

1930
No. 16303

Kenya
CO 533/403

SUBJECT

Enclosure

Native Authority Ordinance

No 29 of 1930

Previous

15612/29

see 15714/29

Subsequent P.O. Nos.

see 16364/30 (for original order)

see 16381/30 (with Bureau of Native Affairs)

17097/31 (Native Affairs)

17314/31 (Executive Order)

1.

One authenticated and spares to Library.

Gov. Grigg. 541. 28th. Aug. 30.

2

Trs 2 authenticated and 12 printed copies of an Ordinance intituled "The Native Authority (Amendment) Ordinance, 1930, with a copy of the Legal Report.

? sanction 5.3

(Signature)

28.9.30

30/9/30

(Signature)

This has been delayed to look up the following point, for which purpose the papers relating to the Native Land Trust Ordinance were necessary, and they have only just become available.

Ordinance 5 of 1929 gave power to establish communal reserves and applied to such reserves Part 6 of the Crown Lands Ordinance as amended by Crown Lands (Amendment) Ordinance 1926. Approval of the introduction of such an ordinance was given on the understanding that the legislation to be enacted for the creation of a Native Lands Trust will also be applicable to communal reserves, and attention was drawn to this understanding when the ordinance was sanctioned.

No. 8 on 10097/27

244
10/1/30
15714/23

Subject to the ^{staying} ~~sale~~ of existing rights, Section 24 of the Native Land Trust Ordinance repealed Part 6 of the Crown Lands Ordinance as amended by the Crown Lands (Amendment) Ordinance 1926. It would not appear that ^a the communal reserve can be brought within Section 2 of the Native Land Trust Ordinance, and it is therefore a matter ^{for} ~~of~~ consideration whether further legislation is not necessary in order to make that ordinance applicable to such reserves.

(Signature)

(Signature)
30.9.30

Since then further legislation would

Mr. Parkinson.

I submit draft herewith sanctioning the Ordinance in No. 1 and also raising the question of further legislation making communal reserves subject to the provisions of the Native Lands Trust Ordinance. I think this action may conveniently be taken on this paper, which also arises out of Crown Lands (Amendment) Ordinance of 1929 and I have accordingly made the necessary additional connections.

Str Allen

21/11/30

acc Parkinson

5.11.30

sub 5.11.30

11/11/31

No. Gov 885 - 1 Answer - 11 NOV 1930

Parliamentary Questions by Mr Horabin for
Genl reply on Monday 16 December
(No. 1 or P.O. file)

3 sub Gov. 885 cons.

10 December

DESTROYED UNDER STATUTE

only the 433

*no rules have been issued to
compulsory or communal reserves*

11 December

Put by

acc P

12.12.30

alone

~~Parliamentary Questions by Mr Horabin for
Genl reply on Monday 16 December
(No. 1 or P.O. file)~~

*copy 2 to
80 on 15/11/30
10/11/30
21/11/30
only to see*

Parliamentary Question by Mr. Baxter for Oral
reply on Wednesday, 3rd December 1930.
No. 2 on P.A. file.

Mr. Baxter. Hereunder
"accd"

28.11.30
"accd"

5. Dab. No. 298 - cons - off road '30

6. Dab. No. 412 _____ 1st December
State local roads on future license maintained
by unpaid labour called out by headmen and
records of such labour not kept; state as to
labour on public main roads.

Put by. accd
21.11.30
"accd"

Mr. Baxter

Re. see supplementary
to N^o. 1 in P.A. file
hereunder

Will you please advise
on the 'Meets' point.

all papers

5.12.30

Mr. Parnham

See the reply given to Mr. Sumner's Q.
on 26/11/30 (No. 2 on 70148/30 Parl. P.Q.)

Send copy for info
in that of copy for
the News and
extra set - N.P. 4. 2 in
this file - a in this
connection enclosed
copy of the Q + a
N.P. 5 by the fact that

6A
Retained for Official Report of
26 Nov 1930 - Orig on 70118/30
A.L.P. 11
8-12-30
A.L.P.

UNDER STATUTE
No. 2 in 70118/30 P.R. file - 11 DEC 1930
(No. 2. Broad) 6A

Mr. Eastwood
There are no. 44 on 15612/29
Letter has not been received for 1930.

Remind L.A.
3/1/31
3/1/31

8. No. 481 - Lons - 11/2
8 JUL 1931

Copy

6A
5

Original on 70118/30 - General

EXTRACT FROM OFFICIAL REPORT OF

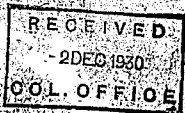
28th. NOV. 1930

DEPENDENCIES (FORCED LABOUR)

Mr. FREEMAN asked the Under-Secretary of State for the Colonies, the approximate average number of persons engaged on forced labour in each colony of the British Empire; and, if not, will he take steps to obtain such information?

Dr. SHIELDS: Act 23 of the Draft Convention Concerning Forced or Compulsory Labour, which was adopted at the recent session of the International Labour Conference, provides that members of the International Labour Office which ratify the Convention shall furnish annual reports containing "as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory." I am afraid that, until the necessary administrative arrangements have been made to give effect to the Convention in the various Dependencies, it would not be possible to obtain the desired information.

DECODE



6/11

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

Dated the 1st December, 1930. Received at 3.23 p.m. on the 1st December.

NO. 1

No. 412. Your telegram of 29th November, No. 398. Local roads in Native Reserves are maintained by unpaid labour called out by Headmen under Section 8 Sub Section (h) of Native Authority Ordinance Chapter 129. Records of such labour are not kept. See paragraph No. 5 of enclosure to my despatch of 31st July, 1927, No. 537.

Roads in Native Reserves Ordinance Chapter 114 is used only for maintenance of Boundaries. No labour is reported as having been ordered out under this Ordinance in 1929 as such work was willingly performed without recourse to compulsion. My despatch of 16th February, 1929, No. 105, paragraph 5.

Labour on public main roads can under Section 8 (c) of Native Authority Ordinance be only called out with your prior approval. No such request has been made during 1929.

Paragraph 4 of enclosure to my despatch of 31st July, 1927, No. 537 orders return of labour recruited under Sub Sections (n) (n) and (o) to be sent to Chief Native Commissioner as also labour under Roads in Native Reserves Ordinance. Paragraph 5 expressly explains numerical return under Sub Section (h) of Native Authority Ordinance are not required.

NO. 3 on 10286/27

Flagged G

NO 5 on 15540/27

NO. 3 on 10286/27

O.O.

Mr. *Del 2/2/29*

Mr.

Mr.

Sir C. Bottomley

Sir J. Shuckburgh

Sir G. Grindle

Parnt. U.S. of S.

Party U.S. of S.

Secretary of State

Mail to 2

*Code 2 mg
7:30 pm of
28/11/30*

NOV 29 1929

DRAFT

Code Tel

*immediate
for road
Yairber*

No 298 *Question* is to be asked in *Parliament* whether records are kept of number of persons compulsorily employed on roads in Kenya under Roads Ordinance or Native Authority Ordinance + 1 to know many men were so employed during 1929 ○

*[20 - 60076729
Journal]*

*reference from
your desk of 9 April
1929 No 214 para
11 West Road Station
in Native Authority
Ordinance is ~~not~~
now little used - ○
~~reference~~
It is assumed *with**

Records are kept in
enclosure to you dated
of 31 July 1927, no J-37 ©

[3 in R 1028 (127)]

Regret what action but
I was too glad to hear
of you by telegraph
not later than morning
of 2 December for
reply to the question

Leeds

16302/30 k

83
DEC 11
Coded
16:20 P.M.
10 Dec 30
[Signature]

C. O.

and volume

Auth. by 6/4

Mr.
Mr.
Mr.

Mr. Duttonley
Sir J. Shackleton
Sir G. Grindall
Parly. U.S. of S.
Secretary of State.

DRAFT. C. O. U.

Unverifiable
Gov. over
held by

Room 15

File twice, in any
case on Saturday.

N^o 320 Parliamentary
Question to be asked
in the public order of
business of the House
relating to compulsory
or communal labour
said to have been
issued by Parl. Q.
House last May
Please inform me not
by telegraph but
by letter

Friday whether such
rules were issued &
if so please forward
6 copies by next
mail

Secur

29

C.O.

Mr. Allen *4/10*

Mr. Parkinson *7/11/30*

Mr.

X Sir C. Boltonley *5/6*

Sir J. Shuckburgh

Sir G. Grindle

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

DOWNING STREET,

November, 1930.

O.D.
R 5-NOV
D 8

Sir,

DRAFT. *cas. v. minutes*

KENYA

No. 885.

D.A.G.

(1)

I have the honour to acknowledge the receipt of Sir Edward Grigg's despatch No. 541 of the 28th August and to inform you that His Majesty will not be advised to exercise his power of disallowance in respect of Native Authority Ordinance No. 29 of 1930 of the Legislature of Kenya entitled "An Ordinance to amend the Native Authority Ordinance".

2. I take this opportunity of referring to my predecessor's despatch No. 836 of the 30th September 1927 and to my despatch No. 716 of the 11th September, 1929, regarding the Crown Lands (Amendment) Ordinance No. 5 of 1929, the enactment of which was

(No. 8 on 10097/27)

(No. 4 on 15714/29)

agreed

agreed to on the understanding
that the communal reserves declared
under its provisions should be sub-
ject to the legislation providing
for the management and control of
native reserves.

3. I have now informed you
in my despatch No. 698 of the 11th
September last that His Majesty
will not be advised to exercise
His power of disallowance in res-
pect of the Native Lands Trust
Ordinance No. 9 of 1930, and it
would appear that further legislation

(No. 26 gn
XL6010/30)

will be necessary to make communal
reserves subject to its provisions.
The matter is, no doubt, already
receiving attention, and I assume
that if your Legal Advisers ^{are also} ~~concur~~
^{of opinion} ~~in the view~~ that it must be dealt
with by legislation, a Bill for
the purpose will be introduced in

the

the Legislative Council at an early
date

I have, etc.,

(Signed) PASSFIELD



GOVERNMENT HOUSE,

NAIROBI,

KENYA

KENYA.

No. 541

RECEIVED
22 SEP 1930
COL OFFICE

18th August 1930.

My Lord,

I have the honour to forward herewith two authenticated and 12 printed copies of an Ordinance intituled "the Native Authority (Amendment) Ordinance, 1930" which duly passed its third reading in the Legislative Council on the 18th July 1930, and to which I assented in His Majesty's name on the 11th August 1930, together with a copy of the Legal Report by the Attorney General.

I have the honour to be,

My Lord,

your Lordship's most obedient,
humble servant,

Edward Gugg

GOVERNOR.

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

11 NOV 1930

885

LEGAL REPORT

THE NATIVE AUTHORITY (AMENDMENT) BILL,
1930.

Under the Crown Lands (Amendment) Ordinance, 1929, the Governor is empowered to declare land which is jointly occupied by Arabs and a native tribe to be a communal reserve.

For administrative purposes it is necessary to set up a council, with functions similar to those of a local native council, to deal, inter alia, with questions relating to land in the communal reserve, but as the personnel will include Arabs as well as natives the existing provisions of the Native Authority Ordinance are inapplicable.

This Bill which is framed to enable such communal council to be established and function in the same manner as a local native council, has been introduced at the express wish of the Arab and native inhabitants of the Digo Communal Reserve.

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

Nairobi,

31st July, 1930.


ATTORNEY GENERAL.



Colony and Protectorate of Kenya.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.

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

Governor.

Assented to in His Majesty's
name this 14th day of August
1930.

EDWARD GRIGG.

Governor.

**An Ordinance to Amend the Native Authority
Ordinance.**

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

1. This Ordinance may be cited as "the Native Short title.
Authority (Amendment) Ordinance, 1930," and shall be read
as one with the Native Authority Ordinance (Chapter 129 of Cap. 129.
the Revised Edition), hereinafter referred to as "the Principal
Ordinance".

2. The Governor in Council may establish a council in Power to
establish
local communal
councils.
No. 5 of 1929.
any area which has been declared to be a communal reserve
under the provisions of the Crown Lands (Amendment)
Ordinance, 1929, to be known as a local communal council,
which shall be composed of the district commissioner and the

district officer (if any) within whose district such communal reserve is situated together with such other persons representative of the inhabitants of such communal reserve as the Governor may appoint thereto:

Provided that before any person other than an official headman is so appointed the inhabitants of the area shall be given an opportunity to nominate any suitable persons, who may or may not be headmen, to represent their interests and a complete list of persons so nominated shall be submitted to the Governor together with the recommendation of the district commissioner.

Application
to local
communal
council of
provisions of
Principal
Ordinance.

3. The provisions of sections 21 to 31 inclusive of the Principal Ordinance as from time to time amended shall apply, *mutatis mutandis*, to a local communal council established under this Ordinance.

See played page
9 VII/26

Passed in the Legislative Council the eighteenth day of July, in the year of Our Lord one thousand nine hundred and thirty.

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

J. R. SANDFORD

Clerk of the Legislative Council.