount subscribed £1,500. About the middle of 1928 it was again found that the money was insufficient. The Public Works Department also reported that the foundations were not strong enough for a two-storey building, as had been originally intended, and that the structure was defective in other ways. It was then decided to ask the local contractor to estimate for completing the building as a single-storey building, in accordance with the specifications submitted by the Executive Engineer, Kisumu. The local contractor's estimate for completing it as a single-storey building is £1,800.

The total estimate for the building on these lines, therefore, becomes £3,300 and the total estimated cost of the building with the necessary equipment becomes approximately £3,900.

The Government is not committed to making financial provision for completing the building and it was, in fact, never anticipated that it would be necessary to ask for assistance from public funds for this purpose, but in the unfortunate circumstances that have arisen the proposal that public funds should be made available for the completion and equipment of the building has been inserted in draft Estimates in order to complete a work for which local native councils have already subscribed a considerable sum of money.

Elected Members are not satisfied that the details of the scheme have yet been sufficiently worked out, either in respect of the erection of the building or the maintenance of the maternity home, to enable them to give a final opinion on the subject. They therefore consider that the sums in question should be deleted from Estimates for 1930 on the understanding that when a complete scheme has been prepared and when it has been ascertained that adequate arrangements have been made for maintaining the home when completed the question may be referred to Legislative Council for further consideration, if necessary in Supplementary Estimates. At the same time, they take great exception to the manner in which this proposal has been introduced for the expenditure of public money in order to rectify the mistakes of third parties in respect of a scheme which was started without the knowledge or sanction of Legislative Council, and they wish to postulate that the consideration which they may ultimately give to this particular scheme is not to be regarded as a precedent which might encourage other people to embark on schemes of this kind before the necessary funds are assured.

Discussion took place on an application put forward for the consideration of the Committee by the Elected Member for the Rift Valley for additional grants for the Nakuru War Memorial Hospital, more especially in respect of grants from public funds on a pound-for-pound basis to cover the cost of erection of a home for the Resident Medical Officer of that hospital in the vicinity of the hospital and for the cost of furniture and equipment for that hospital. The other members of the Committee considered that matters arising out of the detailed application of the authority given by resolution in the Legislative Council on the subject of contributions payable from public funds for non-Government hospitals must be left to the Executive Government and agreed with a proposal put forward by the Colonial Secretary that representations on this subject supported by full details of the facts should be submitted direct to the Government for further consideration on the basis of the existing authority for the payment of such grants.

Nakuru War Memorial Hospital

A majority of members of the Committee regard it as a *sim qua non* that all applications for assistance from public funds in respect of works proposed to be carried out with State assistance should be submitted to the Government and fully approved before any expenditure is actually incurred. They consider that an impossible position must arise if work is undertaken in reliance on support being forthcoming from public funds before Government has signified its approval to the payment of the share it is subsequently called upon to contribute.

Tumu Tumu  
Mission.

A proposal was placed before the Committee that Government should make a contribution to hospital buildings in course of erection at Tumu Tumu. The request for this assistance, for which a figure of £2,327 was suggested, was not received in time for consideration with other similar applications received by the Director of Medical and Sanitary Services in connection with the draft Estimates for 1930, and, although the Committee is given to understand that the work being undertaken at Tumu Tumu is very valuable, it is not satisfied that any special circumstances exist which would justify preferential consideration being given to this application when compared with other applications of the same nature or other proposals for the expenditure of public money on medical services which were received in time for consideration with the Estimates for 1930.

In view of the general financial position, which has already led a majority of Elected Members to suggest a reduction in the vote for Medical Services, this consideration alone would have made it difficult to find funds for this purpose; but there is another factor in this case which makes it impossible for the Committee to suggest that funds be made available for the purpose in the Estimates for 1930. No basis for contributions to the capital cost of Mission Hospitals for Africans has ever been laid down. It has been suggested in the health scheme that such contributions should be on a liberal scale, even up to the whole cost, but contributions of this kind have never, in fact, been made to any institution, and Elected Members consider that the whole policy should be reviewed before the grant of such capital contributions is sanctioned in any case. The principle on which subsidies have been given to Missions for hospital purposes is that Government recognises its responsibility to provide a certain number of hospital beds in Native Reserves and is willing to take advantage of the Mission organisation in certain areas. Tumu Tumu Hospital is one of these cases, but hitherto the Government has only subscribed in the case of Tumu Tumu to recurrent expenditure and provision is made in the draft Estimates for 1930 for a continuance of the recurrent grant.

While, therefore, Elected Members consider that it may be found that a case exists for giving assistance from public funds towards capital expenditure intended to improve facilities at a mission hospital, they consider that such grants should only be made in accordance with a properly thought-out scheme which has been submitted to and approved by the Legislative Council. They would be prepared to consider the application of such a scheme to the case of Tumu Tumu on the facts as presented if financial circumstances permit, but in default of a definite policy on the matter they are not prepared to recommend that any provision be made in the Estimates for 1930.

An application from the Committee of the African Maternity and Child Welfare Hospital and Training Centre was placed before the Committee for a capital grant on a pound-for-pound basis up to a maximum of £2,000 in order that certain extensions to the buildings might be carried out.

As in the case of the application for a capital grant from Tumu Tumu Mission, Elected Members are of opinion that such grants should only be made in accordance with a carefully considered scheme which has been submitted to and approved by the Legislative Council.

The Committee therefore recommends that an inquiry should be conducted on the question of the basis on which hospitals for Africans might be enabled to participate in the pound-for-pound principle which has already been approved, subject to certain safeguards in the case of private hospitals for non-natives. It understands that the extension of this principle to hospitals for Africans was considered undesirable in the past because the general acceptance of that principle might have led to unlimited demands for contributions from public funds towards the erection of buildings at the instance of local native councils. The same objection does not, however, apply to the making of capital grants to hospitals for Africans which are under the control of missionary societies or other charitable bodies. His Excellency made special appeal that the principle of State contributions on the pound-for-pound

Proposed  
African  
Maternity and  
Child Welfare  
Hospital and  
Training  
Centre.

Capital Grants  
to African  
Hospitals, etc.

basis should be extended to African hospitals on the same lines as has been approved in the case of non-African hospitals provided that the Legislature is satisfied that the schemes proposed are sound ones and that the remainder of the capital is being subscribed from charitable funds and not from the funds of local native councils. He regarded it as important that the State should not be backward in giving this measure of assistance to undertakings of this kind, more particularly as the object of such hospitals and maternity and child welfare training centres was to provide proper care, attention and education to native women. He stated that the Government had had to take up a strong position on the subject of female circumcision which was regarded as the chief limiting factor in the native birthrate.

His Excellency, therefore, hoped that the Committee would agree to early steps being taken to examine the question on the lines he had proposed with a view to a report being submitted for consideration by the Legislative Council during the course of the year. Elected Members stated that if a satisfactory scheme of making such capital grants were evolved they would be prepared to consider in Supplementary Estimates during 1930 proposals for the application of that scheme to such cases as those submitted on behalf of the Tumu Tumu Mission and the Putwani African Maternity and Child Welfare Hospital and Training Centre.

The Committee understands that the provision of £1,500 inserted for Motor Lorries is intended to enable two light lorries to be bought at an approximate cost of £350 each, including fittings, one for the Medical Officer in Central Kavirondo and one for the Medical Officer in Digo; and two lorries, one fitted for the purposes of malaria investigation and one for propaganda work at an approximate cost of £450 each. These lorries, proposed for work in Native Reserves, are required to carry complete camp equipment, drugs, dressings, microscope, etc., and other medical equipment, and to save breakages and to facilitate work they require to be fitted with racks, drawers, compartments, etc. On occasion the lorries are required for the transport of serious cases to hospital.

For the propaganda lorry and the travelling laboratory for the Malaria Research Medical Officer it is expected that a rather larger and heavier chassis will be required. The caravan type of body is necessary in order to provide headroom and such bodies exert considerable leverage on rough roads. Where a fairly complicated and expensive type of body has to be fitted to a chassis it is considered to be in the interests of economy to provide as good a chassis as possible.

The Committee understands that money is required for a motor ambulance to replace an ambulance which has recently been condemned as unserviceable. It recommends that funds for the purpose be found from the vote for Motor Lorries, but is not prepared to suggest any increase in the vote on this account.

The Committee recommends that the provision of funds for two Disinfectors, Washington Lyons Disinfectors should be deferred and that a consequential deletion should be made from Head XXXIV of the Estimates in respect of buildings to house them.

#### MILITARY

The Officer Commanding Troops gave information to the Committee regarding the distribution of the King's African Rifles in the Northern Frontier Province. He stated that the previous distribution had been such as to cause the military force to be weak at all points and strong at no point. The redistribution, to which reference was made in the Report of the Select Committee on the draft Estimates for 1929, had enabled the troops to be concentrated. The number of troops had not been changed, but by concentration and partial mechanisation the strength and mobility of the force had been greatly increased.

## Communications.

The Officer Commanding Troops stated that there had been heavy raiding in Turkana from Sudan and Abyssinian territory. He explained the steps which had been taken to deal with this menace and stated that the absence of roads had been a source of great difficulty in the past. A road was now being pushed forward to Lokitang and he hoped that it would shortly be possible for light lorries to move over the raiding area. Wireless would be installed as soon as the road was through and this would also enable the troops to deal expeditiously with raids. His Excellency stated that he was preparing a contribution to be made by the Sudan Government towards the cost of wireless expenditure in Turkana.

## Reorganisation of King's African Rifles.

The Officer Commanding Troops gave further information to the Committee regarding the proposed reorganisation of the King's African Rifles on the lines referred to in the report of Sir Samuel Wilson on his visit to East Africa. He stated that details of the scheme of reorganisation had recently been under consideration by the Inspector General, King's African Rifles, with the Officers Commanding all battalions. Estimates were being prepared but these were not yet ready for submission to the Legislative Council. He stated that an interim period would be necessary after the scheme had been approved to bring the reorganisation into effect. He hoped that in so far as the King's African Rifles in Kenya and Uganda were concerned, one year would be sufficient for this interim period and that it might be possible for the Estimates for 1931 to be prepared on the reorganised basis.

## Control of Wireless Sets.

The Committee understands that efficient and economical steps have been taken for the operation of the wireless sets now installed in the Northern Frontier Province and agrees that these should remain under military control.

## Aeroplanes.

Discussion took place on the subject of using aeroplanes for the purposes of scouting and military operations in the northern areas. The Committee understands that the use of aeroplanes will not be possible without forward aerodromes and that these could not be maintained unless first-class roads were constructed to such places as Wajir. In addition, it is doubted whether aeroplanes would prove valuable for scouting purposes in the northern areas, much of which is covered by bush which affords good cover from the air. The cost of establishing a fleet of aeroplanes is very heavy, both as regards capital and recurrent costs and in the circumstances as represented to it, the Committee is not prepared to recommend that any steps should be taken to investigate the matter further.

## DEFENCE FORCE.

## Defence Force.

Revised Estimates for the Defence Force for 1930, which had been prepared after consultation with the Central Defence Force Committee, were placed before the Committee. These Estimates provide, in the first place, for the organisation of the Defence Force to enable the defence schemes to be worked out and perfected. These are estimated to entail an expenditure in 1930 of £10,229, a considerable part of this sum being provided for the payment of motor car allowances at the rate of 50 cents a mile to Section Commanders, District Commandants and members of District Defence Force Committees. The Committee agrees that allowances of this nature should be made for Defence Force work and recommends the insertion in Estimates of a sum calculated on the assumption that on the average the persons concerned will travel 250 miles per annum on Defence Force duties.

## Training.

In regard to training, the Central Defence Force Committee proposed a capitation grant of £5 per man in respect of the whole of Class I and 25 per cent of Class II, or 2,250 men in all, the intention being that this grant should cover all expenses during 1930 in respect of training, equipment, rations, rifles, ammunition, and so on. The total capitation grant on this basis would amount to £11,250 and the tentative allocation of this amount proposed by the Central Defence Force Committee was as follows—

## Capitation Grant.

	£	l.	s.
2,250 men at £5 per man			11,250
As follows—			
(a) Purchase of Ammunition and Equipment	1,000		
(b) Purchase of Rifles, S.A. and M.G. parts	2,000		
(c) Purchase of Camp Equipment and Training Stores	2,665		
(d) Purchase of Uniforms	1,600		
(e) Purchase of Camp Rations and Consumable Stores	1,699		
(f) Construction and Upkeep of Rifle Ranges	800		
(g) Training Travelling Allowances	1,125		
(h) Movement of Camps	360		
(i) Labour for Camps and Training	300		
(j) Contingencies	400		
Total ..	£11,250	£11,250	

In regard to the proposal to provide money for uniforms, the Committee understands that it is the intention to provide a simple uniform primarily for members of the Defence Force who reside in towns and do not, therefore, in all cases, possess jumpers, shorts and puttees as part of their ordinary equipment. The tentative allocation for the purchase of uniforms is intended to equip about 800 men from town areas. The Committee understands that it had been the intention of Government to make additional money available for the training of the Defence Force when reductions had been effected in the cost of the King's African Rifles establishment in order to avoid too great a proportion of the Colony's revenue being devoted to purposes of defence. The full reduction contemplated on this cost of the King's African Rifles will not become operative during 1930, but the Committee considers that this fact should not further delay the progress of training facilities on an adequate basis for the members of the Defence Force and recommends that provision be made in Estimates for a capitation grant on the lines proposed.

The Committee was informed that facilities could be offered to persons who wished to buy rifles for Defence Force use to do so through official channels at a cost price on communicating with the Staff Officer, Defence Force, special permission to import a 308 rifle being, however, necessary in every case.

Information was given to the Committee as to the steps proposed in regard to the list of exemptions under the Defence Force Exemption.

## SUPPLY AND TRANSPORT.

The Committee understands that the Estimates under Supply and Transport provide for the transport of both military and civil stores during 1930, as has been done in past years. It understands also that statistics are being kept by that Department, giving details of the cost of transporting stores on civil account, so that experience will ultimately show what proportion of those costs should be borne on civil votes as opposed to military votes.

## MISCELLANEOUS SERVICES.

His Excellency gave the Committee further details in regard to the proposals that Kenya should contribute towards a subsidy which it was proposed should be paid to the Imperial Airways (Africa) Ltd. in respect of an air service to be operated by the Company. The object in view is to obtain a regular weekly service between East Africa and England and the Government of Kenya has aimed at ensuring that the service shall traverse

Kenya from Kisumu to Nairobi and thence to Arusha and the South when it is in full operation. Certain expenditure of a capital nature is necessary for the preparation of landing grounds and in particular a great deal of work will have to be done at Kisumu, which is suggested as the change-over station from seaplanes to aeroplanes. Full details of the expenditure necessary have not yet been obtained and in regard to finance negotiations are still in progress. It is not therefore considered necessary at the present stage to make definite provision for the capital expenditure contemplated at Kisumu in the Estimates for 1930, which it is hoped may be met by a grant from the Colonial Development Fund.

The Committee agrees to a proposal placed before it for the allocation of a sum of £130 towards the Naval Entertainment Fund in respect of the year 1930 against an equivalent reduction in the vote proposed for Distinguished Visitors.

The Committee was informed that the revised Estimate of the cost of construction of the extension of the branch line from Naru Morit to Nanyuki was £55,600 instead of £81,900 as originally estimated and that it would therefore be sufficient to provide £4,000 in the Estimates for 1930 to cover the guarantee in respect of interest and sinking fund charges on the capital expenditure involved together with any loss in working the extension that may arise during the year.

The Committee understands that information which has been received since draft Estimates were prepared indicates that the amount which should be provided in 1930 for the Kenya contribution to the Inter-Territorial Languages Committee is £835, and not £456 as shown in draft Estimates.

Proposals were placed before the Committee to the effect that Kenya should join with other Governments in contributing towards the expenses over a period of four years of experimental work being inaugurated under the auspices of the Oversea Mechanical Transport Directing Committee, whose object it is to make investigations in regard to—

- (1) the construction of a light transport unit with weight sufficiently distributed to resemble rather than damage earth roads;
- (2) the possibility of using charcoal producer gas plants;
- (3) the examination of various types of trailers;
- (4) the examination of track, half-track and multi-wheeled vehicles.

The Committee recommends that the Government of Kenya should contribute a sum of £500 for the first three years, after which it understands that the last year's contribution will be approximately £350.

#### MISCELLANEOUS SERVICES—EXTRAORDINARY

A sum of £3,000 was voted in the Estimates for 1929 to promote the development of civil aviation. From this sum it was proposed to provide for the acquisition and, where necessary, the preparation of landing grounds at certain selected points on the route between Mombasa and Kisumu. Certain progress has been made during the present year, but it is not expected that more than £825 will have been spent from this vote during 1929, and the Committee therefore suggests that the balance of £2,175 be revoted.

In addition the Committee suggests that the total vote should be increased by £1,000 so as to enable the preparation of landing grounds to proceed where required, both along the main route from Mombasa to Kisumu, and for the service of branch routes. The Committee does not wish to suggest at the present stage any definite allocation of funds to different landing grounds in Kenya, but it recommends the inclusion in Estimates of a one-line vote, the administration of which should be placed in the hands of a Committee specially appointed to advise on the best way to develop civil aviation and on the location of landing grounds along the main routes of travel. The Committee suggests that the additional sum of £1,000 to be inserted in Estimates should be regarded as a token figure, and Elected Members stated that if

Contribution to Naval Entertainment Fund.  
Item 6a.  
Item 9.

Guarantee in respect of Railway Extension to Nanyuki.  
Item 15.

Contribution to Inter-Territorial Languages Committee.  
Item 13.

Mechanical Transport Committee.  
Item 19a.

Development of Civil Aviation.  
Item 2.

after investigation by the proposed Committee it was considered desirable to make additional funds available during 1930 they would have no objection to proposals for the expenditure of a larger sum being put forward for consideration in the Supplementary Estimates during 1930.

His Excellency stated that in an interview which he had recently had with representatives of civil aviation interests at present in the Colony, a suggestion had been made that a technical officer should be appointed to advise on air matters and supervise the enforcement of air regulations. His Excellency said that he considered colonial aviation desirable between the three East African Territories in regard to aviation, which, he suggested, might properly come within the scope of the Central Authority when established, and that he proposed to bring the matter forward for discussion at the forthcoming Governors' Conference. The Committee agreed with His Excellency's view and stated that if it should be decided that the appointment of such an officer was desirable a proposal for the payment of Kenya's share of the salary of the officer concerned might suitably be considered with Supplementary Estimates during the course of 1930.

The Committee understands that steps are being taken for the preparation of a landing ground on a site beyond Likoni, some three miles south of Mombasa. It considers that there are certain objections to the selection of a site south of the Island owing to the impossibility of direct communication by motor car between Mombasa and the landing ground, and it is not clear to the Committee that adequate investigations have been made of alternative sites to the north or west of the Island to which ready access will ultimately be obtained by means of the Nyali and Makupa Bridges. The Committee therefore suggests that negotiations which are at present in progress in regard to the Likoni site should be held up until further investigations of alternative sites have been made, and that expert advice be taken on any alternative sites that may be found north or west of the Island before any decision is reached to continue negotiations and development on the site near Likoni.

The Committee understands that the full sum of £1,483 included in the draft Estimates as a revote in respect of geological survey will not be required during 1930, and that preliminary expenditure to the extent of £100 may prove to be all that is required during the year.

The Committee was informed that negotiations had been in progress with a view to transferring the Nakuru Water Supply to the Nakuru Municipal Board with effect from 1st January, 1929, on terms under which the Board accepts liability for the total capital outlay as at the end of 1928, this liability being consolidated into a loan repayable over a period of 25 years, the Board accepting liability for any capital outlay incurred during 1929, interest being paid thereon and the actual amount spent being added to the principal loan as at the end of 1929 and being subject to the same terms as to interest and redemption, and that Government should accept liability for payment to the Board of the estimated amount required as at the end of 1929 for the purpose of establishing a reserve fund for repairs and replacements; and on certain other terms which need not be separately specified. Under this arrangement it is necessary for a sum of £2,919 to be inserted in the Estimates for 1930 for payment to Nakuru Municipality on account of transfer of water supply. A consequential adjustment appears in the Revenue Estimates.

A majority of the Committee recommends that provision to the extent of £2,350 be inserted in the Estimates for 1930 for the satisfaction on an agreed basis of a claim by Hamu Khanis to certain land near the Sio River in the Kavirondo Native Reserve. The claim is to freehold rights in 1,700 acres of land. The land was at one time within the Uganda Protectorate, and the claim is based on a certificate of title granted to the mother of the present claimant in 1901. The land in question is now occupied by a large number of the native inhabitants of the reserve, and the Government considers

Mombasa Landing Ground.

Geological Survey.  
Item 2.

Nakuru Water Supply.  
Item 6b.

Payment to Hamu Khanis.  
Item 6c.

that it is in the interests of all parties that the position should be rectified by compensating Haimo Kibuni in respect of his building, to which he would then renounce all rights.

A motion was placed before the Committee that funds should be provided in the Estimates to enable Kenya to participate in an exhibition which is to be held in Antwerp in 1930. It was stated that the matter had been considered by the Kenya Advisory Committee, which had examined estimates originally submitted showing a total cost in respect of the participation of Dependencies in 2,000,000. The Committee was informed that the Kenya Advisory Committee had expressed the view that the present financial and crop outlook in the Colony, and the advantages to be obtained by this Colony from the exhibition did not justify the participation of Kenya in the exhibition on the terms of the expenditure then proposed, but that it was of opinion that if an arrangement could be made whereby the Government could contribute only a limited sum for the purchase of tickets, and substitution of a limited amount of participation to that extent could be justified by the possibility of increasing consumption of Kenya coffee in Continental markets.

The Committee agrees with the recommendation of the Kenya Advisory Committee and approves the above sum to be inserted in the Estimates for 1930 to enable Kenya to participate in the Antwerp Exhibition to the limited extent indicated.

POLICE.

The Commissioner of Police stated that increasing population and development in the Colony must be expected to necessitate an increase in the Police force, both in respect of the prevention and detection of crime and also in regard to the work of traffic control.

His Majesty's Commissioner of Police considered that inquiry might profitably be made into the possibility of carrying out a portion of the Police force on lines which would enable it to be organized as a European Constabulary for special functions, and they also considered that further investigation might profitably be made on the lines proposed in the Kowloon Committee in 1927 for the establishment of a force with a view to providing a reserve in the event of an increase in the amount of money now set aside in the Estimates for the purpose of training.

The proposals set forth in the draft Estimates for the staffing and erection of Police Stations at Kikibus and Thomson's Falls were examined with the Commissioner of Police, who stated that in his opinion it would always be necessary to maintain a reserve force at these places which were situated in the most important areas of the Colony, and that the erection of Police Stations at these places would be of great importance in providing adequate police stations in the event of an increase in the amount of money now set aside in the Estimates for the purpose of training. The Commissioner of Police has put forward a strong case for the establishment of Police Stations at Kikibus and Thomson's Falls and recommends that provision be made in the Estimates for the necessary staff.

The draft Estimates are required to provide the staff for the erection of these Police Stations, and the amount of the staff has been put at 100 men, which is a considerable number, since the draft Estimates were originally prepared. In order to avoid increase of cost, the Commission proposes to defer from the Estimates the provision made in draft Estimates for a new Police Station at the Fingert Print Bureau.

In the draft 1930 proposal reflected in the draft Estimates for the erection of Police Station buildings at Kikibus and Thomson's Falls, the cost of £12,000 each, a number of Elected Members do not agree that so extensive a type of building is necessary, and suggest that the provision in each case be limited to £1,800.

Major Grogan stated that he was not prepared to agree to the Estimates under the heads Police and Police Extraordinary until it was known what reductions could be made in the Military Vote. He regards the total shown in Draft Estimates for the Military and the Police as very excessive in the aggregate.

POLICE - EXTRAORDINARY

The Committee agrees in principle with the efforts being made by the Police Master Commissioner of Police to improve the mobility of the force by the provision of motor car fleets in selected areas, and notes with satisfaction that it is proposed to supply fleets of cars for operation in the Uasin Gishu and Trans Nzoia Districts.

The Committee agrees in principle to the proposal that 246 beds should be bought for the Police Depot, but considers that provision for the extent of Police Depot should each would be ample, reducing the quantity from 266 to 230.

POST OFFICE AND TELEGRAPHS.

The Acting Postmaster General informed the Committee that the increased provision asked for in the Estimates for 1930 was necessary owing to the expansion of business. He stated that satisfactory results had been obtained from the employment of local Kurepans on postal, telegraph and telephone work, but that it was desirable to retain a strengthening of persons recruited from the home service and that, in so far as telephone operators were concerned, he did not consider it wise to increase the number of operators employed pending experience of the new automatic switchboard which was in course of installation in Nairobi.

The Acting Postmaster General stated that it was the general policy of the Department to make use of any regular transport service, including motor car services and goods trains, as well as passenger trains, maintaining communication with a district in preference to runners, provided that the volume of business warranted the additional expense.

The attention of the Acting Postmaster General was drawn to a certain anomaly in the rate charged for telephone calls in the Trans Nzoia District. The Acting Postmaster General stated that he was aware of this anomaly and that this would be rectified and other adjustments made when the question of telephone rates next came up for comprehensive revision. As, however, revision could only be carried by a somewhat elaborate process which included the preparation and publication of rates, it was considered desirable to defer making any changes until the Nairobi and Mombasa trunk telephone lines were completed in about two years' time. The Colonial Secretary undertook to go into the question of the anomaly referred to in the meantime with a view to its rectification if this could be done without a disproportionate amount of trouble and expense.

Certain proposals made by the Postmaster General for the revision of scales of salary and grading of certain posts in the Department were submitted for the consideration of the Committee. The object of these proposals was to adjust scales of salary in a manner suited to departmental conditions and the Colonial Secretary stated that none of them was likely to give rise to an increase in scales of salary paid down for officers in other departments.

The Committee was informed that adjustments on the lines of the Postmaster General's proposals had not been incorporated in draft Estimates because it had been considered desirable to approach the Secretary of State in the first instance, and uncertain whether the scales of salary suggested would conflict with any action which might be the outcome of the recommendations of the Hilton Young Commission under which unification might take place of the Postal and Telegraph Services in Kenya, Uganda and Tanganyika.

No decision on this aspect of the question has yet been made, but, after considering in detail the proposals placed before them, Elected Members are prepared to give provisional approval to their introduction as from the 1st of January, 1930, subject to the sanction of the Secretary of State after he has taken into account the possibility of the Postal and Telegraphic Service in Eastern Africa becoming a Common Service in the near future.

#### POST OFFICE AND TELEGRAPHS EXTRAORDINARY

Elected Members recommend that provision for the Kisumu telephone line and the Nyeri-Embu telephone line be deleted from Estimates. In regard to the former, they are of opinion that the arguments which led to the exclusion of provision for this line from First Supplementary Estimates, 1929, still apply, namely that the financial position of the Colony at the present time does not justify expenditure on this work, and they are of opinion also, that the main line of communication with the Kisii area will ultimately be found to follow the line of the projected branch railway through Kericho, and not across country to the Railway's lake terminus at Kisumu. In regard to the Nyeri-Embu telephone line, they are of opinion that funds earmarked for the present stage be found for a line which it is proposed to erect solely for administrative reasons, which offers little prospect of bringing in revenue, and which does not appear to promote development in any way. They suggest that both proposals should receive consideration, with claims of other areas, in connection with the Draft Estimates for 1931.

#### PRISONS.

##### Central Prison

After discussion with the Commissioner of Prisons, the Committee is of the opinion that the accommodation at the Nairobi Prison is in need of immediate improvement and recommends that the erection of a new Central Prison should receive the early consideration of Government. The Committee also suggests that Government should consider the possibility of using prison labour on the construction of the new prison. The cost of a new Central Prison has been tentatively estimated at £100,000 but the Committee understands that no estimate has been prepared on the assumption that prison labour is used in its construction and suggests that such an estimate should be prepared, and the figure very considerably reduced.

##### European prisoners

Elected Members consider that European prisoners sentenced in Kenya to long terms of imprisonment should whenever possible be sent outside the Colony to serve their sentences. They are of opinion that the circumstances in which European prisoners can be accommodated and given work to do in Kenya leave much to be desired and that the association of Europeans with Africans in prison is not desirable either in the interests of the State or of the individual concerned.

##### Detention Camps

The Committee understands that satisfactory progress is being made in regard to the use of detention camps as places of confinement for persons convicted of venial offences and welcomes the suggestion that the class of offence for which sentence to detention camps may be imposed on conviction should be extended.

##### Master Carpenter

On representations made by the Commissioner of Prisons, the Committee recommends that provision for the Master Carpenter be restored to Estimates.

##### Prisoners' food

The Committee understands that the scale of rations laid down for prisoners is supplied from time to time by the Governor on the advice of the medical authorities and that the present dietary scale has been in force for about five years. Certain experiments have recently been carried out by the Medical Department which showed that a mixture of maize meal and wheat flour was a better foodstuff than maize alone. Quantities of wheat have recently been available in the country, which could have been used for improving the diet if desired, subject to the necessary alterations in regulations, and Elected Members consider that a closer liaison should exist between the medical and prison authorities in this matter so that immediate advantage

may be taken of the results of medical research on the subject of diets in cases where local supplies are available which would, as in this case, lead to the provision of a better diet at smaller expense to the State.

#### PUBLIC WORKS DEPARTMENT

With a view to effecting a reduction in the amount to be appropriated for Public Works staff and expenditure, Elected Members asked that the Director of Public Works be instructed to put forward suggestions for effecting a reduction in Public Works Estimates to the extent of one-third of the increase shown in draft Estimates under the heads Public Works Department and Public Works Recurrent, that is to say, a reduction of £9,705, in such a manner that the efficiency of the Department and works to be executed would be affected to the least degree.

In response to this request, the Director of Public Works proposed the following reductions—

PUBLIC WORKS DEPARTMENT	
Item 31. One Stores Accountant	£425
Item 39. One Assistant Engineer	480
Item 53. Passages	100
Item 54. Travelling Allowances	160
Item 55. Local Transport and Travelling	615
<b>Total Public Works Department</b>	<b>£1,780</b>

PUBLIC WORKS RECURRENT	
Item 1. Maintenance and Improvement of Roads and Bridges	£2,000
Item 2. Maintenance and Minor Improvements of Public Buildings	1,124
Item 3. Tools and Plant	500
<b>Total Public Works Recurrent</b>	<b>£3,624</b>

PUBLIC WORKS EXTRAORDINARY	
Item 1. Minor Works	£4,000
<b>Total Reductions</b>	<b>£9,785</b>

The Director of Public Works stated that issues of stores were increasing rapidly. Issues in 1929 are expected to be 25 per cent in excess of the issues for 1928, which far exceeded those of 1927 and 1926. The manner in which the stores were kept had formed the subject of adverse comment in past years and as a result of investigations the stores staff had been considerably increased during 1928. If the additional appointment of a Stores Accountant was not approved there was a danger of the Stores failing to comply with the Auditor's requirements, but the Director of Public Works considered that if reductions were necessary in the rates under his control this proposed addition to the stores staff could be deleted with the least departmental inconvenience.

The proposal of the Director of Public Works was that one new appointment only should be made instead of the two new appointments provided for in draft Estimates. The duties proposed for these Assistant Engineers were the investigation of new works and the preparation of surveys and estimates. The deletion of one of these appointments would reduce the amount of such work which could be done in 1930. A majority of Elected Members, Captain Kemesly dissenting, consider that one new appointment of a Assistant Engineer should be deleted from Estimates.

Travelling Allowances (Items 52 and 53)

The Director of Public Works stated that the reduction of £100 for Travelling Allowances and of £912 for Local Transport and Travelling would leave the amount provided in the Estimates for 1930 at the same figure as those provided in Estimates and Supplementary Estimates, 1929.

Eldoret Water Supply (Item 27a to 27c)

When the Draft Estimates were prepared it was understood that the Eldoret Water Supply would be taken over by the Eldoret Municipal Board during 1930. It now appears that a definite settlement of terms and other financial arrangements cannot be completed in time for the Board to make provision in its Estimates for 1930 for this service, and the Committee recommends that the necessary provision for the operation of the Eldoret Water Supply be restored to Estimates together with an addition to the Revenue Estimates of £2,000.

Revenue (Head VI, Item 5a)

The Committee agrees to the inclusion in Estimates against equivalent revenue, of funds for the supervision and treatment of conservancy and water charges in respect of certain houses erected for Asian Civil Servants in Nairobi.

Government Assets Housing (Items 101 to 105)

PUBLIC WORKS RECURRENT

Maintenance and Improvement of Roads and Bridges (Item 1)

The Director of Public Works stated that the reduction of £2,000 proposed in the vote for Maintenance and Improvement of Roads and Bridges should be regarded in conjunction with the proposed reduction in draft Estimates for an increase of £2,000 in the same provision for Temporary Works Staff (Head XXIV, item 47). This latter item provided funds for the salaries of European tractor drivers, foremen and certain other personnel which were shown under Personal Emoluments purely for reasons of financial control. In effect, the sum of £87,000 regarded as necessary by the Central Roads and Traffic Board for the maintenance and improvement of roads and bridges, £85,000 would be provided under item 47 of the head Public Works Recurrent, and the balance, £2,000 under item 1 of the head Public Works Department.

Elected Members agreed to this reduction on this understanding. The Committee also had a proposal recently put forward by the Central Roads and Traffic Board for the better use of motor cars to the extent of £5,000 should be made towards the maintenance of motor vehicles, for which a sum of £4,150 only was originally included in draft Estimates. The result of these recommendations is a sum of £92,000 appearing in draft Estimates for the Maintenance and Improvement of Roads and Bridges to a figure of £86,850, the allocation of which will have to be reconsidered by the Central Roads and Traffic Board.

Maintenance and Improvement of Public Buildings (Item 2)

The Director of Public Works requested a reduction of £1,175 in the provision for Maintenance and Improvement of Public Buildings in order to attain the same level of reduction proposed by Elected Members, but he was unable to secure it as any such reduction should be applied. The value of public buildings in the Colony has been increased during the last few years by about 50 per cent and the provision for maintenance has not been increased proportionately. The Director stated that the Colony was being considerably overhauled in order to make adequate provision for maintenance of its public buildings.

Elected Members drew attention to the fact that the provision made under this item was being completely used by staff provisions made under the head Public Works Department, which, though it could not be shown separately, must amount to a considerable figure. They consider also that the present system is wrong and the better results would be obtained by transferring the obligation of maintenance in out-districts to the District Officer, who would see that the work was carried out by a local carpenter, and in larger towns by contract.

The Director of Public Works stated that a reduction in the vote for maintenance of public buildings would be desirable. The reduction he had proposed in response to the suggestion of Elected Members was provided for in this purpose in the same figures as that included in Estimates and Supplementary Estimates, 1929.

PUBLIC WORKS EXTRAORDINARY

The Committee understands that the allocation of money voted for Minor Minor Works is administered by a Committee, consisting of the Treasurer, the Chief Native Commissioner and the Director of Public Works, which considers applications from Departments for small works estimated to cost £500 or less; and that, as many of the demands which must be met from the vote come in as a matter of urgency during the course of the year and cannot be foreseen in advance, a complete list of the works which will be undertaken from this vote can in practice be prepared with the Annual Estimates.

REGISTRAR GENERAL'S DEPARTMENT

The Committee discussed with the Registrar General the problem of how the work of Public Trustee and Official Receiver could be most efficiently and economically performed in Mombasa. An arrangement has been in existence for some time whereby the Deputy Registrar of the Supreme Court stationed in Mombasa undertakes these duties in addition to his own work and receives an allowance in respect of this additional work, but this arrangement is not in all respects satisfactory, and the Chief Justice is anxious that it should not continue. The Committee considers that it is in the public interest that adequate steps should be taken to ensure that this work is properly and efficiently performed in Mombasa, and believes that the best solution is to provide for the appointment of an additional Assistant Registrar General specifically for this work. The necessary clerical staff is already provided and is at present working in Mombasa, and the Committee understands that no additional clerical appointments are necessary on this account. The recommendation that provision be made for this new appointment entails the deletion from draft Estimates of the item for an allowance to the Deputy Official Receiver, Mombasa.

Mombasa Office

The Registrar General undertook to investigate the possibility of making arrangements whereby the preliminary proceedings in cases of insolvency might be conducted in the district where the bankruptcy takes place, in order to save the time of creditors and enable such inquiries to be carried out with a minimum of inconvenience to them. The Registrar General made it clear to the Committee that the public examination necessary in bankruptcy proceedings could only take place in normal circumstances at Nairobi or Mombasa.

Bankruptcy investigations

SECRETARIAT AND LEGISLATIVE COUNCIL

In reply to inquiries by Elected Members the Colonial Secretary stated that he had had under consideration the question of whether it was possible to make suggestions for the reorganisation of the Secretariat in connexion with the Estimate for 1930, but that he had come to the conclusion that any suggestions which he might put forward must depend on the definite proposition being brought under one roof, and that until adequate office accommodation was provided no useful purpose would be served by suggesting any change in the present organisation.

STATISTICAL DEPARTMENTS

REGISTRATION SECTION

The Committee was informed that the charge made for renewal of a registration certificate was two shillings, one extra shilling being charged for a container if required. Elected Members are of opinion that a higher fee should be charged in cases other than those in which an employer certifies that the loss or destruction of the original certificate was accidental. They believe that willful destruction of certificates is at present taking place in an increasing number of instances because it is known to the holder of the certificate that a renewal certificate does not contain details as to the rates of wages paid by past employers, these particulars not being at present included in labour returns submitted by employers under the Ordinance.

Charge for renewal certificates

The Committee understands that inquiries have recently been made as to whether it is desirable or possible to include in labour returns details of wages paid. It wishes to express an opinion in advance of the result of these inquiries, as to whether an amendment should be made to the Ordinance on these lines, but Elected Members consider that, in order to discourage wilful destruction of certificates, which causes much additional work and which is likely considerably to affect the efficiency of the registration system, the charge for renewal certificates should be increased from two shillings to four shillings, except in cases where an employer certifies that the loss or destruction of the original was accidental, in which case the present fee of two shillings should be charged, the additional fee of one shilling for a new certificate being charged as at present in both cases.

#### FINGER PRINT BUREAU

The Committee was informed by the Officer in Charge, Finger Print Bureau, that the records of the Bureau, which contain over one million cards, are housed in a building which is reasonably fireproof, but that in his opinion a further safeguard is desirable, in the form of a Police guard. It agrees that all reasonable steps should be taken to protect these records, which represent many years of labour and the expenditure of a large sum of money, and recommends that a Police guard should be maintained on the premises.

#### REGISTRATION OF DOMESTIC SERVANTS

The Committee understands that the provision included in draft Estimates for the Registration of Domestic Servants is intended to enable the Ordinance to be applied in the first instance to Nairobi only. It recommends the adoption of the Estimates as presented.

The Committee understands that in order to bring the Ordinance into effective operation at the beginning of 1930 it will be necessary to incur certain preliminary expenditure on materials during the current year, and recommends that authority be given in Second Supplementary Estimates for the purchase of 10,000 pairs of pocket registers, steel filing cabinets to hold 10,000 registers, the necessary forms, stationery and card indexes, and certain minor works such as shelving in the office of the Chief Registrar of Natives, at a total cost of £600.

#### SURVEY AND REGISTRATION DEPARTMENT

The Committee suggests that as occasion arises an effort should be made to open up opportunities for local European youths to obtain employment in a clerical capacity in the Survey and Registration Department.

The Acting Surveyor General undertook to go fully into the question of the number of Office Boys and Messengers employed by the Department with a view to effecting economies if possible.

The Acting Surveyor General informed the Committee that he was satisfied with the results of the policy of appointing Survey Cadets. Facilities for training the Cadets in survey work are provided by other members of the staff and a number of Cadets have shown aptitude for the work.

#### SURVEY AND REGISTRATION DEPARTMENT EXTRAORDINARY

Elected Members support the proposal reflected in draft Estimates for the recommencement on a small scale of Topographical Survey on the condition that it is possible to arrange that the non-commissioned officers of the Royal Engineers whom it is proposed to employ on this work are engaged for a tour of four years service and on the understanding that the amount of money required for the purpose in Annual Estimates remains practically the same as that shown in the Estimates for 1930. They regard the work contemplated as necessary and desirable but do not wish the recommendation they now make to be construed as covering the permanent establishment of a large staff for topographical survey work.

The Committee recommends that a sum of £150 be included in Estimates for the payment of an allowance to Mr. J. H. Williams, M.B.E., for special work in the preparation of a historical analysis of the existing topographical survey, on the understanding, which was suggested by Mr. Williams himself, that the historical value of the work should determine the contribution to be paid between the maximum sum of £150 and the actual expense incurred in its completion.

The Acting Surveyor General stated that the necessity for compiling such a historical analysis was due to the disintegration of the Topographical and Trigonometrical Branch of the Department owing to causes arising out of the war, and that it was improbable that a similar lack of continuity in the preservation of records of this kind would occur in future.

The Colonial Secretary placed before the Committee a proposal, put forward by Brigadier General Wintrobtham during a recent tour of inspection in East Africa for the preparation of an Atlas of East Africa, which he suggested, should include a general orographical map; a number of overprints on the general map, giving information on such matters as travel and communication, places of interest, ethnology, rainfall, geology and mining areas, zoology, density of population, and crops; diagrams and graphs showing the times and quantities of seasonal rains, temperatures, exports and imports and a general area distribution diagram; and a number of topographical maps, with overprints, showing in detail rivers and reserves and settled areas. Elected Members wish to encourage further investigation of the proposal and suggest that money for Kenya's share of a publication of this kind might be considered in connexion with the Estimates for 1931, but they suggest that the preliminary proposals, as submitted to them, require further consideration on the financial side with a view to making the production of an East African Atlas ultimately self-supporting, as they believe it could be.

#### TRADE AND INFORMATION OFFICE

The Select Committee on draft Estimates for 1929 considered the organisation of this office and recommended that the Kenya and Uganda Railway Administration should be approached with a view to securing co-operation between that Administration and the Colony in establishing a separate Kenya Railway Office in the Trade and Information and Publicity Bureau in London, which should have certain funds at its disposal for carrying out the information, settlement and publicity sides of the work.

His Excellency informed the Committee that he had been considering the same organisation of the office but that it was not possible to take any definite steps at the moment as the whole position might be altered by considerations arising out of the proposals at present under discussion relating to Closer Union in Eastern Africa. With the establishment of a Central Authority it seemed probable that the arrangements under which the Railway might participate in a Trade and Information Office in London would be considerably affected.

The Committee agreed that no comprehensive reorganisation could be effected at the present time and until the proposed changes become more clearly defined, and suggests that the question be gone into when the nature of these changes is known.

Captain Kenely wishes his opposition to be recorded to the existence of the Kenya Advisory Committee.

#### TREASURY—EXTRAORDINARY

The Committee discussed with the Acting Treasurer the question of using accounting machinery and the possibility of effecting a consequential reduction in the clerical establishments. The Acting Treasurer stated that the proposal to spend £250 on accounting machinery in 1930 was intended as a first step only and that he proposes that two Treasury officers who will be on leave next year should examine modern machinery of this kind in use in England.

Protection of  
Finger Print  
Records.

Registration of  
Domestic  
Servants.

European  
clerks.

Office Boys  
and  
Messengers.  
Item 25.

Survey Cadets  
Item 25.

Topographical  
Survey.  
Item 1.

Trade and  
Information  
Office.

Kenya  
Advisory  
Committee.

Elected Members suggest that the inquiry should be conducted on the widest possible lines. They believe that machinery will be found to exist which would relieve the Treasury staff of a great deal of routine accounting work and make possible a considerable reduction in establishment. They suggest that details of the kind of work which such machines might be called upon to perform should be advised and that firms be asked to send in specifications of the kind of machinery available accompanied by an estimate of the saving in personnel which the introduction of such machinery might be expected to secure. The Acting Treasurer undertook to conduct inquiries on these lines and to have a report prepared for consideration with Supplementary Estimates during 1930 or with the draft Estimates for 1931, it being understood that no commitment entailing additional expenditure would be entered into without prior reference to the Legislative Council.

The Acting Treasurer informed the Committee that he was unable to provide for a reduction in the clerical establishment in the Treasury until the proposed machinery had been in operation for a sufficient time to permit experiments that reduction was possible and the extent to which the staff would be relieved owing to the use of machinery.

**EXPENDITURE CHARGEABLE TO SURPLUS BALANCES.**  
**PUBLIC WORKS EXTRAORDINARY.**

Reference has already been made to the recommendations that certain items should be deleted from the schedule of Public Works Extraordinary to be undertaken from Surplus Balances. In the section of this Report dealing with the Medical Estimates it has been suggested that provision for the completion of the Maternity Home at Maseno and the buildings to house the Washington Lyons Disinfectors at the Infectious Diseases Hospital, Nairobi, should be deleted from Estimates.

Revised estimates of the amount of money which, according to more recent calculations is required to be devoted for expenditure in 1930 on works already approved and now in course of construction have been prepared and adjustment is necessary in respect of these items. Two items disappear from the schedule as it is now expected that the work will finish this year, namely, the Post Office and Transit Stores, Kilindini, and Military Buildings, Northern Frontier Province and Turkana.

The Director of Agriculture stated that the present housing accommodation at the Agricultural Training Centre at Bukura was very poor. Elected Members approved the inclusion of provision for these buildings in the Estimates for 1930 on the ground that inadequate information had been placed at their disposal in regard to the type of building required. They expressed the view that in this, as in other cases, it was probable that the standards of construction proposed was too high. His Excellency undertook that a further examination would be made of the details of what was proposed and of the standard of construction contemplated. The Committee suggests that the item should be deleted from the Estimates for 1930 on the understanding that if an examination in adequate case can be put forward for these buildings Elected Members will be prepared to consider a proposal to this effect with Supplementary Estimates during 1930.

The Committee understands that it is currently necessary to complete the girls' Boarding House at Eldoret, where present arrangements are unsatisfactory. The front of the building has never been completed, there is no provision for a sick room for temporary medical purposes or for girls who are ill but not infectious, there is no provision for the older girls to have a study of their own, and certain other alterations are also essential. The Committee recommends that provision to the extent of £1,450 be inserted for this work.

Elected Members consider that a less expensive type of building would adequately serve the purpose for police stations, more particularly in areas such as Kakungu and Thomson's Falls where saw mills are operating and economical advantage could therefore be taken of local materials. They

(Item 28)  
(Item 29)

(Item 30)  
(Item 31)

Agricultural  
Buildings at  
Bukura  
(Item 32)

Completion of  
Girls' Boarding  
House, Eldoret  
S. 100

Police  
Stations,  
Kakungu and  
Thomson's  
Falls  
(Item 33 and 34)

recommend that in these areas wooden buildings should be erected instead of the concrete buildings contemplated in the present type plans for police stations and that the cost of the latter for the purpose should be reduced in each case from £2,000 to £1,500, the latter figure representing the maximum expenditure to which they are prepared to agree for this purpose.

The Committee recommends that provision to the extent of £800 be made in Second Supplementary Estimates, 1929, to enable the Senior Commissioner to proceed with the erection of temporary buildings at the new provincial headquarters of the Turkana Province at Kapenguria and that the amount to be provided in the Estimates for 1930 be reduced accordingly from £5,000 to £4,200.

The Director of Education explained the necessity for providing a house for the Headmaster for the Nakuru School, which is situated some distance from the town. No alternative accommodation is available. Elected Members consider that the standard of accommodation proposed is unnecessarily high, but they are satisfied that a good case has been made out for the erection of this house, and they do not wish the general issue of the standard of construction of Government houses to be used as an argument against the early construction of this building. They suggest, therefore, that the funds proposed be provided in the Estimates for 1930 as a special case and without prejudice to the recommendations which they have made on the general question. Captain Schwartz agrees that funds should be provided for this house but considers that a sum of £1,200 should provide all that is required.

Elected Members are of opinion that provision for the erection of a new post office at Nanyasha should be deferred on the ground of economy as they do not consider this to be an essential item for which it was imperative to find money at once.

Draft Estimates provide a sum of £800 for the erection of a seed store at the Scott Agricultural Laboratories. The Director of Agriculture explained that such a store was necessary for the work of the Plant Breeder who had insufficient accommodation at present and who was employed in breeding valuable wheat and raising seeds of many kinds. Elected Members agreed as to the necessity for providing a seed store, but expressed the view that the amount of money proposed for this purpose was excessive. They recommend that a sum of £400 be made available from the Minor Marks Vote for the erection of this store.

The Committee understands that the provision of £1,000 for Kabete Reformatory Buildings will enable a number of necessary additions to be made to the Reformatory for the accommodation of the growing number of inmates and for the staff, and that the work will be carried out by the inmates themselves.

The Committee recommends the deletion from Estimates of provision for a Forester's house at Soloi and at the Ngong Road Forest Station, for the erection of a Clerk's house at Machakos, for double quarters for the European School at Mombasa, and for the Principal's house, Allidina Visiani High School, Mombasa.

The Committee recommends that provision for houses for an agricultural officer and an administration clerk at Meru should be deleted from the Estimates pending further investigation of the probable future requirements at that station for the accommodation of the staff and an examination of the amount of money which may be available from present loan schemes to meet these requirements.

The Committee understands that it is desired to increase the accommodation at the Provincial Commissioner's House, Nyeri, by that normally laid down for Provincial Commissioners. Elected Members recommend that a sum of £200 be provided for this purpose, but should be shown in draft Estimates.

Administrative  
buildings,  
Kapenguria  
(Item 7)

Nakuru  
School  
Home for  
Headmaster  
(Item 27)

Nanyasha  
Post Office  
(Item 35)

Seed Store,  
Scott  
Agricultural  
Laboratories  
(Item 17)

Kabete  
Reformatory  
Buildings  
(Item 16)

(Item 10)  
11  
12  
13

House for  
Agricultural  
Officer and  
Administration  
Clerk, Meru  
(Item 21)

Provincial  
Commissioner's  
House, Nyeri  
(Item 22)

Customs  
House, Lines  
and Stores,  
Kilifi.  
Item 27.

The Committee recommends the deletion from the schedule of works to be undertaken from Surplus Balances of provision for the Customs House, Lines and Stores, Kilifi, on the understanding that a sum of £500 be earmarked from the provision made for Minor Works (Head XXVI, item 1) for such improvements to the present accommodation, particularly Customs Lines, as it may be possible to effect with this sum.

Houses in the  
Northern  
Frontier  
Province.  
Items 30  
and 31.

Elected Members are not prepared to recommend the inclusion in Estimates of money for the completion of the District Commissioner's house at Marambit or for a police house in the Northern Frontier Province on the information placed before them.

Labour Camps.  
Item 32.

Elected Members were informed that provision had been inserted in draft Estimates for Labour Camps in continuation of policy previously approved for providing suitable accommodation along the main labour routes for Africans coming or returning from work. They understand that such camps cost about £300 each on the average and recommend that £700 be provided in the Estimates for 1930 to enable two additional camps to be constructed.

Sub-Depots for  
Public Works  
Department.  
Item 33a.

The Committee agrees to provision being included in Estimates to the extent of £800 as a revote for the completion of certain Sub-Depots for the Public Works Department, money for which was voted in the Estimates for 1928.

Reserve.  
Item 33.

The Committee recommends that the money included for a Reserve under Public Works Extraordinary be reduced to £3,000.

Sabaki River  
Bridge.

The provision of £7,000 for a bridge over the Sabaki River was made in the Estimates for 1928. A sum of £6,000 was received in 1929 but, for various reasons, principally owing to the difficulties in selecting a suitable site, the design of the bridge was not decided until the beginning of the year. It was subsequently decided that the bridge should be of permanent construction and the steel work has been designed and is being ordered from England. Until the cost of the steel work was known it was not possible to prepare a complete estimate for the work. The cost of the steel work, as estimated, is £1,500. A complete estimate has therefore been prepared which includes the bridge and contingent works which will cost £1,000. It is recommended that provision for the work be £2,500. It is recommended that the necessary adjustment be made in the Estimates for 1930.

Kilale Water  
Supply.

The Director of Public Works asked that the total sum of money made for this work might be increased from £13,000 to £15,000. An amount of £13,000 was provided in the schedule of works proposed by the Select Committee on the draft Estimates for 1929 to be undertaken from 1927 Surplus Balances, and this sum was revoted in First Supplementary Estimates, 1929. Since the original scheme was prepared certain modifications which have resulted in additional expenditure have been made to the design. These include the substitution of gravity filters for the pressure filters originally allowed for; an increase in the size of the sedimentation tank, thought desirable at Kilale owing to the fact that considerable difficulty has been experienced in connection with the Kisumu water supply owing to the sedimentation tank not being large enough for water heavily laden with silt; the installation of a chlorinating apparatus recommended by the medical authorities as being necessary for all new water supplies for townships of any size; and an increase in the estimated cost of ocean and railway freight of materials ordered from England. The Committee recommends that the additional sum of £2,000 necessary to enable the work to be completed on the revised specifications should be inserted in the Estimates for 1930.

Kilale Drains.

Discussion took place on the subject of drains in Kilale Township, representations being made that there was some danger of the medical authorities prohibiting the use of the new water supply until an adequate drainage system had been installed. Certain information was placed at the

disposal of the Committee by the Director of Public Works indicating that a comprehensive drainage scheme for Kilale Township would cost a considerable sum of money. The Committee is not satisfied, however, that a drainage scheme of this type should be necessary in a township like Kilale and considers that if the installation of a water supply in a township is to be held to involve large additional expenditure on drains in that township, the provision of water supplies in various centres of the country must necessarily be severely limited on financial grounds. The Director of Public Works undertook to go into the question in so far as Kilale is concerned in greater detail and to put forward suggestions for a modified and less expensive scheme. The Committee recommends that when a modified scheme has been worked out a sum of not more than £3,000 should be made available for drains in Kilale Township from the reserve.

The policy of installing water supplies in district headquarters in different parts of the country was discussed and it was explained to the Committee that the installation of water supplies at such stations as Fort Hall and Kitui would be of benefit not only on the grounds of public health by ensuring a clean supply of water but also because a water supply system obviates the necessity of carrying water long distances daily, thus saving man-power. In some cases, the revenue derived from the installation of a water supply more than covers the costs of operation with interest and renewals fund charges, but this argument is not advanced in favour of the proposals to install water supplies at Fort Hall and Kitui and Elected Members consider that funds should not be provided for these schemes in the Estimates for 1930.

The Committee is satisfied that the erection of a hospital in the Digo District at Msambweni, which has been selected as a suitable site, entails the installation of a water supply. Provision to the extent of £1,650 was inserted in draft Estimates for the purpose but the Committee understands that the extension of the water supply so as to serve the Digo settlement which it is now proposed to establish in the vicinity of the hospital will entail an additional expenditure of £150, raising the total estimate to £1,800.

Elected Members consider that when the proposal to establish a hospital in the Digo District was put forward a year ago a sum of £3,661 being recommended for expenditure from Levy Funds by the Select Committee on the draft Estimates for 1929. The possibility of having to find additional funds for a water supply to serve this hospital should have been brought to notice, but in present circumstances and on the information placed before them they see no alternative in continuing the scheme as it now stands and accepting no provision being made for the Msambweni water supply.

The Acting Commissioner for Local Government, Roads and Settlement informed the Committee that a tentative figure of £5,000 had been included in the draft Estimates for 1930 from the sum of £10,000 previously voted for General Anti-Malaria Measures, but that the items of expenditure to be incurred during the year had not been definitely decided. The list of works which were under consideration included certain works at Eldoret, Kilale and Mombasa. The Colonial Secretary undertook, on behalf of the Government, that proposals for expenditure under this item would, in so far as they affected work in established Municipalities, be referred to the Standing Committee on Local Government (Municipalities) before any scheme was approved by the Government.

The Committee discussed the proposal reflected in draft Estimates for the purchase of two new water-boring machines and the costs of operation. The intention is that these two units shall be used on unalienated Crown lands in order that water resources on areas at present dry may be explored before alienation takes place. A sum of £400 has also been inserted in draft Estimates under the head Miscellaneous Services Extraordinary in order to enable preliminary work to be undertaken in testing unalienated areas on which water boring operations are to take place with a view to devising approximately suitable subdivisions of farms in those areas prior to the boring operations.

Fort Hall  
and Kitui  
Water  
Supply.  
Items 39  
and 40.

Msambweni  
Water Supply.  
Item 41.

General Anti-  
Malaria  
Measures.  
Item 42.

Water Boring  
Machines  
and  
Accessories.  
Item 43.

Head XVIIa.  
Item 2.

A number of Elected Members were opposed to the provision of funds for new water-boring works in the Estimates for 1930 on the ground that the general financial position did not justify the expenditure of approximately £7,500 for this purpose. Some also considered that alternative means of achieving the same end, by offering facilities on attractive terms to private enterprise to undertake the work, could be adopted without committing the State to any expenditure. A majority of Elected Members, however, consider that it is in the interests of the State to discover and make available the water resources of areas of Crown land before they are offered for alienation and recommend that the necessary provision be made for this service in the Estimates for 1930.

#### FAMINE RELIEF MEASURES EXTRAORDINARY.

Famine relief measures

The Committee understands that owing to a succession of bad seasons it will be necessary to make provision for expenditure on famine relief during the first part of 1930. Famine conditions still prevail in part of the Kiambu Province and relief measures may be necessary until the middle or end of January entailing expenditure estimated at a maximum figure of £45,000 during 1930. The Committee recommends that provision, by way of rebate from the sum of £200,000 set aside during 1929 for famine relief measures, should be inserted in the Estimates for 1930.

Acknowledgment.

The Committee wishes to express its indebtedness to the Clerk of the Legislative Council, Mr. G. R. Sandford, O.B.E., for the admirable manner in which he embodied in this report the notes which he had made of the proceedings of the Committee.

H. M. M. MOORE,  
H. J. BAYLES,  
CONWAY BARRETT,  
*W. E. Sch. D. 1929*  
THOS. J. O'SHEA,  
E. M. NAUGHAN KENEALY,  
R. W. B. ROBERTSON EUSTACE,  
C. G. DUFFHAN,  
J. A. KIRKMODD,  
B. S. GREGAN,  
E. POMYS COBB,  
F. ARTHUR BEMISTER,  
A. H. MALIK,  
H. LEAKEY.

Nairobi,

17th December, 1929.

G. R. SANDFORD,

Clerk of the Legislative Council.

### SCHEDULE

#### AMENDMENTS TO DRAFT ESTIMATES PROPOSED BY THE SELECT COMMITTEE

Head	Item	DETAILS	Amount provided in Draft Estimates	Amount proposed by Select Committee
			£	£
<b>REVENUE</b>				
II	41	Hut and Poll Tax (Native)	605,440	607,940
		Total Licences, Duties, Taxes, etc.	975,240	976,740
III	18	Conservancy Water Rates, etc. (General)	4,200	5,200
	20	Agricultural Produce, Grading, etc.	6,500	7,870
		Total Fees, Municipal Revenue, etc.	127,104	129,534
VI	5a	Eldoret Water Supply		2,500
		Total Earnings of Government Depts.	91,723	94,223
VIII	8	Nakuru Water Supply		10,000
		Total Sale of Government Property	41,000	51,000
X	3	Advances pending the raising of Loans	58,027	58,027
		Total Interest	69,662	70,162
		Total Estimated Revenue	3,488,742	3,486,612
<b>EXPENDITURE</b>				
II	9	District Officers (103)	67,280	67,680
	16	Clerks (130)	29,970	27,940
<b>NZOIA PROVINCE</b>				
	143	Hut Counters	275	280
	115	Office Boys and Messengers	412	230
	117	Conservancy Staff	305	150
	127	Specie Boxes	20	5
	131	Telephones	18	36
	185	NAIVASHA PROVINCE—Local Transport and Travelling	290	470
	227	KIKUYU PROVINCE—Local Transport and Travelling	3,000	3,150
	228	Travelling Allowances	866	715
	260	COAST PROVINCE	19,174	18,374
		Total Administration	280,028	278,278

## SCHEDULE—(Contd.)

## AMENDMENTS TO DRAFT ESTIMATES PROPOSED BY THE SELECT COMMITTEE

Head	Item	DETAILS	Amount provided in Draft Estimates	Amount proposed by Select Committee
		<b>EXPENDITURE—(Contd.)</b>		
III	5a	Senior Agricultural Officers (2)		300
	7	Agricultural Officers (2)	720	1,200
	8a	Agricultural Economist (1)		200
	9a	Superintendent of Fencing		500
13 to 15		Clerks: Grade A (6), Grade B (7), Grade C (7)	4,959	5,550
	19	Passages	4,140	4,480
	21	Travelling Allowances	650	700
	22	Local Transport and Travelling	3,380	3,580
	24	Library, Books and Periodicals	150	250
	29	Contribution to Aman Scheme	1,950	2,028
	36	Contribution to Imperial Scheme for Agricultural Scholarships	650	947
	40a	Expenses of Board of Agriculture		4,000
	41	Agricultural Officers (5)	2,066	2,226
	54a	Assistant Mycologist (1)		160
	55a	Soil Chemist (1)		300
	56a	Assistant Agricultural Officer (1)		240
	57	Laboratory Assistants (7)	1,246	1,516
	65	Assistant Manager for Insectaries	360	
	67a	Special Officer and Sial Services		500
	71a	Laboratory Assistant (1)		120
	76	Chief Grader and Inspector	615	600
	78	Assistant Grader and Inspector	393	327
	78a	Temporary Graders (2)		420
	81	Mechanics (2)	227	407
	82	Relief Mechanic	64	
	83a	Relief Clerk (1)		275
	83b	Overseers for Mechanics		180
	84	Grading and Conditioning—Upkeep and Labour	2,000	2,250
	86a	Passages		370
	86b	Travelling Allowances		75
	86c	Local Transport and Travelling		160
86d-f		Experiment Station, Coast		1,510
	88	Senior Veterinary Officers (2)	2,320	1,680
	89	Veterinary Officers (11)	9,382	8,086
	90	Stock Instructor	400	
	91	Stock Inspectors (24)	11,088	9,872
	100	Maintenance of Veterinary Stations	2,500	1,900
	100a	Senior Veterinary Officer (1)		840
	100b	Veterinary Officers (2)		1,290
	100c	Stock Instructor (1)		400
	100d	Stock Inspector (3)		1,216
	113	Maintenance of Stations	600	1,200
	146	Note for Augmentation of Services	5,500	
		<b>Total Agricultural Department</b>	<b>169,244</b>	<b>168,318</b>
IIIa		Expenses in connexion with control of Striga, Pests, Diseases, etc.	200	600
		Expenses in connexion with Sea Fisheries Investigations		5,000
		<b>Total Agricultural Department, Extraordinary</b>	<b>7,805</b>	<b>13,205</b>
VII	2	Deputy Commissioner of Customs	900	1,000
	31	Boatmen, Lampmen, Sweepers, etc.	750	710
		<b>Total Customs Department</b>	<b>60,200</b>	<b>50,300</b>

## SCHEDULE—(Contd.)

## AMENDMENTS TO DRAFT ESTIMATES PROPOSED BY THE SELECT COMMITTEE

Head	Item	DETAILS	Amount provided in Draft Estimates	Amount proposed by Select Committee
		<b>EXPENDITURE—(Contd.)</b>		
VIII	28	Attendance Officers	150	
	42	Tuition Grants	80	
	63	Grants-in-Aid, Goan Education	500	
	77	Grants-in-Aid to Schools	81,232	81,732
	85	Boarding Expenses	7,770	7,270
		<b>Total Education Department</b>	<b>202,734</b>	<b>202,034</b>
XII	6	Stenographers (2)	800	800
	14	Clerical Interpreters (14)	3,282	4,066
	16	Clerks (24)	4,129	4,039
	17	Arab and African Service, Interpreters and Clerks	870	741
	18	Asiatic Process Servers	585	495
	19	African Process Servers	348	318
	21	Punkha Boys, Office Boys, etc.	464	436
	26	Contingencies	320	315
	30	Local Transport and Travelling	1,650	1,650
	31	Travelling Allowances	715	700
	32	Telephones	136	158
	35	Bicycles	70	60
		<b>Total Judicial Department</b>	<b>26,359</b>	<b>35,704</b>
XIII	4	Office Superintendent	500	
	4a	Clerk (Grade A) (1)		360
		<b>Total Legal Department</b>	<b>10,192</b>	<b>10,061</b>
XIV	20	Vehicle Licence Fees	400	660
		<b>Total Local Government Contributions to Local Authorities</b>	<b>101,115</b>	<b>101,373</b>
XIVa	4	Road Plant for District Councils	1,755	1,365
		<b>Total Local Government Contributions Extraordinary</b>	<b>21,862</b>	<b>21,172</b>
XV	18	African Clerks (2)	305	138
	26	Dispensers (3)	2,493	1,178
	28	Nursing Sisters (42)	11,894	11,418
	29	Uniform Allowances	961	881
	31	Ward Masters (2)	671	591
	42	Compounders (11)	2,270	2,120
	43	Mental Hospital Warders	69	
	46	Native Attendants of Hospitals, etc.	12,717	12,560
	74	Lifeline Stretcher	168	
	78	Medical and Surgical Stores, Equipment, etc.	26,000	24,500

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SCHEDULE—(Contd.)

AMENDMENTS TO DRAFT ESTIMATES PROPOSED BY THE SELECT COMMITTEE

Head	Item	DETAILS	Amount provided in Draft Estimates	Amount proposed by Select Committee
		EXPENDITURE—(Contd.)	£	£
	84	Passages	10,800	10,420
	87	Travelling Allowances	2,480	2,160
	90	Upkeep of Native Hospitals	8,373	8,345
	94	Uniforms for Medical Staff	1,550	1,500
	101	Maintenance of Infectious Disease Hospital and Leper Establishment	3,500	3,300
	102	Anti-malarial Measures	1,694	1,000
	107	Repairs to Dispensaries and Hospitals	300	250
	108	Medical Grants to Missions	4,000	3,795
	112	Outfit Allowances	510	390
	117	Propaganda	1,400	1,000
		Total Medical Department	256,375	250,894
XVa	2	Capital Contributions to Hospitals, etc.	4,585	2,238
	6	Capital Grants to Missions, Medical	893	543
	7	Two Washington-Lyonis Disinfectors	1,200	
		Total Medical Department, Extraordinary	10,478	6,581
XVI	116	Travelling Allowances	200	500
	117	Local Transport and Travelling	1,006	4,700
	118	Construction and Upkeep of Rifle Ranges	800	
	121	Purchase of Ammunition and Equipment	1,000	
	122	Training	1,586	
	124a	Office and Clerical Allowance to District Organisations		905
	124b	Construction and Upkeep of Artiseries		604
	124c	Capitation Grant, Defense Force		7,250
		Total Military	129,508	142,872
XVIa	1	Purchase of Ammunition and Spare Parts	23,000	
	2	Camp Equipment	2,500	
		Total Military Extraordinary	4,500	
XVII	0a	Contribution to Naval Entertainment Fund		150
	9	Distinguished Visitors, Travelling Expenses	1,500	1,350
	13	Guarantee in respect of Railway Extension to Nanyuki	5,000	4,000
	18	Contribution to Inter-Territorial Languages Committee	466	635
	19a	Mechanical Transport Committee		500
		Total Miscellaneous Services	79,846	79,515
XVIIa	3	Development of Civil Aviation	500	3,175
	5	Geological Survey	1,463	100
	6	Nakuru Water Supply		2,918
	6b	Payment to Hamu Khamis		2,350
	9	Trade Exhibition, Antwerp		300
		Total Miscellaneous Services, Extraordinary	14,723	18,178

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SCHEDULE—(Contd.)

AMENDMENTS TO DRAFT ESTIMATES PROPOSED BY THE SELECT COMMITTEE

Head	Item	DETAILS	Amount provided in Draft Estimates	Amount proposed by Select Committee
		EXPENDITURE—(Contd.)	£	£
XIX	8	Inspectors (10)	4,845	4,473
	10	Uniform Allowances	161	149
	11	Assistant Inspectors (37)	12,556	12,874
	12	Uniform Allowances	403	415
	28	Corporals (124)	3,394	3,421
	30	1st Grade Constables (237)	5,664	5,688
	31	2nd Grade Constables (393)	8,939	8,802
	32	3rd Grade Constables (818)	17,581	17,667
	53	Rewards to N.C.O's and Men	250	225
	55	Uniforms	5,857	5,877
	56	Contingencies	455	442
	58	Horse Allowances	367	363
	60	Arms and Equipment	1,870	1,890
	61	Ammunition	288	280
	62	Miscellaneous Stores	2,674	2,877
	63	Bicycles, Pedal—Accessories, Upkeep and Repair	290	236
	64	Local Travelling	7,924	7,874
	65	Railway Warrants	4,687	4,644
	66	Carrriage of Goods	1,145	1,117
	71	Animal Transport	957	932
	75	Passages	5,806	5,817
	79	Travelling Allowances	1,414	1,432
		Total Police	136,904	176,004
XIXa	4	Rate Paid for Depots, etc. (The Police Department)	660	390
		Total Police, Extraordinary	3,180	2,790
XX	0	Kenia-Kirinya Telephone Line	4,500	
	0	Nyeri-Embu Telephone Lines (Kenya)	2,325	
		Total Post Offices and Telegraphs, Extraordinary	6,825	
XXII	8	Superintendents of Prisons (2)	1,300	1,100
	6	Assistant Superintendents of Prisons	1,608	4,470
	25	Master Carpenter		135
		Total Prisons	51,129	51,047
XXIV	31	Stores Accountant	426	
	30	Assistant Engineers (9)	5,565	5,085
	53	Passages	4,696	4,506
	54	Travelling Allowances	2,440	2,280
	55	Local Transport and Travelling, etc.	10,115	9,500
	87a	Eldoret Water Supply		1,978
	161 to 165	Government Asian and African Housing	323	963
		Total Public Works Department	156,004	153,861

## SCHEDULE—(Contd.)

## AMENDMENTS TO DRAFT ESTIMATES PROPOSED BY THE SELECT COMMITTEE

Head	Item	DETAILS	Amount provided in Draft Estimates	Amount proposed by Select Committee
			£	£
		<b>EXPENDITURE—(Contd.)</b>		
XXV	1	Maintenance and Improvement of Roads and Bridges	87,060	86,375
	2	Maintenance and Minor Improvements of Public Buildings	27,400	26,276
	5	Tools and Plant	11,400	10,600
		Total Public Works Recurrent	127,010	124,401
XXVI		<b>PUBLIC WORKS EXTRAORDINARY (REVISED SCHEDULE)</b>		
		<i>Buildings</i>		
		Eldoret—Completion of Girls' Boarding House		1,415
		Kipkabus—Police Station		1,600
		Nakuru—House for Teacher		1,500
		Thomson's Falls—Police Station		1,600
		Kahete Reformatory Buildings		1,000
		Nyeri—Extension to Provincial Commissioner's House		600
		Prisons at Marsabit and Lodwar		600
		Labour Camps		700
		Minor Works	18,400	18,000
		Reserve		13,000
		Total Buildings	18,400	33,015
		<i>Water Supplies and Drainage</i>		
		Kisale Drains		2,400
		Msambweni Water Supply		1,420
		Miscellaneous Water Supplies, Drainage, etc.		2,200
		Total Water Supplies and Drainage		5,800
		<i>Miscellaneous</i>		
		Purchase of Mechanical Plant	6,000	6,000
		Contingent for New Buildings and New Appointments	16,000	16,000
		Total Miscellaneous	22,000	22,000
		Total Public Works Extraordinary	40,000	53,815
XXVII	2	Assistants to Registrar-General	720	1,320
	6	Allowance to Deputy Official Receiver, Mombasa	80	
		Total Registrar-Generals	5,560	6,000

## SCHEDULE—(Contd.)

## AMENDMENTS TO DRAFT ESTIMATES PROPOSED BY THE SELECT COMMITTEE

Head	Item	DETAILS	Amount provided in Draft Estimates	Amount proposed by Select Committee
			£	£
		<b>EXPENDITURE—(Contd.)</b>		
XXXIV		<b>PUBLIC WORKS EXTRAORDINARY TO BE UNDERTAKEN FROM SURPLUS BALANCES (REVISED SCHEDULE)</b>		
		<i>Buildings</i>		
		Kakamega Prison	2,400	3,000
		Kericho Police Station	1,000	1,750
		Kapenguria—Administrative and other Buildings	5,000	4,400
		Turkana—Administrative Buildings	2,000	2,500
		Nairobi—		
		Extensions to Post Office	7,500	10,000
		Timber Seasoning Kilns	1,500	1,212
		Kenya African Medical Corps—Buildings for 75 Africans	1,000	2,000
		Thika Prison	600	600
		Sub-Depots for Public Works Department		800
		Items deleted or included under Head XXVI	38,265	
		Total Buildings	53,265	26,262
		<i>Roads</i>		
		Sabaki River Bridge	3,000	7,000
		Miscellaneous	57,000	57,000
		Total Roads	60,000	64,000
		<i>Water Supplies and Drainage</i>		
		Kisale Water Supply	4,000	4,200
		Nairobi Anti-malarial Measures	2,750	2,750
		Thika Water Supply	2,000	2,585
		Nyeri Water Supply	1,000	1,000
		General Anti-malarial Measures	5,000	5,000
		Water Boring Plant and Accessories	4,340	4,240
		Items deleted or included under Head XXVI	10,650	
		Total Water Supplies and Drainage	28,640	20,776
		Total Public Works Extraordinary to be undertaken from Surplus Balances	137,905	111,037
XXXV		<b>FAMINE RELIEF MEASURES EXTRAORDINARY.</b>		
		Famine Relief Measures		15,000

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APPENDIX

REPORT OF SUB-COMMITTEE ON ESTIMATES

AGRICULTURAL DEPARTMENT, VOTE III.

The Sub-Committee, consisting of the Hon. Conway Harvey, Colonel the Hon. J. T. Kirkwood, Hon. F. Powys Cobb, and Major the Hon. E. Barry Johnston, appointed on the 24th November, 1929, to confer with the Director of Agriculture in regard to the Estimates of the Agricultural Department, also the proposals for Coffee Services submitted through the Coffee Planters' Union, Sisal Services submitted through the Sisal Growers' Association, and Fishery Services at the Coast, presents the following report:—

1.—COFFEE SERVICES.

The schedule of expenditure and services as discussed between a deputation from the Coffee Planters' Union and the Director of Agriculture on the 20th instant was examined, and the following recommendations are made:—

- (a) In view of the doubtful position in regard to financial assistance from outside sources, e.g. Empire Marketing Board or the Colonial Development Fund, it is considered that, for the present, reliance should be placed upon the Colony's own resources in respect of capital expenditure which may be incurred upon coffee services.
- (b) That provision should not be made in the 1930 Estimates until the scheme for coffee services and the organisation thereof is further examined, also until it is shown that the scheme has the full support of planters generally throughout the Colony and is one, while within the financial resources of the Colony, to be undertaken by Government and Legislative Council.
- (c) Having noted that revenue is at present derived from licence fees paid by growers, dealers, etc., it is considered that the amount of new money which would become available under the proposed licence fee—£20 in respect of dealers, factories, licensed warehouses, etc.—should be further examined.

- (d) That this Sub-Committee should arrange to meet the said deputation from the Coffee Planters' Union in order further to discuss the scheme submitted.

2.—SISAL SERVICES.

Having considered the memorandum submitted by the East African Sisal Growers' Association, under date 6.12.29, the Sub-Committee recommends:—

- (a) That legislation be introduced to give effect generally to the proposals of the Association, further that as and when funds accrue from the levy proposed to be imposed Government should provide, under Supplementary Estimates if necessary, the contribution which it undertakes to make.
- (b) That, excepting in so far as research work thereon may be involved, Government should not contribute towards expenditure incurred on marketing, manufacture and despatch services.
- (c) Apart from the appointments proposed, viz. Agricultural Economist and Plant Physiologist, that the cost of services such as may be rendered by other officers of the Department of Agriculture should be regarded as part of the Government's contribution on the pound-for-pound basis.

3.—FISHERY SERVICES.

- (a) That provision be made in the 1930 Estimates to carry out further fishery investigations as indicated in Minute of 3th October 1929, addressed to the Hon. the Colonial Secretary, and that an inquiry be made immediately as to the availability and suitability of one of the tugs or boats in the hands of the Port Authority.

(Note.—Mr. Powys Cobb desired an opportunity to examine the report of Dr. von Bunde before giving his opinion.)

- (b) That any provision made for fishery services be included in the vote of the Department of Agriculture.

4.—AMANI INSTITUTE.

The Sub-Committee is not satisfied as to the wisdom of continuing contributions to the East African Agricultural Research Institute at Amani, and desires to recommend that its scope, functions and suitability be brought under review.

5.—ESTABLISHMENT OF BOARD OF AGRICULTURE.

That until further information and experience is available with regard to the requirements of the Board and Committees, a one-line token vote be inserted in the 1930 Estimates for Expenses of Board of Agriculture and Committees, £4,000.

6.—COAST ADVISORY COMMITTEE.

The suggestion of the Director of Agriculture that this Committee should consist of—

- The Senior Commissioner, Coast (Chairman).
- Two Members of Coastal Planters' Association.
- One Member of Mombasa Chamber of Commerce and Agriculture.

and that two Agricultural Officers serving in the Coastal area should attend the meetings of the Committee (one of them to act as Secretary to the Committee), is recommended for adoption.

7.—PROPOSALS IN CONNECTION WITH ITEM 146 OF HEAD III OF DRAFT ESTIMATES, 1930.

The following amendments are recommended:—

Item 5 to read—

- 1 Assistant Director at £720 by £30 to £840 by £40 to £920

Provision.

£516

(Note.—The establishment of this post should not be regarded as permanent in character until its necessity is shown under the reorganisation about to take place.)

- 2 Senior Agricultural Officers, £600 by £30 to £720 by £30 to £840 (two new appointments for four months)

£300

(Note.—One of these to be attached to Headquarters Staff and the other to be appointed for Maize Breeding and other services.)

- Item 41.—The proposed additional appointment of one Assistant Agricultural Officer under Division of Native Agriculture to be deleted.

8.—GRADING AND INSPECTION (IMPORTS AND EXPORTS), GRAIN, CONDITIONING AND COOL STORAGE SERVICES.

It is recommended that the revised schedule submitted by the Director of Agriculture, vide Minute Aret 20 of 4th November 1929, be approved.

9.—On the draft Estimates as printed, also Sub-Committee makes the following recommendations:—

- (a) Item 52.—Alter title to Senior Entomologist.

Items 53 and 63.—Delete Assistant designation to read Entomologist.

- (b) Item 63.—To be deleted on statement by Director of Agriculture that this post is not now expected to be required.

- (c) Items 52, 51 and 68.—That provision be made for advancement in the grade up to £920 of the present holders of the posts of Senior Entomologist, Mycologist, Senior Coffee Officer and Plant Breeder.

- (d) Central Veterinary Training Depot. The title to be altered to "African Training Centre," and further, it is recommended that the staff required for this service should again appear under this sub-head, with consequential alterations under "Personal Emoluments, Veterinary Division."

#### 10.—AGRICULTURAL DEPARTMENT, EXTRAORDINARY

*Item 3:* It is noted that motor lorries may become available from the Locust Service. Their availability should be ascertained into and if possible use should be made of them in order to avoid the purchase of new vehicles. (The Director of Agriculture gave the assurance that this would in any case be done.)

11.—The Sub-Committee is of opinion that particularly in a technical department, such as that of Agriculture, now under review, the principle of adding to an officer's salary through the method of granting a "personal allowance" should be applied in cases where the services of the officer are of outstanding merit, and/or where there would be a danger of losing the services of a valuable officer. In this connexion the Sub-Committee desired to support the view of the Agricultural Commission expressed in paragraph 70 of their Report.

CONWAY HARVEY,  
G. KIBKWOOD,  
E. BARRY JOHNSTON.

I have now had an opportunity of studying Dr. C. von Bonde's Report, and as a result of so doing, I am opposed to the recommendation made by him in paragraph 4 of Section VII of his Report, and I am in favour of the adoption of the recommendation made by him in paragraph 4 of Section VII of his Report.

E. POWYS COBB.

Nairobi.

25th November 1929

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No. XVII

1924



# Colony and Protectorate of Kenya.

IN THE FIFTEENTH YEAR OF THE REIGN OF

## HIS MAJESTY KING GEORGE V.

SIR ROBERT THORNE CORYNDON, K.C.M.G.,

Governor.

### An Ordinance to Provide for the Management of Education throughout the Colony and Protectorate of Kenya.

12th JULY, 1924.

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

1. This Ordinance may be cited as "The Education Ordinance, 1924."

#### CHAPTER I

2. For the purposes of this Ordinance, the following terms shall have the following meanings, if not inconsistent with the context:—

"Colony" shall mean the Colony of Kenya and shall include the Protectorate thereof.

"Director" shall mean the Director of Education or any person lawfully acting in such capacity.

"Department" shall mean the Department of Education of the Colony.

"Central Committee" shall mean the Education Committee appointed to advise on the education of any race in the Colony.

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"School Area" shall mean any one of the areas into which the Colony may be divided for the administration of Education.

"Committee" shall mean the Education Committee or Committees constituted for a school area pursuant to the provision of this Ordinance.

"District Committee" shall mean a body of persons appointed by the Governor to advise a District Commissioner in matters relating to his district.

"The Manager or Managing Body" of any assisted or private school shall mean persons resident within the Colony and financially responsible under this Ordinance for the establishment and maintenance of any school.

"The Local Manager" of any assisted or private school shall mean the person whose name is registered on behalf of the managing body at the office of the Director as that of the person directly responsible for the financial control and maintenance of the school. In a Government school the Headmaster shall be deemed to be the local Manager.

"School" shall mean as the context shall require—  
(a) a place where secular instruction is given to a body of pupils.

(b) a body of pupils under instruction from a teacher.

"Government School" shall mean a school established and maintained or maintained by public funds.

"An Assisted School" shall mean a school whose establishment or maintenance or both is assisted by public funds.

"A Private School" shall mean a school which receives no assistance from public funds.

"Parent" shall include any person having the actual custody or control of a child.

"Inspector" shall mean any person appointed to be an Inspector of Schools under this Ordinance.

"Accredited Representative" shall mean any person carrying the written authority of the Director to visit and inspect schools.

"Education Officer" means any person duly appointed to assist in carrying out the provisions of this Ordinance.

## CHAPTER II

3. The education of all races in the Colony shall be supervised by the Director with the advice of such Central Committees as the Governor shall appoint to advise upon the education of the various races throughout the Colony.

4. (a) For the purpose of this Ordinance the Colony shall be divided into school areas as the Governor shall from time to time direct by proclamation in the Gazette.

For every school area there shall be constituted a Committee or Committees appointed by the Governor, and such Committees shall hold office for two years.

(b) every such Committee shall consist, as the Governor may determine of six, nine or twelve members. Representatives of natives shall be nominated for consideration of the Governor, by local Native Councils, where such exist, representatives of Europeans by District Committees or Municipal Councils as the case may be and representatives of other natives by such representative public bodies as the Governor may approve. Two members of each Committee shall be nominated by the Governor except in the case of Native Committees when half the members shall be nominated by the Governor. The Governor may further add to a Committee any person or representative of any person who has endowed or erected a school recognised by the Director, in that area.

5. (1) Subject to the provisions of this section every person of full age of either sex shall be qualified to be appointed a member of the Committee of the school area in which he resides except—

(a) a person convicted at any time of an offence for which rigorous imprisonment has been imposed as a punishment or who shall have been convicted within five years of an offence involving moral turpitude unless he shall have obtained a full pardon.

(b) a person of unsound mind declared as such by a competent authority.

(c) an undischarged bankrupt.

(2) Any member who shall cease to possess the qualifications or become disqualified as aforesaid or who shall without reasonable cause abscond or absent from two consecutive ordinary meetings of the Committee without leave of the Chairman shall upon being vacated his office and the Chairman shall at the next meeting of the Committee held after such disqualifications shall cease to be his name, declare a vacancy to have occurred and such vacancy shall be filled by the Governor.

6. The Senior Administrative Officer or such other person as the Governor may appoint residing within the district, shall be Chairman of the Committee and shall have a deliberative, as well as a casting vote. Each Committee shall appoint its own Secretary who may or may not be a member of the Committee appointed under Section 4.

7. Every Committee shall decide what number of members shall constitute a quorum at the meetings of such Committee, provided that in no case shall such quorum be less than three.

Qualifications and Disqualifications of Members

Chairman of Committee

Quorum of Committees

A. 1924  
of Local  
Committees  
for each race.

Constitution  
of Education  
Committees for  
each area.

Minutes of Meetings and Minutes of Secretary.

8. The minutes of the proceedings of every meeting of a Committee shall be regularly kept by the Secretary in a book set apart for the purpose, and such minutes shall be submitted for confirmation at the next subsequent meeting and if confirmed or amended with the consent of the meeting shall be signed by the person presiding thereat.

The Secretary shall be responsible for seeing that the decisions and recommendations of the Committee are conveyed to the proper quarter.

9. (1) Ordinary meetings of Committees may be convened by the Chairman at intervals, not exceeding 3 months.

(2) Special meetings of a Committee may be convened by the Chairman at any time and shall be so convened upon a requisition in writing signed by two members thereof.

10. A Committee may submit to the Director recommendations concerning the care of the buildings of any school under its supervision and the premises necessary thereto (including boarding houses and teachers' dwellings) and in relation to any general or special instructions from the Director, grant or refuse the use of any such buildings or premises for any purpose other than school purposes outside school hours, provided that any such power or duty conferred upon a Committee under this section may be assigned by such Committee in the case of any particular school to the principal teacher of such school.

11. A Committee may carry out all such functions as may be from time to time delegated to it by the department in connection with the erection or purchase, lease or other acquisition of such buildings, teachers' dwellings, boarding houses or other premises necessary to a school within its area and in connection with the acquisition of sites therefor and may make recommendations with regard to these matters.

12. A Committee shall subject to the approval of the Director make recommendations for the necessary provision for school accommodation for all children within its area and shall advise the Department concerning the issue of licences for private schools.

13. A Committee shall have power to receive donations and subscriptions and to hold and dispose of same for purposes connected with education subject to the approval of the Director.

14. A Committee shall have power to examine and decide all applications for admission or re-admission of pupils to all Government schools established or maintained within its area under this Ordinance.

15. A Committee shall submit to the Director, from time to time, recommendations as to the rates of all boarding and tuition fees for schools in its area and shall submit recommendations with regard to the fees charged at all assisted schools.

may be submitted.

Terms and conditions of school buildings.

Director of Education to be consulted with school authorities.

Committee to advise on all matters of education.

Committee to advise on all matters of education.

Power of Committee to be used to best advantage.

Committee to submit to the Director from time to time recommendations with regard to the rates of all boarding and tuition fees for schools in its area and shall submit recommendations with regard to the fees charged at all assisted schools.

Committee to advise on all matters of education.

16. It shall be the duty of a Committee (if required by the Director) to consider any complaints as to the relations of teachers and parents or any matters affecting the general welfare of any school under its supervision and make recommendations to the Director.

17. A Committee shall consider reports of principal teachers, managers, or training bodies, inspectors, or other officers appointed under this Ordinance, in respect of Government, assisted and private schools and also any recommendations made by these officers and shall be authorised to make suggestions to the Director provided always that the Committee shall have no power to interfere or to give orders to such principal, manager, or training bodies who shall be responsible to the Director.

Committee to consider reports of principal teachers, managers, or training bodies, inspectors, or other officers appointed under this Ordinance.

18. A Committee shall satisfy itself that the curriculum of any Government or assisted school, as laid down by the Director, is being carried out in every school in its area, and any member of such Committee shall have the right to enter any such school, provided that he does not interfere unduly with the work or discipline therein.

Committee to satisfy itself that the curriculum is being carried out in every school in its area.

19. A Committee shall keep such records, statistical registers, and accounts as may be prescribed by Rules, and shall prepare and submit to the department such returns and reports as may be from time to time required by the department, and in particular a Committee shall transmit to the department as soon as may be after the end of any financial year, statements made up to the end of such year, in the form prescribed by Rules showing receipts and expenditure of any money collected by such Committee under Section 13.

Keeping of Registers and Accounts.

20. At all Government assisted and private schools governed by this Ordinance, a compulsory medical inspection of all children attending at such schools, may be held by a duly appointed Medical Officer whenever ordered by the Director, and a record of such medical inspection shall be kept by the principal, manager, or managing body in such manner and in such form as shall from time to time be prescribed by the Director.

Medical inspection of all Government schools.

CHAPTER III

21. (1) It shall be the duty of the local manager of every assisted or private school in the Colony

Local manager of every assisted or private school in the Colony.

(a) to satisfy the Director that the school is properly conducted and is provided with a curriculum in conformity with the regulations of the department or follows a course approved by the Director and is or will be conducted in compliance with this Ordinance and to obtain a licence from the Director for the conduct of the same.

(b) to register such school at the office of the department.

(c) to keep a register of teachers employed thereat, showing the qualifications of such teachers.

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CHAPTER IV

(2) It shall be the duty of every principal teacher to keep a register of enrolment and a register of daily attendance of pupils and to furnish to the department at such times and for such periods as the Director may require, correct returns in the form prescribed by Rules, of the entries in any register kept as aforesaid.

(3) Any such manager or principal teacher as aforesaid who shall fail to comply with any of the requirements of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £5.

22. (1) The Director or any officer specially authorised by him may from time to time visit such school as is in this chapter described and if it appears to him that such school is conducted in a manner which is calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereat he may, in the case of assisted schools, order the grant to be withheld or reduced or he may in the case of any school order the premises on which such school is situated to be closed for school purposes, or he may give notice to the manager ordering such alteration in the structure of the premises for the conduct of the school, or otherwise as may appear expedient to be made within a time fixed by such notice and if the same be not made to the satisfaction of the Director he may order the grant to be withheld or reduced or the premises to be closed, provided that in any such appeal which is made to the Governor in Council against any such order, the order shall stand.

(2) In making the decision of any officer in Council in the school matters aforesaid, unless the Director is satisfied that it is necessary for the physical, mental or moral welfare of the pupils attending thereat that it should be so decided forthwith.

(3) Any order made under this section shall be subject to appeal to the Governor in Council, and the Director shall be bound to refer such appeal to the Governor in Council, and the Governor in Council may confirm, vary or set aside the order, and may direct that the order shall stand or be suspended or be subject to such conditions as may seem just.

(4) Any order made under this section shall be subject to appeal to the Governor in Council, and the Director shall be bound to refer such appeal to the Governor in Council, and the Governor in Council may confirm, vary or set aside the order, and may direct that the order shall stand or be suspended or be subject to such conditions as may seem just.

(5) Any order made under this section shall be subject to appeal to the Governor in Council, and the Director shall be bound to refer such appeal to the Governor in Council, and the Governor in Council may confirm, vary or set aside the order, and may direct that the order shall stand or be suspended or be subject to such conditions as may seem just.

(6) The Director or any accredited representative may at any reasonable time without notice visit and inspect any school in the Colony, and such of its records as are required by the department, provided that in case of Purdah schools the inspection shall be carried out by a lady duly authorised.

Visiting of private or other schools by Director and Managers or other inspecting thereof

Inspection without notice of Purdah Schools

23. (a) In Government Schools.—No person except under special circumstances to be decided by the Director, shall be appointed as teacher in any Government school, who does not hold a certificate of competency or a licence to teach issued or recognised by the department as set forth in the Schedule, nor shall any person be appointed to teach at any school, other than that for which he may be qualified by such certificate except with the approval of the Director, and every licence to teach or certificate issued under the provisions of this section shall be signed by the Director.

Teacher to hold a certificate or licence

(b) In Private or Assisted Schools.—The qualifications of teachers in private or assisted schools shall be as required for Government schools, except where exemption is granted by the Director upon the recommendation of the Manager.

(c) Teachers already appointed who do not hold a Certificate.—In the case of teachers who may be engaged in the department at the time of the coming into force of this Ordinance, but who do not hold a certificate of competency to teach, five years approved experience of teaching shall be regarded as equivalent to the possession of a certificate. All teachers appointed after the date of this Ordinance with less than five years approved experience shall be required to obtain a certificate and must satisfy the requirements and conditions of the same and be placed on the list of recognised teachers.

24. The number of teachers in any school in the department shall be determined by the Director and shall be ascertainable by the Director.

Number of teachers in any school shall be determined by the Director

25. The appointment of teachers in assisted schools shall be subject to the approval of the Director, and the Director may, in his discretion, direct that any teacher appointed in any such school shall be subject to the approval of the Governor, and a certificate of competency shall be required to be obtained by any such teacher, and such certificate shall be subject to the approval of the Director.

CHAPTER V

26. The Director may, in his discretion, direct that any teacher appointed in any school shall be subject to the approval of the Governor, and a certificate of competency shall be required to be obtained by any such teacher, and such certificate shall be subject to the approval of the Director.

27. All school fees for tuition or board or for both shall be approved by the Director, be payable monthly or termly in advance to heads of schools, and any person not so approved shall within fourteen days of the commencement of the month of the opening of the school be notified in writing by the head of the school that such fees are due.

Approval of school fees

Prohibition of  
rights of  
non-residents

26. If such fees are not paid within one month after such notice is duly given, the Director may institute legal proceedings in his own name against the person in default for the recovery thereof.

School fees to  
be paid into  
General  
Revenue

27. All school fees whether paid for heads of schools or recovered as in the last preceding section shall be appropriated for and paid into the general revenue of the Colony.

Appointment of  
Schools Officer

30. Sections 27 to 29 both inclusive shall apply to Government schools only.

Appointment of  
Magistrate

31. When any proceedings under this Ordinance are brought in the name of the Director it shall be lawful for the Director to appoint any person to conduct the proceedings in Court.

#### CHAPTER VI

Financial

32. All moneys necessary for establishing or maintaining the department or any Government schools in accordance with this Ordinance or for making grants aid under this Ordinance or for providing scholarships or for payment of salaries of officers of the department or teachers in such schools, shall be such as are voted from time to time by the Legislature out of the general revenue of the Colony. Provided that the Government may, on the desire of a majority of any particular area resident in any area expressed through the District Committee or where a District Committee does not exist, any Committee appointed by the Governor, levy a rate on members of that area resident in that area for the purpose of education. This rate shall be expended entirely upon education in that area and shall be subject to regulations made by the Governor under this Ordinance with the consent of the Legislative Council.

#### CHAPTER VII

Compulsory  
Education

33. (1) If the Governor is satisfied that a general demand for compulsory education amongst any community in any area and that ample school accommodation exists in such area to meet its educational requirements and if he is further satisfied of the necessity for providing such compulsory education, he may with the advice of the Executive Council, prescribe by proclamation that compulsory education shall be introduced into such area and thereafter it shall be the duty of the parent of every child in that area to secure the regular attendance of his child at some school or other wise to provide efficient instruction for his child, in accordance with the education applicable to such child prescribed by any rule made under this Ordinance, and if any parent fails to perform this duty without reasonable excuse an Education Officer or other authorized person shall make a complaint against the parent before a Magistrate for such failure.

(3) On a complaint made by an Education Officer or other authorized person the Magistrate shall summon the parent to appear before him and if the parent does not appear or appears and does not satisfy the Magistrate

(a) that the child is in regular attendance at some school or

(b) that the parent is otherwise providing efficient instruction for his child in accordance with the education applicable to such child prescribed by any rule made under this Ordinance, or

(c) that the supposed child is under six or over fourteen years of age, or

(d) that the parent has reasonable excuse for failing to perform his aforesaid duty, the Magistrate may impose a penalty not exceeding twenty shillings for a first offence and for a second or any subsequent offence a penalty not exceeding forty shillings. Provided that a complaint under this section with respect to the same child shall not be repeated at any less interval than four weeks.

(3) If the Magistrate, after hearing the parent and such evidence as he may produce, is satisfied that the non-attendance or irregular attendance of the child at school was due to the truancy of the child and that the parent employed all reasonable means of securing the regular attendance of the child and had reasonable grounds for believing that the child was duly attending school, the Magistrate shall not proceed to a conviction.

(4) A child's attendance at school shall not be deemed regular for the purpose of this section unless the number of the child's attendances at school during the calendar month preceding that in which the complaint is made attains the following percentage of the total number of morning and afternoon meetings of the school prescribed by the rules under this Ordinance, that is to say:

(a) in the case of a child whose place of residence is one mile or less from the school, 75 per centum.

(b) in the case of a child whose place of residence is more than one mile but not more than two miles, 60 per centum.

(c) in the case of a child whose place of residence is more than two miles but not more than three miles, 50 per centum, the distance being calculated by the nearest road or path.

(5) If the parent claims that he is providing efficient instruction for his child in accordance with the education applicable to such child prescribed by any rule made under this Ordinance otherwise than at a school, the Magistrate may, for the purpose of ascertaining the validity of the claim, examine the child or require the Inspector of Schools to examine the child and report whether the child's knowledge of the subjects of education prescribed by rule under this Ordinance is, in his opinion, equal to that of an average child of the same age at regular attendance at a school.

(6) For the purpose of this section a parent shall be deemed to have given a reasonable excuse for his child's non-attendance or irregular attendance at school when he has proved to the satisfaction of the Magistrate, either—

(a) that there is not within three miles of the place of residence of the child measured by the nearest road or path any school which the child can attend; or

(b) that the absence of the child from school was due to sickness or other unavoidable cause.

34. In any proceedings before a Magistrate for an order or penalty under this Ordinance the following provisions shall have effect—

(a) the Magistrate may require by summons the parent of a child to produce the child before him and any parent failing to comply with such a summons, without reasonable excuse, to the satisfaction of the Magistrate shall be liable on summary conviction to a penalty not exceeding £5;

(b) a certificate purporting to be under the hand of the head teacher of a school stating that a child is or is not attending that school or stating the particulars of the attendance of a child at that school or that to his knowledge the child is or has been ill, shall be evidence of the facts stated in the certificate;

(c) where a child appears to the Magistrate to be of an age between six and fourteen years it shall lie on the defendant to prove that the child is not of that age;

(d) the parent of any child or any member of the child's family, or any other person authorized by the parent in that behalf, may represent the child during all the stages of the proceedings;

(e) in any such proceedings relating to a child the Magistrate shall sit either in a different room from that in which the ordinary sittings of the Court are held or on different days or at different times from those at which the ordinary sittings are held, and no persons other than the officers of the Court, the Inspector of Schools, Education Officers, and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case shall, except by leave of the Magistrate, be allowed to attend.

Regulations  
as to legal  
proceedings

(f) No Education Officer or other authorized person and no child shall be required to pay any fee for any process in any such proceedings relating to a child;

(g) when a child is charged with an offence the parent of the child may be required by summons to attend at the Court before which the case is heard during all the stages of the proceedings;

35. Any person who forges or counterfeits any certificate purporting to be under the hand of the head teacher of a school which is by this Ordinance made evidence of any matter, or gives or signs any such certificate which is to his knowledge untrue in any material particular, or knowing any such certificate to be forged, counterfeited or untrue, makes use thereof, shall be liable on summary conviction to imprisonment, of either kind, for any period not exceeding three months.

Any Magistrate holding a subordinate court of the 1st, 2nd or 3rd class shall have jurisdiction in any case under this chapter irrespective of the race of the child or his parent or of any other offender.

#### CHAPTER VIII

36. The Governor-in-Council may from time to time make, alter, or amend Rules not inconsistent with the provisions of this Ordinance:

Power of  
Governor-in-  
Council to  
make Rules.

(a) prescribing the ages of admission to and subjects of instruction to be given in any Government or assisted schools;

(b) prescribing the manner and form of registration and classification of schools and the manner in which such registers are as mentioned in Section 21 shall be kept and the form of any such register;

(c) prescribing the standards of education;

(d) prescribing the manner of payment of school fees and the recovery and accounting thereof;

(e) prescribing conditions of any examinations held by the department and the fees payable for any examination held by or under the supervision of the department;

(f) prescribing the methods of maintaining discipline in matters affecting the conduct of a school;

(g) prescribing the manner in which records, statistics and registers of Committees shall be kept and returns and reports shall be made to the department;

(h) prescribing for the termination of the period of office of members of a Committee, otherwise than by dissolution and the continuance in office of the outgoing Committee pending the constitution of a new Committee, and generally the procedure to be adopted at meetings of Committees;

(i) prescribing the conditions for grants-in-aid to any Government or assisted schools whether European, Indian, Arab or Native.

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(j) safeguarding the health of children and regulating the sanitation of schools.

(k) prescribing the method of collection and disposal of rates.

(l) prescribing the duties of Education Officers.

(m) generally for better carrying out the objects and purposes of this Ordinance.

#### SCHEDULE

Board of Education Certificate, Whitehall.

Scottish Education Department Certificate.

Irish Education Department Certificate.

Diploma in Teaching of any recognised University in Great Britain, the Dominions or India.

Certificate (not lower than Second Class) of ability to teach awarded by any Board of Education or educational authority in Great Britain, the Dominions or India, or by any other institution approved by the Director.

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Mr. Eastwood  
Mr. Harrison

MEMORANDUM BY THE EAST AFRICAN DEPARTMENT OF  
THE COLONIAL OFFICE.

A statement of the objects and reasons of the draft Bill enclosed in the Governor's despatch will be found on pages 14 and 15 of the print. Attention is invited to the following points:-

Clause 2. The definition of school is taken partly from Nigeria and partly from Tanganyika. The definition in the Nigeria Ordinance applying to the Colony and Southern Provinces is: 'School' means an institution in which not less than ten pupils receive regular instruction and includes any assembly of not less than ten pupils for the purpose of receiving regular instruction and any institution for the training of teachers but does not include any such institution or assembly where the instruction is solely of a religious character. (Ordinance No.15 of 1936). The definition in the Tanganyika African Education Ordinance (Chapter 22) is: 'School' means any assembly of Africans meeting for the purpose of receiving secular instruction and includes a training institution but does not include any institution owned and maintained by a religious society for the sole purpose of training persons for the ordained ministry under the direction of that society.

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Clauses 21-22. Arab and African Education.

It will be observed that provision is made in the constitution of the School Area Committees for representatives of the Local Native Councils. The Committees will advise the Director on the opening, management and closing of Government and aided Arab and African schools.

and that it depends on the use made by the Governor of his powers of nomination whether these representatives of Local Native Councils command a majority in the Committee or not.

Clauses 26-32. Compulsory Education.

These clauses are only to come into effect after the Governor, with the advice of the Executive Council, has so prescribed by proclamation. They may be applied to the whole of the Colony or to part of it, to <sup>particular</sup> races or sections of the community and ~~to~~ to children of such sex and age as the Governor may prescribe.

~~Under~~ <sup>Under</sup> the existing Ordinance (section 33) ~~make~~ the introduction of compulsory education possible, but ~~this~~ <sup>it</sup> can only take place when the Governor is satisfied that there is a general demand for it amongst the persons concerned and that ample school accommodation exists. This provision is not reproduced in the bill.

Under the bill it will be possible to combine compulsion with the payment of fees, and the Director is to be responsible for deciding whether parents can afford to pay fees or not.

Clauses 33-34. The control of private schools given to the Director by these clauses is substantially the same as that <sup>given</sup>

under the present Ordinance:

Clause 37. The Manager of a public school may be required to dismiss any teacher upon the order of the Director approved by the Governor. Similar power as given in the present Ordinance.

Clause 42. It will be observed that the ~~the~~ <sup>Indian</sup> community have protested against the provision for racial restrictions in Government schools.

Although such restrictions exist in practice at present, there is no provision to this effect in the existing Ordinance.

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Since the date of the Governor's despatch a telegram has been received from him requesting authority to publish the bill, ~~as he considers it most desirable~~ <sup>not on early date.</sup>

that the bill should, if possible, be considered before the next Budget Session. The Governor has been informed that the bill would be desirable, but the Department would be grateful if the Committee could expedite consideration of the bill so that the Governor may be informed of their observations by the beginning of September.

July 1950.