

X.10017
1927

KENYA

X.10017
1927

Date

EDUCATION POLL TAX.

Previous paper	(Minutes within)		
<i>Gov 7099/26</i> <i>(A.D. 29.12.26)</i> <i>20.12.26</i>	<i>Mr. Strachey</i>	<i>23/37</i>	<i>Library (for copy books)</i>
	<i>Sir Strachey</i>	<i>25/37</i>	<i>Room 3</i>
	<i>Sir Strachey</i>	<i>25</i>	<i>Room 1</i>
	<i>S.A.P.</i>		<i>S.A.P.</i>
	<i>Sir C. Strachey</i>		<i>22/7</i>
Subsequent paper <i>Sub. file A. (Public Works)</i> <i>15669/29</i>	<i>S.M. McCa</i>	<i>4/4</i>	<i>Sir C. Strachey</i>
	<i>Mr. C. Strachey</i>	<i>4/4</i>	<i>EA</i>
	<i>Mr. Allen</i>	<i>1/4</i>	<i>Mr. Whitcombe</i>
	<i>Mr. Allen</i>	<i>2/4</i>	<i>Telegraph Section</i>
	<i>Mr. Strachey</i>	<i>2/1</i>	<i>C. D.</i>
	<i>Mr. Allen</i>	<i>23/4</i>	<i>Mr. Allen</i>
	<i>Mr. Allen</i>	<i>23/4</i>	<i>Mr. Allen</i>
	<i>Mr. Allen</i>	<i>26/4</i>	<i>Mr. Strachey</i>
	<i>Mr. Strachey</i>	<i>26</i>	<i>Mr. Strachey</i>
	<i>Mr. Allen</i>	<i>2/5</i>	<i>Room 3</i>
	<i>Mr. Allen</i>	<i>3/5</i>	<i>Mr. Allen</i>
	<i>Mr. Strachey</i>	<i>18/7</i>	<i>Mr. Strachey</i>
	<i>Mr. Allen</i>	<i>21/7</i>	<i>Room 24</i>

~~DESTROYED UNDER STATUTE~~ Office ----- 13th January, 1927.

Trs copy of tel. to Government of India saying that the domestic servants tax has been with drawn and a European adult poll tax substituted.

2.----- Colonial Office ----- 13th January, 1927.

Extract from Official Gazette No.1108 of 20th November, 1926, containing "A Bill to make Provision for the Payment of an Additional Poll Tax by Asiatics".

3.----- India Office ----- 9th February, 1927

Trs. copy corres. between Govt. of India and Kenya.

You shall see the Encl to No 3.

The Govt of India makes very inquisitorial enquiries but we can leave Kenya to resent them. It would be interesting to see the reply; but I don't suggest putting in by asking for a copy from the Kenya Govt, they may send it in any case or we shall possibly get it through the SO

1, 2 + 3 may all be kept

WV Allen

67/27

Str

X.10017
27
4 ———— Mr's Dept. Durham ———— 20 Jan., 1917.
42

Submits, with comments, two authenticated copies of the European Poll Tax Bill (No. XXXI of 1916) and of the Asiatic Poll Tax Bill (No. XXXII of 1916), together with copies of legal reports by the Attorney General.

W. Chubb

Please see attached sheet. Have
in any doubt as to the orders? Will
take up para 7 of the S. of S. separately.

W. Allen

15/3/20

Mr. Allen,

no return.

A.L.

16/3

Mr. Howell,
Sir J. Risley,

The original proposal was to impose a Poll Tax on the Asiatics and a Domestic Servants' Tax on Europeans. In that case, there does not seem to be any doubt that a former Bill would have had to be reserved under Clause 9 of Section 34 of the Royal Instructions. As, however, the policy was reversed and they decided to impose a similar tax, although a greater amount, on the Europeans and to exempt the Asiatics, it seems arguable that the former Bill should thereby be removed from the category of Bills which are to be reserved. In view of the

doubt

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4 3

doubt expressed by the Governor, we should be glad to be advised on this point; and also, as the Governor refers to both Bills, whether there is anything in the Royal Instructions to make it necessary to ^[not to assent to] [reserve] Bills imposing restrictions and disabilities on Europeans, but not on other races. So far as I can judge, the Instructions do not seem to require this.

Para. 7 of the despatch raises a further point whether, if these Bills ought to have been reserved, the Governor was justified in assenting to them. The Royal Instructions permit the Governor to assent if (i) he shall previously have obtained ⁰our instructions upon such Bill through one of ⁰our Principal Secretaries of State, or (ii) if it contains a suspending clause, or (iii) if an urgent necessity exists requiring the Bill to be brought into immediate operation. The Governor really relies on (iii), and I think he is obviously right on that ground. The further point, however, whether the S. of S's. telegram of December 17th might be taken as authority to assenting to the Bills (note the plural) without further reference to the S. of S. is important. I do not see how the telegram of the 17th December can possibly be regarded as giving the necessary authority (which must take the form of instructions from the King), ~~and~~ especially as at the time the telegram was sent we had no knowledge that the Domestic Servants' Tax was to be dropped and a Poll Tax on Europeans substituted. It would seem very dangerous to admit the position that telegraphic correspondence of this nature is equivalent to the King's instructions to assent to a Bill which would otherwise have to be reserved and? it should be made

clear

clear to the Governor that any such authority must be given in definite terms and explicitly in the King's name.

J.P. Allen

23/3/27

? The purpose of XXXIV (9) of the R.O. 11 Sept 1920 is obviously to protect persons not of European birth or descent and there is no need to go outside its terms. Hence the Gov would not be called upon to reserve Bills imposing disabilities on Europeans which non-Europeans are not made liable. But should not the words have been combined?

But instructions upon such Bills through one of our Principal Secretaries of State would admit of a wide interpretation and would sufficiently comply with if the Governor had received the S of S authority to go ahead with the Bill.

E.H. Howell
23/3/27

... out in numerous occasions
... with the Australian States

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5 5

the common form clause in Royal Instructions, of which Kenya §34 is an example, does not require any Bills to be reserved.

It instructs the Gov not to assent to certain classes of Bills except in three cases

- (1) if he obtains HM's instructions through S of S (to assent)
- (2) if the Bill contains a suspending clause
- (3) urgent necessity

In the case of (1) it is, I think, usual - at least as regards Australian State Bills - to give the instruction formally in HM's name, but in the case of a Bill coming from a non-self-gov. Colony - a less formal instruction by the S of S would no doubt be sufficient provided that it gives clear authority to go ahead with the Bill - I agree with Mr Allen that our tel of 17 Dec. can hardly be regarded as giving such an instruction.

As regards (3) it is always up to the Gov to satisfy the S of S as to the urgent necessity - He appears to make a sufficient case on the present occasion.

J.P.R.
The enquiry in Kenya is ^{say} a point that S of S is advised that the gov's opinion as to the legislation consequences category is correct, & that the tel. of Dec. 17 cannot be regarded as giving the necessary authority.

V.P. 15.3

at 10

4A So Gov Kenya 29/3/27 (4 and) 31

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27

5 India Office 15 March, 1927

Pro. copies of extracts from Indian Newspapers.
But ~~not~~ ^{not} ~~to~~ ^{to} be sent

~~REMOVED UNDER STATUTE~~ 17 March, 1927

By Mr. Snell

7 Copy L. & D. to Kenya - 24 March, 1927 ^{1/3} on sub. file A.

8 India Office 21 March, 1927

Pro. copy received from Viceroys.
There is no objection to Govt. of India's
proposed statement that the taxes may be modified
if need arise.

Lt. C. Strachey

I attach a note setting out the salient facts. Copies of the despatch from the Governor forwarding the Ordinances and the S. of S's reply, Nos. 4 and 4a in the file, have not yet been sent to the I.O., and we have not yet received spare copies of the Ordinances. There seems no reason to object to the proposed statement by the Govt. of India provided they do not press it too far or suggest that the legislation which has been passed is limited to 1927.

In reply send the I.O. copies of papers 4 and 4a referred to above, and invite attention to the statement made by the Colonial Secretary in the Legislative Council indicating, however, that this report of the debate is an uncorrected copy). Point out

We can send an
authenticated copy
1927

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67

out that the Ordinances are not limited to a single year and will, therefore, in the absence of further legislation continue in operation ^{until they are amended,} ~~only until~~ after the end of 1927, and say that subject to this understanding and to the remarks of the Colonial Secretary, to which reference has already been made, the S. of S. sees no objection to ~~the~~ statement by the Government of India that the taxes in question may be modified later if reasonable alternative proposals are put forward. ~~It~~ would seem that, the charge of discrimination having fallen to the ground, the Government of India, not here particularly, but in the enclosure to No.3 in the file, is interfering in an inquisitorial manner in a matter which is now, in reality, one of domestic policy. Therefore, while not wishing to be provocative, I should like to suggest that a paragraph should be added to the proposed reply, saying that now that the question of racial discrimination no longer arises, the S. of S. feels that the matter has become one of domestic policy, and that, in these circumstances, any alternative proposals ^{or} could be put direct to the Colonial Government by the local communities, ^{whether} ~~either~~ European or Indian.

1/10/27
4/24/27

noted
23/4/27
Library to note Ordinances
See our copy of No 4A.

Yes - Please D/O for course -
C.P. 4/4
1927

9 To I.O. (8 sub: 17/4/27: 4 sub: 13/4/27)
[Ordinances in sub. file A.]

X.10017
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~~DESTROYED UNDER STATUTE~~

By hol. Sec. — 22 March, 1927

Has 10 printed copies of the European
Education Tax Code (No. XXXIII of 1926).

~~DESTROYED UNDER STATUTE~~

By hol. Sec. — 22 March, 1927

Has 10 printed copies of the Asiatic Education
Tax Code (No. XXXIV of 1926).

Partly

W.S. Hamilton

26.4.27

at once.

~~DESTROYED UNDER STATUTE~~

India Office — 25 April, 1927

Take copy no. 9 is being transmitted
to Govt. of India. Returns section.

Partly

W.S. Hamilton

3.5.27

at once

13 — India Office — 16 June, 1927

Has copy tel. from Govt. of India regarding
Modern in Kenya Act suggesting more equitable method
of taxation than by the Indian Act. Enquire
what reply.

Send to Govt. of India no. 2 in 10264/27.

has copy in 10p. 48, & file the

constitution of the C.A. in p. 116 of no. 3 in that

file

W.S. Hamilton 18.7.27

Have copies
to library

X.10017
27

79

no. 14

To I.O. (no 13 and
w/ copy of debate) 28 JUN 1927

15. ----- India Office ----- 19th July, 1927.

Trs. copy tel. from Govt. of India suggest-
ing that Kenya Govt. ask Indian Members whether
they propose to suggest alternative educational
poll cess and stating that this would have good
effect on Indian opinion.

I see no reason why we should
not pass it on.

? & reply tel.:-

"Legislative Council proceedings

10 March, page 48 following

tel. has been received from

Govt. of India by air [insert

hence handed from me to 15]

and "have to your Director by
telegram when taken"

W.S. Hamilton

C.S. 23.7.27.

26.7

11/8 at once

no. 16

Tel com to Gov. 27th July, 1927.

17. ----- Ag. Gov. Denham ----- 10th August, 1927.
tel.

States Indian members have been invited to submit
alternative to education poll tax and that they are
considering the matter with the assistance of the
Treasurer and the Director of Education.

W.S. Hamilton

I see now this has been resolved
handed over to the library the books for

another turbine that realizing that was a bit of action.

? it will be sufficient to send a copy
of no 16 & this to the So. (West off)

Dr. Allen

16/8/20

W. S. Atkinson

16.8.20

~~RESTRICTED UNDER STATUTE~~

101.0. (w/ copies 16 & 17) 20 AUG 1927
(no 15 and

~~RESTRICTED UNDER STATUTE~~

of Commons ——— 22nd Nov., 1927.

Question by Mr. Sudd.

Answer by Mr. Sudd.
7.11.

20 n/3 So. Lya - 1st Dec. 1927. - on sub file
"A"

11 AUG 1927

107/1

8

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

Dated 10th August, 1927.

(Received Colonial Office 3.15 p.m. 10th August, 1927.)

No. 274 10th August Your telegram of 27th July
Have seen all the Indian Members and invited them as suggested by Government of India to suggest alternative to the education poll cess. They are considering the matter and the assistance of the Treasurer and Director of Education is being afforded them. When the Bill introduced into Council Indian members were invited to suggest alternative. Gladly afford them further opportunity for doing so.

20 AUG 1927

Copy to 10

9/16

Mr. ~~W. J. ...~~ 27/7/27
In Telegraph Section

X 10017

Kenya.

- Mr.
- Mr. E. J. Harding.
- Sir C. Strachey.
- Sir J. Shuckburgh.
- Sir G. Grindle.
- Sir C. Davis.
- Sir S. Wilson.
- Mr. Ormsby-Gore.
- Earl of Clarendon.
- Mr. Amery.

For authority
see minutes

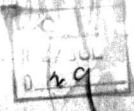
Codes & Sent

2-40 pm

27th July 27

CD

Ans'd
no. 7



Legislative Council

DRAFT.

Tel.

Governor
Harris

proceedings 10th March page

48 following telegram
has been received from

Government of India
begins we consider,
if Colonial Government
were to ask Indian
members of the Legislative
Council whether they
preferred to follow the
example of their European
colleagues & suggest
alternative to educational

10 20 AUG 1927

copy

poll cess, this would
have good effect on
impartial Indian opinion
generally. Initiative is
doubtless open to Indian
members, but they are
diffident about taking
first step in such matters,
and inquiry suggested
might induce them to
go forward with
radical alternative, Ends
leave to your discretion
and telegraph action
taken.

Secer.

poll cess, this would
have good effect on
impartial Indian opinion
generally. Initiative is
doubtless open to Indian
members, but they are
diffident about taking
first step in such matters,
and enquiry suggested
might induce them to
step forward with
practical alternative, Ends
leave to your discretion
and telegraph action
taken

Secer.

1510

Notes
Any further communication on this subject should be addressed to—

The Under Secretary of State for India,
Economic & Department,
Overseas India Office,
London, S.W. 1.

and the following reference quoted:—

E. & O. 5012/27.

Telephone:—

Victoria 9920. I.O. Ext. No. _____

grams:—

Retaxandum, London.



INDIA OFFICE,

WHITEHALL,

LONDON, S.W. 1.

RECEIVED
20 JUL 1927
COL. OFFICE

19th July, 1927.

Sir,

No 14

With reference to your letter of the 28th June 1927, No.10017/27, regarding taxation in Kenya to meet the cost of European and Indian Education, I am directed by the Secretary of State for India to transmit

To Government of India dated 1st July 1927 } copy of further
From " " " " 13th " " } telegrams exchanged
with the Government of India on the subject.

The Earl of Birkenhead would be glad, should the Secretary of State for the Colonies see no objection, if the request of the Government of India in the final sentence of their telegram of the 13th July 1927 could be acted upon.

Ans'd 20 AUG 1927

I am, Sir,

Your obedient Servant,

E. Turner

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

8

E. & O. 4601/27

COPY TELEGRAM

From Secretary of State

To Viceroy, Department of Education, Health and Lands

Dated 1st July, 1927

1804

Your telegram dated 14 June. Govt. of Kenya accepted following Resolution 10 March Begins That a Select Committee be appointed to consider some more equitable method of taxation in connection with the European education Cess than at present existing under the increased poll tax. Ends.

ECR/DV.

(41 words.)

3088

E. & O.

5012

1927

COPY OF TELEGRAM

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

Dated Simla, 13th July, 1927.

Received 2 p.m., 13th July, 1927.

(COPIES CIRCULATED)

Your telegram dated 1st July, 1927. European education cess in Kenya. [We consider, if Colonial Government were to ask Indian Members of the Legislative Council whether they proposed ~~to~~ follow the example of their European colleagues and suggest alternative educational poll cess, this would have good effect on impartial Indian opinion generally. Initiative is doubtless open to Indian members, but they are diffident about taking first step in such matters, and enquiry suggested might induce them to come forward with practical alternative.] If you have no objection, we would suggest that Colonial Office be asked to put idea to Government.

X/10017/27/H
Kenya. 13

- Mr. Cliffe. 21. vi. 27.
- Mr. Allen. 21
- Mfr.
- Mr. E. J. Harding.
- Sir C. Strachey.
- Sir J. Shackburgh.
- Sir G. Grindale.
- Sir C. Davis.
- Sir S. Wilson.
- Mr. Ormsby-Gore.
- Earl of Clarendon.
- Mr. Amery.

C.O.
R 22 JUN
D 34

28 June 1927.

DRAFT.

The U.S of S.
Economic & Overseas Dept.
India Office.

Sr.

Sir,

I am so to acknowledge the receipt of your letter E/O 4229/27 of the 10th of June, and to transmit to you, for the info. of the Earl of Bickenhead, the accompanying copy of the record of the ~~the~~ ^{tell} debates in the Legislative Council of Kenya on the 10th of June, on page 48 of which will be found the ~~is~~ notice regarding the appointment of a Select Committee

49 Council Debates
(10th June, No. 2 on X/2266/27)

PUBLIC RECORD OFFICE
1
2
3
4
5
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7
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9
10

Reference —
C.O. 533 364

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to consider some more equitable method of taxation in connection with the European Education Act than at present existing under the increased Poll Tax.

The ^{Composition} ~~actual constitution~~ of the Committee ^{is} as follows -

The Treasurer (Chairman)

(Mr R. C. Gramman C.M.G.)

The Commissioner of Lands

(Mr H. T. Martin)

Mr A. G. Baker.

Lord Delamere.

The Elected Members for

^{North} Norfolk, ^{South} Norfolk, the Lake and Plateau South.

(Captain ~~F. E. Schaworth~~ ^{H. P. Schwartz} ~~of the~~ ^{of the} ~~Company~~ ^{Company})

Mr A. Morrison, Mr ~~Conroy~~ ^{Conroy}

Harvey and Mr T. J. O'Shea)

(Signed) W. C. BOTTOMLEY.

14
13

Any further communication on this subject should be addressed to—

The Under Secretary of State for India,
Economic & Overseas Department,
India Office,
London, S.W. 1.

and the following reference quoted—

E. & O. 4229/27.

Telephone—

Victoria 8920. L.O. Ext. No. _____

Grams—

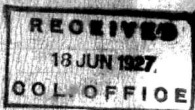
Retaxandum, London.



INDIA OFFICE,

WHITEHALL,

LONDON, S.W. 1.



16th June, 1927.

Sir,

No. 9.
dated 14th
June, 1927.

With reference to your letter of 13th April, No. 10017/27, regarding taxation in Kenya to meet the cost of European and Indian Education, I am directed by the Secretary of State for India to transmit copy of a telegram received from the Government of India on the subject.

The Earl of Birkenhead would be glad to be informed what reply should be returned to the Government of India's enquiry.

I am, Sir,

Your obedient Servant,

E. Turner

for Secretary,

Economic and Overseas Department.

The Under Secretary of State,

COLONIAL OFFICE.

Ans. 28 JUN 1927

Any further communication on this subject should be addressed to—

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

E. & O. 4229/27.



INDIA OFFICE,

WHITEHALL,

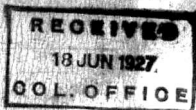
LONDON, S.W. 1.

Telephone:—

Victoria 8920. I.O. Ext. No. _____

Grams:—

Rotaxandam, London.



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The Earl of Birkenhead would be glad to be informed what reply should be returned to the Government of India's enquiry.

I am, Sir,

Your obedient Servant,

E. J. Turner

for Secretary,

Economic and Overseas Department.

The Under Secretary of State,

COLONIAL OFFICE.

Ans. 28 JUN 1927

PJM/IA.

(29 words)

2632.

COPY OF TELEGRAM

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

4229

(COPIES

CIRCULATED)

Dated Simla, 14th June, 1927.

1927

Received 14th June, 1927, 4-30 p.m.

Reference your E. and O. Secretary's letter dated 25th April, 1927, No. 2724/27. Educational tax in Kenya. We learn from newspaper reports that Colonial Government accepted on 10th March motion made in the Legislative Council by unofficial European member for the appointment of committee to suggest more equitable method of taxation than recent education cess to meet the cost of European education. Kindly telegraph whether this is correct?

X.10017/27 Kenya.

Mr. Allen 7/4.27.

Mr.

Mr.

Mr. E. J. Harding.

X Sir C. Strachey. *sp*

Sir J. Shuckburgh.

Sir G. Grindle.

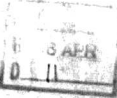
Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Earl of Clarendon.

Mr. Amery.



DRAFT.

conson.

see minutes.

The U.S. of S.,

Economic and Overseas Dept.,

India Office.

unfiled
no. 12

Downing Street,

13 April, 1927.

Sir,

I am etc., to acknowledge the receipt of your letter of the 21st March (E. & O. 1802/27) regarding the additional taxation imposed in Kenya to meet the cost of European and Indian education in that Colony, and to enclose a copy of a despatch from the Governor forwarding copies of the European Education Tax Ordinance (No. 33 of 1926) and of the Asiatic Education Tax Ordinance (No. 34 of 1926), together with copies of legal reports by the Attorney General, and a copy of an uncorrected report of debates in the Legislative Council on the Bill.

A copy of the reply which was

sent

From Gov No 42 to Jan 23
10002 to 291. 31 March 23

Encls. 18106 4

*Ordinances in copy
to be held
for
Allan instructions*

No 4 A

Acting

sent to the Governor is also enclosed.

2. I am to invite attention to the statement made by the Colonial Secretary in the Legislative Council (marked in red in the report of the debate) and to point out that the ^{in operation} sentences are limited to a single year, and will therefore continue in ~~force~~ until they are amended.

*I have marked the
dupl accordingly
11/11/41
[The same passage is
marked red in the
orig doc.]*

Subject to this understanding and to the remarks of the Colonial Secretary referred to above, the Secretary of State has no objection to a statement by the Government of this that the taxes in question may be modified later if reasonable alternative proposals are put forward.

3. I am, however, to add that as the question of racial discrimination no longer arises, Mr. Amery feels that the matter has

become

Acting
sent to the Governor is also enclosed.

2. I am to invite attention to the statement made by the Colonial Secretary in the Legislative Council (marked in red in the report of the debate) and to point out that the Ordinances are not limited to a single year, and will therefore continue in *force* ~~operation~~ until they are amended.

Subject to this understanding and to the remarks of the Colonial Secretary referred to above, the Secretary of State sees no objection to a statement by the Government of India that the taxes in question may be modified later if reasonable alternative proposals are put forward.

3. I am, however, to add that as the question of racial discrimination no longer arises, Mr. Amery feels that the matter has

become

*I have marked the
dupl according to*

*1877
[The same reason is
marked red in the
my det.]*

in Kenya
become one of domestic policy; and that,
in the circumstances, any alternative
proposals should be put direct to the
Colonial Government by the local
communities concerned, whether European or
Indian.

I am, etc.,

(Signed) C. STRACHEY

Note.

In his telegram of the 17th December (No.17 in file X.7999/26), the S. of S. suggested that if the Governor had not already done so, he should consider desirability of making it clear that even after passing of legislation Government would still be ready to consider with a view to substitution, when practicable, by amendment any reasonable alternative proposal from Indian community which fulfils the conditions he had already laid down. [At that time, the proposal to impose on Europeans a Servants' instead of a Poll Tax was still in being.]

In his telegram of the 28th December (No. 22 in file X.F.7999/26), the Governor stated that it had been fully explained that the taxation still in force in 1927 may be modified later by alternative proposals if reasonable ones can be submitted; and in the debate, see flagged page in enclosures to No.4 in this file, the Colonial Secretary while stating that the Government cannot make any promise that the tax may be withdrawn in a year said that the Government did desire alternative measures and did desire suggestions to be put forward as to the best form of taxation for this particular purpose, and would welcome suggestions to that end. That statement was actually made on the European Poll Tax Bill (debate on the Asiatic Poll Tax Bill followed and was much shorter), but obviously his remark must be taken as applicable to both.

Any further communication on this subject should be addressed to—

The Under Secretary of State for India,
Economic & Overseas Department,
 India Office,
 London, S.W. 1.

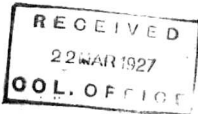
and the following reference quoted:—

E & O 1802/27

Telephone:—
 Victoria 8020. I.O. Ext. No. _____
 Telegrams:—
 Retaxandam, London



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



21st March, 1927.

Sir,

No. 23
in
KF 7444
15/4/27

I am directed by the Secretary of State for India to refer to your letter of 4th January 1927, X.F.7999/26, and the telegram from the Governor of Kenya of 28th December 1926 regarding the additional taxation imposed to meet the cost of European and Indian education in that colony.

Copy is enclosed of a telegram received from the Viceroy relative to this subject. The Secretary of State Dated 15th March 1927 presumes that there is no objection to the Government of India's proposed ~~statement~~ that, as explained by the Governor, the taxes, while in force in 1927, may be modified later by alternative proposals if reasonable ones can be put forward.

I am, Sir,
 Your obedient Servant,

J. Walker

for Secretary,
 Economic & Overseas Department.

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

FRB/AW.

(46 words)

1210. F. & O.

1802

1927

COPY OF TELEGRAM

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

Dated New Delhi, 15th March, 1927.

Received 15th March, 1927, 3 p.m.

(COPIES
CIRCULATED)

Reference telegram from Governor of Kenya,
No. 463 of December 28th last, to Secretary of State for the
Colonies. Educational tax in Kenya. We have received
requests from public bodies to make representations on the
subject, and it would help obviate such requests if we
could reply (1) that exemption would be granted to poorer
members of both communities, and (2) that taxation, while
in force in 1927, may be modified later by alternative
proposals if reasonable ones can be put forward. We would,
of course, also point out that, as both communities are to
pay some form of tax, charge of racial discrimination against
the tax falls to the ground. Please telegraph whether (2)
should be made public.

Communications on this subject should be addressed to—

THE UNDER SECRETARY OF STATE,
Economic & Overseas DEPT.,
INDIA OFFICE,
LONDON, S.W. 1

and the following number quoted
B & O. 1451/27.

1009 5
21
Reference to previous correspondence: *B. O. 8294/26*
Letter from the India Office of the **23rd Dec. 1926**
No. E & O. 8294/26.

INDIA OFFICE,

March

1927.

RECEIVED
16 MAR 1927
COL. OFFICE

16 MAR 1927

The Under Secretary of State for India presents his compliments to the Under Secretary of State for the Colonies and begs to transmit to him ~~the following extracts from the newspapers~~ extracts from the newspapers noted below.

The Under Secretary of State,
Colonial Office.

Origin.	Date	Subject
<u>Tribune</u> (Lahore)	16.12.26	Indians in Kenya
<u>Swadesamitran</u> (Madras)	14.12.26	
<u>Azad Hind</u> do.	16.12.26	
<u>Andhra Patrika</u> do.	14.12.26	
<u>Bombay Samachar</u> (Bombay)	15.12.26	
<u>Young India</u> do.	23.12.26	
<u>Indian Social Reformer</u> do.	25.12.26	
<u>Swadesamitran</u> (Madras)	30.12.26	

Copy also sent to—
P.T.O.

EXTRACTS FROM THE NEWSPAPERS.

INDIANS IN KENYA.

Tribune (Lahore) 16th December 1926.

While the Indians thus pay a larger proportion of the new tax than the Europeans the benefits they derive from it are substantially less than those derived by the Europeans . . . Mr. Desai points out that the Government of India are pledged to doing everything in their power to redress the grievances of the Indians in Kenya. But whether this is so or not, it is their clear duty to lose no time in moving the British Government to intervene in the matter. The latter cannot plead the same helplessness in this case that they have so often pleaded in the case of South Africa. Kenya is not a self-governing but a Crown Colony. It owes its present position largely if not principally, to the Indians. For the British Government, therefore, not to step in when an act of manifest and outrageous injustice to Indians is about to be perpetrated would be to proclaim from the house-tops either that the Empire has no meaning and no reality or that the Indian has not and never can have an equal and honourable place in it.

D

Swadesamitran (Madras), 14th December 1926.

Adverting to the memorandum submitted by Mr. Desai in Kenya to the Government of India regarding the proposal to increase the poll-tax on every adult male member among the Indians to £2½, the Swadesamitran (14th) observes:- There is not the least doubt that this tax has not been levied in the interests of the Indians in general. Free or compulsory education is not imparted in Kenya. A large sum is collected from the Indian children studying in schools by way of school fees, etc. It appears that thousands of Indian children have no educational facilities, and that, even if a poll-tax of £2½ is paid, they cannot get free education. If so, why should a tax of 50 shillings be collected from the parents? There are not even 10,000 Europeans in Kenya, while the number of Indians there is six times greater than that of the Europeans. Even assuming that these Indians have saved a small sum by living economically, why should the Europeans be jealous of them? The Europeans in Kenya and their wives and children are already enjoying rights and facilities out of proportion to their number and leading a happy life. Does any Indian feel jealous at this? The Indians do not enjoy direct representation in the Legislative Council to a sufficient extent. It may even be said that they have no representation at all. It would be neither manly nor merciful to levy a poll-tax of £2½ on the poor destitute Indians, make them paupers and force them to flee from Kenya. Kenya is a Crown Colony which does not enjoy self-government and the Secretary of State for the Colonies in England is directly responsible for its administration.

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If there were a Government for fighting for the rights of the Indians in Kenya just as the Secretary of State for the Colonies safeguards the interests of the Europeans there, there would be no need for the Indians to suffer like this. A bad time began for the Indians in Kenya when Lord Chelmsford was the Viceroy of India. Lord Chelmsford gave certain pledges. Lord Reading who succeeded him uttered some sweet words in diplomatic language to console the Indians abroad. It looks as if the communal feuds in India have engrossed the whole attention of Lord Irwin, the new Viceroy. If the Viceroy pays attention to the solution of the difficulties of the Indians abroad, many will thank him for it.

Azad Hind. Madras. 16th December 1926.

Remarking that Mr. D.B.Desai has done yeoman service to the Indians of Kenya by bringing to light in his recent statement, the unjust enhancement of the poll-tax (on the Indians) intended to create facilities for the education of the European children of the Colony, the Azad Hind observes:- Our readers may remember that even before this more money was being spent on the education of the students belonging to the European community than on those of the Indian community and the proposed scheme that each of the two communities should bear the costs of its own education was intended to screen off the old policy of educating the former community at the expense of the latter . . . The responsibility of getting the poll-tax cancelled falls not only on the Government of India, but also on the inhabitants of this country. The pretext of the Government that it cannot interfere in the affairs of the Colonies can never be considered reasonable, for if India had been free and the rights of her poor sons had not been recognised elsewhere, she would have got them recognised by force; hence the clamour of the Indians that owing to the Indian slavery their countrymen are being treated with humility and made victims of every hardship in every part of the world. . . . The Indians should protest and agitate effectively against the poll-tax . . . May we hope that at least on such occasions Indians, leaving off their mutual quarrels, will work side by side and by their joint protest prevent the authorities from imposing

the

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the new illegal tax. We want to see what preventive steps the Government of India takes in this important matter . . . Although the Government is no better than a step-mother and in spite of undesirable experiences, we are again giving it an opportunity to reform its attitude and change the Indian distrust into trust.

Andhra Patrike (Madras) 14th Dec. 1928.

A capitation tax of fifteen rupees was hitherto imposed on the Indians in Kenya. Now, it has been more than doubled. There appears to be no need for the imposition of such a heavy poll-tax. To say that such a tax is imposed for the sake of the education of the Indians is opposed to truth. The Government of Kenya have been, from the beginning, spending more money for the education of the Europeans. There is no doubt that they imposed this tax only with a view to humiliate the Indians. This will surely help to make them penniless. Mr. Desai desires the Government of India to interfere in the matter at once. As Kenya is a Crown Colony, the British Government can remove such an injustice. But the question is whether they will do so. At no time before was the absence of self-government in India felt so much as at present.

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Bombay Samachar (Bombay) 15th December 1926.

The Bombay Samachar refers to the proposed increase of one pound in the poll-tax on the Indians in Kenya and, while strongly condemning this action of the Kenya Government, remarks that in the first place the poll-tax in itself is a terrible and insulting tax and when efforts are being made to ruin the Indians alone by making an increase in such an unjust tax imposed on them, for the sake of the White residents in Kenya, it is useless to blame the Indians if they become more suspicious about the motive of those who propose to impose this tax and if they think that there is some hidden motive lying behind this.

Referring to the plea put forward by the Kenya Government for increasing this tax, the paper remarks that if this tax were levied only for the sake of education there, instead of throwing the whole additional burden on the Indians alone, it would have been through necessary to make the Europeans also, who derive the greatest benefit from it, equal partners in the burden. The paper declares that the protest raised by the Indians against this proposed measure is quite just and the Government of India should intervene before this hateful burden on them increases from the 1st January 1927 and should make efforts to prevent it, as it will be quite impossible to have it removed when once it is imposed. In conclusion, it remarks that if the Government of India does not want to drive a nail in the coffin of the Round Table Conference with its own hands, it should wake up during the short time which is now at its disposal and should take severe notice of the selfish and provoking attitude on the part of the Kenya Government.

Young India (Bombay) 23rd Dec. 1926.

Mr. M.K.Gandhi writes: - "In another column is published a letter from Mr.D.B.Desai, a settler of Kenya referring to an increase in the poll-tax which Indians of Kenya have been made to pay for the past twelve years and more. The letter is remarkable for the wealth of details it contains. If the facts set forth in it are true, it is a serious reflection upon the Europeans of Kenya and the Kenya Government. The reader will recollect that the Indians of Kenya did not submit to the poll-tax without protest. Of course the protest was useless. But one would have thought that there would be no further addition to the iniquitous tax. If, however, my correspondent is right, by a currency trick the tax was raised by 50 per cent., i.e. it went up from 20 shillings to 30 and now the amending legislation raises it to 50 shillings. The reasons given for the rise would seem to be utterly absurd . . . The Kenya Indians have certainly every reason for hoping that the public and the Government will come to their assistance and demand a veto of this discriminating and unjust legislation."

Following close upon the proposal of the Kenya Government to raise the Asiatic poll-tax from 30 to 50 shillings, comes the Defence Force Bill. This Bill, while prescribing compulsory military training for Europeans, excludes the non-Europeans from the Force. The racial discrimination involved in the measure is inconsistent with the pledges of equal treatment held out to Indians. The Bill has aroused opposition both among the European and non-European residents of Kenya, though for different reasons. The former are opposed to it, because it makes military training compulsory to them, while the latter are opposed to it because military training is denied to them. The Europeans mustered strong at Nairobi and protested against the Bill and called upon the Government to bring in a new Bill on a voluntary basis and chiefly on account of this opposition the Bill has been postponed for another session of the Legislative Council. The defence of Kenya is as much the concern of the Europeans as of the non-Europeans. While, on the one hand, Government is compelling Europeans to undergo military training, on the other, it excludes non-Europeans from this privilege. The only conclusion that is possible is that non-Europeans are not looked upon as sons of the soil but as foreigners. Mr. Shamsuddin, speaking in the Council, urged that Indians also should be allowed to enlist, but he was told that the principle of the Defence Force Bill had received the approval of the Secretary of State and that it would soon become the law of the land. Indians should put up a vigorous fight against this measure and see that their right to participate in the rights and duties of citizenship is vindicated.

Swadesamitran (Madras), 30th December 1926.

Adverting to the action of the Kenya Government in increasing the poll-tax on the Asiatics from £1½ to £2½, the Swadesamitran (30th) observes:- It has been made clear that, however much money may be collected as taxes, none other than the whites enjoy educational facilities. The distinction arising from colour does not stop with this. A Bill has been introduced for creating a Territorial Force and under this Bill Europeans alone are deemed fit to join the Force and they are compelled to join it. It is clear from this that the Asiatics are considered to be outsiders. When Mr. Shamsuddin spoke in the Legislative Council about the necessity of admitting others also in this Force, the reply was given that the principles of the Bill had already been approved by the Colonial Secretary. But it is not new for the Indians being utilized for reclaiming forest tracts and making them fit for habitation and for their being deemed to be outsiders afterwards. When the Indians are treated with respect in their own country, they are sure to be treated with respect in other countries also.

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Indian National Herald (Bombay) 28th Dec. 1926.

On behalf of the Kenya Indians an appeal has been made to the President-elect of the Congress to protest strongly against the twenty shillings education tax upon Asiatics. This nefarious tax coming as it does on the top of thirty shillings poll-tax must make the position of Indians in Kenya intolerable. We hope that the appeal made by these unfortunate Indians, whose crime seems to be their colour and their race, will not pass unheeded. When Americans and Englishmen living in foreign lands like China and Egypt feel that they are in a dangerous position, the press and parliament of both these free countries intervene until marines and gunboats go to the rescue. India in her servitude cannot answer her children's call in the far-flung lands of the Empire by such questionable methods. Our sympathy for these men can only assume a form of an emphatic resolution, denouncing the irresponsible tactics of racial maniacs who consider a black skin a disqualification to be paid for in taxation.

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Indian National Herald. 30th Dec. 1926.

The Indian settlers have been singled out by the British officials for invidious attentions, and no expedient is too bad, it would seem, in the eyes of these officials to evict Indians from the Kenya Colony. A systematic policy of pinpricks has been pursued whereby life has been made intolerable for Indians, and at every conceivable opportunity the idea of inferiority of the Indians is being rubbed into them, with a sort of brutal frankness, and some of the Europeans there must be feeling a peculiar pleasure in the attempts to hound out Indians. Such treatment would have been inconceivable if India were free from the bond of slavery and were not a victim to the canker of communalism. A divided India, lost in internecine strife and communal bickerings, is never regarded seriously by the bureaucracy, and at the bidding of such an India, the Indian bureaucracy is not likely to tell the Kenya Whites to stay their hand. Once the Kenya Whites realise that they cannot trifle with Indian sentiment or honour, without provoking the just retaliation of the Indian Government, the difficulties and discriminations from which the Indians suffer will melt away like mist before the rising sun. The principal reason why the Whites are pursuing an avowedly anti-Indian policy in East Africa is racial selfishness and the fear of Indian competition. Indians have proved ere now that they are fit to survive in the fiercest competition against the Whites, wherever they have been pitted against the latter. In South Africa, in East Africa and in all other

other lands, Indians have proved their fitness in the face of the most determined opposition and ill-treatment at the hands of the ruling caste. Were they assured of freedom of opportunities, the Whites seem to fear that they would constitute a grave menace to their own specious supremacy. The only solution to the serious problem that it raises is for the Government of India to bestir themselves from their somnolent attitude and exert the utmost pressure on the British Government as well as on the Colonial Administration. This is a question on which there can be no political or communal differences among Indians, and it is the duty of everyone to sink his differences, and bring to bear on the Government firm but united pressure so that they may be made to give up their policy of lethargic acquiescence.

Public Record Office

Mr. Allen. 29/3/27
by Ridley 29/3/27

4A

Mr. E. J. Harding.

Downing Street,

X Sir C. Strachey. 30/3

31 March, 1927.

Sir J. Shackleton

Sir G. Grindle

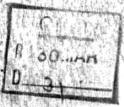
Sir C. Davis

Sir S. Wilson

Mr. Ormsby-Gore

Earl of Clarendon

Mr. Amery



Sir,

I have the honour to acknowledge

the receipt of Sir Edward Grigg's
despatch No. 42 of the 20th of January,
and to inform you that His Majesty will
not be advised to exercise his power of
disallowance in respect of the following
Ordinances of the Legislature of the
Colony and Protectorate of Kenya:-

No. XXXIII of 1926, entitled "An
Ordinance to Make Provision for the
Payment of a Tax for Purposes of
European Education"; and,

No. XXXIV of 1926, entitled "An
Ordinance to Make Provision for the Pay-
ment of a Tax for Purposes of Asiatic
Education".

8. On the assumption (with which
I will deal later) that these Bills

/came

DRAFT.

KENYA.

NO.

291

O. A. G.

1874/27
copy to G.O.

have 3 for census as
I do not read Sir C.
Strachey's minute as
including an additional duty
with the points raised in
para 7 of my minute &c.
but in fact neither of
the Bills comes within the
category contemplated by
the R. J. [I suppose SA]
1927, let it stand
CP.

(Circular letter) had been sent

came within the classes contemplated by Clause 34 of the Royal Instructions of the 11th September 1920, I am advised that the Governor was justified in assenting to them on the ground of urgency, and that my telegram of the 17th of December cannot be regarded as ^{having} giving the necessary authority.

3. I am, however, further advised that as it was ultimately decided to pass identical legislation imposing on Europeans an education tax of no less amount than that imposed on Asiatics, the Bill imposing the latter no longer came within the category contemplated by Sub-Clause 9 of Clause 34 of the Royal Instructions, into which it would have fallen had the proposed Domestic Servants License and Tax Bill been proceeded with. I note that both the Education Tax Bills are referred to in paragraph 7 of Sir Edward Grigg's despatch, but I would point out that there is nothing in the Royal

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Instructions limiting the Governor's
discretion to assent in the case of
legislation imposing restrictions and
disabilities on Europeans but not on
other races.

I have,

etc.

(Signed) L. S. AMERY

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C.O. 353
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PUBLIC RECORD OFFICE: LONDON

Mr. Allen

~~Mr. Allen~~ ^{you} asked me to compare these two Ordinances with each other, and also with the Non-Native Poll-tax Ordinance.

(See s. 2 definitions)

Except for the fact that Ordinance No. 33 affects Europeans, and Ordinance No. 34 Asiatics, and that the tax in the one case is 30/- and in the other 20/-, these two ordinances are identical.

(Chap. 52.)

Both the new ordinances follow closely as the lines of the Non-Native Poll-tax Ordinance. The amount of the tax payable under that Ordinance is 30/- and ^{it} is payable in January in each year. The tax under the new ordinance is payable on or before the 31st of March in each year.

s. 3.

s. 4.

s. 4.

The period after which the tax, if in default, may be doubled is three months under the Non-Native Poll-tax Ordinance, and one month under the new ordinances.

s. 4(2)

Section 15 of the Non-Native Poll-tax Ordinance contains certain ^Xprovisions which are not included in the corresponding Section 15 of the new ordinances.

G. Hayler
11/3/27

* From s 15(6) of this Ordinance the following is omitted "has not any pecuniary interest in any business or enterprise conducted or carried on in the Colony."

The s 15(6) of the Non-Native P. T. Ordinance is not included here - it means people who have paid poll tax in Uganda during the year.

Not relevant in this connection.

J. W. Allen
07/2/27

364



KENYA.
No. 42.

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

20 January, 1927.

RECEIVED
28 FEB 1927
COL. OFFICE

No. 7 on X.F. 7499
No. 22
Ordinances
Legal Reports

I have the honour to refer to my despatch No. 287 of the 12th November and to my telegram No. 239 of the 28th December on the subject of the new taxation for educational purposes and to transmit two authenticated copies of the European Education Tax Ordinance (No. XXXIII of 1926), and of the Asiatic Education Tax Ordinance (No. XXXIV of 1926) with copies of the Legal Reports by the Attorney General.

2. In my telegram of December 28th I informed you that to avoid any appearance of racial discrimination I had withdrawn the Domestic Servants Tax on Europeans and substituted a European Adults Education Tax of thirty shillings on exactly the same lines as the Indian Education Tax of twenty shillings except in respect of the amount.

The Bills for both European and Indian Education tax passed their third readings in Legislative Council on December the 22nd and I assented to them in the name of His Majesty on December the 31st, 1926.

3. I would particularly stress the fact that at the Select Committee of Council appointed to investigate means by which the additional revenue required for education could be raised, the Indian Members were

No. 22 on X.F.
31 MAR 1927
Copy referred to J.O. Office in sig. 13/4/27

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

- foremost -

foremost in advocating the principle of an Education Cess, and intimated that they would be prepared to agree to the institution of a Poll Cess if the latter were also accepted by the European Members.

4. It follows, therefore, as I pointed out in my telegram under reference, that the arguments adduced by Indians of racial discrimination now fall to the ground inasmuch as both communities will, under the new proposals, be paying for their education by means of taxation on an exactly similar basis.

5. The amount which will be paid in direct taxation under the Educational Cesses can, I consider, well be afforded by a very large majority of both communities, but steps will be taken to arrange that the powers of exemption inherent in the Ordinances will be generously used for the exemption of the poorer members of both communities in appropriate cases.

6. I am satisfied, that, in the circumstances, no hardship will be inflicted by the collection of the tax: it is, of course, understood that the Goan section of the Asiatic Community and any other sections which are not provided with schools at present, will not be called upon to contribute this tax until they can be benefited by the provision of additional education facilities.

7. It appeared to me to be a matter of doubt whether these Bills did not fall within one of the classes of Bills mentioned in Article ~~XXIV~~ XXIV of Royal Instructions dated the 11th of September, 1920, to which I may not assent without previous instructions. I was advised, however, that your telegram of December the 17th on the subject of this legislation might be taken as authority to assent to the Bills without further reference to you.

I am in any case satisfied that "an urgent necessity exists" requiring that these Bills be brought into immediate operation", in view of the necessity for collecting revenue under the Ordinance as from the first of January, 1927.

8. I enclose, for your information, copy of the uncorrected report of the debates in Legislative Council on these Bills.

9. Ten printed copies of the Ordinances will be sent you in due course.

I have the honour to be,

Sr,

Your most obedient, humble servant,

W. H. Lawrence

W. H. LAWRENCE, R.

LEGAL REPORT

THE EUROPEAN EDUCATION TAX BILL, 1926.

This Bill is designed to raise certain revenue by means of a tax in the nature of a Poll tax for the purposes of European Education.

The tax is an annual tax of thirty shillings and is payable by all male adult Europeans.

The provisions of the Bill relating to the method of collection of the tax and the machinery for enforcing payment thereof are practically identical with those appearing in the Non-Native Poll tax Ordinance (Chapter 52 of the Revised Edition).

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

Nairobi,
23rd December, 1926.

[Sd.] W. C. HUGGARD.
ATTORNEY GENERAL.

THE EUROPEAN EDUCATION TAX BILL, 1926.

THE HONOURABLE THE ATTORNEY GENERAL: Your Excellency I beg leave to move that the second reading of a Bill to make provision for the payment of a Tax for purposes of European Education. Your Excellency intimated to the House on Saturday last that the Domestic Servants Licence and Tax Bill would be withdrawn and that in substitution thereof the necessary draft legislation would be submitted for the purpose of raising an equivalent amount of revenue for the same purpose by means of a tax in the nature of a Poll Tax. The draft legislation Sir, is submitted in the form of a Bill now before the House. At the suggestion of my Honourable Friends opposite, a suggestion with which I entirely agree, this draft legislation has been made the subject of a separate Bill instead of by way of an amendment to the Bill which stands next on the Order of the Day. Before I deal with the Bill itself, Sir, perhaps I may be allowed to say a few words with regard to the Domestic Servants Tax Bill, how it came to be framed and the main reasons for its withdrawal. I do not know, Sir, who was responsible for the suggestion that we should have a Domestic Servants Tax but I think it will not be denied that the suggestion came in the first instance from the other side of the House. I think, Sir, if I may say so, that Your Excellency and Your Excellency's official advisers were never enamoured of the proposal to have a Domestic Servants Tax but at any rate the proposal was included in the majority report of the Select Committee which Your Excellency appointed at the last session of Council to put

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forward proposals for raising the necessary revenue for education. That report was signed by those of Your Excellency's official advisers who were members of that Committee and Your Excellency ultimately accepted that report but I think I speak for my official colleagues on that Committee when I say that we signed that report, and I think I may venture to say that Your Excellency accepted that majority report, in the belief that it was the unanimous wish of my Honourable Friends on the other side that a certain proportion of this additional revenue should be raised by means of a Domestic Servants Tax. And after all, Sir, as this money had got to be raised by the European community it was felt that it was for that Community through its elected representatives to say how the money was to be raised and so long as my Honourable Friends who represent the European Community were unanimous in their wish to tax themselves on the basis of the number of their domestic servants then Your Excellency and your advisers were prepared to respect that wish and to agree with the proposals. As however, Your Excellency pointed out on Saturday last, the position has changed and it now appears that my Honourable Friends opposite are no longer unanimous on the question of a ~~sum~~ Domestic Servants Tax. Further we have all since the last session of Council grown older and perhaps wiser, we have had an opportunity of considering more fully the proposal generally, and, still more important, we have had an opportunity of considering the details of the bill which was framed in order to give effect to that proposal and have realised the difficulties and expenses involved in carrying out the proposals. In consequence Your Excellency and your official

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advisers have become less enamoured than ever of the Domestic Servants Tax proposal and inasmuch as the feeling on the other side of the House is no longer unanimous Your Excellency has decided to abandon the Domestic Servants Tax Bill and impose a tax in the nature of a Poll Tax for raising the equivalent amount of revenue. I should like to refer briefly to one or two of the main objections to the Domestic Servants Tax. In the first place it is a tax which must necessarily be open to evasion, firstly because it is most difficult if not impossible to frame a comprehensive definition of the term "Domestic Servant", and secondly because no adequate machinery exists for the enforcement of the payment of the tax. It is my view that no matter how comprehensive you make your definition of the term "domestic servant" it will be a comparatively ^{easy} simple matter to get round that definition if the taxpayer is so inclined. Then it is obvious, I think, that no machinery exists which could satisfactorily enforce the payment of this tax nor would it be possible out of the comparatively small amount which the tax was designed to raise to provide such machinery. For these reasons I think that evasion would have been a comparatively simple matter under the Bill as framed. I do not wish to be understood as implying that if this tax had been imposed it would have been evaded. I merely say that any tax which is practically a voluntary one and the payment of which depends almost entirely on the honour of the taxpayer is bad in principle and I think, Sir, this would have been the case with the Domestic Servants Tax. In the second place the Domestic Servants Tax is open to objection on the grounds of the cost of collection. My Honourable Friend the Treasurer has worked out various proposals in regard to the collection of the tax and the

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most economical proposal he has been able to put forward involves a cost of something like in the neighbourhood of £1,000 per annum. Now, Sir, the whole amount the Domestic Servants Tax was ~~estimated~~ ^{estimated} to raise was only £7,000 or £8,000 and surely the sum of £1,000 is a very large amount out of the total yield of the tax to have to spend in its collection. Further, Sir, this, the most economical proposal, would have necessitated the establishment of a new pensionable post and that in itself would be difficult to justify in view of the fact that this Domestic Servants Tax was ^{only} ~~only~~ intended to be a temporary measure until some more satisfactory form of taxation could be devised. Another objection to the Domestic Servants Tax is on the grounds of its irritating character. We all know that no tax is ever popular but it is a fact that some taxes are more unpopular than others and I do think this tax would have ranked in a very short time as one of the most unpopular ones. Some evidence of its unpopularity has already appeared in the Press and elsewhere and I am convinced that that unpopularity would have increased rather than diminished. The tax would normally be paid monthly because the taxpayer would never know in advance to what extent he would want to alter his domestic staff and therefore he would pay the tax month by month rather than annually or semi-annually. The tax would thus get more and more irritating to the taxpayer and this I submit, is a point of ^{some} ~~more~~ importance to be borne in mind in connection with the imposition of any tax. Now it has been put forward as an argument in favour of the Domestic ^{Servants} Tax that it is a tax on luxuries. I do think that the argument holds good only to a limited extent as I submit that it is a tax on luxuries only where more servants are employed than are necessary for the needs of the household. It cannot be denied that a certain number of servants are

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necessary for every household nor can it be denied that some households require more than two servants. Under the Domestic Servants Tax proposals exemption was granted only in respect of two servants and any servants over that number were regarded as luxuries but, Sir, an article cannot be a luxury and a necessity at one and the same time and if you admit in any case that more than two servants are necessary for the needs of the household then your luxury principle falls to the ground. I have heard it said that we employ too many domestic servants. I am afraid I am not prepared to agree to that proposition. It may be in some cases that too many Domestic Servants are employed. It may be the case of the particular individuals who made this remark that they employ too many domestic servants but I submit, Sir, in the majority of cases that the number of domestic servants are barely the minimum required for the needs of ^{the} household. It has also been stated that this tax would be borne by the rich man and that the poor man would escape altogether. Now, Sir, who is the poor man? I submit that the poor man is the man with a very limited income and with a wife and children. In such a case would that man be relieved of the tax, in other words could he maintain his establishment with only two servants? I am inclined to doubt it and if I am right and if that man would require more than two servants then Sir, he would become automatically liable to pay Sh. 24/- per annum under the Domestic Servants Tax. Under the alternative proposals which are now before the House in the shape of this Bill that man will only have to pay an additional Sh. 6/- to make up the Sh. 30/- for Education Tax. And surely Sir, there is good reason why this poor man, whom I have taken as an example, should contribute the sum of Sh. 30/- to the education of his children because he is the man who will directly benefit from the tax; he is

the man whose children are being educated in this country. The rich man, on the other hand, in many cases sends his children to England or elsewhere to have them educated or has them educated at one of the establishments in the Colony which are not affected by this Education Tax, so that the rich man who would have borne the lion's share of the Domestic Servants Tax would in fact derive no benefit from it. Now, Sir, I think it is obvious that all the difficulties I have referred to in connection with the Domestic Servants Tax disappear when you come to consider a tax in the nature of a Poll Tax. This tax is difficult, if not impossible to evade. I believe I am right in saying that it will not cost an additional penny to collect, and it is the least irritating form of taxation, at any rate so far as the actual payment is concerned, that can be imagined because all that the taxpayer will have to do is to make out his annual poll tax cheque for Sh. 60/- instead of Sh. 30/- and for a year he will not have to give the matter another thought. I am not defending the principle of a Poll Tax, but it seems to me it does not affect the principle ~~of the tax~~ very much whether that Poll Tax is Sh. 30/- or Sh. 60/-.

It is in all these circumstances, Sir, that Your Excellency has decided instead of imposing a Domestic Servants Tax to raise the necessary revenue by a special Education Tax in the nature of a Poll Tax.

As regards the Bill itself, Sir, I think it is unnecessary for me to say very much. The Bill is to apply of course only to Europeans, i.e. male persons of European origin and descent. The effective clause of the Bill is clause 3 which provides that every European shall pay a special Education Tax of Sh. 30/- per year. The subsequent

clauses of the Bill which provide for the means of collection and the method of enforcement of the tax are practically copied from the existing Non-Native Poll Tax Ordinance, so that the means of collection and the method of enforcing payment ^{of the tax} will be identical in all cases. Clause 14 deals with Your Excellency's power to grant exemption from the payment of the tax and I am authorised to say that Your Excellency proposes to consider the question of delegating your powers under that section, at any rate ^{so} far as individuals are concerned, to administrative officers who will be instructed to consult with their District Committees. In that way, Sir, applications for exemption will be dealt with by a body or bodies which have a knowledge of local conditions and of the financial circumstances of each individual application.

I beg to move the second reading of this Bill.

THE HONOURABLE THE COLONIAL SECRETARY: Your Excellency, I beg to second it

THE RIGHT HONOURABLE LORD DELAMERE: Your Excellency, I am in a very difficult position over this Bill. Incidentally since my Honourable has given me an example I am going to speak on another Bill on this Bill

His Excellency
~~THE HONOURABLE THE ATTORNEY GENERAL:~~ Perhaps as you have raised that point perhaps I might explain. It was impossible to give the reasons why this bill was introduced without explaining the difficulties of the other Bill and everybody who speaks on this Bill will have an opportunity of comparing the two Bills if they desire to do so.

THE RIGHT HONOURABLE LORD DELAMERE: Your Excellency, before I start, there is one thing I should like ~~ap~~ ruling on and that is how a matter which has been passed by this Honourable Council can be reversed within six months.

HIS EXCELLENCY: The Council only adopted the report of the Select Committee to pass any measure imposing a tax or anything of that kind and is perfectly free so far as I know.....

THE RIGHT HONOURABLE LORD DELAMERE: I wanted that cleared up because I hadn't it clear in my own mind. I have not the proceedings of Council before me and I was not here I think and I wanted to know how that affects this Honourable Council. Having adopted a Select Committee's Report of course it still rested with Government to bring it forward or not.

HIS EXCELLENCY: As that point has been raised may I appeal to Honourable Members of this Council in this

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matter of asking for rulings without notice. It is unfair to ask for rulings without notice because rulings are very important things and if Honourable Members wish to raise a point I will consult the authorities and let them know but it is only fair to give notice to the Chair on matters of this kind.

THE RIGHT HONOURABLE LORD DELAMEE: I bow to what Your Excellency has said that as a matter of courtesy we should give facilities to Government. I am in difficulties over this Bill because I am not in agreement with regard to the withdrawal of the Servants Tax Bill; I am not going to support this Bill but I am not going to vote against it because

I do not think Government can expect us to take the responsibility for a measure which we have not proposed in any way and I am not going to oppose this Bill because we have given an undertaking to Government in different ways both by motion passed in this house that we are going to find the money for an education cess and I see no other way now that action has been taken about the Servants Tax. I can see no other method in which this money can be found before this particular session of Council closes which had to be done if the money had to be available by the 1st of January so I am not going to vote against the Bill. I am speaking for myself as the

Honourable the Attorney General has said that there is no agreement on this matter between members on this side of the House except that I think we all feel - I won't say that - but we all agree with the Attorney General that the principle of a Poll Tax is a very

bad one. I cannot altogether agree with him that it does not alter the effect by putting it up. We have been unable owing to financial reasons to cut out the original poll tax. It never entered my head that we should ever think of raising it and it has always been at the back of my mind that when we could find the money we would withdraw it. I do not think it is a hardship in a country where the standard of living is such as it is. Government does what it said it was going to do which is to have in the districts some authority who can let people out of this Education Tax if they cannot pay it. I am not going to say much on the Servants Tax because after all there it is, it is out of the way. Government has decided it is not going on that way and although I still hope it may mean in the future replacing this I still believe that the action in the matter has been a little peculiar although I am perfectly willing to admit that it has been done for the best possible reason. There is no doubt that the select Committee passed this Servants Tax and the same people here, although they did not know it, had a very violent prejudice against this tax at the back of their minds. The original method of raising this tax was by stamps on the forms sent in for the registration of natives. That was not expensive nor impossible so far as I can see. Supposing it was a fact and I think to a certain extent it is true that two servants is rather a low limit above which to speak of luxury. I do not know

how far it is true. It is not true in other countries. It is not true in South Africa but it is true in this country owing to the inefficiency of servants in this country at present perhaps because they have not had long enough contact with civilization, and it would have been a simple matter to raise the number to three or four and raise the amount to be paid on each servant over that amount or you might have a sliding scale so the tax was much more equitable and so on. There are various methods by which any difficulties of that sort could have been got out of the way. We have heard the statement made that the collection of this tax would have required at the minimum a sum of £1,000 and a new pensionable post. I think that when people make statements of that sort somebody should explain and I hope the Treasurer will say how that sum is made up and what on earth that new pensionable post was for except to collect the tax which was not the tax proposed in the beginning at all. Difficulties were brought up after the select Committee sat and then a perfectly new tax or a perfectly new method of collection was raised and then to say it was too expensive which I believe was a cumbersome and expensive method of collection. It has also changed the principle of the Bill in that the first proposal as passed by the Select Committee I think, or which at any rate they had in their minds, as it was on the registration basis, on the basis of the registration returns, exempted totos and when we

fired the number of servants at two we undoubtedly took into consideration the fact that tates would be exempted because they would not come on the registration returns at all and we also took into consideration the fact that in married households where there are children a good many women servants would be introduced into the household. It is not therefore correct I think to say that the poor man would have suffered in the proposal put forward. All these difficulties seem to have arisen from the principle laid down. I do not say that representation was wrong because I was not on that Committee. I do not know what happened and I do not know what the difficulties were. I want to make this clear because I think it should be known that the second time Government opened this Bill some members on this side of the House were opposed to the servants tax, that is quite true and now there is another method by which you can get unanimous agreement on this side of the House. I think that could have been done, so far as anybody can see that was being done, on a motion accepting the report of the select committee because all members on this side of the House voted for this or abstained from voting. One member would have voted against it but he was not here so that does not actually affect the issue. We are all as far as I know concerned in the acceptance of that Select Committee and I am bound to say that it is not the case at all to advise the Government as to any method. We were bound to leave it in the hands of Government, that is my opinion, to decide what was

to be done. This tax was in the original proposals put forward by Government this present poll tax and one of the reasons I am not going to oppose it although I cannot vote for it is because I am opposed to the principle altogether. I look on it as a Bill which will have to be dealt with ~~year~~ after a year or whenever it is because I do not think you can go and collect it on this basis. I may be wrong and I hope I am. I hope the country will look on it as a good means of collecting the money. We have got to get the money so I am not going to oppose it. I do think it is hard on people with small incomes. I do not think it is a crushing tax for the education of the country.

THE HONOURABLE LORD FRANCIS SCOTT: Your Excellency, the Noble Lord on my right has said most of the things I wished to say but I would like to make my position quite clear. I, like the Noble Lord, feel that the main issue is we have to find money to pay for this education as we undertook to do it. Like the Noble Lord I do not like this particular form of raising it for the reason, as he has said, that whatever may be argued the small man, the poorer man, has to pay exactly the same as the richest man, which under the Servants Tax was not the case. If I may just take an illustration of my personal case. I reckon under the Servants Tax I would have to pay £12 a year, under this Bill I pay Sh.30/- The difference of this makes a difference of eight people paying this tax but I believe it is said the Servants Tax is not a luxury tax

although I live a more luxurious life than the poor man. It is the poorer man who cannot afford to marry a wife and have any children and he is the man who will have to pay the tax for the education of other people's children and will get no more benefit out of it than the rich man who send his children home to England or has private tuition for them. In regard to the Servants Tax I do not like the Bill as published for the reason which the Noble Lord has said, but personally I am in favour of a graduated scale with perhaps more exemption for more servants because I think the amount to be collected from the Servants Tax was greater than was anticipated and I do like the stamp system better than the licence system and I should like to know, like the Noble Lord, if putting stamps on the registration form would have entailed any more expense at all. I cannot vote against this Bill because I consider it important that we should get this money but I hope Government will treat this as a temporary measure and will during the coming year explore other channels and find a measure which will be a more equitable method of collecting this tax in 1927.

THE HONOURABLE MR. CONWAY HARVEY: Your Excellency, as I appear to be the nigger in the wood pile, perhaps I may be allowed to explain my reasons for changing my opinions in this matter. After very inadequate discussion Your Excellency on select Committee of which I was a member, I was of opinion that the possibilities of raising revenue by means of a Domestic Servants Tax might well be investigated

and if it was a luxury tax then I should be in favour of it. Having signed that report Your Excellency I made it my business to consult some dozens of people in different parts of Kenya, more particularly in my own constituency, and I examined with all possible care the incidence of this taxation and if I had not changed my mind in the light of experience so gained I should have been a traitor to my conscience and I do not regret Your Excellency in the light of information so secured, having definitely reached the conclusion that the taxation as proposed in the draft Bill will be oppressive, most unjust and inequitable. I am satisfied in my own mind that it would impose a far greater burden on what has been described as the poorer section of the community than a trifling increase in the Poll Tax, bearing in mind the exemptions in certain cases and although like the Noble Lord who has spoken disliking not only this form of taxation I must vote for it until somebody can show me a better method of raising revenue which is so essential for the purposes of education.

THE HONOURABLE MR. T.J. O'SHEA: Your Excellency, I am very sorry indeed that I have to speak against the Bill and to vote against this motion. I am sorry, not because I have the slightest sympathy with this motion, but because I have definitely committed myself to the view that the European Community must find money for the education of its children, but I feel I must, after doing that, take the step of voting against the measure the

Government proposals for the raising of this revenue because in my opinion it is the most unfair way in which to raise the necessary money. Responsibility has been thrown upon us for the withdrawal of the servants tax. I am one of those who in full knowledge of the effects of that particular method of taxation was willing to sponsor it in this Honourable Council and to defend it against criticism in the country, and respectfully submit Your Excellency that if that Bill had been proceeded with it could have been made more acceptable to the country than this Bill could ever be. It was definitely understood, as stated by the Committee which Your Excellency appointed to advise you, that it would be given attention in Council and not in the Committee and I was coming forward with proposals for improvement of the schedule which would have been more acceptable to everybody. It has now been withdrawn. Your Excellency, great stress has been laid on the fact that you yourself, Sir, said that the money required for European Education would be raised on a luxury basis. Now all my colleagues spoke in the same strain and I submitted myself to the raising of this education cess on a luxury basis. Now, Sir, it has been argued that the servants Tax was not on a luxury basis. Well that being so I think it was necessary to show what we mean by saying that this money should be raised on a luxury basis. I ~~cannot~~ twisting words or abusing language when I said that "luxury" was a rough and ready definition of saying that the money was to be raised according to the

ability of the individual to pay. I know we all have in our minds, or I have, that the money raised from luxuries was not raised from the community which was best able to pay for luxuries. By endeavouring to raise the money from luxuries you were deliberately excluding people whose income was not sufficient to enable them to have luxuries and I therefore regard this question as one in which the test should be whether the money is being raised from the people who are best in a position to pay and it was from that point of view that I was in favour of the Domestic Servants Tax and it is from that point of view that I am opposed to the passing of the Bill now before us. Your Excellency, one of the reasons given by your adviser for the withdrawal of the Domestic Servants Tax was that it was inquisitorial. Now, Sir, I ask every Honourable Member to ask themselves the question whether the income tax is not equally inquisitorial as the Domestic Servants Tax. Surely in connection with income tax the inquisition is as extreme as it can be in regard to taxation I suggest it is not more extreme than the income tax. I consider, Sir, that in the levying of a tax the question of a collection should arise and it is because I consider that this Poll Tax is most inequitable that I am bitterly opposed to it. I say it is inequitable because I consider it would be unfair to two-thirds of the community. One third of the community are only earning enough for a fair standard of living; it would be unfair to that section because it would impose upon them taxation

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. It would be unfair to those at the other end of the scale who under this tax would be paying as much as they should ^{pay} according to their ability to pay. Some of my Honourable colleagues who are in the higher branch of the scale have freely given their opinions of what would be their experience under the two bills. Under the one they would pay Sh. 30/- extra while under the other they would pay from £6 to £15 per annum. That brings me to the argument which ~~has~~ has been brought up by the Attorney General that under the Domestic Servants Tax some of the poorer sections of the community would pay more than they do under this Poll Tax. I question that argument.....

THE HONOURABLE THE ATTORNEY GENERAL: Your Excellency on a point of order, I never said anything of the kind.

THE HONOURABLE MR. T. J. O'SHEA: I withdraw, Sir, if I misinterpreted the Honourable Gentleman's argument. I have heard it said that because of the high cost of collection the poorer section of the community would find the Domestic Servants Tax ~~xxxxxxx~~ bearing more heavily on them than the Poll tax. In reply to that may I point out that under the Domestic Servants Tax proposal the poorer sections of the community would not contribute one penny. I certainly would not regard amongst the poorer sections of the community those who can afford to keep more than two servants. They could not be regarded as people to whom special consideration should be given if they could afford more than

two servants plus a totò. Also if they have children they have the right to a female servant. Your Excellency, I understand that government realise that this proposed Poll Tax may bear heavily on certain communities and special arrangements will be made for exemptions but as Government has such strong objections to inquisitorial methods I wonder how it is possible to consider these exemption without adopting an inquisitorial method.

Realising that my advice to Government on this question has not been of the soundest, inasmuch as it has been turned down, I would perhaps put forward a suggestion that exemptions would best be met and would be most fair if some rough and ready method were adopted as to the scale of living under which the tax should be imposed. Possibly in the towns this Poll Tax should not be collected from any European who has less than X pounds. I mention no figures. In the country some consideration might be allowed because the cost of living is very cheap. In view of the fact that even ~~the~~ the Honourable Mover of the Bill has had to admit that the Government cannot support this Poll tax principle and that as there is no argument in favour of the tax I would ask Your Excellency for your assurance that this will only be a temporary measure.

THE HONOURABLE THE ATTORNEY GENERAL: Your

Excellency, on a point of personal explanation I may say a few words ^{in reply} to the Honourable Member's remark when I criticised the question of a Poll Tax I did it from a personal point of view and not ^{from} the point of view of Government.

COUNCIL ADJOURNED UNTIL 10 A.M. TUESDAY 22/12/20

CAPTAIN H.F. WARD.

Your Excellency, this has been a very difficult matter for Honourable Members like myself on this side of the House definitely to make up their minds. Especially as I feel there is every possibility that the previous tax might have been so worded and framed as to remove the cause of irritation and in any case it would have been an equitable tax whereas nobody can suggest that the present proposals are equitable. However, on the broader principles Honourable Members on this side of the House have definitely agreed to carry the European Education Bill at the eleventh hour as this is the only proposal before us. It therefore seems rather a duty, so far as I can see from my personal view, that if Government will give a definite assurance that this is a purely temporary measure for a period not exceeding one year I shall not oppose the proposal. Sir, the great difficulty I find myself in is that the Honourable Member of this Bill debated something that was, as far as Honourable Members on this side of the House are concerned, purely political because I cannot conceive the Bill

as drafted will ever be passed in the final shape as I think it would have been amended, by the acceptance of Government, out of all recognition. Sir, he did stress the point of evasion and in order that we may get that question of evasion out of the way I would like to draw the Honourable Member's attention to Section 15(b) which reads in the Bill that is now before Honourable Members of Council:

"A person on a temporary visit to the Colony, provided that he is not the owner or lessee of land in the Colony, and is not engaged in any employment or business in the Colony, and has not any pecuniary interest in any business or enterprise conducted or carried on in the Colony."

Well, Sir, I suggest to him that the evasion under that particular provision is absolutely complete and it is not only complete but I have never yet heard of the tax being demanded from anybody coming under that category. So I think as regards evasion there is nothing to be said for either measure by me. The Member also stresses the point that exemption from this measure would receive very careful consideration and I have to suggest to Government that one of the most deserving cases for exemption are those European apprentices who are learning various trades and drawing practically no money at all.

CAPTAIN H.E. BROWNLEE: Your Excellency, my Honourable and Gallant Friend the Member for Nairobi North has so successfully put the same views what I held that I merely rise to say I am in full agreement with them and I do sincerely trust Government will give the required undertaking that during the next year, while this temporary tax is in force, every possible avenue will be explored in order to find the means for raising the money necessary for European education which is equitable in its incidence and does not fall alike on rich and poor and on the married man and the unmarried. There is little doubt in my mind that the very heavy burden of taxation in this Colony at present is on the married man.

CAPTAIN E.M. VAUGHAN KENEALY: Your Excellency, it has been
actively/

actively admitted in this Honourable House that a poll tax is an unjust tax. It is obvious that the demands of education will increase yearly and if we admit ourselves now to a principle of increasing the poll tax for a special and specific purpose the implication will be that we agree to that particular form of taxation. We do not agree with it. I suggest, Sir, that although we on this side of the House were unanimous in regard to the principle of a tax we were never unanimous in regard to its application through a Domestic Servants Tax only. The principle to which we agreed, Sir, was the principle that it should be based on luxuries, that was the only one to which we agreed. Government has since introduced a measure based on the principle which Government itself considers unworkable and attempts thereafter to thrust the onus for the suggestion on Elected Members. I trust, Sir, that all Elected Members will refute that intention of Government's because it would have been an unjust one. Now, Sir, there are other possibilities of raising this revenue. It is admitted revenue should be raised but we have not arrived at a final solution to the difficulty. I consider it entirely wrong and I oppose it because it is destructive. I am suggesting other means of raising the money which ^{are} constructive. One to maintain the luxury basis is to increase the tax on wines and spirits until that tax alone suffices to raise the necessary sums of money. We have come to an arrangement as to how that money is to be distributed and if it were increased that is one solution. But, Sir, there is a better one and that is the money required for European education should be found out of the increased revenue from land sales in the European areas. My Honourable Friend the Commissioner of Lands agreed yesterday not exactly in these terms but towards those principles that unutilized land, whether unutilized by the State or the individual, was a luxury. I am sorry to see the Honourable Commissioner of Lands frowning at that suggestion.

suggestion but actually that was the principle to which he agreed. That being so, Sir, and the European community agrees that the money should be found by taxation on itself, it is reasonable to draw that money from the Highlands of Kenya which are today an European asset. It would increase the population of settlers, it would increase therefore the number of taxpayers in the country and it would be easier hereafter to meet the difficulty which we are faced with today. I trust, Sir, that Government will not rule out one or both of these suggestions. I think one and the latter should be accepted by Government. If Government insists in maintaining an increase in the poll tax I shall oppose it.

Now in regard to the imposition of that tax. If the Honourable Attorney General suggests that it is just as easy for a man to write a cheque for Sh. 60/- as it is ^E for writing a cheque for Sh. 30/-, and mechanically that is perfectly true, but financially it might not be so easy and therefore I see in this legislation no means of remitting the tax and if it is recognized that certain persons will find it difficult to find some of the money they should be allowed to find that proportion of the money that their finances will run to. Now, Sir, there is the point as to whether the Poll Tax or the Education Tax can ^{not} be paid by an individual, which will the Government collect? Is it the Poll Tax or the Education Tax which will take priority in collection because we knew already that the Poll Tax on Europeans can be remitted in cases of distress. I should like a ruling from Government on that particular point as these are both collectable at the same time and that obviously rules out the persons who find difficulty in meeting them. I think if this tax is against the wishes of a large proportion of the population of this country then these taxes should be collectable at different times of the year and not at the same time. I suggest that June might be a suitable time. If we can have some assurance from Government on these particular points we should be in a better position but I intend opposing it in any case.

THE HON. MR. MACLELLAN WILSON: Your Excellency, I can see that the Government has been placed in a very awkward position. So far as I understand since we Elected Members - the majority - and the whole country have accepted the principle of being responsible for the education of our community I understand that the Government has been making various efforts to find out the best methods of raising the amount of money required for this purpose. I realize the difficulties which face the Government. I am sure Your Excellency understands our position that on principle we cannot accept new taxation or direct taxation without a mandate from the people, and particularly I might state until we have more say in the Government of this country, but in that I have no grievance; ~~from~~ from the second point of view Your Excellency, you and your advisers have always been very willing to listen to anything we say and if possible to give assent to it. That is the position with reference to this Servants Tax. This Servants Tax was suggested from this side, Your Excellency's Government accepted it and tried as far as possible to make it a workable measure; later research into the subject has shown the difficulties of carrying it out. There may be two points of view as to these difficulties. I am not going into them now for the simple reason that this is the 31st of December and the new financial year begins on the 1st of January, so there is not much time. All taxation, Your Excellency, is a grievance; that is generally admitted; and fresh taxes are made as far as possible to be payable by those who are best able to pay. No one suggests that a poll tax comes under that category but, if I may repeat, I may say we are not in a position as a Council today to decide any sort of taxation which falls on those who are best able to pay. The tax under discussion is not one of those which might come under that category. There are many of my people who are in favour of a Poll Tax but I am not sure. I might say this, Sir, that on a question of principle I believe in a Servants Tax mainly for the reason that I think people are

wasting servants in this country and should reduce them. But that is not the same thing as saying I want to raise a tax for education purposes that way although one result is that we get people to get more work out of the servants. But call the Poll Tax stand for all time as a tax to meet the educational needs of the country? The time is coming when we will have to reconsider the basis of taxation but that is where we stand today. I feel, Sir, that I have a great deal of sympathy with the Government owing to the impasse. We have all tried to do the best thing we can and the only thing we can do now is to support the Education Tax.

THE HONOURABLE MR. SHAMS-UD-DEEN: Your Excellency, although this Bill is principally a Bill for European education it is true of all Bills and as the Bill which comes after this is the same I wish to take this opportunity of expressing my views on the principles of this Bill. I am somewhat surprised that the European Members have at all expressed their agreement with taxation of this description for I find that the origin of the Bill was a very very primitive one and dates back to the time of the Roman Empire and was originally meant for citizens who were deprived of their political rights or who were degraded either by civilization or convicted of certain social crimes. This tax has been throughout history singularly marked with the number of revolts and disturbances it has caused throughout the world. In England I find in 1381 this tax was the cause of great revolt, again I find in France in the beginning of the 18th Century it was accompanied by the same results. In India itself it was responsible for the beginning of the downfall of the Great Mogul Empire and in South Africa in 1906 it was responsible for the revolt there and caused the loss of a number of lives either murdered or executed for the crime which was due to the collection of this kind of tax. I was of the impression that ~~in~~ no Britain would possibly tolerate an augmentation of the poll tax which should have been repealed in this/

this Colony long before now. The original Poll Tax, which was intended to be £1 only, has been automatically increased to Sh.30/- with the change of the currency, but that was at the time when indirect taxation in the form of Customs Duty was not increased as it subsequently was. I should not expect that we are going to remain in this House without the repeal of the original "poll tax". The word "poll tax" I maintain, Your Excellency, signifies a certain amount of repulsion to the ordinary British citizen of the British Empire. It is a measure which is only resorted to in special cases, in case of war, for instance, or in case of financial distress. In the present circumstances we are naming it as an Education Poll Tax or an Education Cess for want of a better name for finding money to balance our Budget. It really means that we are required to show a surplus balance. For the sake of convenience it is shifted on to the education vote which is least likely to be resisted or opposed by any ordinary citizen because nobody can say with any justification that we do not wish to help education as much as we can, although on the face of this Bill, Your Excellency, the Indian community is given a certain amount of relief inasmuch as this Bill imposes a tax of Sh.30/- on Europeans and Sh.20/- on Indians, I think it is my duty to lodge a protest at the first opportunity and not allow myself to be misled by the Bill which appears on the surface to benefit the Indian community because it marks the beginning of class legislation which I should take every opportunity of fighting against. Then again, Your Excellency, if it is intended that education should be encouraged the principle should be that the rich should help the poor. This tax has exactly the opposite effect. The rich man, whose taxable capacity is more and who should pay more, really benefits at the cost of the poor. If we are to divide the whole community into three classes, the rich, middle class, and poor class, and take for granted the taxable capacity of the three

X4, X2, and X1, the actual tax that would be payable by each of the three classes would be uniform and the advantage as drawn by all three classes is also uniform, therefore I consider that instead of giving relief to the poor in this case the rich man is really gaining an advantage at the cost of the middle class and the poor man. I cannot agree to the suggestion that has been made here that all rich men send their children to England for education. The principle to which everyone should agree as regards finding the money for education should be for secondary and primary education and therefore I will quite agree that if a poor man wanted to give his children higher education he should be taxed to his full capacity but in the case of elementary education it should be the first charge on the revenue of the State in order to maintain the standard of society so that the poor class should not become a burden on society. It should be the duty of the State to encourage as much as possible the elementary education with the least burden to the poor class. The probability itself is that if the finances and the administration were only confined to the education vote probably it could be maintained for a little while but when we see that every class we propose to tax in this case also contribute to the general revenue of the Colony and perhaps do not derive proportionate benefit it becomes a clear hardship especially to the community which is to be more or less a parasite as has been suggested very often when we consider all the population who derive all sorts of benefit from the Government system in this Colony. Then again I submit that as European education is at present a great hardship for the poor European, referring to the figures quoted by Your Excellency the other day at a public function, my impression is that Your Excellency said that an European clerk averaged a tax of £35 a year. This has now added another Sh.30/- to his taxation. That means to say that an ordinary clerk who is getting £300 a year would lose in the form of taxation something like £36:10/-

HIS EXCELLENCY: Order, Order. As the Honourable Gentleman/

8.

Gentleman queted me I should remind him what I said was that
235 was the average tax, not the tax paid by everybody.

Legislative Council.
21st December 1924.
10.30 to 11 a.m.

Mr. Shamsud-Deghi In any event, Your Excellency, this Bill should have a very generous clause for exemption of the poorer class of employees or the man who gets not more than £300. I submit a pretty high sum should be mentioned in this Bill as income from which anyone should be exempted. If this tax falls heavily on the poorer class Europeans, Your Excellency, can imagine how heavily it will fall upon the poor class Indian whose income per month does not go over Sh.50/- per mensem. There are already signs of trouble in Mombasa in connection with this and the two Members for Mombasa have virtually been prevented from attending this honourable Council as a sign of indignation shown by the poor class Indian of Mombasa who have been misled by certain mischief-mongers who have been told the Indian Members have supported the Sh.20/- tax. That will show you what sort of trouble we may expect in connection with this tax and generally as to the feelings it is likely to cause to the public. I think we are practically at the end of our ^{financial} resources and the resentment against this tax shows an indication that some measure in the nature of income tax or undeveloped land tax is the only way to resort to sooner or later. This tax is one which should not be made a source of revenue, and on these grounds I think that both the European and Indian population should not support this Bill.

Rev. J. Britton: Your Excellency, I want to approach this Bill rather from the point of view of my position here as representing native interests and the last speaker has put into my mind the of the type of matter/ of education of European children. I am absolutely convinced that the greatest education for the native population is the example and character and personality of the Europeans in this country. I rejoice intensely for the keenness shown by this side of the House for Europeans to tax themselves for the education of European children. The European children would be educated...

educated to the very highest and best extent possible. There is no question of European children being kept down to some elementary type of education in this country. European children are going to be leaders of this country and, as Your Excellency recently said in connection with the opening of a school, it is the personality and the character of these boys and girls which is everything. I intend therefore to vote in favour of the Bill, not because I takes sides in this matter, but because it is a very strong expression of what is absolutely fundamental, that the children in this country should receive the highest type of education possible to take their place in the leadership of the country. The Africans are passionately fond of education and have voted sums of money for their own education, and considerable sums. There was rather a mistake in the paper the other day which gave the impression in the Leading Article that the African would follow suit. It is really the Europeans who follow the Africans. The African is passionately fond of education and desires to be more like the educated and cultured races. It will be disastrous to this Colony if we do not have growing up here those who come from and belong to the cultured races setting such an example and driving home to the African more and more what culture means and what education means.

THE COLONIAL SECRETARY:

Your Excellency, I think anyone

listening to the Honourable Nominated Indian Member who spoke last but one, might imagine that a new principle is being introduced into this House, a principle which in other parts of the world appears to be followed after its adoption by revolutions, riots and all sorts of terrible things. A Poll Tax has been in force in this country amongst the European and Indian communities for a very considerable number of years. There is nothing revolutionary and nothing novel in the proposal to introduce a Poll tax, especially when it is considered that this Poll Tax allows for generous exemptions. Honourable Members seem to have lost sight of that and to consider that Government has been forced into the position of imposing an unjust tax on the people in this country. On behalf of Government I very strongly object to the term "unjust" in connection with this tax. It may be a crude tax; it may be a tax which in its incidence may not always be fair, but it is certainly not an "unjust" tax; This form of taxation may hit some people harder than others but I do not suppose there is anything in the country in which people take a share in more varying proportions and degrees than they do in Education. You may have a man with a family and twelve children at school; you may have a bachelor; you may have a man educating four children in England and you may have the father of twelve children educating all his children here largely at the cost of Government, because, as you are well aware, every child educated here is not educated entirely at the cost of the parent, but largely at the cost of Government. You have therefore all sorts of persons who are affected by the education tax who cannot be asked to pay in the degree corresponding to the amount of education services which they receive from the state. What is asked is that Europeans should pay Sh.30/- (in addition to the direct school charges they now pay), for the education of their children, and for the expenditure now borne by Government on account of the sports, books, medical treatment, etc, which are provided free. In the case of the Indians it is proposed that the sum of Sh.20/- be paid in respect of the education of Indian

children and the expenditure by Government on account of the sports, books, medical treatment, etc, which are provided free. That is not a very large sum to ask and it is coupled with the proposal for generous exemptions - every year exemptions are made in respect of non-native poll tax and the machinery is there to deal with it. I think the Honourable Indian Members will realise that exemptions have been granted generously in the case of their community who have been unable to pay the non-native poll tax. It therefore only means asking for the sum of Sh.20/- in their case and Sh.30/- in the case of Europeans for a direct service which is to be rendered to these respective communities, and in respect of which they have themselves offered to defray the cost. That means that Government is forced into the position, through a lack of agreement as to the actual forms of taxation which could be adopted, to accept this alternative of a poll tax. Taking that tax in all its forms I think it will be found that it will bear quite fairly upon the people of this country. Parents of children here must realise that in the schools in this country they get a good education, an education at very remarkably low rates, and get free books and games, free medical treatment, etc. If the question was looked at from another point of view and the parents were called upon to pay for their childrens' books, etc, school charges would be a great deal more than this amount the community is being asked to pay towards the cost of education. We are not proposing to alter the contribution by the State towards school fees. It is very desirable that in every community the child should have every possible advantage in education, but at the same time the communities themselves have made the offer of contributing towards the cost of that education, and it has been the object of Government to try and fix a reasonable rate.

- 3 -

As regards this Poll Tax. It is now new and sudden suggestion that taxation should take this form. I have here the minutes of the Committee and I find the original proposal made was that there should be a non-native poll tax in the case of the Europeans and Indians. It was only in the end when agreement was reached among the European members of the Committee in respect of the form of tax to be paid by the European community that the proposal for a European education poll tax was withdrawn, in that committee. The suggestion was there, and put forward as the only possible suggestion at the commencement. Honourable Members have asked that Government should give an undertaking that this tax should be withdrawn in a year. Government cannot make a promise of that kind. If Government promised that it would surely delay the study of alternative methods of taxation. But what Government can say is this. That Government does desire alternative measures and does desire suggestions to be put forward as to the best form of taxation for this particular purpose. Government will welcome suggestions to that end. As this Honourable Council knows, all questions of taxation must be considered in all their details and any form suggested which appears to enable us to introduce a tax which may seem to give advantages to the poor as against the rich rather more than is afforded by this tax will be carefully examined. The demand is a small one from both communities and it is a demand made in respect of a service which is in the interests of the country.

THE MOTION WAS PUT AND CARRIED BY 25 VOTES TO 7.

THE ASSOCIATED POLL TAX ORDINANCE, 1921.

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The Attorney General Your Excellency, I beg to move that a "BILL TO MAKE PROVISION FOR THE PAYMENT OF AN ADDITIONAL POLL TAX BY ASIATICS" be read a second time.

In regard to this Bill it is unnecessary for me to say much. The proposal to raise a proportion of the revenue required for Indian education by means of a poll tax was embodied in the Majority Report of the Select Committee to which I referred yesterday. That Majority Report was accepted by this House. I regret the honourable Indian Members of that Select Committee did not sign the Report and that when the report came before this honourable House my honourable friends voted against it. The proposal to raise this revenue from the Indian community by means of a poll tax was only put forward by the Committee because the Indian members of that Committee were unable to...

to suggest any alternative form of taxation which in the opinion of the Committee would have raised the required amount of revenue exclusively from Asiatics. Since the Report was adopted by this honourable House, Your Excellency has expressed your willingness to consider any alternative form of taxation which the Indian community might wish to put forward. Some suggestions have been put forward and have been very carefully considered, but these suggestions had to be turned down, either on the ground they were impracticable or could not possibly be ~~maintained~~ expected to raise the necessary amount of revenue. It is in these circumstances this Bill is submitted to the House to raise £12,000 by means of an additional poll tax of Sh.20/- a year on each male Asiatic. With regard to the form of the Bill, The remarks I made yesterday in connection with the European Education poll tax apply equally in this case. The method of collection and the machinery for its enforcement are indigenous with what is in force at the moment in the Non-Native Poll Tax Ordinance. I have given notice of one or two amendments; it is unnecessary to refer to them at the moment as they refer entirely to matters of form and I can give my honourable friends an assurance they do not in any way affect the principle of the Bill.

The Colonial Secretary: I beg to second.

Mr. B.S. Varma: Your Excellency, I rise to oppose the Bill because I do not approve the principle which is underlined in this. This measure is a new departure from the old established practice of finding revenue from the general revenue for the education of the different races. This Bill enunciates a different principle from that practiced and now the different races are asked to find money for the education of their children. I am speaking subject to correction, but as far as my knowledge goes this is a precedent without any parallel in the history of other countries. In all other
civilised..

civilized countries you will invariably find there is no such imposition of taxes for the different races which inhabit these countries. If it was for only one year we would have agreed to finding the money for the education, but I can clearly see that every year there will be further demands for the education of the children ^{and} the separate races will be asked to foot the bill for the education of their children. This is the thin end of the wedge, and if we agree to this principle with regard to education, where will we be in the future? I am afraid that with regard to the medical services there is a similar proposal on foot to ask the separate sections of the community to provide for their own medical services.

Another point I wish to draw attention to is that this tax is iniquitous. I will not call it unjust, but I shall call it unfair, because it falls heavily upon the poorer sections of the community. I do not know, Sir, if the Poll Tax system exists in all three Colonies, Kenya, Uganda and Tanganyika? It is quite true that the cost of collection with regard to this poll tax is comparatively very small, but this point that the rich people shall be benefited at the cost of the poor is evidently manifest. It comes much too heavy on the Indian section of the community because they are already very heavily taxed. They are already paying a very heavy direct taxation in customs duty of 30% on articles which form their staple food. For instance, wheat and wheat flour, Rice, sugar. And in the case of Ghee it comes to Sh.1/- a pound which comes to 50%.

I quite see the Government is placed in a very awkward position and money has to be found for the education of our children, and therefore I commend to this House the question of an Income Tax which will be an equitable tax and these people who are most able to bear the tax will be able to pay.

Mr. Shams-ud-Deen: Your Excellency, I have not much to say regarding this Bill because the principles are the same, the only exception is that this Bill introduces taxation on a racial basis and also upon different class basis. The European community admittedly are a richer class than the Indian community in this country for the simple reason they are given better facilities in the shape of acquiring land. As a matter of fact the Administration and the whole of the machinery of various Departments in this country really exists for the benefit of the white.....

As corrected
by H.R.

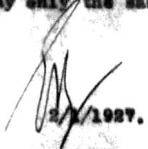
His Excellency: Order. Order. This is the second time the honourable gentleman has made such an implication. If he wishes to make such an implication he must substantiate it by moving a motion in Council to that effect. I will not endure these implications against the Government being made without being substantiated.

Mr. Shams-ud-Deen: Your Excellency, it hardly requires substantiation. It has been stated publicly in this House that Europeans and Africans are the only communities to be counted and taken into consideration.....

His Excellency: Order. Order.

Mr. Shams-ud-Deen: The Indian community are decidedly a poorer community as compared to the Europeans and as far as their taxable capacity is concerned. The difference in the amounts is only Rs.10/-, but by reason of their larger numbers the Indian community will be contributing a larger sum. It does not require any further arguments as regards the unfairness of this Bill, inasmuch as the exceptions as contained in the Bill do not show as to what class of people are going to be exempted. It gives Your Excellency power to exempt certain classes and I do hope all classes of Indians who are employed and not getting more than 2500 a year will be exempted, otherwise, on the fact of it, it shows a man getting Rs.150/- a month will have to pay Rs.20/- an amount he can ill afford, whereas the Governor of the Colony drawing a large salary has to pay only the same amount.

(Mr. Stacey).
(Capt. Schwartz).



12/1/1927.

THE HONOURABLE CAPTAIN H.E. SCHWARTZ: Your Excellency, both the last speakers, the Members representing the Indian community, have not dealt with the principle as to whether the way of raising this money is good or bad in this Bill but they have made the point that the whole scheme of this Education Cess, that each of the two communities should find the cost itself, is a bad one. It has surprised me beyond measure because it was definitely agreed (and speaking as a Member of the Select Committee this was agreed to by the Asiatic and other members, and personally I may appeal to the Attorney General to support me) that each community should find its own money and the point was how the money was to be found. I am very surprised to hear that the Indian community should refute it now.

One other point that the Honourable Mr. Shams-ud-Deen made - he said that the Indian community were finding more although they paid less per head than the European community because of their larger numbers. I should like to make it clear as to why Sh.30/- has been put in the European and Sh.20/- in the Asiatic Bill, because it might not be clear to the country as a whole. I think I am right in saying that £51,000 had to be found for the educational needs of Europeans; ~~and~~ £31,000 had to be found by the European Community and £20,000 by the Asiatic Community. The first tax was the Spirit Consumption Tax which brought in £35,000 of which an allocation of £18,000 was made to the European and £7,000 to the Indian Community. The next tax was on Wines which brought in £6,000, £5000 of which was allocated to Europeans and £1,000 to Indians. The third tax was the Sparkling Wines Tax which would bring in £300 all of which was allocated to the Europeans. It would therefore leave to be found a balance of £12,000 by the Asiatic and

£7,500/

£7,500 by the European Community. The tax of Sh.20/- would bring in £12,000 but in order to raise the £7,500 to be found by the Europeans Sh.30/- was necessary. That is the sole reason the taxes were differentiated.

THE HONOURABLE MR. SHAMS-UD-DINN: Your Excellency, on a point of explanation, I never said I disagreed with the principle of finding money for education as has been said by the Honourable Member. I have always been agreeable to finding money as agreed in Committee and in Council but the method of getting the money I object to. It is not correct to say that Indian Members have not been.....

HIS EXCELLENCY: That is not a point of personal explanation.

THE HONOURABLE CAPTAIN H.E. SCHWARTZ: Your Excellency, also on a point of explanation, if I have misunderstood the Honourable Member I am prepared to withdraw, but Mr. Varma did say that the duty of each community finding its money from its own community was contrary to principles the world over.

THE HONOURABLE MR. T.J. O'SHEA: Your Excellency, my honourable colleague who has just spoken has, I think, performed a very useful service in reminding this Honourable House of the principle underlying the two Bills we have been discussing this morning and I think it is necessary, despite the large amount of business we have to do and the very short time available, to also remind the House of the reasons for the adoption of that particular principle. For some years past, although the European and Indian communities have been pressing upon Government to expend very large sums on the education of their children and Government has been expending it and I am given to understand that in January we were to extract from the European population of this country a heavy contribution for the education of our children. Representatives of the Indian and European communities/

communities agreed that in such circumstances it was better in their own interest that we should endeavour to find the funds for the education of our own children. It has been raised, I believe, in the ~~case~~ ^{course} of these arguments that I have supported the principle of the different communities finding the money for the education of their own children. I should prefer not to intervene in this debate on a bill which provides for the raising of the money by the Asiatic community but I find it is necessary for me to do so. In the first place I think it is necessary, however, having passed the raising of the money from the European community by means of a poll tax I should endeavour to justify the passing of a poll tax to raise money from the Asiatic community for the same purpose. My only reason is this that I do not press what the Indian community themselves admitted in that Committee that owing to the universal practice among the Indian community of remitting their surplus revenue to India it was impossible ~~xxx~~ to find the money on a luxury basis.

THE HONOURABLE MR. SHAMS-UD-DEEN: Question.

THE HONOURABLE MR. T.J. O'SHEA: In that case the Honourable Member has questioned his own statement. Then again I should like to challenge the statement of the Honourable Mr. Shams-ud-Deen that the Indian community of this country are a poor community. I think he is speaking on economic terms. For some time past I have been familiar with statements made by leaders of the Indian people in India including people of European origin who are represented to us as leaders of the Indian population that separately the Indian community is a very rich one compared with Western civilization which is very poor separately. Coming down to economics, I suggest that poor and rich are comparative terms and that you can only speak of a community being rich and poor in terms of standards of living. Admittedly the Indian community of this country has not as much money as the European community but in relationship to the standard of living the Indian

people in this country are much better off than a large portion of the European community. That is to say that amongst the Indian class, for sake of example, they draw a wage which is so much in excess of their cost of living that they are able to pay a tax of Sh.20/- under this Bill more easily than many Europeans can pay the tax of Sh.30/- per year.

THE HONOURABLE MR. SHAMS-UD-DEEN: Change places with them.

THE HONOURABLE ATTORNEY GENERAL: Your Excellency in reply to this debate I think it is unnecessary for me to reply in regard to what has been said by my Honourable Friend, Mr. Shams-ud-Deen in so far as his remarks were relevant to this debate as I think they have already been disposed of. In regard to what was said by my Honourable Friend Mr. Varma I am sure, Sir, like my Honourable Friend for Nairobi South, I did not misunderstand him when he said ^{he} opposed in principle the question of each community finding money for its own education. Well, Sir, if there was one principle which was generally agreed upon and which has always been ~~generally~~ agreed upon in connection with this additional taxation I should have thought it was the principle that each community should find the money for its own education, so I do submit it is rather a little late in the day to raise that point now because the matter was thoroughly debated at the last Session of this House and I have no recollection of my Honourable Friend having ^{dean} opposed the ^{proposal} point whatever. The Honourable Gentleman also opposed the Poll Tax in principle. I think that point has already been disposed of. He, like Mr. Shams-ud-Deen, seems to forget that we have a Poll Tax and have had it for several years and I do not think there is any likelihood of disasters resulting therefrom.

THE QUESTION WAS PUT AND CARRIED BY 30 to 3.

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64

Communications on this subject should be addressed to—

THE UNDER SECRETARY OF STATE,
Economic DEPT.,
& Overseas INDIA OFFICE,
LONDON, S.W. 1.

Reference to previous correspondence :

Letter ^{to} from the India Office of the 13 January 1927
E.&O.134/27.

and the following number quoted:—

E. & O. 756/27

RECEIVED
10 FEB 1927
COL. OFFICE

INDIA OFFICE,

-9 FEB 1927

192

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

The Under Secretary of State,
Colonial Office.

Origin	Date	Subject
Government of India & encls.	13.1.27	Indians in Kenya: taxes for education.

Copy also sent to—

45

F. & O.
756

No. 17- Cm.

Government of India,

Department of Education, Health and Lands, 1927

New Delhi, the 13th January 1927.

From

R. B. Ewbank, Esq., C.I.E., I.C.S.,

Offg: Secretary to the Government of India,

To

His Majesty's Under Secretary of State for India,

Economic and Overseas Department,

India Office, London.

Asiatic Poll Tax Ordinance in Kenya.

Sir,

With reference to the correspondence on the subject above mentioned resting with the telegram from the Secretary of State for India dated the 20th December 1926, I am directed

- | | |
|--|-----------------------|
| 1. Telegram to the Colonial Secretary, : | to forward, for His |
| Nairobi No. 10-Cm., dated the 5th | : |
| January 1927. | : Lordship's informa- |
| 2. Letter to the Colonial Secretary, : | tion, a copy of the |
| Nairobi, No. 28-41 dated the 12th | : |
| January 1927. | : |

correspondence with the Colonial Government noted on the margin.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- R. B. Ewbank

Offg: Secretary.

No. 10-0s.

Government of India,
Department of Education, Health and Lands.

Delhi, the 5th January 1927.

Telegram.

40
F. & C.

756

1927

To

The Colonial Secretary,

Kenya Colony and Protectorate,

Nairobi.

Your telegram dated November 26th. Asiatic Poll Tax Ordinance, 1926. We have now seen text of Ordinance in Colonial official Gazette dated November 20th and should be obliged if you will telegraph how matter, which is subject of considerable public comment in India, now stands. Have this Ordinance and Domestic Servants License and Tax Ordinance yet been passed? If so, we should be glad to know what amendments, if any, were made in former, what was attitude of Indian community, and whether they put forward any alternative proposals. We are asking by letter for further information without which we are unable to understand position clearly and should be grateful if this would be supplied as early as possible.

No. 25- Os.

Government of India.

Department of Education, Health and Lands.

New Delhi, the 12th January 1927.

From

R. B. Ebsank, Esquire, C.I.E., I.C.S.,

Offg. Secretary to the Government of India,

To

The Hon'ble the Colonial Secretary,

Nairobi.

Asiatic Poll Tax Ordinance, 1926.

Sir,

I am directed to refer to your telegram of the 26th November 1926 and to say that the proposal to impose an additional poll tax on Asiatics in Kenya for educational purposes is attracting considerable attention in this country. The Government of India, who expect shortly to be interpellated on the subject, feel that the information in their possession is insufficient to afford them a clear idea of the intentions and effect of the proposed legislation. They would therefore be glad if they could be furnished with additional information on the subject, supplementary to that asked for in their telegram No.10-0s., dated January 5th, 1927.

2. In the first place, referring to the statement in your telegram that the representatives of both the European and Indian communities agreed early last year that the nett cost of the education of their children should be borne by each community by specially raised new revenues, I am to say that the Government of India have received information indicating that the Indian community in Kenya is opposed to the scheme adopted. They would be glad therefore to be informed, if there is no objection, who were the parties to this agreement,

on what occasion it was reached, and what were its precise terms. They have been informed through His Majesty's Secretary of State for India that under the scheme certain charges on account of administration, interest and sinking fund on school buildings erected out of loan funds will continue to be borne by the Colonial Government, but would be glad to know in fuller detail what were the total amounts spent by the Colonial Government on Indian and European education respectively during the last 3 years and what amounts will in future be contributed by the Colonial Government under the arrangement now contemplated.

3. The Government of India have had considerable difficulty in understanding the precise effect of the new scheme and would be grateful, if with the permission of His Excellency the Governor, they could be supplied with information on the following points :-

- (1) What is the estimated future annual net cost of Indian and European education? Do the estimates cover the cost of elementary education only, or do they include facilities for further and higher study to meet the expressed demands for such education on the part of these communities?
- (2) Do the estimates provide only for the continuance of the existing facilities or for further expansion; and if the latter, to what extent?
- (3) How many children will in each case be provided for by the sums estimated to be available, and what residue, if any, of European and Indian children, will remain unprovided for?
- (4) What is the total sum realized by fees from European and Indian children respectively last year, and what are the estimated receipts on this account under the new scheme?

- (5) Will receipts from fees and miscellaneous items be separately credited in the case of each community, and how are the fees to be regulated in future?
- (6) What is the estimated yield of the Liquor consumption tax, in what proportion is it to be distributed between the two communities and how has this proportion been determined?
- (7) What are the estimated yields of the European Poll tax of 30 shillings which the Government of India understand has been substituted for the Domestic Servants License Tax and of the Asiatic Poll Tax respectively? How many Indians are estimated to be liable to the latter?
- (8) How is it proposed to deal with any surplus or deficit which may occur in the receipts or expenditure on account of either community? What procedure is proposed for the adjustment of variations?

4. Lastly, I am to observe that the poll tax applies to all Asiatics. The Government of India would be glad to know to what extent Arabs and others classed as Asiatics will participate with Indians in the scheme. They would be grateful if the information for which they have asked could be supplied to them as soon as possible.

I have the honour to be,

Sir,

Your most obedient servant,

587- R. B. Ewbank

Offg. Secretary to the Government of India.

SCHEDULE—Contd.

	£
	<i>Brought forward</i> ... 1,125,306
XVIII. Medical Department	198,265
XIX. Education	140,962
XIXa. Education—Extraordinary	10,351
XX. Military	128,465
XXI. Post Office and Telegraphs	145,696
XXIa. Post Office and Telegraphs— Extraordinary	5,000
XXII. Agricultural Department	121,532
XXIIa. Agricultural Department— Extraordinary	1,550
XXIII. Forest Department	34,400
XXIV. Game Department	9,705
XXV. Land Department	43,029
XXVI. Miscellaneous Services	72,484
XXVII. Interest	170,000
XXVIII. Public Works Department	91,113
XXIX. Public Works—Recurrent	169,190
XXX. Public Works—Extraordinary	70,000
XXXI. Trade Information and Publicity Bureau	5,000
Total	£2,542,048

A Bill to make Provision for the Payment of an Additional Poll Tax by Asiatics.

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 Asiatic Poll Short title
Tax Ordinance, 1926."

2. In this Ordinance unless inconsistent with the context Interpretation
the tax means the additional poll tax prescribed by this
Ordinance.

District Commissioner includes an assistant district
commissioner.

10 Asiatic means a non-native person other than a native
within the meaning of the Native Hut and Poll Tax Ordinance
Chapter 51 of the Revised Edition, not being of European
race or parentage.

Temporary visit means a visit to the Colony not
exceeding six months in duration.

25 3. There shall be paid in every year by every Asiatic
tax of shillings twenty to be called the Asiatic Education
Poll Tax.

30 4. The tax payable in any year shall be paid between
the first and thirty-first day of January in each year. Provided
however that in the case of an Asiatic who is not residing
in the Colony on the first day of January or who although residing
in the Colony on such date, leaves the Colony during the month
of January without having paid the tax payable in that year
such Asiatic shall pay the tax within one month of his coming
Tax when
payable

or returning to the Colony as the case may be. And provided further that any Asiatic who shall come to the colony after the thirtieth day of June in any year and who shall not have previously resided in the Colony in the same year shall pay a tax of half the amount of the tax before prescribed. And provided further that any Asiatic who fails to pay such tax within three months of the expiry of the period herebefore set forth for such payment shall be liable for a tax double the amount of such tax and in lieu thereof, provided always that such liability shall not accrue if such Asiatic can show that such default was due to causes beyond his own control.

5. The tax shall be paid by the person liable to pay the same to a district commissioner at the office of the officer to whom payment is made.

6. A district commissioner shall give to the person paying the tax a receipt in the prescribed form.

7. Every person paying the tax shall furnish the officer to whom payment is made with such information as may be required by him in preparing a receipt in the prescribed form, and shall, if required by such officer, attend personally at the office of such officer for such purpose.

8. Any person who shall wilfully furnish a district commissioner with false particulars as to any of the information required by such officer in preparing a receipt, or who, on being required to attend at the office of a district commissioner, shall neglect or refuse to attend or attending, shall neglect or refuse to furnish any information required as aforesaid, shall, on conviction, be liable to a fine not exceeding fifteen pounds, or to imprisonment for a term not exceeding two months.

9. Whenever any person shall make default in the payment of the tax due and payable by him any magistrate having jurisdiction in the district or place in which the person in default is for the time being staying or residing, may issue a summons directing the defaulter to attend before him, at a time to be named in the summons, to show cause why he should not be ordered to pay the amount due as a judgment debt.

10. If a summons for enabling a defaulter to show cause as mentioned in the last preceding section is issued, it shall be lawful for the magistrate on the date named in the summons or at any other date to which the hearing may be adjourned to order him to pay into Court the amount of the unpaid tax, and such costs and expenses as are for this purpose from time to time fixed by the Governor, or to order him to pay into Court any part of such amount which the magistrate may deem the defaulter able to pay or arrange for paying, within seven days of the order or within such extended time as may be determined by the magistrate, and either in a lump sum or by instalments.

11. (1) If the person summoned as aforesaid fails to comply with the summons without lawful excuse or if he makes default in payment into Court, in the manner aforesaid, it shall be lawful for the magistrate to commit such person to prison,

without hard labour, for a term not exceeding six weeks or until payment of the sum ordered to be paid (if paid before the expiration of such term): Provided that no such committal shall be ordered for default in payment as aforesaid unless it be proved to the satisfaction of the magistrate that the person making the default either has, or has had since the date of the order, the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses and neglects, to pay the same.

(2) Proof of the means of the person making default may be given in such manner as the magistrate thinks just, and, for the purpose of such proof, the debtor and any witnesses may be summoned and their attendance enforced by the same processes as in cases in which the magistrate has jurisdiction in civil matters, and such debtor and witnesses may be examined on oath.

(3) Every order of committal under this section shall be issued, obeyed, and executed in manner similar to commitments by a Court in the exercise of jurisdiction in civil cases.

(4) Imprisonment under this section shall not operate as a satisfaction or extinguishment of the judgment debt.

(5) The amount of any tax due and unpaid, and the sum (if any) ordered to be paid for costs and expenses under section 10, may, at any time, be levied by the attachment and sale, under the orders of a magistrate, of the movable property of the defaulter in like manner as if the same were payable under a decree of a civil court, and a magistrate is hereby empowered to issue such order either on his own motion or on the application of any district commissioner.

12. In the event of the defaulter paying the whole amount ordered to be paid as aforesaid and the cost and expenses of or in connection with any attachment ordered, the magistrate, if a district commissioner, shall grant to the person paying a receipt in the prescribed form, for the amount of the tax paid, or, if not a district commissioner, shall remit to a district commissioner the amount so paid after deducting therefrom such part thereof as may represent the Court costs, and the district commissioner, on the receipt of such sum shall grant to the person who shall have paid the same a receipt in the prescribed form.

(1) A district commissioner may, at any time, require any Asiatic to produce the receipt granted to such Asiatic for the payment of the tax last payable and a district commissioner may retain any receipt produced for such time as he may consider necessary for the purpose of identifying the person named therein with the person producing the same.

(2) A district commissioner may require any Asiatic who refuses or neglects to produce his receipt when requested to furnish him with information as to the office at which he has paid his tax last payable, and with such further information as the district commissioner may require for the purpose of ascertaining whether such Asiatic has paid such tax.

(3) Any Asiatic, who without lawful excuse, shall neglect or refuse to produce his receipt when required as aforesaid, or who, having failed or refused to produce his receipt, shall fail to furnish the information which may be

Proviso.

Proof as to means of defaulter.

Order of committal.

Imprisonment not to extinguish liability.

Tax, etc., unpaid leviable by attachments and sale of movable property.

Debtor paying whole of amount ordered to be paid.

District commissioner may require production of receipt for tax.

If receipt not produced information required to be furnished to district commissioner.

Penalty for refusing to produce receipt or give information.

11/10

required of him under the preceding subsection, shall, on conviction, be liable to a fine not exceeding seven pounds ten shillings or to imprisonment for a term not exceeding one month.

Non-production of receipt to be *prima facie* evidence of non-payment of tax. 5

(4) Evidence of the non-production of a receipt for the payment of a tax upon requisition being made as aforesaid shall, in and for the purposes of any proceedings for the recovery of such tax, be *prima facie* evidence that the tax has not been paid.

Penalty for producing a receipt granted to some other person or for giving false information 10

(5) Any Asiatic who, being required by a district commissioner to produce his receipt, shall produce a receipt granted to some other person, or, who, having failed or refused to produce his receipt, shall furnish a district commissioner with any false particulars as to any of the information which may be required of him under subsection (2) of this section, shall, on conviction, be liable to a fine not exceeding forty-five pounds or to imprisonment of either description for a term not exceeding six months.

Power of Governor to refund the tax 20

14. The Governor may by writing under his hand order that any person or class of persons or the inhabitants of any district, area or place shall be exempt from payment of the whole or any portion of the tax leviable under this Ordinance and may in like manner rescind or alter any such order.

Persons exempt 25

15. There shall be exempted from the payment of the tax under this Ordinance the persons following—

- (a) every person under the age of eighteen;
- (b) a person on a temporary visit to the Colony, provided that he is not the owner or lessee of land in the Colony, and is not engaged in any employment or business in the Colony, and has not any pecuniary interest in any business or enterprise conducted or carried on in the Colony.

Burden of proof of exemption 30

16. The burden of proof of exemption from the tax shall lie on the party claiming the exemption.

Power to make rules 35

17. The Governor may, from time to time, make rules prescribing the form of the receipt to be granted under this Ordinance, and generally for the better carrying out of the purposes of this Ordinance, and may attach penalties not exceeding a fine of seven pounds ten shillings for the breach of any such rule.

Operation 40

18. This Ordinance shall commence and come into operation on the first day of January, 1927.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to raise revenue from the Asiatic members of the community for the purposes of Asiatic Education. It imposes an additional Poll Tax of Sh. 20 on all male adult Asiatics and the provisions of the Bill are similar to the Non-Native Poll Tax Ordinance (Chapter 52 of the Revised Edition). The Governor is empowered to exempt any person or class of persons from payment of the tax.

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Power of Governor to remit or refund the tax. 20

14. The Governor may by writing under his hand or her that any person or class of persons or the inhabitants of any district, area or place shall be exempt from payment of the whole or any portion of the tax leviable under this Ordinance and may in like manner rescind or alter any such order.

Persons exempt. 25

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Burden of proof of exemption. 30

16. The burden of proof of exemption from the tax shall lie on the party claiming the exemption.

Power to make rules. 40

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1927

C0533/364

1927

10088

KENYA

10088

Part I

Reference Force Ordinance.

Previous

4590/E/26

REVISION OF RECORDS SECTION

This File should be returned to
Queen Street when no longer required.

Subsequent

~~DESTROYED UNDER STATUTE~~

Colonial Office

10 Jan, 1927

Extract from Official Gazette No. 1108 of 20th November 1926, containing a "Bill to provide for the Organisation of the European Inhabitants of the Colony and Protectorate of Kenya for the Defence thereof"

The Bill has been postponed over the Electors; but has this registered in the record

Part 5 ✓

1/1/27

11/1/27

attached

See 2.0 comm. attached.

For full reasons for postponing measures see Gov. speech on 16/17 Dec (X. 10023)

1/1/27

21/1/27

2. Comes with Mr C. Watson attached

Part 5

1/1/27

23/1/27

~~DESTROYED UNDER STATUTE~~

H. of Commrs

10 Feb. 1927

See by Sir Robt. Hamilton.

Antony Jaffer on Lib. file A.

X. 10018/27

No 3. overleaf.

3a. m/3 directed on sub file.
? Int by J.A. 14/2

4. Foreign Office 14 Feb, 1927
Two copy letter from French Ambtr
asking to be informed of the text of the Defence
Force Ordinance and whether its terms apply to
other British Colonies
(For minute see after no 8)

5. Colonial Office 16 Feb, 1927
Terms on the Defence Force Bill - Report
by Select Comm (Extract from Official Gazette
No. 1143 - 12 Jan., 1927).

----- House of Commons ----- 21.2.27. -----
Complete Entry, ~~DESTROYED UNDER STATUTE~~ Question by Mr Gillett.
Sub File A.

(m/3 a sub file)
Out J.A. Allen

26/2 atance
Copy sent to Hqs 3rd March, 1927 m/3 on sub file

House of Commons 28 Feb, 1927.

Entry proper on
Sub file A

in by Mr. Dennis Smith
(m/3 a sub file)

Out J.A. Allen 5/3
atance

X. 10018/27

Off to Jo. Carson sending Sa letter

Col. Ellis Bill + ^{say} ~~prohibit~~ that
it applies to the Colony, ^{Prot} ~~the~~ and
+ that + effects of British male
subjects of European origin or descent.
add also as in first sentence of
the Toft's original m/3 in No 3
in sub file X 10018 J.A. Allen

J.A. Allen
2/3
atance

m/9 To F.O. (no 4 used) 12 MAR 1927
(is) Extract from Gazette

10. m/3 to Kenya - 17 March, 1927. on sub file
"A"

~~DESTROYED UNDER STATUTE~~ H.M. 10 March, 1927
Two copy resolution passed by the Council Board of the
No More War Movement protesting against the introduction of
the Defence Force Bill. ^{held a meeting with 2000 of the}
- see O 2700 (27.5.1927) J.A. Allen

~~DESTROYED UNDER STATUTE~~ Rev. A. 13 March, 1927
Protests against the promulgation of the Defence Force
Bill. The 5th Census may be part of it. J.A. Allen
25/3 atance

~~DESTROYED UNDER STATUTE~~ Hiddell, May. 14 March, 1927
of Nairobi
this P.S. to P.M.

Let to Prime Minister stating that representative letter
and town meeting at Nairobi theatre requested inscription following
debate.

Out J.A. Allen
25/3 atance

To: ~~Director~~ (no 11) 1927

Foreign Office — 21 March 1927

submit views on the Bill and state that it is considered that any provisions in the Bill which might give rise to misapprehensions should be removed before it is passed

No. 404 No. 10018 — 23 March 1927

Two copy resolution protesting against introduction of Bill
D.O. have had their copy in newspaper
week-end off the will (but proposed to Mr Bushe's note) 20/3/27 (2/2/27)

Please see No. 15. It seems

quite clear that foreigners may not be required to enrol. This is really quite premature as we don't know whether the Bill will proceed in any case & even if it does a lot of amendments has been recommended - see No. 5. Mr. Baker's comments, please

J.W. Allen

25/3/27

I agree that the intention of the... but it seems to me to be... the use of the words at the end of

Section 3

Section 3, "may be enrolled", rather sound as though it was something which might be done to the person involuntarily. I think, instead of a proviso such as appears at the end of the Section, the want a separate section providing that non-British Europeans may enroll and that if they do they shall take the oath appropriate.

J.W. Allen
29/3

Have looked at the papers sent to Mr. Baker

Blue covered pamphlet written

I am afraid these papers are tending to get a little involved, but since the further minutes attached were exchanged with Mr. Bushe, and the accompanying drafts were prepared, we have received (a) a Gazette copy of the amended Bill and (b) a speech by Mr. Denham, in which he deals with this Bill on page 1.

I have annotated the new draft Bill bringing it in relation to the original Bill, flagged No. 1 in the file, and to the Report of the Select Committee, flagged No. 5 in the file. Section 11 of the new Bill seems to cover the points discussed in Mr. Bushe's minutes arising out of the F.O. letter (No. 15); and in the ~~circumstances~~ ^{changed conditions}, it would seem sufficient in reply to that letter to send a copy of the new Bill referring to Section 11, and suggesting that, in the circumstances, it would be sufficient for the French Ambassador to be given the assurance in para. 2 of the C.O. letter of the 12th of

March

6
X. 10016
27
6.30.
March, No. 9 in the file, explaining that it would seem better not to communicate the Bill to the Ambassador as it has not yet been introduced into the Council, and especially as the requirement as to taking the oath has been omitted, and this is a matter which will require consideration.

As regards the question of the oath, see minutes on the first and second pages of the sub-file on X.10016. I have ~~not~~ already taken steps to ascertain what the position was generally in regard to this matter, and I have put up a minute ~~for~~ Mr. Shipway which shows that he has not been able to discover any Dominion or Colony legislation which does not provide for the oath or makes any distinction between persons compulsorily or voluntarily enrolled. In these circumstances, in spite of the precedent of the British National Service Acts referred to by the O.D.C., it would seem better to require the oath generally, and in this connection it should be noted that the Ordinance provides for the voluntary enrolment of foreigners as well as British subjects. The Report of the Select Committee recommends the omission of the provisions as to the oath, but gives no reasons for the recommendation, and we have had no explanation from the O.A.G. The Legislative Council will be meeting fairly early in May when this Bill is to be introduced, and it would seem desirable to get an early decision whether or not the omission ~~for~~ the provisions ~~of~~ the oath are to be acquiesced in. If not, a telegram should be sent to the O.A.G. indicating the S. of S's. views and perhaps, in the first instance,

* See 2830/66.

X. 10016
27
7
5
instance, inviting the O.A.G. to explain the reasons why the omission has been proposed.

Stroller

9/14/27

I agree. Section 11 is a considerable improvement. As regards the oath - unless there is some latent idea of the possibility of using the force disloyally I don't think you find reason for omitting the oath - which we have always regarded as essential at any rate for as people who enlist voluntarily etc. Concerned.

The desirability, practicability & efficacy of requiring an oath from conscripts is perhaps a moot point.

See C. Stanching A.B. 20/4

I do not think there can have been any special reason for omitting the oath except that the O.D.C. suggested it. At all events it would look unduly suspicious on our part to raise the point now. I doubt if any

X.10016/17

8
historical use of the Ford used to
be used (the temper is much better
than in 1923), and the work would cost
present it - no one in 1923 would have
admitted that any delay was to be
intended.

If, as I suggest, we should not
through, there is no reason why the
Royal Embassy should not have the
Bill now, with an explanation that
it is only a Bill.

[The urban community of Ministers
are in a hopeless minority in
regarding the measure.]

W.C. Bottomley
21/4/27.

degree about the work. But each time since the
draft, all that seems necessary is to send
to the Admiralty a copy of the letter and
the forms have been duly multiplied.
Reasons that in a position we are not such as
to be able to give the Bill a
D.C. - but this can be considered. We have seen from the
D.C. - but this can be considered. We have seen from the
D.C. - but this can be considered. We have seen from the

CD-25/4
f.a.c.

X.10016/17

69

~~DESTROYED UNDER STATUTE~~ M. Riddell, Mair, — 29 March, 1927.
Tel. protesting against introduction of
Defence Force Bill.

~~DESTROYED UNDER STATUTE~~ of Bommar — 31 March, 1927
Question by Mr. Gillett.

Truly proper
in sub-file A.

19 copy L.H. to Gov. 14 April, 1927 1/3 on sub-file A.
20 O.A.C. Donham — 31 March, 1927
217

These copies to Library.

Two 12 copies of the Bill together with statement
of Objects and Reasons. Submits his comments and
adds that it is clear that a large majority of the
European population of the Colony is in favour of the Bill.

Mr. Bottomley

Statement of the Bill directed a
vote. The Bill might now be again to the
House to make sure that there are
sufficient or legal enticements to get
the Bill might be authorized & tel to
introduce it to assent & passed.
The reservation of assent & possibly
unreasonable delays in further reference
to the Bill, as I think to be deprecated
in this particular case, as there is
nothing to justify the opportunities for

10
X 10018/27
a controversy which will have no useful or practical result, since the principle has already been decided.

J. W. Allen

27 (4/2) Set off the off to 20. quickly

Then to Mr. Drake.

Col. S. Stoney
27.4.27
in

21. 2070. (15 and) (w/ copy Bill from 20) 29 APR 1927

~~ORDER STATUTE~~

House of Commons. 28 April 1927
amendment by Mr Dalton as to petition
presented in the House
minutes relating to Number 22.
on sub-file 10018-A

Mr Dalton 2 May 27

Papers to take Bill through all its readings at
Legis. Cl. Session meeting 10th May. Adds as to petition
which is being circulated

It has been necessary to remove the
Sub-A also.

We have no copy about the petition against
Confederate which has been referred: that
against the omission of the oath is in
Sub file B - 40:15.

On sub file A Mr. Justice's form
is in favour of the restoration of the
oath.

X 10018/27 11
oath, but the danger is lost evidence,
never to support our action against
the Government.

The voluntary oath (voluntary for
constitutions & conscripts alike) would
probably be the simplest & best in
theory (by putting practical "rules"
in a cliff ditch), but there is just
the possibility that King's prediction
for the "SSAid form" could mean that
no one, or very few, would take the oath.

(The App had to be
recovered)

? Telegraph that the Bill has not
been completely explained but that
Mr. J. H. is anxious that the outcome
if passed should represent the
wishes of the general European population.
That it should after going through
Council be reviewed and withdrawn
with a full report, including the
O.K.'s comments not only on the
petition, he mentions besides in
that published in the Standard
of April 2 on the omission of the
oath, but saying that it has given

172
K. 10019/27
As to questions in relation
as to the possibility of a
warrant issue after the signing
of the form.

Confidential

4.5.27

Mr. Amosbyford
Sec of State.

In command proceeding as
proposed by Mr. Bottomley.

G.H. 6.
5.5.27

Mr. Aldham tells me he is writing
in a protest against the terms of
the Bill from the Auxiliary Codes
& that he hopes you will not
commit yourself to the detailed
clauses until you have seen it.
If the oath is impracticable, the wording
of the clauses dealing with the
position of the force vis à vis Govt
will have to be very carefully
considered - especially in regard to
the calling up of portions of the force
by local authorities or commanders
in case of emergency. There will
be plenty more parliamentary questions
here.

Woly 5.5.27

8 13
K. 10019/27
As proposed by Mr. Bottomley. I do not
think we ought to let our decision be influenced
in any way by the idea that the force could be used
as a rebel organisation. As regards the oath,
every citizen is bound to obey the constituted
authorities and the oath really makes no difference
whatever to the degree of rebellion involved in
refusing to carry out Government orders.

There is a certain anomaly in asking for
an oath where you have universal service, which is
based on the idea that service is one of the
ordinary duties of citizenship.

L.S.A.
9.5.27.

(Later entries on next sheet).

X. 10018
27

9 15

~~REMOVED UNDER STATUTE~~

H. of Commons ----- 5 May, 1927.

Qn. by Mr. Gillett.

Entry proper on sub-file A.

25 ----- O.A.G. Denham ----- 5 May, 1927.
tel.

Trs. message from Col. Ward referring to P.Q. by Mr. Gillett and stating that both his and Mr. Schwartz's constituency have majorities in favour of Defence Force Bill and adds that the anti-defence agitation has been organised by a socialist majority.

26. ----- Foreign Office ----- 4 May, 1927.

Trs. copy despatch to French Ambdr.

27 ----- O.A.G. Denham ----- 9 May, 1927.
tel.

Trs. message from Anti-Conscription Committee protesting against the Bill, and states that no importance is attached to the numbers of the signatories to the petition mentioned as opinion throughout the country is strongly in favour. Is proceeding with the Bill which will be passed and forwarded to the S. of S. with the petition, assent being reserved.

I have thought it best to draft

as I referred in No: 23 + add on

ack of 25 + 27. Said H tel: but

Seen of 10/5

*rec'd by Sir C. Stirling GCB: & then
return to Mr. Bullock.
N: 20*

*Partly
Used Morning*

9.5.27 am

28 Tel. to day.

_____ / 9 May 1927

~~REMOVED UNDER STATUTE~~

H. of Commons

10 May, 1927

~~REMOVED UNDER STATUTE~~

- do -

10 May, 1927

Anticip paper on sub-file A.

Anticip paper Questions by Mr. Gillett.

I do not know what I am to do with
this. It appears that the Bill
has been told to pass the Bill &
Reserve it. A.B. 18/5

Mr. Pender
Originally it was hoped to have
your views on the Bill before it
went to Council. Circumstances,
however, being unpropitious, and the very
expect that when it leaves Council
a revision of the form will
make it as difficult as before to
find time for proper consideration,
in the end it is thought that, even
though Council may perhaps amend,
it would be worth while if you could
send me the minutes of the
Bill in case some table may be
sent.

W. H. Pender
17.5.17
13 May, 1917

resigned by Sir John Hamilton
W. H. Pender 14 May, 1917

Katie Bill passed third reading on 14 May: on second
reading division showed 33 in favour and 1 against. A dissent withheld
and despatch with petition follows next week.

33 W. H. Pender 16 May, 1917

Was message asking that S. of S. delay final
decision on Conscription Bill until the Chairman of the
Anti-conscription Com arrives in London to present the
Case.

No. 32 shows that the Bill has now passed the
third reading, and that the division on the ^{second} ~~second~~
reading showed thirty-three for and only one
against the Bill, the only dissentient being the
Indian member who wanted Indians included!
Presumably the real objection is to the principle
of compulsory service; and the object is to persuade
the S. of S. (who has accepted the principle)
to act on the assumption that the Government in
re-introducing the Bill and the Legislative Council
in passing it has misrepresented the feeling of
the Colony. That seems a perfectly impossible
position to take up. The Bill and the petition
will presumably be received fairly early in June,
and after they have been fully considered, it
is proposed to advise His Majesty to ~~assent~~ assent,
there is no reason for further delay to suit the
convenience of this gentleman who proposes to
arrive in July. If the petition does not set out
the case the proper course of the objectors is to
make further representations through the O.A.G.,
in order that the S. of S. may have them with his
observations, and, unless this telegram is merely
to

to be put by? a short telegram might be sent to that effect.

J.H. Allen

19/5/27

(9. then 5 to 6 hrs (make))

3/4 to Kenya (w/ copies 22, 24, 29, 30) 19 May, 1927
and 31 M/3

~~DESTROYED UNDER STATUTE~~

H of Commons — 19 May, 1927

Qn by Sir Robt. Hamilton

Entry proper in sub. file A.

~~DESTROYED UNDER STATUTE~~

H of Commons — 14 May, 1927

Qn by Mr. Gillett.

Entry proper in sub. file A.

33. I am no nearer to reply.

Generally, there is nothing in the company's history of this nature to connect the S. of. with it. But no. 32 must be taken to show that Kenya, through its charter members, does want it.

W.G. Mackenzie
20.5.27.

12
18
w/s
M.A.

Entry proper in sub. file A.

~~DESTROYED UNDER STATUTE~~ H of Commons — 20 May, 1927

Question by Mr. Rennie Smith.

38. m/3 to Kenya (35, 36, 37) - 2nd June, 1927. on sub. file "A"

~~DESTROYED UNDER STATUTE~~

H of Commons — 20 June, 1927

Question by Mr. Rennie Smith

(m/3 not sent) PMS J.H. Allen 1927

Entry proper in sub. file A.

~~DESTROYED UNDER STATUTE~~

H of Commons — 20 June, 1927

Question by Mr. Rennie Smith.

Entry proper in sub. file A.

41. — Mr. Glyn Denham — 21 May, 1927

leaf 50A
Submits his observations on the Defence Force Bill and endorses memoranda and petitions against the Bill. States that message is in best interests of the Colony and asks to be informed of H.M.'s consent by 24th.

42. — Mr. Glyn Denham — 31 May, 1927
leaf 54

42a. — Adds to no. 41
see Lawrence's memo tel 27 June 1927

W. Allen
I cannot touch this before going on leave. The only urgent question is whether we need Sir L. Eriggs' views before he returns to Kenya. On a first reading I think not, but when necessary I would see C. St. Aubyn

This was done & all the other has been attached
J.H.A.
28/1/27

X. 10018
27

I shared with [unclear] to [unclear] 10
of 40.41, that on [unclear] was [unclear]
compared. The fact was out of 1915
in sub. file B, that the principal
feature was the opinion of the [unclear] [unclear]
Col. Driscoll was against [unclear]
as well as against the opinion of the
[unclear].

W.S. [unclear]
25.6.27.

It is unnecessary to trouble Sir E. Grey about
this. The S. of S. is receiving a deputation on the
subject - on July 5 at 4 o'clock from the National
Council for the Prevention of War - No. 41 in this
file supplies, I think, all the necessary information for
this purpose, including the speech of the Acting Ad. Sec.
(Haggel) before the Legislative Council. The actual petition,
of which we have heard so much, is very feeble -
Please see minute in 33 above.

[We have not received authenticated (or any other) copies
of the Ordinance as passed, & only have the Bill as
introduced. We know that only a few small amendments
were made in rep. Co. The necessary examination of the
Ordinance can be done later: this is sent in now only
in view of the deputation.]

C.S. 27.6.

see file B
herewith -

X. 10018
27

Mr. [unclear] by [unclear]
Sec of State.

I don't think there is anything
we need discuss with Sir E. Grey.

J.H.G.
28.6.27
W.S. 28.6.27

Let us see [unclear] on 27
[unclear] 28

- 43 To O.A.C. tel. exp's - 4 July, 1927
- 44 O.A.C. Deuhain 6 July, 1927
tel. States unauthentic! copy of Order Baves
by mail of 8 July.

~~REMOVED UNDER STATUTE~~ [unclear] 7 July, 1927

Protest against omission of Indians from
revision of Defence Force India and against omission
of oath of allegiance. Request disallowance

- 46 - note of interview between [unclear] [unclear] - 5 July 27
[unclear] from National Council to the
Prevention of War

S. M. is a Revised Bill it is
not a [unclear] of signifying [unclear] [unclear]
but of signifying [unclear] [unclear] of the
cannot of course be done until [unclear]

~~Copy received~~

Copies are received. We have no copies of the
 the Bill as passed to put before the
 legal advisers; though the amendments
 made in Council are slight. But if it
 is desired to make some notification to
 the Top's intentions before the Cable
 arrives, ~~it~~ ^{it} might ~~be sent to~~ ^{be sent to}
~~the O.A.G.~~ ^{the O.A.G.} saying that subject
 to legal opinion of details more authenticated
 copies received the Top will be
 prepared to advise them to assent.

The message from the Indian
 argues that his should have come
 through the O.A.G. - if contains no
 new argument & can be ack^d (if
 necessary) then a disp^y is ultra ^{ab} ^{id}
 lat.

20/11/22 9/11/22

I think that, unless there is special
 reason in any instance, we should not
 send these direct messages. It is more
 well known to get them.

The Commission of Enquiry requires an
 early reply by 11.0. But it should rather
 be that the S.P. cannot give any opinion
 to H.A. till the D.D. is received but that
 as far as he sees no reason why he should
 not be able to advise directly.

I don't think the O.A.G. expects a telegram
 now - He must be away from an enquiry
 as to the authenticity of copy that a decision
 is deferred.

P.M. J.C.S. 11/7
C.M.A.

~~DESTROYED UNDER STATUTE~~

H. of Commons
Ltr by Mr. Kenne Smith 14 July 1917

mp3 a sub file

only
written

21/7 atack

48 Q & A 540 11/10 mp3 on A file

~~DESTROYED UNDER STATUTE~~
Entered proper
on sub file A 55

H. of Commons
Question by Mr. Kenne Smith 25 July 27

~~DESTROYED UNDER STATUTE~~
H. of Commons
Question by Mr. Kenne Smith 25 July 27

4
Entry proper on ~~House of Commons~~ House of Commons.-----27th July 1927
Sub-File "A" Question by Mr Cecil Wilson.

Entry proper on ~~House of Commons~~ House of Commons.-----27th July 1927
Sub-File "A" Question by Mr Cecil Wilson.

53 O.A.G. DENHAM. Conf. 67.-----7th July 1927
Transmits two authenticated copies of Defence
Force Bill together with copy of Legal Report
by Attorney-General.

(Spare copy to Library.)
54 O.A.G. DENHAM. Tel. No. 271.-----3rd August 1927
Requests telegraphic reply to No. 51, 53.

55 O.A.G. DENHAM. Tel. No. 272.-----4th Aug. 1927

Explains 40 54

Mr. E. B. Shaw

D. C. Sturley

No. 53-55.

So far as I can find, this is last one
of the subjects on which Sir L. Gifford

wishes to make an announcement
in person, & we can deal with

Dr. E. B. Shaw's desire to say something
next Monday if it does not mean
too much of a rush here.

The Dr. Gifford's reply to the deputation
clearly shows so far as the
justice is concerned.

The A.G.'s means explain & then

14 25
X. 10018/27
Contents of the D.D. are very not clearly,

& I find nothing inserted in
the D.D. itself.

Subject to legal views

? I feel that the O.A.G. may
announce that H.M. is being
advised to proceed to the D.D. &
& confirm by despatch, dealing
with the petition ^{generally} as at A on page 2
of the report of the meeting with
the deputation.

W. C. Sturley

Ex. 8: 27.

The assent of H.M. to the Bill may be given
either by an Order in Council or by ~~the~~ through one of
the principal Secys. on the O.A.G.'s signature and
such assent by proclamation in the Off. Gazette the
Bill will take effect. (s. XIV of L.P.). I do not know
whether we are in a position to authorize the O.A.G.
to announce that H.M. has given his assent to the Bill.
If we can do so, it may simplify procedure.
I have no legal views on the Bill.

A.S.
5/8/27

? Telegraph as proposed, 10 Oct H.M. is being advised to
This

will be enough for the O.A.'s purpose.

H.M. assent should be given through
a principal S.O.B. (? Lord Balfour). I am
not sure of the procedure, but we should get
the telegram off. C.S.
S/P

Dr. Amosby Jue.

I think you had better
see. I see no reason why
we should not proceed as
proposed.

J.H.C.

5/8

I think we must be careful as to
proceeding here. I am not entitled
to make submission to H.M. & a
request for H.M.'s assent seems
to be a requirement before any
action is made by
us. Please arrange.

I personally entirely approve as
regards the desirability of policy - viz
that H.M. should be advised to consent
to the ordinance.

at once

W.H. 5/8/27

will be enough for the O.A. 9's purpose.
H.M. assent should be given though
a principal S. of S. (? Lord Balfour) I am
not sure of the procedure, but we should get
the telegram off - C.S.
S.P.

Mr. Amshy free.

I think you had better
see. I see no reason why
we should not proceed as
proposed.

J.H.C.

5/8

I think we must be careful as to
procedure here. I am not entitled
to make a decision. I.H.M. + a
decision of the law assent seems
to be also required before any
policy can be made by
the ... Please arrange.

I personally intend approve as
regards the decision of policy - viz
that H.M. should be advised to consent
to the ordinance.

at once
W.S. 0/8/27

RECEIVED
4 AUG 1927
COL. OFFICE

10018
55
2715

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

Dated 4th August, 1927.

(Received Colonial Office 12.18 p.m. 4th August, 1927.)

272. 4th August.

no 54

The enquiry made in my telegram of 3rd August, No. 271, was made in view of meeting of the legislative council on 9th August and the question as to whether there is any announcement I can make on Defence Force Bill on that date.

Ans. 4. Tel. 13.11 Aug 27

RECEIVED
3 AUG 1927
OFFICE

02
16

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

Dated 3rd August 1927.

(Received Colonial Office 12.21 p.m. 3rd August 1927.)

No. 271. 3rd August Glad of telegraphic
reply to my despatch 7th July confidential No.
67.

1051

53 147



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA.

No. 67

AS.

CONFIDENTIAL

RECEIVED
2 AUG 1927
COL. OFFICE

7th July, 1927.

Sir,

With reference to my Confidential Despatch No.50/A, of the 29th May, and previous correspondence, I have the honour to transmit two authenticated copies of the Defence Force Bill, together with a copy of the Legal Report by the Attorney General.

2. This Bill passed its third reading in the Legislative Council on the 14th May and as stated in my telegram of that date I reserved the Ordinance for the signification of His Majesty's pleasure.

3. I regret that copies of the Bill as amended in the Legislative Council did not accompany my despatch under reference.

I have the honour to be,

Sir,

Your most obedient, humble servant,

James Deane

ACTING GOVERNOR.

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

ORDINANCE.

LEGAL REPORT.

*15/8/27
Nov 1927
Att. Gen. Report
to Gov. O.C.
2 copies Legal Report*

WH/AF.

LEGAL REPORT

1c

THE DEFENCE FORCE BILL, 1927.

It is considered necessary, in view of the responsibility resting upon the European inhabitants of the Colony for the defence thereof and for the protection of life and property therein, that special provision should be made to enable these inhabitants promptly and efficiently to perform when called upon, the duty of maintaining law and order incumbent upon them under the common law. For this purpose it is proposed that all able-bodied British male subjects of European origin or descent should be enrolled and organised, and that youths before reaching manhood should be adequately trained.

A Bill to provide for the enrolment and organisation of the European inhabitants of the Colony was introduced in Legislative Council in 1921 and was passed but not assented to in 1923. In November, 1926, the same Bill was published for re-introduction in Legislative Council, but owing to public criticism in regard to certain of its provisions it was not proceeded with. A Select Committee of Council was then appointed to consider the provisions of the Bill and the recommendations of the Committee were accepted by Government and published in the Official Gazette dated the 12th January, 1927.

The original Bill has accordingly been redrafted and the present Bill includes provisions which are designed to give effect to the recommendations of the Select Committee.

Part

Part I of the Bill provides for the establishment, organisation and administration of the Defence Force. It is proposed that the Force should be called "the Kenya Colony Defence Force" and that the members of the Force should be liable to render general military service within the Colony for the defence thereof and for the protection of life and property therein. Provision is made for the appointment of a Commandant, the necessary headquarters staff, and also a Central Defence Committee consisting of the Commandant and one delegate from each Defence Force District. The Governor is also empowered to appoint a Central Sub-Committee consisting of the Commandant and three other members of the Central Defence Committee for the performance of such functions as may be delegated to the Sub-Committee by the Central Committee.

For the purposes of organisation the Governor is empowered to divide the Colony into Defence Force Districts and to appoint in each district a District Commandant, such Section Commanders as he may deem expedient, and a Local Defence Committee. Each Local Defence Committee is required to draw up a scheme of defence for its district and to collect such topographical and other information as it may consider necessary.

Part II of the Bill relates to the constitution and enrolment of the Force. It is proposed that the Force should be divided into four Classes according to age, as indicated in Clause 10, namely:-

Class I	...	...	...	18-30
Class II	...	...	...	30-40
Class III	...	...	...	40-50
Class IV	...	...	...	50 and over.

In accordance with the recommendations of the Select Committee of Legislative Council, provision is made for compulsory enrolment in the appropriate Class of every British male person between the ages of 18 and 50 who is ordinarily resident in the Colony and both of whose parents are of European origin or descent. All such persons are required to enrol themselves in the prescribed manner within one month after the commencement of the Ordinance or within one month of attaining the age of 18 or becoming so resident, and in the event of failure to comply with this requirement any person so failing is deemed to be enrolled. Provision is made for the voluntary enrolment in the force of British subjects who have attained the age of 50 years, and also, subject to the permission of the Governor, of persons who are not British subjects but who are otherwise qualified in regard to age or origin.

Clause 12 of the bill contains a special provision enabling any person liable to be enrolled or who volunteers for service to elect, with the permission of his District Commandant, to enrol himself as a member of any Class preceding the Class appropriate to his age, but on such enrolment such person is declared to be liable to all the duties and obligations imposed upon the members of the Class in which he is enrolled.

Clause 13 limits the right to exemption from enrolment and service to persons who are medically unfit and are certified to be so by a medical officer, but the Governor in Council is given power to exempt any person or class of persons from all or any of the obligations imposed by the Ordinance or Regulations.

The subject of training is dealt with in Part IV of the Bill. Subject to the powers of District Commandants to grant exemption, every member of the Defence Force is required to undergo an annual course of training as follows -

- (a) in the case of Class I, a period not exceeding 100 hours in the aggregate;
- (b) in the case of Classes II, III and IV, a period not exceeding 12 hours in the aggregate,

excluding in each case the time occupied in proceeding to or returning from the camp or place of assembly. Members of the Force may be called upon to fire a musketry course as part of their annual course of training. Penalties are prescribed for failure, after due notice, to attend for training or musketry or to complete the prescribed courses.

Part V of the Bill deals with the mobilization of the Force and empowers the Governor to call out the Force or any part thereof for active service whenever in his opinion it is necessary for the defence of the Colony or for the protection of life and property therein. It is provided, however, that where the Force or any part thereof is called out under the above-mentioned powers, the members of any particular Class shall not be called out until the members of every preceding Class have been called out. It is also provided that, in lieu of calling out, the Governor may order the Force or any part thereof to hold itself in readiness for immediate mobilization.

In addition to the powers vested in the Governor as above, special powers are conferred on a civil officer in charge of a district to call out, in the name of the Governor, the members of the Defence Force resident in that district

district for the defence of the district or for the protection of life and property therein. Such powers are to be exercised only in cases of sudden and imminent danger when it is not possible to obtain the authority of the Governor without undue delay, and the civil officer responsible is required to report forthwith to the Governor.

It is specifically provided that no member of the Force shall be liable to be called out for ceremonial parades or for any purpose other than those already mentioned.

In Part VI of the Bill will be found provision for the award of pensions and gratuities in respect of wounds or injuries received or sickness contracted by members of the Force while on service. The Governor is also empowered to grant a pension to the widow or family of any member of the Force who may be killed in action or on services.

Under Clause 31 the Governor in Council is given extensive powers to make Regulations in order to carry out and give effect to the provisions of the Ordinance.

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

Nairobi,
14th May, 1927.

W. C. Murray

 ATTORNEY GENERAL.



Colony and Protectorate of Kenya.

IN THE EIGHTEENTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V

EDWARD BRANDIS DENHAM, C.M.G.,

Acting Governor



Edward Brandis Denham

An Ordinance to Provide for the Organisation of
the European Inhabitants of the Colony of
Kenya for the Defence thereof

WHEREAS it is expedient that the European Inhabitants of the Colony of Kenya should be organized for the defence thereof...

And it is hereby enacted that the following provisions shall have effect in relation to the European Inhabitants of the Colony of Kenya...

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

PART I.

ESTABLISHMENT, ORGANISATION AND ADMINISTRATION OF DEFENCE FORCE.

Short title and commencement.

1. This Ordinance may be cited as "the Defence Force Ordinance, 1927," and shall come into operation on such date as the Governor may by notice in the Gazette appoint.

Establishment of Defence Force.

2. There shall be established a Force to be known as the Kenya Colony Defence Force (hereinafter referred to as "the Defence Force") which shall be under the supreme command of the Governor, and the members of which shall be liable to render general military service in any part of the Colony for the defence thereof or any part thereof or for the protection of life and property therein.

Organisation of Defence Force.

3. (1) The Governor shall appoint an officer to be Commandant of the Defence Force, who shall be responsible for the discipline and efficiency of the Defence Force.

(2) The Governor shall appoint a permanent headquarters staff which shall consist of a Staff Officer and such other ranks as the Governor may deem expedient.

(3) The headquarters of the Defence Force shall be at Nairobi.

Central Defence Committee.

4. (1) The Governor shall appoint a Central Defence Committee consisting of the Commandant and one delegate from each Defence Force District.

(2) The Central Defence Committee shall perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder.

Central Sub-Committee.

(3) It shall be lawful for the Governor to appoint a Central Sub-Committee, consisting of the Commandant and three other members of the Central Defence Committee, for the performance of such functions and the execution of such powers and duties as may be delegated to the Sub-Committee by the Central Defence Committee.

Defence Force Districts.

5. (1) For the purposes of this Ordinance the Governor shall divide the Colony into districts to be known as Defence Force Districts, and shall designate the same respectively by such names as he may think fit. Provided that the Governor may at any time alter or abolish such districts or designations and may appoint others in place thereof respectively.

(2) Each Defence Force District shall, in accordance with the provisions of this Ordinance and of any Regulations made hereunder, be organised as far as possible so as to constitute units complete for service in the field, including Supply, Transport, Medical and Veterinary Services, and shall hold its own stock of reserve arms and ammunition, and shall have its own first and second line Transport allocated to it.

6. (1) The Governor shall appoint in each Defence Force District a Local Defence Committee which shall include the District or Resident Commissioners of any areas included in such Defence Force District and such other persons as the Governor, on the recommendation of the members of the Force in such District, may approve. District organisation.

(2) The Governor shall, after consultation with the Local Defence Committee, appoint in each Defence Force District a District Commandant and such Section Commandants as he may deem expedient. Each District Commandant shall *ex officio* be a member of the Local Defence Committee for the district in which he is appointed.

(3) The District Commandant, Section Commandants and Local Defence Committee shall respectively perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder.

Duties of Local Defence Committee.

7. (1) Each Local Defence Committee shall draw up a scheme of defence for its district, including the selection of rallying points, the establishment of defensive posts and the arrangement of a system for the collection and use of available supplies and transport during such period as the Defence Force or any portion thereof shall be called out on active service.

(2) Each Local Defence Committee shall also collect such topographical and other information as it may consider necessary or expedient. Any such topographical information shall be inserted in the existing maps of the Defence Force District so that the same shall at all times be kept up to date.

(3) The Local Defence Committee shall from time to time send duplicate reports on all or any of the foregoing matters to the Staff Officer of the Defence Force.

8. The Governor may at any time dispense with the services of any officer or member of the Defence Force or of any member of the Central or Local Defence Committees. Power of Governor to dispense with services.

9. The Governor may, for all or any of the purposes of this Ordinance, delegate all or any of his functions, powers and duties under this Ordinance to such person or persons as he may deem expedient. Power of Governor to delegate authority.

PART II.

CONSTITUTION AND ENROLMENT OF DEFENCE FORCE.

10. Members of the Defence Force shall be divided into the following classes, namely:— Division of Defence Force into Classes.

Class I.—Persons who have attained the age of eighteen years and have not attained the age of thirty years:

Class II.—Persons who have attained the age of thirty years and have not attained the age of forty years:

Class III.—Persons who have attained the age of forty years and have not attained the age of fifty years:

Class IV.—Persons who have attained the age of fifty years

Compulsory
enrolment of
male British
subjects
between the
ages of 18 and
50 years.

11. (1) Subject to the provisions of this Ordinance, every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and has not attained the age of fifty years, and who is ordinarily resident in the Colony, shall attend at the office of the District or Resident Commissioner of his administrative district within one month after the commencement of this Ordinance or within one month of attaining the age of eighteen years or becoming so resident as aforesaid, as the case may be, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age, and if any such person shall fail so to enrol himself he shall be deemed to be enrolled as a member of the Defence Force.

Voluntary
enrolment of
male British
subjects
who have
attained the
age of 50
years.

(2) Any male British subject, both of whose parents are of European origin or descent who has attained the age of fifty years may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner of his administrative district and shall enrol himself as a member of Class IV of the Defence Force.

Enrolment of
persons other
than British
subjects

(3) Subject to the permission of the Governor, any male person, not being a British subject but otherwise qualified in regard to age and origin or descent, may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner as aforesaid, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age.

(4) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions in actual practice shall only be enrolled or deemed to be enrolled and liable to serve in their professional capacity.

Right of
persons to elect
as to Class in
which they
are enrolled

12. Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the Defence Force or who volunteers for service therein may, with the permission of the District Commandant of the Defence Force District in which he ordinarily resides, elect to enrol himself as a member of any Class preceding the Class appropriate to his age. Provided that upon such enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance and by any Regulations made hereunder upon the members of the Class in which he is so enrolled.

Exemptions

13. (1) All persons who are certified under the hand of a Medical Officer to be medically unfit for service under this Ordinance by reason of bodily or mental infirmity or unfitness shall be exempt from enrolment and service in the Defence Force.

(2) The Governor in Council may by order exempt any person or any class of persons from all or any of the obligations imposed by this Ordinance or by any Regulations made hereunder.

Preparation of
lists of persons
liable to serve

14. (1) The District or Resident Commissioner (hereinafter referred to as "the officer in charge") of each administrative district shall, within two months after the commencement of this Ordinance, and during the month of January in each succeeding year, prepare a list, in the Form given in the Schedule to this Ordinance, containing the names of all persons in his district who are liable for enrolment and service or who volunteer for service under the provisions of this Ordinance.

(2) When such list has been prepared the officer in charge shall cause a copy thereof to be affixed in a conspicuous manner at his office and court-house, and shall cause a notice to be inserted in at least one newspaper of the day on which and the place at which he will hold a court for the purpose of hearing objections to such list, which day shall not be earlier than two weeks nor later than four weeks (unless for special reason) after the date on which the copy of such list was affixed as aforesaid.

(3) Upon the day and at the place so notified the officer in charge shall hold a court, and shall, on due proof by the oath of such persons as he shall see fit to examine or by statutory declaration or affidavit, correct all errors in such list, either by adding thereto the names of persons liable to enrolment and service or by striking out the names of persons who claim to be exempt. Such court may be adjourned from day to day until all questions as to the correctness of the list have been determined. The decision of the officer in charge upon any question arising in regard to the correction of the list shall be subject to appeal to the Court of a First Class Magistrate.

(4) As soon as all questions as to the correctness of the list have been determined as aforesaid, the officer in charge shall forthwith transmit such corrected list to the Staff Officer of the Defence Force.

15. Any member of the Defence Force who leaves one Defence Force District to reside in another Defence Force District shall forthwith notify the District Commandant of each such District.

Change of
residence of
members of
Defence Force

PART III.

ARMS, AMMUNITION AND EQUIPMENT.

16. Such rifles, ammunition and equipment as may be prescribed shall be provided by the Government for members of the Defence Force, and will be issued in accordance with the Regulations to be made under this Ordinance.

Government to
provide rifles
and
ammunition.

17. Every member of the Defence Force in possession of a Government rifle, ammunition and equipment as hereinbefore provided shall be responsible for the same and for keeping the same in a good and efficient condition, and shall be liable for any loss of or damage to such rifle, ammunition or equipment, due to his act, neglect, or default.

Duties of
members in
regard to
Government
rifles, etc.

PART IV.

TRAINING.

18. (1) Subject to the provisions of section 20, every member of the Defence Force shall in each year undergo the course of training prescribed for the Class in which he is enrolled: Provided that the annual course of training shall not exceed—

Training

- (a) in the case of Class I, a period of one hundred hours in the aggregate;
- (b) in the case of Classes II, III and IV, a period of twelve hours in the aggregate.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of the prescribed period of training.

Musketry training

19. Any member of the Defence Force may be required, as part of his annual course of training, to fire such musketry course as may be prescribed.

Powers of exemption in regard to training.

20. (1) A District Commandant may, in his discretion, exempt any member of his unit from the performance of the whole or any part of his compulsory training under the two last preceding sections.

(2) A District Commandant may, in his discretion, authorise any member of his unit to fire his musketry course on any military or police range: Provided that in such case such member shall obtain a certificate of efficiency signed by a European Military or Police Officer.

Notification of time and place of training.

21. The date and place for every course of training and every musketry course shall be notified by the Staff Officer, and notice of such date and place published in the Defence Force Orders and affixed in a conspicuous manner at the office of the District Commandant of each Defence Force District shall be sufficient notice to every member of the Defence Force residing in such District.

Penalties for non-attendance at training or musketry course.

22. If any member of the Defence Force shall without reasonable cause or excuse, after due publication of the notice prescribed by the last preceding section, fail to attend at the place mentioned in such notice for the purpose of undergoing the prescribed course of training or of firing the prescribed musketry course, or shall fail to complete such courses or either of them, then and in any such case such member shall be liable, on conviction before a Magistrate of the First or Second Class, to a fine not exceeding five pounds or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment: Provided that no such conviction shall be deemed to exempt the person convicted from all or any of his duties and obligations under this Ordinance or any Regulations made hereunder.

PART V. MOBILIZATION.

Calling out and mobilization of Defence Force.

23. (1) Whenever in the opinion of the Governor it shall be necessary for the defence of the Colony or any part thereof or for the protection of life and property therein, the Governor may, by proclamation, call out and mobilize the Defence Force, or such part or parts thereof as he may deem necessary, for active service:

Provided that a proclamation under this sub-section may call out the members of any one or more of the Classes mentioned in section 10 of this Ordinance, but so that the members enrolled in any Class shall not be called out until the members enrolled in every preceding Class have been called out.

Provided, further, that the Governor may by such proclamation, in lieu of calling out and mobilizing the Defence Force or any part thereof as aforesaid, order the Defence Force or such part or parts thereof as he may deem necessary, to hold itself in readiness for immediate mobilization.

(2) In the case of sudden and imminent danger in any administrative district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer in charge of such district may, for the defence of the district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor call out the members of the Defence Force resident in such district, but in such case such officer shall forthwith report to the Governor such calling out and any subsequent step taken by him.

Power of administrative officers to call out Defence Force.

24. Members of the Defence Force shall, when they are on active service or when called out under the last preceding section or when ordered to hold themselves in readiness for mobilization under the second proviso to section 23 (1), be subject to the provisions of the Army Act and all Acts amending or substituted for the same, but so that the Regulations under section 31 hereof may prescribe that any provisions of those Acts shall not apply to the Defence Force: Provided that—

Discipline of Defence Force on mobilization to be governed by Army Act, 34 & 45 Vt., c. 58.

(a) the words "the Defence Force" shall be read therein for the words "Regular Forces", the words "member of the Defence Force" for the words "officer or soldier", as the case may be, and the word "Governor" for the words "His Majesty" and "Secretary of State";

(b) no sentence of a court-martial upon the trial of a member of the Defence Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

25. On the mobilization of the whole or any part of the Defence Force for active service, every resident (whether he shall or shall not himself be a member of the Defence Force) shall be liable to provide any transport and supplies in his possession if so required; and any person who, without reasonable cause or excuse, shall fail to comply with the requirements of this section shall be liable, on conviction before a Magistrate of the First or Second Class, to a fine not exceeding one hundred pounds or to imprisonment of either description for any term not exceeding six months or to both such fine and imprisonment.

Liability of population to provide transport, etc.

26. No member of the Defence Force shall be liable to be called out for ceremonial parades or for any purpose other than as provided in this Ordinance.

Defence Force not to be called out for ceremonial parades.

27. Any member of the Defence Force who, after publication of any proclamation mentioned in section 23, shall without reasonable cause or excuse fail to attend for service or duty on any occasion, or shall absent himself without the permission of some competent authority, or shall refuse or neglect to obey any lawful command of his superior officer, shall be liable, on conviction before a Magistrate of the First or Second Class, to a fine not exceeding one hundred pounds or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment:

Penalty for breach of duty.

Provided always that no such conviction shall be deemed to exempt the person convicted from service or from any future liability to serve under the provisions of this Ordinance.

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Penalties for non attendance at training or musketry course.

22. If any member of the Defence Force shall without reasonable cause or excuse, after due publication of the notice prescribed by the last preceding section, fail to attend at the place mentioned in such notice for the purpose of undergoing the prescribed course of training or of firing the prescribed musketry course, or shall fail to complete such courses or either of them, then and in any such case such member shall be liable, on conviction before a Magistrate of the First or Second Class, to a fine not exceeding five pounds or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment: Provided that no such conviction shall be deemed to exempt the person convicted from all or any of his duties and obligations under this Ordinance or any Regulations made hereunder.

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Penalty for breach of duty.

Provided always that no such conviction shall be deemed to exempt the person convicted from service or from any future liability to serve under the provisions of this Ordinance.

Passed in the Legislative Council the fourteenth day of May in the year of Our Lord one thousand nine hundred and twenty-seven.

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

A. H. Sandford

Clerk of the Legislative Council.

Presented for authentication as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

G. A. S. Northey

Acting Colonial Secretary.

W. G. Murua

Attorney General.

1927

Notes of an Interview at 4 p.m. on Tuesday, the 5th July,
between the Secretary of State and a Deputation from the
National Council for the Prevention of War introduced by
Sir Robert Hamilton, and including Lady Barlow, Lord
Parmoor Mr. Linfield Dr. Gillett M.P. Mr. John H. Harris,
Mr. W. Wells M.P. and Mr. *Reenie* Smith M.P.

Sir Robert Hamilton in introducing the
Deputation said that he had been asked to speak on its
behalf. He assumed that the Secretary of State had
received the Petition, and that it was not necessary to
read it. In the course of his remarks he made the
following points :-

- (1) No necessity had been made out for the Bill;
- (2) The requirement as to the Oath of Allegiance had
been omitted;
- (3) The question had not been made ^a/_{blank} at the
elections : and
- (4) The large number of signatures to the Petition
shewed that the Bill had ^{not} commanded general assent.

Mr. Linfield pointed out that when he was in
East Africa with the Commission, there was no evidence
of any danger to be apprehended from the natives, and
expressed the view that the ^{existing} forces were adequate.

Another member of the Deputation presumed that
the Secretary of State was in possession of the representa-
tion from the opponents of the measure shewing how the
position might be met on voluntary lines; and raised the
question (a) whether the Secretary of State would hear
Mr. Cable when he arrived, and (b) whether the House
of Commons ^{would have} ~~had~~ an opportunity of discussing the
matter

matter.

In reply the Secretary of State could not accept the view that the Bill was against the general wish of the Colony, pointing out that it had been before the community for 4 years, and was before the electors **at** the recent elections. He referred to the position in Nairobi and pointed out that the Bill had been passed by ³³⁵¹ ~~an overwhelming majority~~ of the Legislative Council where the only objection was taken by the Indian Member on the ground that the Bill had ^{not} been applied to Indians; ~~He~~ saw no constitutional grounds on which he could be asked to intervene in view of the assurances which he had already given. As regards the necessity for the measure it would be difficult in a thinly scattered populated community, to organise a defence force satisfactorily on a voluntary basis, which would throw ~~an~~ undue burden on those who were willing to serve, and in the long run lead to a weak and ^e inefficient organisation. If the people of Kenya preferred a more regularised system, he did not feel called upon to intervene. Although the possibility of ^{difficulties} ~~difficulties~~ cannot be excluded, it was true to say that the defence force was not directed against the natives, and any such idea had been disclaimed by their representative in the Legislative Council. As regards the Oath of Allegiance, reference had been made to certain dark eventualities, such as armed resistance by the settlers to legislation ^{of} which they disapprove. As a matter of fact the requirement had been dropped in view of the ^{doubtful} ~~fact~~ expressed by the Committee of Imperial Defence as

A

40

to the desirability of requiring the Oath in the case of persons "deemed to be enrolled". The Oath was not required in the case of the National Services Acts here, nor in South Africa or in Southern Rhodesia. As regards the contingencies referred to, he considered that ^{the} ~~the~~ depended not so much on the Oath of Allegiance as on proper recognition of the primary obligation of citizenship, which remains just the same where ^{the} ~~where~~ a person is enrolled or enlisted.

Lord Parmoor in thanking the Secretary of State for receiving the Deputation, thought that the recognition of the primary obligation of citizenship was an argument against conscription. The number of signatures to the Petition indicated a considerable difference of opinion, and he was rather disappointed that this argument had not had more effect on the Secretary of State. As a general principle, conscription did not make for safety; danger was more likely to be created by the Bill than by leaving the question of compulsory enrolment alone; and the duty of trusteeship would better be carried out without any such military organisation.

Mr. Linfield enquired whether any similar proposals had come from the other Colonies.

The Secretary of State replied briefly saying that Lord Parmoor had confirmed his suggestion that the primary obligations of the citizen and the soldier are the same; and as regards Mr. Linfield's remarks pointed



pointed to the wide variation in the local circumstances of the various Colonies, adding that he would have no desire to force any system of compulsory service on an unwilling community.

He could not undertake to defer a decision pending the arrival of Mr. Cable; and ^{his} Colonial Office Vote would afford an opportunity for criticism in the House of Commons.

RECEIVED

7

JUL 1927

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

Dated 6th July.

(Received Colonial Office 6.50 p.m., 6th July, 1927)

No. 245, 6th July. Your telegram of 4th July
owing to a misunderstanding which is regretted copy of
Defence Force Bill did not accompany my despatch of
29th May Confidential 50 A. Authenticated copy leaves
by mail of 8th July.

No. 43

No. 44

33 12/8/27
44

4334

Mr. *W. Allen* 4/17

Mr.

Mr.

Mr. E. J. Harding.

Sir C. Strachey. 4/7 at one

Sir J. Shuckburgh.

Sir G. Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Earl of Clarendon.

Mr. Amery.

*Almond
no letter* *Cable sent
2.30 p.m. 4.7.17
J.M.S.*

21
Maur desb ~~21~~ ²¹ may Carb ~~21~~ ^{50 A}

DRAFT. *Tel*

*Governor,
Nairobi*

*when may I expect
authenticated copies
Defence Force Bill*

RECEIVED
28 JUN 1927
COL. OFFICE

35

42A

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

Dated 27th June 1927.

(Received Colonial Office 4.6. p.m. 27th June 1927.)

228. 27th June. Following from Gaitskell, Secretary of
Convention, begins:- Convention Association Session
October 1926 passed unanimously resolution reading That
this Convention approves the principle of a compulsory defence
force. Recent correspondence with district associations
confirming ² *Asken* disapprove allegations in anti petition that the
country is opposed to the measure. Ends.

AS.
KENYA.

No. 59



42
36
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

CONFIDENTIAL.

RECEIVED
23 JUN 1927
COL. OFFICE

31st May, 1927.

Sir,

No 44
I have the honour to refer to my confidential despatch No.50/A, of the 21st May, and to inform you that I received yesterday afternoon from the Chairman of the Anti-Conscription Committee a further note entitled "The two Members for Nairobi and their private Referenda." This note has been included among the enclosures to the Defence Force Bill Petition but I have made no mention of it in my despatch under reference.

2. It is, I think, unnecessary to deal at length with this subsequent note. The position taken by the Nairobi members in regard to the Bill during its passage through the Council is sufficiently explained in their speeches which appear on pages 166 and 169 of the uncorrected report of the debate on the 12th May.

The statement in paragraph two of the note, that the Bill "was met by a storm of public criticism and protest" is, of course, quite untrue.

I have the honour to be,

Sir,

Your most obedient, humble seruant,

J. S. G. G. G.
ACTING GOVERNOR.

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

National Council for Prevention of War

(Formerly the National Peace Council.)

A Federation co-ordinating the efforts of all bodies working against war.

President:
EARL BEAUCHAMP, K.G., K.C.M.G.

39 Victoria Street,
Westminster, S.W.1.

Chairman of Executive:
HARRISON BARROW.

Telephone: VICTORIA 9597
Telegrams: PREVWAR, SOWEST, LONDON.

Hon. Treasurers:
MRS. GEO. CADBURY, O.B.E., M.A.
F. C. LINFIELD.

Hon. Secretary:
A. RUTH FRY.

Directing Secretary:
RENNIE SMITH, B.Sc., M.P.

8th July 1927.

Rt. Hon. L. S. Amery, M.P.,
Secretary of State for the Colonies,
Colonial Office,
Downing St., S.W.

Dear Mr. Amery,

I am sending you a copy of the Report of our meeting with you, which is being sent round to our affiliated Societies and also to the press.

I notice that a short report appeared in the "Manchester Guardian" on Wednesday, but I do not know who was responsible for this.

Yours sincerely,

Rennie Smith
R.P.

Directing Secretary.

ENCLOS.

Mr Amery

*This is all the material
I have for you
You may care to have a record*

A. R. Fry

917

National Council for Prevention of War 38

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39 Victoria Street,
Westminster, S.W.1.

Telephone : VICTORIA 9507.

Telegram : PREVWAR, SOWEST, LONDON.

KENYA CONSCRIPTION BILL

Report of Deputation to Colonial Office

On Tuesday, 5th July, the Rt. Hon. L. S. Amery, M.P., received a deputation from the National Council for Prevention of War concerning the Conscription Bill for

Europeans which is being proposed for Kenya Colony. Sir Robert Hamilton, M.P., who spoke on behalf of the Deputation, drew attention to the Petition which had been organized by Europeans in Kenya against the Bill, which had secured in a very short space of time 1,500 signatures, and to which it was claimed another 500 signatures could easily be added out of a total population of 8,000 Europeans.

He drew attention to the fact that the Oath of Allegiance had been removed from the present Bill and that while he himself had served in the Volunteers in Kenya and had advocated conscription during the late war, he, along with a considerable section of opinion in this country, viewed with grave apprehension the use of compulsion in a time of peace such as the present. He also emphasised the effect of such a step on relations with the native

Mr. F. C. Linfield, a member of the recent Commission which visited East Africa, testified as to how well disposed the natives of East Africa are at the present time.

The Colonial Secretary in his reply pointed out that this Bill was the considered desire of the local community directly affected, and while he had no desire to force conscription upon them, he was not prepared to intervene if it was their wish to have compulsory enlistment. He pointed out reasons of efficiency and other advantages in favour of the change which was proposed. He deprecated strongly the suggestion that had been put forward by the petitioners that the Bill was in any way directed against the native population. The petitioners only represented a small minority, and only 218 of the petitioners were actually voters. The petition, therefore, could not lead him to intervene in any way.

He did not propose to delay his decision until the arrival of Mr. Cable, the Chairman of the Anti-Conscription Committee. An opportunity for discussion of the Bill would be afforded under the Colonial Office vote.

The Colonial Secretary considered that in regard to the omission of the Oath of Allegiance there had been a misunderstanding. The suggestion that it should be omitted had come from the Committee of Imperial Defence who had regarded taking the oath as inappropriate under conditions where people were by the law required to be enrolled. It had not been required under the National Service Act here, and it was not the invariable practice in other parts of the Empire, e.g. Rhodesia, in similar circumstances. On the whole, the bearing of arms would be calculated to increase rather than diminish the sense of loyalty to the Crown.

Lord Parmoor, in thanking the Colonial Secretary, pointed out the question of Conscription raised an issue of serious principle and expressed the doubt as to whether Conscription would in fact add to the safety of the inhabitants of Kenya.

The Deputation included, in addition to those named, Mrs. B. A. Smith, M.P., and Mr. R. H. Smith, M.P.

AS.
KENYA.
No. 501A



39
41
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
23 JUN 1927
COL. OFFICE

21st May, 1927.

CONFIDENTIAL:

Sir,

No. 28
No. 32
With reference to your telegram of the 9th May on the subject of the Defence Force Bill, I have the honour to confirm my telegram No. 174 of the 14th May, in which I informed you that the Defence Force Ordinance passed through all its readings in Council on May 14th.

2. The second reading was carried by 33 votes to 1, the only member voting against the Bill being the Indian member, who stated that he favoured the Bill in principle but objected to it as it did not include provision for enrolling the Indian community.

It will thus be seen that the whole opinion of Legislative Council was in favour of the Bill.

3. I enclose a copy of the Legislative Council debate of May 12th, which gives the

Debate.

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

-speeches-

speeches of the members in full (the copy sent you is a rough proof and the speeches have not yet been corrected by the members).

I would call your special attention to the admirably complete and lucid statement made by the Acting Colonial Secretary, which deals fully with the history of the Bill, the reasons for its introduction, and the objections which have been raised to it in the petition which has been circulated in the Colony.

I would also invite your attention to the fact that all the unofficial elected members spoke in support of the Bill. I would in particular refer to the speeches made by the Nominated Unofficial Member representing the natives, Canon Britton, and by the Chief Native Commissioner, which made the point clear that in their opinion, as representing the natives, there was nothing in the Bill in any way directed against the native population, while they repudiated the suggestion that the measure was forced upon the country on account of any risk of native disturbances.

Canon Britton stated that he was "satisfied that this Defence measure was brought about in order to defend the African community just as much as any other part of the community in Kenya and that the African community will benefit by this Defence Force Bill."

The Chief Native Commissioner stated that "there is no question of the existence of any conditions whatever of the natives living either on farms or in the reserves that is likely to give rise to the necessity of calling out the European Defence Force."

It was, I believe, fully emphasized in the speeches made in Legislative Council that the Bill commands the support of the country.

4. It is desirable in the interests of all that the Bill should now be introduced at an early date. It is generally recognised to be a measure of defence organization actuated by no misgivings in regard to public defence, but considered by the country to be necessary as a definite and clearly organized system for its defence, supplementing the existing organizations based on the King's African Rifles and the native Police Force.

5. A point which I would desire further to emphasize is one which was made by Sir Edward Grigg at some length in his speech at the Caledonian Society on the 30th November, 1926, a copy of which was sent to you and which was referred to by Canon Britton; the measure will, I believe, prove of very great value in teaching the young men of this Colony their responsibilities in regard to its welfare and in affording them reasonable, healthy and useful instruction in the best means of playing their part in the defence organization of the country.

*Bill should now
be brought into
operation*

6. In view of the full discussion which ensued in Council, the speeches made in support of the principle of the Bill and the fact that it has already been fully considered in its original draft form by you, I do not propose to deal at any length with the Bill itself.

Though modifications have been made, many of them in deference to the views expressed by the Imperial Defence Force Committee, the framework of the Bill has remain unchanged; the underlying principle being the organization of a force composed of all the able-bodied citizens of this Colony who at an emergency would be available for its safe-keeping. Though the Bill undoubtedly does provide for compulsory enrolment, this provision is only inserted for those citizens who do not enrol themselves within a month of the introduction of the Bill and its insertion has only been necessitated by recognition of the obligation of all to take their part, according to their capacity, in a defence force organization.

The preparation of a scheme which could not be made practically comprehensive and universally effective would merely be a waste of time for all those concerned and a source of justifiable criticism and complaint on the part of those who voluntarily enrolled themselves in an organization which could not be rendered effective owing to the apathy, indifference or scruples of a very small minority. In a country such as Kenya, in which settlers may be separated from one another by considerable distances,

where telephonic communications in out-stations are at present generally lacking, where the means of transport in many places is bad, it is essential that there should be no gaps in the organization and that every man should at least know what he will be required to do in the event of any danger arising.

A suggestion was made by critics of the Bill that in the first instance the Europeans of the country should be circularized and asked whether they would be willing to volunteer.

The supporters of this suggestion urged that the replies to such a circular would show that there was no need for any compulsion. It can be stated with confidence that the reply in the very large majority of cases would have been that the writer was willing and anxious to serve but wished in the first instance to be assured that the scheme of defence was a watertight one and that his neighbours would also take their parts.

It is obvious that in any defence force the will to serve has to be supplemented by the power to serve and that the latter must depend on efficient and complete organization.

7. Provision has been made in the Bill for a general power of exemption resting with the Governor-in-Council. Further, power lies with the District Commandant to exempt at his discretion any member of his unit from the performance of his compulsory training. As pointed out in the Acting Colonial Secretary's speech, "the big number of service men in Kenya should allow this power to be widely and

where telephonic communications in out-stations are at present generally lacking, where the means of transport in many places is bad, it is essential that there should be no gaps in the organization and that every man should at least know what he will be required to do in the event of any danger arising.

A suggestion was made by critics of the Bill that in the first instance the Europeans of the country should be circularized and asked whether they would be willing to volunteer.

The supporters of this suggestion urged that the replies to such a circular would show that there was no need for any compulsion. It can be stated with confidence that the reply in the very large majority of cases would have been that the writer was willing and anxious to serve but wished in the first instance to be assured that the scheme of defence was a watertight one and that his neighbours would also take their parts.

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-generally-

generally used."

It is not, of course, proposed to call out the very large number of men in this Colony with distinguished war records to go through an elementary training though it is essential that they should be made aware of the part in the scheme they will be required to take in the event of their services being required.

8. A point in which this measure differs from similar ones in other Colonies is that the age limits may appear to be high, as compulsory enrolment applies to men between the ages of 18 and 50, but such provision was made with the full approval of the Executive Council, not to compel older men to serve - in a very large number of cases they would be exempted from the actual training - but to meet the general wish expressed throughout the country by such men that they should be given the opportunity to serve in the force. It is not so much actual service as an actual part in the organization, which such men would be required to undertake. The periods of training are extremely short and in fact it is a question, as I pointed out in paragraph 6 of my despatch No.217 of the 31st March, whether they should not be extended by the provision of training camps, though this is a matter which can be dealt with later.

9. Throughout the discussion on this Bill the point has been emphasized by Government that it is a

measure of defence by organization and enrolment rather than the creation of an additional military body. I think this is made clear by a study of the provisions of the Bill.

Petition.
Memoranda.

10. Much has been made of and wide advertisement given to the petition against the Bill, a copy of which I am forwarding to you with this despatch, together with various memoranda, the last of which I received to-day.

No. 28.

You asked in your telegram, under reference, for my comments "not only on the anti-conscription petition but also on that published in the East African Standard on the 2nd of April on the omission of the Oath." I think the reference must be to the East African Standard of April 1st, which contained a copy of a petition, which is the same petition as the one referred to as "the anti-conscription petition" and which is being forwarded to you with this despatch. Only one petition against the Bill has as far as I am aware been circulated in the Colony.

11. The so-called Anti-Conscription Committee in their first memorandum make considerable capital of the fact that they have obtained "1500" signatories. I cannot attach a like value to these figures. I know of no country in which a very considerable number of signatures cannot be readily obtained to any petition which its promoters state is directed against the Government, quite apart from any

-consideration-

consideration of the merits of the case.

Further, this petition as presented to a number of its signatories was, I believe, merely a suggestion that they would prefer to be volunteered rather than conscripts, and a number of young and uninformed people would be quite ready to agree with this view without making any attempt to read either the Bill or the petition or to understand what was involved in either.

It has not been found possible in the short time available fully to analyse the signatures but it is undoubtedly the case that a very large number of them are those of new arrivals in the country and of young men and young women of immature age and experience.

In fact, one is struck by the conspicuous absence of names of persons with any length of residence in the country. I have had the list checked with the Voters' Roll, which may be supposed to represent people in the country with "the most highly developed civic sense" and possibly the professional politicians!, and find that of the persons who signed the petition 218 were registered in the electoral roll as it appeared in the Official Gazette of the 23rd June, 1926, or only 15% of the number of persons who signed the petition, the correct number of whom seems to be 1397. It also appears that a considerable number of the signatories are ineligible to be placed on the Voters' Roll through not being British subjects or not having the necessary residential qualifications or, in certain

-instances-

instances, having been convicted of crime in the Colony.

The deductions made in Memorandum No.1 with regard to the position at the elections are valueless.

Opponents of the Bill had every opportunity at the elections of making their views both heard and felt.

It does not necessarily follow that because constituencies were not contested or because only one candidate raised the issue that the anti-conscriptionists had not the opportunity of expressing their views.

The unofficial members on seeking re-election had definitely referred to the Defence Force Bill in their manifesto to the country and all, with one exception - who stated that his personal views were in favour of the measure but that he felt he must be guided by his constituents - had declared their adherence to the principles of the Bill. Except in Nairobi, now represented by members who in their speeches in Council both strongly support the Bill and state their position in respect of their constituencies, little criticism of the Bill was heard at any of the elections, while ~~MEMBERS~~ numerous resolutions were passed in its favour.

The worthlessness of the comparisons made in Memorandum 1. may be demonstrated by the fact that in the one case where the petitioners, by checking the list of signatories with the electoral rolls, could have supplied a correct figure, they have evidently made no attempt to do so, for they

state that if "we also assume that of the 1500 persons who signed the petition (the correct number appears to be 1397) three-eighths were on the voters' roll and if 56% of them had voted, we should have 315 votes recorded against conscription." The correct position is that 218 voters apparently signed the petition and assuming that 56% of them had voted, there would have only been 122 votes recorded against conscription.

This is perhaps ^{only} worth mentioning in showing that where these figures are examined they have no claim to be accurate. Similarly the statement made in Memorandum 2 (page 2) that "it reflects little credit on the local Government and elected members that despite repeated requests they refused to open the voters' roll before the last election" is quite unjustifiable. The real facts being that the matter was discussed on representations made by the unofficial members of Executive Council in November last and that it was found that the time necessary to reopen the roll and receive and check applications, would not enable the new roll to operate until some time after the date then proposed for the elections. A reopening of the roll would therefore have led to an alteration in the election programme which for many reasons would have been undesirable. I may add that it was considered also that there were grave objections to introducing any alteration of the existing law on the matter in order to provide specially for a revision of the register of voters preparatory to the elections. The law as it then stood made provision for an annual revision of the register on applications received between the 1st January and 30th April

in each year and the fact that a general election was due to take place early in 1927 was known at the time of the annual revision in 1926. No new factors had appeared which could be held to justify a departure from the existing law at so late a stage and after informal discussion in Executive Council Sir Edward Grigg decided that "any election necessary should be held on the existing roll at the time of the election." The law has since been altered so as to permit the receipt of applications at any time between the 1st January and 31st August each year - Government Notice No.187 published in the Official Gazette of the 30th March, 1927 - the object of this alteration being to ensure that the register of voters may be open as late in the year as possible and come into operation on the 1st of January of the succeeding year.

12. I will now deal with the petition itself.

In the first place I would call attention to the misstatement made with regard to the objects of the Bill and the alleged plea falsely attributed to the Bill's supporters in respect of the African population of the Colony.

It was made abundantly clear by Sir Edward Grigg in his speech of December 17th to Legislative Council that the Bill was in no way directed against the natives in this country.

I have already referred to the statements made in Council by representatives of the natives and I do not consider it necessary to emphasize the

-point-

point further beyond stating that it forms the body of the petition and is in itself a direct denial of the assurance given to the Colony by the Governor and repeated on several occasions.

13. The second point made in the petition is that the Oath of Allegiance to His Majesty has been "deliberately excluded" and that the "petitioners have every reason to know that this has been done so that the military organization which the Bill creates may be available untrammelled by the penalties of military law in the event of certain contingencies well known to Your Majesty's Government." This statement again is a deliberate attempt to obscure the issue by appealing to prejudice on grounds which are entirely baseless.

The Acting Colonial Secretary, in his speech to Council gave a statement of the actual facts, viz: that the 1923 Bill contained provision for an Oath but that this was deleted in accordance with a criticism on the point which the Committee of Imperial Defence had raised. The comment of the Committee was as follows:-

"It is questionable whether a compulsory Oath should be required of persons 'deemed to be enrolled', whether they wish it or not. A similar power was given in the Australian Defence Act of 1903, but there is nothing of the kind in British National Service Acts." -

Vide enclosure to your Confidential Despatch of April 7th, 1926, in which you stated that you regarded

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it is advisable that the amendments suggested by the Committee of Imperial Defence should be incorporated in the Ordinance.

14. The Anti-Conscription Committee, in their Memorandum No.2, make a point of the fact that the Defence Bill which was officially published in November 1926 contained the Oath of Allegiance.

This was the case, but the Bill that was published was that which was sent for your comments.

It was only published at this time to comply with the requirements that any Bill introduced in Council should be published in the Gazette one month before the date of its introduction into Council. It was not intended by Government that the Bill so published should be introduced unamended and without consideration of the amendments proposed, and it was referred to a special Committee to consider these points. The Memorandum giving the report of this Committee was published on January 12th ultimo and explained to the country the alterations which had been made in the Defence Force Bill of 1925.

The facts that the Bill, as first published, was the unamended edition and that the report of the Committee did not fully explain their reasons for the omission of the Oath - it will be seen that explicit reference was not made to the Report of the Imperial Defence Committee - afford no excuse to the petitioners for assuming, and inserting in their petition an affirmation that they have "every reason to know", - that the omission of the

-Oath-

Oath was due to political considerations at which they hint.

15. The examination of similar Ordinances shows that those of South Africa and Southern Rhodesia, which are most analagous to Kenya in this connection, provide for no Oath save for the permanent forces. In South Africa these permanent forces consist of the Headquarters Staff and certain regular troops and do not include the citizen forces or other second line troops.

In Southern Rhodesia there are four forces, the permanent force, the territorial force, the reserve of officers, and the field and police reserves; it is only in respect of the first of these that compulsory administration of the Oath is provided by law.

In view of these considerations, this Government decided that the recommendation of the Select Committee which re-drafted the Defence Force Bill should be approved, and provision for the Oath should not be included.

16. Reference to the petition will show that the two points to which I have already referred form the whole body of the petition.

The only other argument that has been put forward against the Bill is, apparently, that it is contrary to British traditions, a point which was fully dealt with by Sir Edward Grigg in his speech of December 17th and which reference to the legislation of other parts of His Majesty's Dominions shows to be entirely unfounded.

Copy with No 20

It is, in my opinion, in full accord with the best traditions of the British people that the very large majority of His Majesty's subjects in Kenya should be convinced of their responsibilities, be willing to take part in the defence of this portion of His Majesty's Empire and be prepared to make some sacrifice, small though it may be, of their time for this object.

The supporters of the Bill, who certainly represent all the best elements in the life of the country, do not conceive the idea of their being coerced in a matter in which they are in complete accord; while they would view with apprehension and dismay any action, which would deprive them of what they regard as a privilege and a duty, due to the disaffection, distrust and ignorance of a small minority who, while averring their desire to serve, state that they are only willing to do so when once trouble has arisen.

17. In this connection I would invite reference to Memorandum 3 submitted by the Anti-Conscription Committee which details their proposed scheme of defence based on voluntary service.

I think it is only necessary to study this scheme to realise what an entirely ineffective and unsatisfactory organisation it formulates and how essential it is, if any scheme of defence is worth consideration, to evolve one of practical and lasting value.

Efficiency can never be ignored and inefficiency which would endanger life is a crime against the State. The suggestions made in this Memorandum not only ignore the demand of the country, - while assuming incorrectly that it is proposed that a Defence Force should be the first line of defence, - but also show an entire lack of appreciation of the fact that an unorganised volunteer force is the very type of force which would be likely to endanger the peace of the country and the security of the natives.

An organised force is the best security for sound administration - history shows that the use of hastily raised bodies of volunteers without military discipline has frequently led to "regrettable incidents", due to the want of organization and lack of knowledge.

18. I do not think it is necessary to deal at any great length with the Memoranda attached to the petition but there are many inaccuracies which though in themselves perhaps of no great weight reveal the strong spirit of political partizanship which certainly is behind much of the agitation directed against this particular measure. . It is the case that political opposition has concentrated its attack on the Defence Force Bill in order to discharge a quantity of ammunition which would have been used, whatever the occasion, - against the particular party in the Colony on which its fire is directed.

Capital is made of the fact that Lord Delamere did not put this Bill as an issue before his electorate and that he did not discuss it with them. Lord

-Delamere-

Delamere dealt with this point at length in his speech in Legislative Council on May 12th.

A note is attached to the extract from his speech of January 22nd last - vide annexure 1. to Memorandum 1. - that "at this date a week before nomination day for the election the conscription Bill was not in the hands of electors."

This statement is repeated in the Memorandum (penultimate paragraph on page 2).

In fact, the full memorandum explaining the Bill had been published on January 12th and in Memorandum 2 from the Anti-Conscription Committee (page 2, paragraph numbered 2) it is stated "The Defence Force Bill was only published a week before the Nomination day for members."

In fact, the whole point at issue was the principle of compulsion and this had been before the country for many weeks and had been widely discussed in the columns of the local newspaper.

19. Much is made of reasons given for the withdrawal of the 1921 Defence Force Bill but the point that the principle of compulsion in a much stronger form was not contested is deliberately glossed over.

The fact that the Defence Force Bill published in November was not in the form in which it was to be introduced to the country is disregarded and on page 3 of Memorandum 2 it is referred to as the Amended Defence Ordinance - which it was not.

At the meeting referred to in the following paragraph of the Memorandum the point was made clear by the Members of Council who addressed the meeting - which, however, refused to recognise the fact.

The point made on page 4 of Memorandum 2 and elsewhere in the Memoranda that "not one of the Elected Members is reported to have ventured to attack the accuracy of the wording of the Petition in the debate on the Second Reading" is neither accurate nor convincing. The petition was fully dealt with by the Acting Colonial Secretary in his speech, and several other speakers dealt with the three arguments in the petition, that the measure was un-British, that it was directed against the natives or prompted by fear of a native rising, and that the omission of the Oath was due to political considerations.

20. I consider that the opposition to the Bill is largely an artificial one, organised by a small body of men, many of whom are conscientious and well-intentioned but others of whom are merely using this means of showing their opposition to the general body of opinion as expressed in the Colony through the Government and the Legislature.

The agitation naturally aroused considerable interest at the time but I believe it to have now almost entirely subsided.

It is significant that the attendance of the outside public at the meeting of Council on May 12th was very small - only a few prominent opponents of the measure being present.

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21. Several elected members asked in the course of the debate that the Vote on the Bill might be made an "open" one. A request which I stated I was unable to accede to. I informed Council that I had every reason to believe that the Bill was supported as whole-heartedly by official members as by unofficial members. The measure was one, I felt, ^{in which} ~~from~~ which Government could not and did not desire to relieve itself of any of its responsibility. It was one which was believed by Government to represent the general views of the country as to the necessity of a defence scheme based on a definite organization. I considered therefore that the Government should support the Bill as such and that the responsibility should be taken by Government as a whole. I reminded the Council that it was always open to a Government member if he had conscientious objections to supporting the measure to ask that he be allowed to abstain from voting.

I may add that all the official members voted for the Bill and I believe that they were all entirely in favour of it.

I feel that in a measure of this kind it is the duty of Government to take full responsibility when it is satisfied that it is acting in the best interests of the community and has the support of its sound opinion. The practice which was allowed in the Colony some years ago of permitting "open" votes on Government measures did,

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I believe, considerable harm in upsetting sound ideas as to what Government's functions and duties are and in causing division amongst Government departments.

23. In conclusion, I trust that you will be able to inform me by wire of His Majesty's assent to a measure which I can confidently assert is passed in the best interests of the Colony and its defence as a portion of His Majesty's dominions and which is prompted by the desire of His Majesty's subjects in Kenya to give a full measure of practical assistance and to assume their burden of responsibility should the need for their services in a Defence Force be required.

I have the honour to be,

Sir,

Your most obedient, humble servant,

J. M. Denham

ACTING GOVERNOR.

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COLONY AND PROTECTORATE OF KENYA.

LEGISLATIVE COUNCIL
DEBATES

THURSDAY, 12th MAY, 1927.

UNCORRECTED PROOFS

Hon. Members are asked to notify the Clerk within seven days of any corrections they may desire to have inserted in their own speeches.

THURSDAY, 12th MAY, 1927.

The Council assembled at 10 a.m., on the 12th March, 1927, His Excellency the Acting Governor (THE HON. EDWARD BRANDIS DENHAM, C.M.G.), presiding.

COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY: Hon. Members, before proceeding to the business of the day I desire to express on behalf of you all our gratitude to Lady McMillan for letting this Council have this excellent portrait of Sir Northup McMillan (Hear, hear.) It has been my pleasant lot at this Session to welcome to this Council new Members who have joined us. It is a source of pleasure to us all to have this picture of one of the oldest Members with us—one whose name will always be remembered, not only in this Council but throughout this country, with grateful admiration as one who was devoted to the true interests of Kenya and its people—a general warm-hearted friend of this Colony.

MINUTES.

The Minutes of the meeting of the 10th of May, 1927 were confirmed.

PAPERS LAID ON THE TABLE.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg leave to lay on the table Rules made under the Civil Procedure Ordinance, 1924.

In doing so may I draw the attention of hon. Members to the section of the Ordinance under which these Rules are made, which reads as follows:—

(3) Section 83:—"Rules made under this section shall be laid as soon as conveniently may be before the Legislative Council; and if a resolution is passed within forty days of their being so laid before the Legislative Council praying that any such rule shall be annulled, such rule shall thenceforth be void, but without prejudice to anything done thereunder."

MOTIONS.

LATE MR. AHMED HUSSEIN.

THE HON. THE TREASURER (MR. GRANNUM):

"In consideration of the destitution of the widow of the late Mr. Ahmed Hussein who, after rendering 13 years 7 months and 25 days' satisfactory service in the Government Printing Press of this Colony, died at Nairobi on the 11th of November, 1926, this Honourable

Council is pleased to award her a Compassionate Gratuity of Shs. 2,160—which amount is equivalent to six months' salary of her deceased husband at the rate drawn by him at the time of death."

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE): I beg leave to second the motion.

THE HON. T. J. O'SHEA: Your Excellency, in view of the statement made by the Hon. the Treasurer, on the occasion of moving the last motion of this nature, I should have thought he would have given this Hon. Council an explanation as to why another such motion should come forward so soon. I should also have thought he would have repeated his assurance that such motions would soon cease to come before the Council.

THE HON. THE TREASURER: I do not think it is necessary to repeat the assurance that I gave before. When I give an assurance it is an assurance. The reason why the necessity has arisen for this motion is because it takes time to prepare a scheme such as a Widows' and Orphans' Pension Fund. That scheme is in course of preparation now, but it may be necessary even at the next meeting to bring forward a similar motion. Everything possible is being done to complete that scheme.

MEALIE BUG AND STALK-BORER.

CAPT. THE HON. H. E. SCHWARTZ:—

"That while fully appreciating the efforts already made by the Department of Agriculture in this respect, this Honourable Council is of opinion that it is of the greatest importance that Government take further immediate steps to deal with the grave menace which is threatening coffee in the form of mealie bug, and maize in the form of stalk-borer."

Your Excellency, I would wish to preface my remarks by making it perfectly clear that this motion is not meant or intended in any way to throw discredit on the Department of Agriculture or in any way to criticise the excellent work that has been and is being done by that Department to fight the disease which is attacking coffee and the disease which is attacking maize. I think that the opening words of the motion will clearly corroborate what I have just said. So far as concerns the stalk-borer which is attacking maize, although I am given to understand on all hands that a very serious menace has to be met, this is a matter the details of which are better known to my hon. Friend the Member for the Lake, who is seconding this motion and he will deal more particularly with that part of the motion.

I would wish now to confine myself to the remarks that I have to make to the question of coffee and mealie bug. Now, Your Excellency, I do not think it can be seriously gainsaid that when the Estimates were being prepared last year it was thought possible that mealie bug would increase so much by May of this year. What the cause of that is is a matter possibly of disagreement and conjecture. It has been suggested that the spread of mealie bug is to a very large extent due to the unfortunate episode of the preparation of creosote which, so far from acting as a prophylactic to mealie bug, destroyed a large number of trees and caused a great deal of loss to the coffee planters of this country. No doubt, with regard to those farmers who were unfortunate enough to use this creosote the spread of mealie bug was increased by the failure of that preparation to do its duty, but the fact remains that those farmers who did not use this preparation, but who kept using the old creosote, have also had a very large increase in mealie bug in the past few months. Enquiries show that the gross loss, financial loss, to this Colony to date within six months owing to mealie bug has been estimated at a minimum of £150,000, which I think all hon. Members will agree is a very serious state of affairs, and one that requires every possible step being taken to counter.

I am indebted to my hon. Friend the Member for the Lake for certain figures of which I was not aware and which surprised me. It appears that 39 per cent. of the European population of this Colony are coffee planters and 34 per cent. of the agricultural exports of this Colony is coffee. That shows not only what everyone knew—that coffee is one of the most important industries of the country but that it is a vital industry of the country and that any serious loss to the coffee production of this country must affect the whole country and everyone in the country, that the loss of export and the consequent loss, with corresponding loss to the financial revenue of the Colony, must affect everybody in the Colony.

I would like, Your Excellency, if I may, to say—I have been particularly asked to do so—that all the coffee planters in this country who come into contact with him, have nothing but admiration for the extraordinarily good work which has been done by Mr. Kirkpatrick and everyone feels, and I am speaking for the coffee planters of this Colony, that that excellent work can be doubled and trebled for the good of the Colony, if more scope is given.

I have put the motion in this form because it will be against the Rules of this House to move any resolution suggesting an increase of financial provision, but what I am asking Government to do is to appoint immediately either a Select Committee of this House or a Committee consisting of Members of this House and persons outside it who are interested in the coffee industry to take evidence without delay

and to report to Government as to whether it is necessary to have further financial provision immediately, and if so, what financial provision should be made and for what purpose.

I understand that it is at least possible that this Committee will find that the financial provision necessary for this year will not be a large one.

I understand that it is possible that a tremendous lot of good can be done and a great check effected by the addition probably of a travelling laboratory, by the addition of travelling posts and possibly the addition of one inspector to save Mr. Kirkpatrick having to do all the inspecting himself.

I understand also—I speak subject to the technical knowledge of the Hon. the Director of Agriculture, Mr. Kirkpatrick's chief—that he has carried out experiments and that he is engaged on the breeding of parasites which will destroy the mealie bug.

I understand his idea is to prepare a preparation of food by which parasites can feed and multiply and that those parasites can at the right moment be taken away and let loose where the mealie bug is, and I understand that those experiments will be very much benefited and can be done much more effectively and much more quickly if certain extra provision such as I have suggested is made. It may seem that the appointment of such a Committee is unnecessary or redundant in view of the fact that the Coffee Conference is sitting in the last week of June.

Your Excellency, I suggest that that is not so. I suggest that the two things will, so far from being opposed to each other, be complementary, more especially as the Director of Agriculture will not be able to attend the Coffee Conference and will be essentially the person to be appointed Chairman of a Committee such as I suggest, and I am quite certain that the Coffee Conference will be enormously helped if this Honourable Council—this Government—lays the report of such Select Committee before them. By acting in this way, as I hope they will, and by placing facts before the Coffee Conference, it will show the country their determination to destroy this pest.

I do not wish at this stage to enter into what may be a controversial matter in view of certain remarks which Your Excellency made on Tuesday last, in which you rather foreshadowed a coffee cess, but I do say that as far as the coffee experimental work in this country is concerned, and so far as the life and health of coffee plants in this country are concerned—and I think I am speaking for every Elected Member in this hon. House—it is not a matter for the industry but for the whole Colony, just as much as the health and life of the human beings in this country are the concern of the whole Colony so are the health and life of the coffee plants a matter for the whole Colony.

I trust Government will see its way to accept this motion by agreeing to the appointment of one of the two Committees I have suggested, and I also trust that the Committee when appointed will get down to matters with the least possible delay, and if possible report back to this hon. Council before we adjourn at the end of this Session.

THE HON. CONWAY HARVEY: Your Excellency, in seconding this motion I should like to say that in my humble opinion it is of vital importance in a country solely dependent on agriculture as is Kenya Colony, that Government should do everything possible to keep the industry in a healthy state. By this I do not mean that public funds should be disbursed in feeding individual planters, but that Government should alone. Your Excellency, is in a position to carry out systematic experimental and research work which would enable them to put individuals wise as to what remedial measures should be necessary in order to combat pests and disease. It is hard, Sir, to define where the duty of Government in this matter begins and ends, and what is the duty of the industry itself, but as the learned mover of the motion has suggested, Sir, I would emphasize the fact that it is the bounden duty of Government to concern itself with what the Noble Lord has described as "the public health" of coffee, maize, and anything else.

The individual, or a combination of individuals, should always be responsible for what I may describe as the technology of the industry. The Agricultural Department of Kenya has performed a very great deal of very useful work. It fairly sparkles with what may be termed "illuminating statistics." But I have always held the view that insufficient attention has been afforded to original research work. My hon. Friend the Director of Agriculture, will no doubt quite clearly indicate exactly what his Department has done in connection with the two subjects before the House at the moment. I do not wish to make any invidious comparisons. Your Excellency, but until last year, in spite of the opposition of elected Members, a new appointment was made in the Agricultural Department, under the title of "Livestock Officer." I do respectfully suggest, Your Excellency, that that office might very well have been substituted by an additional assistant entomologist, and I do consider that the Colony would be getting far better value for its money if it were spent in that way. I have no doubt my hon. Friend will fully explain the attitude of his Department in this connection.

Now, Sir, in my humble opinion, coffee, the premier industry of Kenya, has never received its fair share of Government recognition. The total agricultural exports, Your Excellency, for the year 1919 amounted to £726,000, of which coffee contributed no less than £244,000. In 1926, Your

Excellency, coffee slightly gained in comparison. The total exports of domestic agricultural produce amounted to £2,000,000, to which coffee contributed no less than £772,000. Now, Sir, the total vote for the Agricultural Department in the year 1923 amounted to £84,000, of which only £1,000 was devoted directly to coffee. In 1926, the total Agricultural Department vote had increased to £116,000, but only £1,500 were devoted to coffee purposes. Taking everything into consideration, it is just possible, by a general system of calculation, that coffee receives as much as between £3,500 and £4,000 per annum—and this, Your Excellency, for an industry which provides over 33 per cent. of the total exports of the Colony, and an industry, Your Excellency, which has been very directly responsible for white settlement in Kenya, and the possibility of far closer European settlement in the future.

As the industry makes a direct contribution to revenue of £1,000 per annum through the Registration Tax, the net contribution by Government to the coffee industry amounts to the enormous sum of £200 a year.

Now, Sir, to turn to maize and the stalk-borer. Thanks very largely to the statesmanlike action of Government in carrying into effect the recommendations of the Economic and Financial Committee seven or eight years ago, maize cultivation and the maize industry have increased by leaps and bounds. I suggest, Sir, that it is now of importance to Kenya possibly second only to coffee, and it is pregnant with future possibilities so long as efforts are taken by Government to nip in the bud such diseases and pests as can be so dealt with in the very early stages, before they become, Sir, such a serious menace as they have become in many other maize-growing countries. In this connection, Your Excellency, I would point out that in South Africa the maize stalk-borer is regarded as by far the most serious maize pest with which they have to contend, and it is responsible for a loss, so it is estimated by people in the best position to know, at not less than ten per cent., spread over a period of years, of the total maize production of the Union of South Africa.

Now, Sir, the stalk-borer appeared to any extent for the first time last year. A few farms in the Njoro District became infested. What steps were taken to prevent its spread I do not know, but I am quite sure we shall hear, Your Excellency. In any case, Your Excellency, the measures proved ineffective, inasmuch as the disease has manifested itself in other districts; the pest has appeared on far more farms this year than last, and it is rapidly spreading at the present moment. I have a telegram here, Sir, from Nakuru, in which it states that no less than six additional very large maize-growing estates have become infested during the last few days, and I do suggest, most

seriously Your Excellency, that it is up to everyone concerned with the welfare of the Colony in any shape or form, to be up and doing, and to take some action in order that the serious menace to industry may at least be combated, if not successfully defeated.

HIS EXCELLENCY: Does any hon. Member desire to speak on the motion before I call upon the Director of Agriculture to reply?

THE RIGHT HON. LORD DELAMERE: Your Excellency with the greatest respect I should like to say that I hope to speak after the Director of Agriculture.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOEM): May I be allowed to begin with a note of personal explanation? If I fail in dealing adequately with this most important motion I hope the House will forgive me, as I am not in the state I feel I ought to be in dealing with this motion to its fullest extent. I think, Sir, there are certain points of general interest in connection with this motion as worded. In the first place, I am very glad to see that it has been moved by a Member representing an urban constituency. (Hear, hear.) I think the more we find people living in towns and interested in town and commercial life taking a part in the welfare of the country as a whole, the better. Then again, the motion has been seconded by a Member in whose area, I am glad to say, neither of these pests has yet been reported. (Hear, hear.) That again shows an interest in the affairs of other parts of the country. Indeed, Sir, when viewed broadly, the motion may be regarded as a greater recognition on the part of hon. Members of the value of research work, and research services, for that I take it to be, and I am sure the Government will not oppose such a view. So far as the Department of Agriculture is concerned, I welcome the gesture, even if somewhat tardily given.

But there is an aspect of the motion, Sir, which I regret to see introduced into this House, and that is an aspect which I think is calculated to do this Colony some harm. I think it a pity that motions dealing with important matters of this nature should be so framed. Doubtless this will cause suspicion in the minds of people who might be disposed to spend money upon either of these industries in this Colony, as they will hesitate to spend considerable sums of money in the Colony in future unless this question is settled.

I saw my hon. Friend the General Manager looking at me a moment ago. I wonder what he will think in 1929 when he has to face very heavy interest and sinking fund charges if there is this very grave menace which is shown in this motion? It will mean a very serious state of affairs, a state of affairs which we do not contemplate with any sense of equanimity.

Now, Sir, I gladly respond to the request that I should give information to the House with regard to the steps which have been taken by the Department of Agriculture in connection with these pests, and before doing so I should like to say, Sir, on behalf of the staff of the Department of Agriculture, that I appreciate very highly the references which have been made to their work.

Taking the case of the mealie bug first. It is now about two years since indications pointed to this pest taking an epidemic form, and the Department viewed the matter so seriously that weekly conferences took place in the Department of Agriculture, and a team of four officers, who were associated in the investigations and research work, every Saturday morning—the Entomologist, the Coffee Officer, the Inspector of Plantations and the Agricultural Chemist—met me in order to discuss the result of the previous week's work, and to plan out experimental work in the near future. A great deal of work was so done. We entered into communication with other countries who were likely to throw any light on the subject. We telegraphed for supplies of substances and materials of various kinds, and we cleared the air a great deal.

Then two or three months afterwards the services of an assistant entomologist were obtained—Mr. Kirkpatrick—the member of the staff referred to by the hon. Member, and since that date—it was in July or August, 1925—that officer has, with the exception of a few days during the period, devoted his sole attention to investigation and research work in connection with this mealie bug. As a consequence, he found a substance which was given the name of Creosoto, which is believed to this day to be a reasonably efficient means for controlling this pest. Now I do believe this, Sir, from what I have seen, and as advised by my scientific officers, that if it had not been for the manufacturers' failure to comply with orders and the mishaps which have taken place during the last few months with regard to the quality of the Creosoto, I do not think this motion would have been before this House—at least so far as mealie bug is concerned. We do believe that provided the substance is properly manufactured it is in the hands of coffee planters the means for bringing the loss through the pest down to a reasonable amount. This is one of the difficulties one has to contend with in any Colony so far removed from the centre of manufacture. Once having got to the stage of knowing what is required for a particular purpose, it is sometimes a real difficulty to get that sort of thing manufactured and delivered, and I should like to take this opportunity of saying that I am quite satisfied that no blame should be attached to the agents of the manufacturers in this country with regard to the failure to supply the material in proper condition. Allow me to say further with regard to that, Sir, that it may be said "Why doesn't the Department arrange for some other manufacturer of Creosoto?" The

fact is that the Entomologist has some other substance under test which is expected to give far better results than Creosote. It is a substance which can be manufactured locally, and at this stage it is not desired to place large orders with a new firm for Creosote. That substance, I may tell this House, consists of mercurial chloride prepared in a weatherproof varnish. I hope, Sir, that in the circumstances I have said sufficient with regard to the work done by the Department in connection with mealie bug. It is a very complicated matter and one of the most complicated insect pests that any entomologist could set his hand to.

Now, Sir, with regard to the maize stalk borer. Again I shall be a brief and precise in my remarks. The maize stalk-borer is for all practical intents and purposes a world-wide pest. There are two species of insects which fall under this head, and one of them is common to the whole African continent, and the one which is causing us damage in this Colony is indigenous to this Colony. It has been traced throughout the length and breadth of the country. Now, in no country have effective measures been found to control this pest. In the ordinary sense of the word it is outside all farming measures. At the beginning of last year, when it appeared to me that there were indications that this pest was taking an epidemic form, I gave definite instructions to the Senior Entomologist to concentrate his work on this pest, and since that date, except for the ordinary routine work connected with the laboratory, he has made this pest his main line of investigation.

It is necessary to work out the life history of the pest in this Colony in order to ascertain whether that life history can be broken at a weak point, but I regret very much to say, Sir, that according to present information, and having regard to the climatic conditions existing in this Colony, we are at the present time unable to suggest any means of breaking that life history. There are means of control, I will not say of eradication, which can be used by maize growers themselves. (Hear, hear.) For example there is the planting of trap crops, which must of necessity be destroyed, and not left on the ground afterwards, or more harm than good would be caused; the destruction of all faulty maize in the fields; the planting of rotation crops; and the cleaning up and burning of all maize crop remains.

Now, Sir, it may be in the minds of some hon. Members that the next step should be that Government should pass legislation calling upon farmers to do all these things. Well, in my judgment, Sir, the position will have to be very much more serious than it is to-day before the farmers of this country will tolerate such legislation, and before the Government or the country in some way or another would be justified in incurring the very heavy expenditure which would be required to administer such legislation.

Then again, Sir, there are practical difficulties in the way, in this country in particular, of dealing with this pest. In countries where your planting season is confined to comparatively short periods of the year and where there are winter conditions during which the pupae of the insect hibernate and are even destroyed, the pest itself is controlled much more easily, but in this country, with our different climatic conditions, with the sowing period extending over a comparatively long period of time and with no winter conditions, it is going to be a particularly difficult problem to deal satisfactorily with this pest.

Well, Your Excellency, I think I have indicated that so far as the Department of Agriculture is concerned and with the resources at its disposal it has not neglected these two pests during the last year or two years. In fact, two entomologists on the establishment of the Department have made these pests their main investigation and work.

May I conclude with this remark. I realise very fully and I sympathise very fully with the individuals who have suffered very heavy losses through the onset of these pests.

I do not take as serious a view with regard to the state of these industries themselves as is indicated in this motion. There is no evidence before me that as coffee and as maize industries they are threatened with extinction or even with a serious menace to the industry as a whole. I hope the hon. Mover will find the suggestion that I think you, Sir, will make, that a small Committee of this hon. House should be appointed and that this motion should be referred to it for discussion, will meet the case.

THE RT. HON. LORD DELAMERE: I said that I would say something after the hon. the Director of Agriculture had spoken.

I find it rather difficult to do so in certain ways, because he has not dealt with the principle as put forward by the hon. Mover and Seconded at all, that principle being that it is the duty of Government to undertake the safeguarding of the public health of not only people and animals—of the cattle or sheep—but also of the economic crops of the country. And I am very sorry indeed to hear that he has been ill. I hope that that is the reason why he did not deal with this particular subject, because as everybody knows, as far as the coffee industry is concerned, there has been a great deal of difference of opinion among the coffee people themselves as to what should be done for combating diseases; whether they themselves should put up a cess and also as to the best methods of employing money when that money has been found, as to whether it should be entomologists or coffee officers. Does Government, or does my hon. Friend the hon. the Director of Agriculture seriously propose that the most important industry

in this country should be put in a position of possible destruction? I think that is an exaggeration, but people who are interested in that industry are unable to make up their minds as to the best methods of dealing with it. It is Government's duty to do it. It is not only a matter for the coffee people, but it is a most important thing for the country. All of us depend upon it to an enormous extent, and certainly the towns of this Colony undoubtedly depend upon it to an enormous extent, and it does seem to me a matter of argument that it is the business of Government to take up the safeguarding of that crop against specific diseases which are liable to decrease the output from the coffee plantations of the country, if no more. My hon. Friend has not dealt with that, although it was dealt with by the hon. Mover and Seconder in what they said. As far as I am personally concerned, I have no doubt whatever that it is the duty of Government to do that and that the line can be drawn. I think the line can be drawn between research and the finding out of methods for dealing with these things and the application of measures between the research and the actual application of methods on the plantations, as is done in the case of the cattle industry. Government has a very large staff dealing with the cattle industry, who are engaged in inspecting all cattle. If anything has got a disease it is their business to find out about it and to guard the farmer against it. If on the other hand those cattle have a disease and some expensive method for dealing with the disease has got to be put in hand, that is paid for by the individual and it does seem to me that in that way a line can be drawn in these and other industries between research work, which must I think be the business of Government, and the application of the particular methods suggested, which I think to a very large extent must always be a matter for the planters.

I am very sorry indeed that my hon. Friend has taken up a defensive attitude in this matter. I can see nothing at all derogatory to his Department in this particular resolution. It says:—

"That while fully appreciating the efforts already made by the Department of Agriculture in this respect, this Honourable Council is of opinion that it is of the greatest importance that Government take further immediate steps to deal with the grave menace which is threatening coffee in the form of mealy bug and maize in the form of stalk-borer."

Now, surely, that is nothing derogatory to the Department of Agriculture. Surely that simply means that the Agricultural Department have been doing a great deal, but that in the opinion of this hon. House some action is required to put this thing into proper effect, and further that this hon. House asks the Government to back up the Department of Agriculture by applying certain sums of money for that purpose. I cannot see any other meaning in it. If my hon. Friend the Director of

Agriculture had dealt with the question of the principle, as to whether he was still expecting a cess to deal with this, I would know where I am and possibly be able to say more from that point of view. I quite agree that resolutions of this sort must be inclined to frighten people investing money, but I think it will frighten them a great deal more if no effort is made or step taken at all in this hon. House to emphasise to the Government the great importance of dealing with these pests. As far as I personally am concerned it does not appear that these pests are actually going to ruin these industries. Everybody knows that the stalk-borer is found in all countries in different forms, and it does depend enormously on clean farming and other things to keep it in check. It has further been kept in check in other countries, and it is a grave menace to lose ten per cent. of the crop, which is the worst apparently that is likely to happen under these circumstances. I do feel in this country that we have come to the time when we must deal with diseases of this sort which are perfectly well known, in the same way as we deal with the mosquito in this country; that it is up to the Government to see that a few people who do not take the trouble to live a social life and so help others in this regard by keeping their farms clean should be brought into line by some method or law. I am sure farmers in this country would not object to any rule which would improve matters for the farmers in the country and enable them to deal with a pest like the stalk-borer.

As I say, the whole ground has been cut from under my feet. I waited to speak after the hon. Gentleman, as I thought he was going to deal with the question of a cess. He has not, and I think he ought to have, and I repeat that I certainly understand that, as the hon. Mover and Seconder are also doing, and speaking on behalf of the Elected Members in this matter, that they believe the public health of an economic plant is as much the business of Government and Government alone as the public health of the human inhabitants of this country and of the cattle and sheep and so on.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE): I feel sorry that the helping hand which I feel sure the hon. Director of Agriculture intended to extend to this industry was not more easily discerned. I assume that the reason why he did not enter into the principles as to whether Government is concerned with the health of plant and ordinary human life is that the whole of Government, and particularly the record of the Director of Agriculture for many years asserts that through the estimates of the Colony, and through what has been said on this side of the House in regard to the Colony.

Your Excellency, I think that the principle is accepted by every Member of the House on both sides of it that it is the duty of Government to have close and careful regard to the health of plant, animal and human life. I would point out an

his behalf that that principle was not challenged in any way. I feel certain that he would be the first to uphold the principle were any forthcoming. I do not think his speech was intended in any way to be defensive. I think all the hon. Member intended to say was to explain what measures had been taken, and not having discussed any points, I would urge the point that perhaps he was certainly wise to defer bringing up that point until the coffee planters have discussed the matter in June, and I think it is better that it be debated by those connected with the industry before it is debated in this Council. The proposal of the hon. the Director of Agriculture that a small Committee of Members of this House should be formed to consider this matter was intended as I know to expedite consideration and as to this industry. It will be in the minds of hon. Members that the whole Council has taken a stand against supplementary provision of money where it can be avoided. It is also on record that His Excellency the Governor has stated at times that supplementary provision cannot be avoided where there is an emergency. It is obviously the duty of this Council to restrict that expenditure as far as possible—(Hear, hear)—and the hon. the Director of Agriculture's proposal is merely to suggest that hon. Members of this House should consider their responsibility, and that a further motion should be brought before this House before the close of the Session.

THE RT. HON. LORD DELAMERE: On a point of explanation. I did not object to the Committee being formed. In fact, I did not know he suggested it should be formed. I thought that the hon. Director was going to say something about the principle.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, in view of the remarks of the Colonial Secretary, I will either withdraw this motion on the understanding that the Committee is formed or move to report progress or whatever you do on these occasions.

THE HON. THE ACTING COLONIAL SECRETARY: I might suggest, Sir, that it be moved that this motion be referred to a Select Committee for consideration. That a Select Committee be appointed and go into the question.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move that this motion be referred to a Select Committee consisting of the Director of Agriculture as Chairman, the hon. Member for the Lake, the hon. Member for Kikuyu and the hon. Member for Plateau North.

HIS EXCELLENCY: Does your seconder second it?

THE HON. CONWAY HARVEY: I beg leave to second.

HIS EXCELLENCY: The motion before the House is that the motion originally moved by the hon. Member for Nairobi South should be referred to a Select Committee to be composed of:—

The Director of Agriculture as Chairman,
The Hon. Members for the Lake, Kikuyu and Plateau North.

The question was put and carried.

EASTER SATURDAY.

HIS EXCELLENCY: The next motion stands in the name of the hon. Member for Nairobi South.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I beg to move:—

“ That in the opinion of this Honourable Council the schedule to the Public Holidays Ordinance should be so amended as to include the day between Good Friday and Easter Sunday.”

I do not wish to waste the time of this hon. Council on this motion, more particularly as I understand Government is going to accept it, and at a meeting of Elected Members support was accorded to the motion, the object of which is perfectly clear.

At the present moment, Good Friday is a holiday and Easter Saturday is not, so that people who wish to get away for a holiday cannot get away until one o'clock on Saturday, and have to be back on Tuesday morning. If this extra day is put in the schedule it will mean that employees and others can leave on Thursday evening after working hours and come back on Tuesday morning, giving them four full days' holiday. It is only half a day extra, and I would emphasise this point that the fact of declaring it a public holiday does not mean that shops and business offices have to close, it merely means that the banks have to close. This year, at the request of the Nairobi Chamber of Commerce, supported by the Mombasa Chamber of Commerce, it was declared a public holiday. It seems to me that instead of waiting day by day to see whether it is going to be a public holiday it is better to provide at once for it by including it in the schedule to the Public Holidays Ordinance so that people know where they are, and I do not think, as some do, that the whole country is going to rack and ruin because they cannot work on Easter Saturday morning.

THE HON. CONWAY HARVEY: I beg leave to second.

THE HON. THE ACTING COLONIAL SECRETARY: In view of the support which has been received to the principle of this motion for more than one year, I have Your Excellency's authority to say that Government accepts the motion.

The question was put and carried.

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BILLS.**THE DEFENCE FORCE BILL.****SECOND READING.**

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, any lengthy description of the history of the Defence Force Bill is rendered unnecessary on my part by the full account that was given by His Excellency the Governor to Legislative Council in his speech on the 17th of December.

As you stated in your opening address to this Council, Sir, the measure has now been before the country for six years, and this Bill was introduced in 1923.

Since then it has been the subject of the criticisms of the Committee of Imperial Defence, a Select Committee of Legislative Council, which redrafted it in the light of the first-mentioned criticisms, and of Executive Council, which made a few further emendations.

Throughout this lengthy period the framework of the Bill has remained unchanged, that is to say, the underlying principle is that of a Force composed of all the able-bodied citizens of this Colony who at an emergency would be available for its safekeeping.

The Bill contains a preamble which sets out in a few words its single and simple purpose. It states that the aim is to enable the European inhabitants of this Colony to perform, when called upon, the duty of maintaining law and order incumbent upon them under the common law, and it recognises the responsibility resting upon those citizens for the defence of the Colony and the protection of life and property therein.

The Bill proceeds in the first part to state that the scope of the Defence Force is to be liability for general military service in any part of the Colony.

The organisation laid down is that of a permanent headquarters, the staff of which will be the Commandant, a Staff Officer and such other ranks as the Governor may deem expedient.

The Colony will be divided into Defence Force districts, for each of which a local Defence Committee will be appointed on the recommendations of the members of the Force and to which a District Commandant and Section Commanders will be appointed by the Governor after consultation with the local Defence Committee.

There is further to be a Central Defence Committee, consisting of the Commandant and one delegate from each Defence Force District, and that Committee will have a sub-committee, known as the Central Sub-Committee, to carry out its more ordinary routine functions.

One of the main duties of the local Defence Committees will be to draw up schemes of district defence which from time to time will be improved as topographical and other details of intelligence are recorded.

The second part deals with the constitution and enrolment of the Force. There are to be four classes:—

Class I, between the ages of 18 and 30,

Class II, between 30 and 40,

Class III, between 40 and 50, and

Class IV, for the persons over 50.

Compulsory enrolment applies to the first three of these, but service in the fourth class, which has no age maximum, is optional to those who are of the appropriate age. The age limits are high as compared with those in other legislation of the kind. But these limits have been set not so much to compel such citizens against their will as to meet the very general wish of the older men that they be given the opportunity to serve in the Force.

There is, moreover, provision for enabling persons to elect to serve in a class younger, so to speak, than that into which they naturally fall under the Bill.

Further, there is provision for non-British subjects in certain circumstances and with the permission of the Governor, to be accepted as volunteers in the Force.

With regard to compulsory enrolment, the terms are presumably familiar to all hon. Members. They are that every competent male European British subject between the ages of 18 and 50 years and resident ordinarily in the Colony shall enrol himself in the Force, and if he fails to do so within one month, he shall be deemed to have been so enrolled.

The exemption clause is non-specific, those unfit by reason of any infirmity naturally being exempted and general power of exemption resting with the Governor in Council.

Lists of all those liable to serve are to be prepared immediately upon the commencement of the Ordinance by the District Commissioners, each for his own district, and opportunity is given for correction of such lists in case of error or omission.

The third part deals with equipment and the fourth with training. The maximum periods of training are 100 hours in the case of the first class and 12 hours in the case of the second and third, any musketry course that may be required being included within those maxima.

The power lies in the hands of the District Commandant to exempt at his discretion any member of his unit from the performance of his compulsory training. The big number of Service men in Kenya should allow this power to be widely and generally used.

The fifth part dealing with mobilisation may be said to be on a "strictly business" basis; indeed, there is specific inhibition upon the calling out of the Defence Force for ceremonial parades or for any purpose other than those specified in the Ordinance.

Those occasions will arise only when the Governor considers it necessary for the defence of the Colony or any part of the Colony or for protection of life and property therein to mobilise the Defence Force or if, in the case of sudden and imminent danger arising in an administrative district and the Governor's authority not being obtainable without undue delay, the Civil Officer calls out the members of the Defence Force resident in his district for the same ends, reporting forthwith to the Governor that and any subsequent step taken by him.

Power is also given to the Governor, when he deems it necessary, without actually calling out the Defence Force, to proclaim that the Force or any part of the Force shall hold itself in readiness for immediate mobilisation.

Under this part it is laid down that members of the Defence Force, when on active service or so called out as I have described, shall be subject to the provisions of the Army Act, and the liability is imposed upon every resident in the country to assist in such matters as transport and supplies when called upon.

The last part of the Bill contains various miscellaneous provisions, chiefly concerned with gratuities or pensions in certain events and with the power to make regulations for certain specified purposes.

It is axiomatic, Your Excellency, that a measure of a compulsory nature such as this requires the general consent of the governed, and Government was fortunate in finding an opportunity in the recent election to put the full issue before the electors. And this point His Excellency the Governor emphasised in his speech to Legislative Council on December 17th, when he explained at very considerable length and detail the underlying principles of the Bill: Government, moreover, published in the early stages of the election a full memorandum explanatory of the Bill's provisions.

The Elected Members' organisation placed the Bill in their manifesto.

Facts show that in one constituency only was there found a candidate with views opposed to the measure, and that in a constituency where such opposition as there is largely

centred. Nevertheless that candidate failed by a considerable minority. Elsewhere than in Nairobi, criticism of the Bill was practically non-existent.

The only possible deduction is that those whose names appear on the Electors' Roll—those who may be said to have the civic sense most highly developed—are overwhelmingly in favour of this Bill, and in such circumstances general consent may be confidently asserted. (Hear, hear.)

That there should be some opposition is only natural, and conveniently it has been crystallised in a single document—a petition published some weeks ago in the newspaper and now forwarded to Your Excellency for submission to His Majesty the King.

Although for the reasons already stated, little or no opposition is to be anticipated within this Council the views of the opponents to the measure deserve examination and call for evaluation.

The underlying idea as I understand it after close consideration not only of the petition but also of other publications on the point is opposition to any military organisation on a compulsory basis in a time of peace.

While the upholders of this view do not deny the necessity of some defence measure and are not prepared to oppose some compulsory registration of all able-bodied citizens to that end, they regard enrolment on that basis and still more any shadow of training the Force so enrolled, at any rate until hostilities necessitate such a process, as essentially wrong.

I hope that I have put a true construction upon their argument.

Now, the whole core of the argument is that any such procedure is essentially un-British, and here, as in the alternative proposal which is adumbrated, that is to say an increased highly trained Military Police Force, stands revealed the fundamental misconception which underlies their whole case.

It has been said of loyal emigrants "*Coelum non animam mutant*" but it is possible to overdo this admirable attitude.

The objectors to this measure take their stand upon a principle which in a highly organised densely populated country such as England a very large number of citizens would profess, even though some of Britain's greatest men have spent their lives in the cause of National Service.

But while they fix their gaze firmly on Kenya's Motherland they pay no attention to other countries which bear the relation to Kenya of elder sister.

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The whole course of their argument shows a complete disregard not only of colonial history but also of contemporary colonial institutions.

They appear unable to perceive the fact that Australia, New Zealand, South Africa, Southern Rhodesia and other thinly inhabited outposts of the Empire have found it necessary and right to create organizations recruited on a basis similar to that proposed in this Bill.

I am prepared to believe that this myopia is inherent and not wilful. I do not call into question the sincerity of the chief participants in this movement.

The records of many of them show that certainly they hold no brief for the "slacker" and that they are in no way opposed to service on behalf of their country.

But the fact stands out that their view is utterly out of touch with reality, founding on little experience and less understanding of the circumstances in which its authors find themselves, and out of all relation to the general colonial system of administration displayed throughout the Empire.

I think that it is a true and just criticism of the opposing view to say that it reveals inadequate study of the nature and real effect of this Bill; that the Bill aims at the minimum of militarization is ignored as is the fact that the essence of the Bill is to create not a military body but a scheme for the defence of the Colony. The essence of such a scheme is that it shall be universal; to ensure universality all, not merely some, must be brought within its scope.

I cannot leave the views of the Bill's opponents without reference to two points which occupy a very large space in the Petition and I come back to this Petition because, as I have said, it crystallises these views.

The first of those points is the "alleged plea" falsely attributed to the Bill's supporters in respect of our loyal African fellow citizens.

It is amazing—almost confounding—that a statement so malicious and so mischievous, so utterly untrue, should come from any responsible person with any profession of patriotism, more especially as it is uttered in conscious disregard of Sir Edward Grigg's statement to the exact contrary in his speech of December 17th.

Government has refuted that part of this publication in the Press and I am content now to emphasize that the Bill is aimed against no particular class or race of persons but at the interests of each and all. With that I leave the issue to the judgment of the Colony.

The second part of the unworthy insinuation—publicly made in the Petition in respect to the omission of the Oath of Allegiance

This also is best answered by a statement of the actual facts.

The 1923 Bill contained provision for an Oath. As I have stated before, the Committee on Imperial Defence criticised this Bill in certain respects and one point of criticism was directed towards the inclusion in the Bill of a compulsory Oath. The Committee regarding it as questionable whether that should be required of persons deemed to be enrolled. (Hear, hear.)

Examination of similar statutes showed that those of South Africa and Southern Rhodesia, which are most analogous to Kenya in this connection, provided no Oath save for the Permanent Forces.

In South Africa those Permanent Forces consist of the Headquarters Staff and certain regular troops and are not inclusive of the Citizen Force or such other second line troops.

In Southern Rhodesia there are four Forces:—

The Permanent Force.

The Territorial Force,

The Reserve of Officers and

The Field and Police Reserves.

Only for the first of these is the compulsory Administration of the Oath provided by law.

It is for this reason and no other that provision for the Oath was not included by the Select Committee that redrafted the Defence Force Bill.

With this introduction and this endeavour to meet the arguments that have been raised outside the Council I leave this Bill for the consideration of hon. Members.

My contention is that this is a measure proper to the circumstances of this Colony and of a nature desired by an overwhelming majority of those to whom it would apply. (Hear, hear.) It is a high expression of loyalty not only towards the Crown and the Empire but as well towards Kenya and our duty. And lastly I assert once more that it is entirely impartial, having as its sole objective the interest of Kenya's citizens one and all.

Your Excellency, I beg to move. (Applause.)

LIEUT. COL. THE HON. C. S. DAVIES (Officer Commanding Troops): I beg to second.

THE RT. HON. LORD DELAMERE: I think I should say something first. All I want to say is that I believe that it is our duty under the circumstances to pass this Bill. I believe that once the consideration of questions in this country is taken outside this country it is the duty and business of this hon. Council to put before His Majesty's advisers in England definite information as to whether they agree to the Bill or not. I personally had hoped that this Bill would go into Special Committee under the ordinary methods of this hon. Council when an important Bill is under discussion and that time would be given in the ordinary way for everybody to go through all the details of the Bill. But I think that as the consideration of this Bill has now been taken outside this Colony it is up to us in this hon. Council to give our views of the Bill. For that reason I am going to vote for this Bill that it should go through in this particular instance. I suppose it will be said outside—although I personally do not feel that I have anything to answer to anybody, except to my constituents, outside this hon. Council—that I did say to my constituents that I would go back to that constituency before this Bill was passed. I did say that in certainly two places. In fact, the whole question was taken out of my hands afterwards by unanimous resolutions which were passed at every single meeting in my constituency except one, and Nakuru itself before that did pass a resolution that whatever happened they wished a compulsory Act. This is simply a personal explanation. I do not think it is proper that I should make it to this Council, but so many things have been said that I think it is right I should explain matters here. I am quite willing to meet my constituents and put forward my reasons for having done what I have done. I think that is the chief reason why the opponents of this Bill have taken it outside the consideration of this Colony, and sent home a petition. The fact remains that it does take it outside the consideration of this country. Further, I think all the responsible members of the community should also be quite fair to His Majesty's Government at home in considering this matter as to whether the Secretary of State can see his way to consenting to the Bill, to which there is a good deal of opposition in this Colony.

For that reason chiefly I am going to vote that this Bill should go in the ordinary way into Committee of the whole House and should be proceeded with now. I have very little to say on the subject because it is not in my line particularly, except that I must say, when it is stated that it is un-British that a Bill of this sort should be brought in, I must entirely agree with my hon. Friend the Acting Colonial Secretary in what he says. Before, however, I say any more on the subject I really must compliment the Hon. the Acting Colonial Secretary on the speech he made in support of this Bill. (Hear, hear.) I am sure all my hon. Friends in the House will agree that we have never heard a better speech on a subject of this sort, if he will allow me to say so.

It is said that this Bill is un-British. Now, I think the Hon. the Acting Colonial Secretary has put the whole case on that matter very clearly. After all a thing can hardly be called un-British when it refers to a method which has been carried out by British Colonies such as Canada, South Africa, New Zealand and Australia. Everyone knows that it has been published lately that Southern Rhodesia found that the ordinary voluntary Act was not sufficient for the needs of the Colony and that they passed a compulsory Act. I have been given to understand that Northern Rhodesia is bringing in a similar Bill. I do not know whether it is true. I say that I have only been told that it is so.

That settles to my mind the principle.

Now it is put forward that even if that principle is acknowledged—it is I think applied in those other Colonies to the younger members of the community—that it does not of course affect the thing at all. It is perfectly clear that in a small Colony like this with very large areas scattered with only a few people here and there, it is much more necessary that the older people should also help, and as the Hon. the Acting Colonial Secretary has said, it does not in the least mean necessarily that they are going into the firing line or going to do anything of that sort if trouble arose. It may quite well mean that they are simply joining an organization where their services can be used in the best way for the advance of the Colony.

I have nothing more to say. I am in a way a little sorry that a Bill of this sort, which has been put forward in such a very mild form, should have created any feeling at all in this Colony. It is a thing I do not understand, and now that the Bill has been amended, as I said before, our duty is to do what is only right should be done. To my mind the only thing to do is to put this Bill through. (Hear, hear.)

CAPT. THE HON. F. E. SCHWARTZ: Your Excellency, so much has been said inside this hon. House and outside with regard to this measure that I think it hardly necessary to adduce any further arguments in support of this measure.

I would only say and remind this hon. House that this Bill in 1923 passed through its three readings and its Committee stage without a protest being heard from any part of the country. On the contrary, at meetings held all over the country by the then Officer Commanding Troops it was resolved by overwhelming majorities, in most cases unanimously, to support that Bill. That was a very much stricter Bill—a Bill to which possible objection could have been taken in some of the details, and yet, as I say, no voice was heard at that time. We have here a Bill, as the Noble Lord has said, mild, unobjectionable in any shape or form, and speaking as one of the members representing the constituency where most

of the opposition is found, I say—and I say it in all sincerity—that, however much those persons who head the opposition may believe in their case, however genuine and sincere they may be, yet the vast majority of the opinion—rank and file—have shown that it is an engineered opposition. (Interruption from the public benches). At a meeting held some two months ago at the Theatre Royal during a debate between the hon. Gentleman on my right (Capt. the Hon. H. F. Ward) and the late Mayor of Nairobi, the Mayor of Nairobi said in public that if it was the wish of the majority of the country that this Bill should go through he, the leading citizen of Nairobi and one of the most prominent opponents of the measure would bow to the will of the majority, and I have no doubt whatever—and I deny that any fair-minded man in this country can have any doubt—that the vast majority of the citizens of this Colony support and favour this Bill. But I should not support this Bill were I not genuinely convinced—and just as I have credited the leading supporters of the opposition with sincerity I trust that they will credit me with sincerity—I am absolutely certain that the majority of the citizens of Nairobi are in favour of this Bill, not only the registered voters but the majority of the adult population. It is common knowledge that I took a referendum of the registered voters, in accordance with the pledge I gave during the election campaign. The returns show a majority of three to one in favour of this measure. I understand—I speak subject to correction—that the signatures to the petition amount to roughly 600 obtained in Nairobi. During the election I was twitted with the fact that the Voters' Roll was so small, while it was stated that there were between 1,800 and 1,900 who were eligible to vote in Nairobi. If that is so, considering the house to house canvass which has been going on by the opponents to the measure, considering the indefatigable steps they have taken to obtain signatures to this petition, there are not very many signatures to that petition. Out of between 1,800 and 1,900, only 600 have signed the petition. Does not that prove that the majority in Nairobi is in favour of this measure? Because I believe that the majority in Nairobi are in favour of this measure, that the majority of the country are in favour of this measure, and lastly and mostly because I am absolutely convinced that this measure is vital and beneficial to the country, I am going to support it to the best of my ability. (Hear, hear).

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE: I propose to support this Bill as much as I possibly can, as I believe it is a sound and necessary measure. I object to the word "conscription" being used in connection with this Bill by some people. A conscript to my mind is one who is called out to train himself to be a soldier. I can see no mention of any such intention in this Bill. They say that compulsory service is un-British and has never been in force previous to the Great

War. It is well known, however, that some of our most famous naval victories were those in which sailors took part who were forced to join by the press gangs. It is a serious fact that a local newspaper published a short time ago—this paper has not been over-enthusiastic over this Bill—an article on quite another matter, quoting the well-known Latin quotation *salus populi suprema lex*—"The Public Safety is the Supreme Law of Laws."

"All else in any well-organised state of society is subservient, and when public safety is taken in conjunction with convenience—when the one is made corollary of the other, the ideal condition is reached."

That applies very aptly to this Bill. There are some men who say that there is no reason for a Defence Force here—that there is no likelihood of any danger arising. I would, however, ask those people to carefully read the paper and judge by the actions of certain parties both in this country and at home. I think they will see that if no steps are taken there will be danger.

I hope Your Excellency will allow this vote to be an open vote. There are many on the other side of the House here who are Government officials who will some day follow my example. It would be far better—if they are inclined to disagree with the Bill—that they should say so now rather than they should say that they were forced to vote for it.

THE RT. HON. LORD DELAMERE: May I just say one word in explanation. I have just had a paper passed on to me to say that the gentleman who told me that Northern Rhodesia were also intending to go in for this sort of thing had made a mistake in the matter.

THE HON. T. J. O'SHEA: Having identified myself with the measure in its earlier stages I think it only right that I should voice my opinion in its final stage, more especially in view of the position which has arisen to-day, at the last hour. I approved the measure from the beginning, and I am more strongly than ever in favour of it to-day, and that after hearing every opinion that could be expressed against it. I have studied the arguments against it and I have not found one of them worthy of my serious consideration. I support the measure because the principles of it are genuinely sound. Believing as I do in giving every adult—man and woman—a voice in the government of the country I also think it is a logical corollary that every adult man and woman should share in the defence of it. I take it as my responsibility in return for that privilege, and I cannot for the life of me see how anyone can argue that he or she should have a voice in the government of the country unless he or she is prepared to share in the responsibility for its defence. At a very important

Imperial Conference held in October and November last it was agreed among the heads of all self-governing Dominions of the Empire that each and every portion of the Empire should endeavour as far as possible to be responsible for its own defence. As a citizen of Kenya, and one proud to be a citizen of Kenya, I do not think that I could hold my head up as one of the public representatives of this country if I were not prepared on behalf of Kenya to say that we would endeavour to the limit of our ability to do at least as much as every other section of the Empire was doing, for our own defence. I think it is only right and proper we should do that to the limit of our abilities and I think it is only by some such measure as this that we can properly equip this country for our successors.

In recent years the methods of warfare are changing. They have changed to an extent that makes it, I think, impossible to contemplate the defence of this country in future by uncivilised native troops. The methods of defence in this country in years to come are, I think, certain to be of an entirely different nature from what would have been sufficient in the past, and I think that to efficiently and economically at low cost equip this country for defence in the near future it is necessary to have some such body as is contemplated by this measure.

The Bill has been studied and re-studied from every point of view, and, as now printed, I believe it is the best possible measure that can be framed under present circumstances. It is one that puts the onus on the individual, and is not likely to inflict any hardship on the community. It is on sound lines from beginning to end and, I think that I can say it, it defies criticism except possibly in one important respect. Possibly in that respect it is due to an oversight at the last moment. I have discovered that it includes no provision for the possible enrolment of women. (Laughter.) I am surprised that we should not have had a stronger protest from the leaders of the other sex in this country. I should have thought that they would have been very indignant that they were entirely left out of this measure. I hope that that will be remedied.

CAPT. THE HON. H. F. WARD: It is with a feeling of keenest relief that I rise to support this measure because when this matter was last before this hon. House, whilst I personally have always been in favour of it as the only logical method of providing communal defence, I had, owing to a certain amount of opposition, to register my vote against it.

It is I think necessary to examine the position of my constituency a little bit further. Personally, when this matter became a matter of public comment and debate and correspondence in the paper and so on, I felt, apart from Government's intentions or any political issue, that it was abundantly necessary to get a full consensus of the opinion of those who

were likely to be affected by the measure and also to bring out in every possible way what opposition could be found to it. In regard to that I should like to say how astonished I am at the smallness of the minority vote against this measure especially in view of the steps that have been taken to organise it, which, I think everyone will admit, were efficient. At the preliminary meeting which I held and which—I should like to draw attention to the fact—was held before the Bill had been reported on by the Committee appointed by Your Excellency, and before the redraft of the present Act, my hon. Friend the Member for Nairobi South and myself held a joint meeting of both constituencies. We held the meeting on constitutional lines, or rather equal to constitutional lines, for registered voters in both areas. When it came to the vote, there was no machinery available for taking a proper vote of the registered voters, and those present voted by show of hands, or rather by standing up.

To be perfectly frank, my hon. Friend and I discounted that opinion because non-registered voters were present in considerable numbers, and even a considerable number of people who did not belong to the town at all were present. But in view of the need for getting a real sense of the feeling of the country, and in order to encourage the opposition in every possible way, my hon. Friend and myself took the majority opinion of that meeting, and I feel that by so doing no fairer way could have been chosen of giving the opposition a chance. As the Hon. Colonial Secretary has mentioned, I was opposed in the recent elections by a gentleman who was opposed to what he called "conscription". He opposed this Bill, which is founded on a compulsory basis, and yet the constituency which I have the honour to represent returned me with a substantial majority. One might have thought that the opportunity afforded to the opposition had been carried far enough, but in order to be quite sure, I took a census of registered voters through a referendum and I am happy to say that the result of the referendum was a fifty per cent. majority in favour of the Bill.

I think, having done all that, that the Government of this country and the Government overseas must feel sure that public opinion has not been rushed, that public opinion has been given every chance to express its views and that the opposition has been given full say.

Now, Sir, quite briefly I would like to deal with the opposition. It is a little difficult. One has to depend upon figures which I trust are more or less accurate. My remarks are based on figures which I have been given, and given I believe with authority.

There is, I understand, first of all the percentage of the opposition to the total population of this country as reported

by the last census. That is at the utmost fifteen per cent. But if you take into consideration that other people have come here since the census was taken I think you will find that that figure is a high one. Even if you take that figure of fifteen per cent., I think it will be agreed that the opposition to other measures introduced into this Colony has been far in excess of that and still they have been agreed to by the Government here and by the Government at home. That is another aspect of the question that I should like to put before you, that measures that are now on the Statute Book of Kenya have had a far greater degree of opposition than fifteen per cent., and I further agree with my hon. Friend that there are many issues on which we could get better and fuller petitions than that which has been obtained on the Defence Force Bill. I do not think I have anything further to say except that I support this measure.

REV. CANON THE HON. J. BRITTON: Your Excellency, I support this measure and in doing so do hope and trust that the African community, which I have the honour to represent here, will realise how wholly and entirely I am satisfied that this defence measure is brought about in order to defend the African community just as much as any other part of the community in Kenya—(hear, hear.)—and that the African community are going to benefit by this Defence Force Bill. It is rather difficult for anyone not living in Africa in these days quite to realise what particular point Africa has reached. Not so very long ago there was the contrast of David Livingstone going into villages and throwing his shirt open to show that he was totally disarmed, and numbers of Africans engaged in raiding. At subsequent periods there were controversies at home and possibly here contrasting the missionary enterprise and commercial and political enterprise which were then taking place throughout the continent. We are living in a different age. We are living in an age where vast territories are fully organised and administered, and we live in Kenya Colony in a time when the rights and progress of the natives are of interest not only to Government but also to the European community generally. (Hear, hear.) It is a platitude now to say that in no country in Africa can there be progress unless there is hearty co-operation between European and African, and unless the Africans themselves are progressing the Europeans themselves cannot go forward.

In that atmosphere we can come to a Defence Force Bill such as this and we can see it embodies a general scheme of defence which aims at protecting lives and property and we can visualize the time coming when there will be the possibility of natives being seriously threatened and the Europeans of this Defence Force being called out to take part in their defence.

In the defence of this country the Africans and Europeans have marched together before, and in any great crisis that might occur in this country you will find the Europeans and Africans marching together again.

The Baganda have a very interesting saying in their language which they sing when they are pushing a rickshaw. Translated it means that iron is not much good without wood. An axe or a knife is not very much good without a handle. What is meant is that the *bwana* in the rickshaw, as a white man, is a very important person, but he is not much good without the African pushing his rickshaw, and they say that the white man can only progress when he knows how to make use of the humbler forms of nature, and I am certain that to organise the best force of Europeans—which is not the first line of defence, as the natives themselves occupy that line—but to organise a Defence Force necessitates co-operation in a great measure between the natives and Europeans.

Again, we have trained African forces such as the King's African Rifles and the East African Police, and they are not going to be moved; they still occupy that very fine position they have occupied. It has been pointed out that Europeans are not at present taking their share in the general scheme of defence, and the time has come when they must take their share, and I must say that I support the principle. I also very strongly support what His Excellency has said in regard to the morals of young white settlers out here.

I have to confess that the Church has looked towards military organisation for inspiration time and again. I have had a great deal to do with the Church Lads' Brigade and the Boys' Brigade, and we have found that a certain amount of discipline and getting a little inspiration into the force is one of the finest ways and in fact the only way of getting hold of difficult boys and lads who otherwise would waste their time in the streets and getting them to form themselves into a club or an organisation which has vastly improved them. I am perfectly certain that if the young men of this Colony are to be taught their vital responsibilities in regard to the welfare of this Colony, including the native population, one of the finest ways of doing so is to bring them into such a Defence Force as this.

I do not want to enter into a controversy, and speak on the point of conscription or volunteering. That is not part of my business at all. But to myself and my friends and colleagues in this country—I have been here many years—the Defence Force appeals as it is for the good of the whole of the Colony, for the African as well as the European, and it is only by the co-operation of the Europeans here and the forces already existing, like the King's African Rifles and the East

African Police, that it will be attained. The Bill should go through and be sent home to the Secretary of State at once. (Hear, hear.)

THE HON. CONWAY HARVEY: Your Excellency, although I rather deprecate the way in which the provisions of this Bill have been whittled down, yet now, as on previous occasions, I intend to support a measure clearly designed in the best interests of the Colony as a whole, and which is deemed by those in a position best able to judge to be absolutely vital to the peace of mind and security of those living in the very large areas which I have the honour to represent.

It has been stated that when the Bill was first introduced in 1921, Elected Members opposed the principle. Such is not the case, Your Excellency. The eight Elected Members who spoke on that occasion one and all heartily approved the principle of compulsory service for the defence of the Colony, but every one of them urged that the moment was inopportune, and urged Government to reintroduce the measure at a later date. If I am in order, Your Excellency, I should like to take this opportunity of refuting the charge which has been made that supporters of this measure are actuated by some ulterior motive. That baseless and libellous charge, Your Excellency, is to my mind a gross abuse of the privilege of free speech, and were I myself guilty of such an outrageously provocative inexactitude I consider that Government would be fully justified in taking action under the Deportation Ordinance. (Laughter.) I support most whole-heartedly all the principles contained in this Bill, which I trust at no distant date will occupy a worthy place in the legislation of this Colony, and finally, Your Excellency, I should like to support the appeal which has been made for a free vote so that every hon. Member of this Council may be entitled to express his opinion on this vital matter. (Hear, hear.)

LIEUT.-COLONEL THE HON. C. G. DURHAM: Your Excellency, in rising to support the Bill I should like to state that I have only one fault to find with it, and that is that I do not think the measure stern enough. To my mind the hours set down for training are utterly inadequate. Your Excellency, in dealing with this matter I would rather approach it from the point of view of the opposition—of those people who favour a volunteer force. I should like to point out, Sir, that I am absolutely convinced that if a volunteer measure is brought into this Colony you would not get thirty per cent. of the community to enrol, and I put it to the opposition, Sir, that a skeleton volunteer force is worse than useless. I would like to put it this way. A man might be prepared to take a bright ten-year-old across his knee and spank him, but he would think a long time before he would remove the pants from a big ugly youth of nineteen. I would like to put it this way—

a skeleton volunteer force is no use to anybody, but on the other hand you might take a unit such as the railway and have a railway corps in which every man would have to join. You could then run your railway with your own unit for defence, in case of necessity. This picked unit could be run on a compulsory system, but not on a voluntary system. Then, Sir, there is this question of every man having a right to do as he likes. I say, Sir, that it is up to every man in this country to do his share for the defence of all.

THE HON. F. O'B. WILSON: Your Excellency, in view of the complete lack of opposition to the Bill either in Council or in the constituencies of the country, it does seem rather unnecessary in some ways to take any trouble to rise in its support, but I think the position has to a certain extent been complicated by the attitude adopted by a very small minority of the country—which on its own showing tried to get behind the will of the large majority and to appeal to the Crown at home. Well, Sir, that introduces an impossible state of affairs. If every small minority is to think it can be allowed to appeal to the authorities at home, that is an end to any form of responsible government, and we might as well do away with the whole thing. I do think, Sir, that all elected members should make their position quite clear, as to how they stand, and as to how they know their constituencies stand. The Noble Lord whose place I am taking in this Council went round his constituency—Ukamba—and made a particular point of the Compulsory Service Bill at every meeting he held. I believe that at those meetings, not only voters but non-voters were invited to express their views, and I believe that only two people in the whole constituency voted against it.

The only criticism I have, Sir, is on the lines of that of Colonel Durham—that the Bill is not strong enough. We tried the volunteer system. It was tried before the war. In fact, only last week I took up an old minute-paper of the first public meeting ever held at Machakos, and on that paper—the date was 1907 I think—there was a proposal for organizing a local defence force. There were probably similar meetings in many parts of the country. We went on to a Volunteer Defence Bill in 1910 or 1911, and I think most people will agree, that the voluntary system is not a fair system, and we do not consider it a fair way of dealing with the question. It is not fair that some should bear the burden of the day, while others escape. It is not fair on the person whose duty calls him in two directions. For cases such as that there should be a local committee which would take the onus of responsibility from his shoulders. Many hard cases arose during the war—there were men whose wives and families had strong claims, or who had a duty to their employers—there were many difficult cases and I claim that compulsory service is the fairest way of dealing with those cases.

I do not think that any arguments have been brought up in this House, nor are there likely to be, against the Bill, but I hope Government will push this Bill through so that there will be no doubt in the minds of people at home as to what the considered opinion of the representatives of the country is on the subject.

CAPTAIN THE HON. E. M. VAUGHAN KENEALY: Your Excellency, it is not in my opinion necessary to demonstrate that there is a need for the Defence Force. The only question is, how can that need be met? Is there any other alternative? An alternative suggests itself as a volunteer system. Now what is a volunteer? It is a man who does his duty willingly, and because he does his duty willingly he is admirable. Is it suggested that a man who does his duty because he is compelled is more admirable than a man who does his duty willingly? Surely not. It has been suggested that a compulsory force is necessarily repugnant to certain sections of the community. It may be suggested that the existence of a compulsory force is unwelcome to all law-abiding citizens. Surely that is indefensible. The police force is there for the protection of all citizens, but its existence does not postulate that every citizen is a scoundrel and needs some person to control him.

For a moment let us drop sentiment and descend to common sense. A wealthy country with a large population can consent to pay for people to defend it. It can afford to employ people to do the job they cannot or will not do themselves. In this country we cannot afford to employ people to defend us. It is cheaper and probably more efficient to do it for ourselves. The only way in which we could offer an alternative is to employ white troops here and to pay them, and we know that the finances of this country could not stand it. Are those persons opposed to this measure prepared to stand a vast increase in taxation to give effect to a sentimental theory such as this? Because it is a sentimental theory. It may have been suggested that if a Defence Force was necessary it would demonstrate that the civil authority of this country had failed. Well, since it is the civil authority in this country which supports this measure I do not think the contention has any weight. You cannot say that because there is trouble in any form the civil authority is necessarily to blame and that it has provoked that trouble. The factors may be entirely outside the sphere of the civil authority. They may be outside its control, and I therefore support this measure.

LIEUT.-COLONEL THE HON. J. G. KIRKWOOD: Your Excellency, in rising to support this Bill I do not propose to introduce any new matter, or anything fresh on the subject. In listening to the speeches that have been made I realise that

there is nothing to be said on the subject. For myself I am a volunteer—I shall certainly volunteer under this Act as the age limit prohibits my enrolment.

Secondly, I should like to point out that I see nothing in the Bill which prevents any Member of this Council joining the Defence Force, but I should like to suggest that the matter should be taken into consideration later on and a definite ruling be given as to whether a Member of this House can serve his country in the Defence Force, and also do his duty to his constituency should the House be sitting. I call for a free vote for all members of this House, for reasons into which I do not propose to go in detail. "We have been asked repeatedly—'Why is this force being raised? Who is the enemy? Who is he going to be?'" So far as I understand it the Bill has been brought in for the purpose of attacking no known enemy, but for the purpose of being prepared against possible aggression in the future. (Hear, hear.) There is one more point, and that is, I claim, and I have claimed repeatedly together with everybody present in this Council, to be a member of the British Empire, which I believe to be the greatest civilizing influence the world has ever seen. We have accepted the trusteeship of the native; accepted it in principle, and I think it has been a standing reproach in the past that this Colony has relied for its defence on the native troops of this country. In saying this I do not intend it as a depreciation in any shape or form of those troops. I bow to nobody in my admiration of the services rendered from time to time by the K.A.R. I also hold the view that a country worth holding to is worth fighting for, and as I believe that Kenya is the finest Colony in the greatest Empire in the world, I believe it is up to every citizen of this Colony to do his best in its defence.

THE HON. G. G. ATKINSON: I propose to vote for this Bill, not because I am a whole-hearted supporter of the Bill in principal and almost entirely in detail, but because in so doing I shall be representing the wishes of the majority of the electors of Mombasa. I find that the views of Mombasa in this connection have been regarded as somewhat of an unknown quantity and I have seen statements in the public Press that Mombasa has not made any pronouncement on this Bill either one way or another. That is true only in so far as that Mombasa was fortunately, or unfortunately, spared a contested election, and there was no opportunity for the electors to make any pronouncement on this particular question as a clear-cut issue between two candidates. But so far as I am concerned I believe that I am representing Mombasa for these reasons: On the 12th of January last the Official Gazette which was published on that date contained the Report of the Select Committee which was appointed by the last Council to go into this question and recommend the general details of this Bill. I held a meeting in Mombasa on the 13th January,

the following day, but the Gazette containing the Report of that Committee had not been received in Mombasa and at that meeting it was impossible to argue or put forward for discussion the proposals of the Select Committee. The question, however, of the Defence Force was one on which I expatiated at great length. I put before the meeting, which contained a large percentage of the electors of Mombasa, my views in the most uncompromising manner in this connection. I told them what I thought would be the reasons for such a Bill, the best way of carrying out the objects of such a measure and I left them in no doubt if I were elected what my views would be on the subject, and what my action would be in the Council. As far as I could ascertain everything I said received the approval of the meeting and at the end, when the meeting was thrown open for questions, not a single question was addressed to me on the subject. (Hear, hear.)

Therefore from all the indications which are available to me, both positive and negative, I have no hesitation in saying that the majority of electors in Mombasa have ranged themselves alongside the electors of the rest of the country in support of the Bill.

As regards the Bill itself I have little to say. The question of principle has been thrashed out in detail both in this hon. Council and outside and on that principle I think everybody is agreed. As regards the details, there are one or two minor questions of detail on which I think the Bill could be improved, but at the same time I suggest that this Bill be passed as it stands.

All legislation is a matter of experiment. Even in the domain of science and scientific investigation the desired result is frequently only attained by experiment or by the method known as "trial and error." This Bill, very largely, does not deal to any extent with details. The details will be dealt with by Rules. I suggest that the Bill go through as it stands and that any alteration which may be required be introduced in future Councils as the results of the accumulated experience acquired from the working of the Bill over a few years.

I therefore wish to say that as regards Mombasa, Mombasa is at one with the rest of the country in supporting this Bill and I shall have great pleasure in voting for it.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL): Your Excellency, a measure such as this is one on which normally I should have nothing to say, but in view of the reference which has been made by the opponents of the Bill to His Majesty's African subjects, I think it my duty to make a protest. The Bill is not introduced in any way in connection with any apprehension as to anything that may be done by His Majesty's African subjects in this Colony. It

has been suggested that it is directed against peaceable natives, living on farms and in the native reserves. That, Sir, is absurd. There is no question of the existence of any conditions whatever among the natives, living either on farms or in the reserves, which are likely at any time to give rise to the necessity for calling out a European Defence Force. The Defence Force Bill is merely a defence measure—a precautionary measure such as would be adopted by any sensible Government. The only situation in which Africans would be concerned in connection with the Defence Force would be if this Colony were threatened with external aggression, and then the Colony would rise to a man—African and European alike—to defend the country against such aggression. I should like to compare this scheme of defence with a spare part. It is merely a spare part to have ready to hand to fit into the Empire's existing machinery for defence, but in order that the spare part may be efficient, it is essential that every component should be tested and sound. It can only be made efficient if every man is called out compulsorily, and made to take his share. In no other circumstances can that spare part be efficient when called upon for fitting into the machine. The state of the native reserves and of the native population has never been so happy and tranquil as at the present time. I wish to give that assurance to everybody here in this House, and to our friends at home, and I do repudiate any suggestion that this measure is in any way designed against the African subjects of His Majesty. (Hear, hear.)

THE HON. A. H. MALIK: Your Excellency, I have great pleasure in supporting the Defence Force Bill so far as it goes, that of a defence force being organised in this country. (Hear, hear.) I want to make my principles clear before laying down my views before this hon. House. It is my desire and has always been, that all sorts of sectional and racial matters should be set aside so far as the various races of this country are concerned. I am very sorry to find it my lot to speak on a measure which is introduced apparently by the Government in view of the opposition which has been published and put forward by the European inhabitants of the Colony. As I have said I would have been most backward in introducing any racial and sectional matter in this hon. Council, but it appears to me that Government has, in introducing this Bill, made of the Bill a sectional matter by totally excluding all the Indian community of this country.

It will be remembered that the day before yesterday I put a question. The question was "What was the attitude of Government as to whether the Bill should include His Majesty's Indian subjects?" The reply was given by the hon. the Colonial Secretary was that at present it is not the desire or intention of the Government, or it is the desire of the Government to confine the Bill to the European inhabitants only.

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The reason apparently that was given in reply to my question was that the Indian community have in general no desire to participate in such a system.

Your Excellency, I submit that I can trace as far back, I think, as 1923 when an Indian Member put a question in this hon. House asking for the organisation of an Indian Defence Force in this country. The reply given to that question was that as no such measure was before the Government the Government was not in a position to consider the representation made by the Indian organisation on behalf of the Indian community. At the moment when this answer was given apparently the Government was justified in saying that, but now in view of that policy, Sir, I submit that it is the opportune moment, now that the Bill is before this hon. House, that provision should be made for the inclusion of His Majesty's Indian subjects. I cannot find any reason for introducing this Bill except that the responsibility rests on the European inhabitants of the Colony for the protection of life and property in the Colony and for meeting under emergency.

I submit, Sir, that it is common law under which it is found necessary for the European subjects of His Majesty to be organised to meet and protect lives and property in the Colony. I submit that the same common law should be applied and does apply irrespective of the race or section. It is most peculiar; it sounded rather strange to me when I first read the Bill that provision is made for non-British European subjects, subject to the approval of His Excellency the Govern-

I cannot understand why this privilege should not be extended to the Indian subjects in connection with this Bill. Why was a clause not inserted in the Bill the same as I have just referred to. The Indian subjects should be asked voluntarily to help the Government and asked to enrol for the Defence Force, and subject to the approval of the Governor they should be enlisted. It has been said that the Indian community have shown no desire to join the Defence Force. It has also been said that Government will consider the inclusion of the Indian community in the Defence Force when a general desire is shown by the Indian community to join. I cannot understand what is meant by saying "a desire on the part of the Indian community." I understand that the Indian Association—I take it the Government does accept them as the representatives of the Indian community—did make representations to the Government asking to be included in this scheme, and in addition to that the previous members in this hon. Council—the Indian Members—did bring up the matter whenever there was an opportunity of doing so in this House on the question of this Defence Force. To-day I can only add the wish of the whole of the community to the expression given by the representatives of the Indian Association when they made their request. They stated they were quite willing, and

as a matter of fact were anxious, to be organised as members of the Defence Force. In any case I can safely say without any fear of any criticism from the Indian community that they are quite willing and prepared, as a matter of fact anxious, to enlist in this Defence Force. I cannot see any other way by which the Government can be convinced that the Indian community is willing to enlist. In spite of the representations made by the representatives of the community in this hon. House, I find that no such provision was made by the Government for the non-European inhabitants of the country. Clear proof of that is that in spite of what has been suggested in this hon. House that there is a very minor minority who are in opposition to this Bill. I do not think they are opposing the Bill so far as it provides for the defence of the country. They are opposing the compulsory operation.

I thoroughly agree that such an organization is necessary for every country. Happily to-day there is no great differentiation between the Indian community and the European community of the Colony. I hope that this tranquillity will last as long as this Colony will last.

It has been said by the hon. the Chief Native Commissioner that there is no possibility at present of any trouble from the native population. But there is no doubt certain things do happen. There are no racial differences, there are no racial controversies these days between the Indians and the Europeans, but in case something does happen, as did happen a few years ago, I think in 1922, when His Majesty's Indian subjects were threatened by the European inhabitants of the country

HIS EXCELLENCY: Order, order.

THE HON. A. H. MALIK: I hope this will never occur again, but in view of a letter which is published in the Press this morning, reviewing the attitude of the European inhabitants in 1922, I say that if that did arise at any future date the European population properly organised and in a much better position would be able to do what they liked against the Indian community.

The introduction of this Bill, particularly the elimination of the Oath of Allegiance to His Majesty the King, and a certain anxiety on the part of certain portions of the European community and the Government, with the peculiar preamble which simply states the responsibility incumbent upon the European inhabitants of the Colony, has given rise to dissatisfaction amongst the Indian community. The fact that one-third of the European inhabitants of the town have signed against the Bill in its present form shows that it is not the great desire of the European community to have the Bill as it stands at present. It has been said that this Bill is un-British. I do not think it is un-British so far as it provides

for the defence of the country, but I do say perhaps it is un-British in this way, that it disables certain sections of the community from joining this Force. The Indian community wants to take equal responsibility and their burden of the defence of the country and of life and property in this Colony. In the end, Your Excellency, I beg to add that it was said that by passing this Bill peace of mind will be gained in so far we shall know that there is a properly organised Defence Force in time of emergency, but I say that at least the peace of mind of the Indian community will be disturbed if no Indians are allowed to join it.

In conclusion, Your Excellency, I would request that the hon. Members on the other side of the House be allowed a free vote.

THE HONOURABLE THE ACTING COLONIAL SECRETARY: Your Excellency, as might be expected there is no case really for me to answer in this hon. Council. I would like to take this opportunity of gratefully acknowledging the generous terms in which the Noble Lord referred to my opening remarks.

With regard to what the last speaker said I am afraid I was unable to follow his mathematical calculations. I had a general impression that they were capable of being easily disproved, and I may say that somewhat the same impression prevailed with regard to his logic. I was glad, however, to note that it was his belief, and I believe that his belief is truly expressed on behalf of the Indian community, that they themselves would be willing to form some such body as this in future. In my opening remarks I connected up this responsibility with the true civic sense of responsibility. I am further glad to think and believe that the Indian community is on the eve now of showing that sense of civic responsibility by organizing itself politically and so enabling itself truly to show its general desire in a matter such as this. Your Excellency, there is only one issue and one principle at stake in this Bill, and that is the issue of the compulsory enrolment. I would urge that it be recognised that this Bill is framed primarily upon the principle of voluntary enrolment, and only on second resort to compulsory enrolment.

Your Excellency, I beg to move.

HIS EXCELLENCY: I am unable to accede to the request that there should be an open vote on this Bill. I have no reason to suppose that Government Members are not as whole-hearted in their support of the measure as the unofficial Members. In fact, I have every reason to believe that they are. I feel, however, this measure is one from which Government cannot, and does not desire to relieve itself of any of its responsibility. It is believed by Government to represent the general views of the country as to the necessity of a defence scheme based on a definite organization. I believe the accord

between Government and the Elected European Members to be complete in this matter and I consider the Government should support the Bill as such and that the responsibility should be taken by Government as a whole. I may remind the House that it is always open to a Government Member if he has conscientious objections to supporting any measure to ask that he may be allowed to abstain from voting.

I take the opportunity to express the fervent hope in the interests of the Colony that any differences in respect of this Bill may be sunk and even those who may feel that they would have preferred a defence organization on other lines will be among the first to come forward voluntarily and show their desire to play their part in the organization when formed and to make it as complete and successful as possible. (Hear, hear.)

I will now put the motion to the House:

That a Bill to provide for the organization of the European inhabitants of the Colony of Kenya for the defence thereof be read a second time.

The question was put and carried by 33 votes to 1.

Ayes:—Messrs. Atkinson, Baker, Canon Britton, Mr. Campbell, Colonel Davies, Lord Delamere, Mr. Dobbs, Colonel Doherty, Colonel Durham, Mr. Fitzgerald, Dr. Gilks, Messrs. Grannum, Harvey, Hamed Mohamed, Hemsted, Holm, Huggard, Capt. Kenealy, Colonel Kirkwood, Messrs. Maxwell, McElwaine, Montgomery, Northcote, O'Shea, Orr, Brigadier-General Rhodes, Major Robertson-Eustace, Captain Schwartz, Sheikh Ali bin Salim, Messrs. Sikes, Walsh, Captain Ward, Mr. Wilson.

No:—Mr. Malik.

THE RT. HON. LORD DELAMERE: Your Excellency, before we adjourn I should just like, under the Rules of this hon. House, to ask what steps Government feel inclined to take in the future with regard to people who interrupt the debates of this hon. House. In all countries it is considered undignified to throw out anybody—it is considered undignified on the part of Members to do that sort of thing, but, Sir, surely there is some method by which the Members who speak on the important affairs of the country can do so without interruption. I would like to know if Government feel as I feel that some steps should be taken in this connection. People do these things at political meetings, but not in a Legislative Council where serious debates take place. It might become a great nuisance if interruptions from the audience take place. I feel very strongly that Government should take some steps to stop this sort of thing. I hope hon. Members on this side of the House will agree with me that some method should be devised by which people who interrupt in this hon. House can

be removed in the ordinary way such as is the case in other Legislative Councils in the world. It so happens in the instance that occurred this morning that the gentleman removed himself, but it would be very bad if somebody kept on interrupting. I do say that the privileges of this hon. House and of the Members are violated by such actions and steps should be taken to see that it is not possible to do so.

HIS EXCELLENCY: I should like to say that if anybody interrupts it is always possible under Standing Orders to take steps to request all strangers to immediately withdraw from the House. In this case the offender withdrew from the House, otherwise it would have been necessary for me to take that course and inflict a hardship on the people who desire to hear the debates in an orderly manner.

(Council adjourned to 2.15 p.m.)

(Council re-assembled at 2.15 p.m.)

THE HON. THE ACTING COLONIAL SECRETARY: (MR. NORTHCOTE): Your Excellency, I beg to move that this hon. Council resolve itself into a Committee of the whole Council to consider the clauses of this Bill one by one.

HON. THE ATTORNEY GENERAL: I beg to second.

In Committee.

Clause 10.—Division of Defence Force into Classes.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I should like to move a small verbal amendment in this clause. After the words "Class I", I suggest Class I should read: "Persons who have attained the age of eighteen years and have not attained the age of thirty years." I think the omission of these words, "have not attained the age of thirty years", is probably due to a typographical or printer's error.

The question was put and carried.

Clause 11 (4).

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I suggest that the word "practising" should be put in before "members". "Practising members of the Medical and Veterinary professions", line 43.

THE HON. THE ATTORNEY GENERAL: Might I suggest to my hon. Friend that his object might equally well be attained by an insertion after the word "professions" of the words "in actual practice".

THE HON. THE ACTING COLONIAL SECRETARY: I am not sure how that will affect certain Medical Officers.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILES): There are certain members of the medical profession who do not practice and who have no intention of practising. I understand one has recently arrived who does not intend to practise.

THE RT. HON. LORD DELAMERE: He would be safer with a gun than a lancet!

Clause 11 (4).

THE HON. T. J. O'SHEA: I beg to move the deletion of the word "male" in the second line of this clause. I do so, Sir, more for the purpose of pointing out that no provision whatsoever has come under this

Bill for the enrolment of women, but I think they are a very necessary part of any military organisation. That every female subject should be enrolled in military service is not my intention. My intention is the enrolment of such women as are required to complete the military organisation.

THE HON. THE ACTING COLONIAL SECRETARY: I would suggest that an experiment be made in the first place with the Bill as it stands. The question was put and lost.

THE RT. HON. LORD DELAMERE: What is the actual amendment?

HIS EXCELLENCY: The words "in actual practice" in clause 11 (4). The question was put and carried.

Clause 13.—Exemptions.

CAPT. THE HON. E. M. V. KENEALY: May I have some information on this point, "under the hand of a Medical Officer"? I think that should be more definite. The standard of fitness should be laid down in some way, and whether the Medical Officer should be a practising physician and not necessarily a Government medical officer. These points should be stated. Any Medical Officer could grant an exemption whether he is recognised by the medical fraternity in this country or not.

THE HON. THE ATTORNEY GENERAL: I understand it is only intended to apply to Government doctors. A "doctor practising" would not be a medical officer, he would be a medical practitioner. If my hon. Friend would desire it, I suggest the insertion of the word "Government" before "Medical Officer".

CAPT. THE HON. E. M. V. KENEALY: Does this imply that the examination of fitness would be a free one to anybody who wished so to be examined?

THE HON. THE ATTORNEY GENERAL: I think the answer to that, Sir, is in the affirmative.

It would be open to any person to submit himself for medical examination if he had any doubt as to whether he was fit.

CAPT. THE HON. E. M. V. KENEALY: Further to that, would there be any appeal from the opinion of a Government Medical Officer?

THE HON. THE ATTORNEY GENERAL: No appeal is provided for in the Bill, Sir.

CAPT. THE HON. E. M. V. KENEALY: Is it not essential to provide some board of appeal in the event of opinions differing?

THE HON. THE ATTORNEY GENERAL: I cannot see why the man should not be referred to a Medical Board.

THE RT. HON. LORD DELAMERE: I imagine that all these examinations will be made without charge to the person concerned!

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: Would a man who suggested he was unfit go on his own account to a Medical Officer, or would he go because he does not want to enrol because he says he is unfit? Perhaps it would be a good idea if an insertion were put in that a certificate would be given without charge.

THE HON. THE ACTING COLONIAL SECRETARY: Could not that be done in Regulations?

THE HON. THE ATTORNEY GENERAL: I think a provision of that sort might be left to regulation. It seems to me that paragraph (7) of clause 31 would cover a matter of that kind.

Clause 14.—Preparation of lists of persons liable to serve.

THE HON. G. G. ATKINSON: I beg leave to move an amendment in sub-section 3, line 38. The amendment is that the word "final" be deleted and instead of that that these words should be inserted: "subject to an

appeal to a First Class Magistrate's Court". During the Great War when it was more urgent and imperative to obtain recruits than it ever will be under this Bill, such matters were not left to the uncontrolled discretion of the authorities, but were left to the Courts, and the Courts furnished full reports on such points.

THE HON. THE ATTORNEY GENERAL: So far as I am concerned, I have no objection to the amendment. About the exact phraseology of the amendment, I should like to see it in another form. I do not know if my hon. Friend intends to exclude the Supreme Court?

THE HON. G. G. ATKINSON: No; but from the Magistrate's Court an appeal would lie to the Supreme Court, as was the case in England.

THE HON. THE ATTORNEY GENERAL: Well, that might be. I am not prepared to express an opinion on that. I suggest the words, "subject to appeal to the Court of a First Class Magistrate". It is the same thing.

THE HON. G. G. ATKINSON: I am prepared to accept the Supreme Court. I am quite prepared to agree to that.

THE HON. THE ATTORNEY GENERAL: I think it would probably be more convenient to have it to a First Class Magistrate's Court than to the Supreme Court. I prefer the words "subject to appeal to the Court of a First Class Magistrate".

HIS EXCELLENCY: Does that meet the hon. Member?

THE HON. G. G. ATKINSON: Yes.

The question was put and carried.

Clause 17.—Duties of members in regard to Government rifle.

CAPT. THE HON. E. M. V. KENYAL: Does this embrace the possible loss of any rifle? The penultimate line, "damage to such rifle".

THE HON. THE ATTORNEY GENERAL: Perhaps the clause is not quite clear and I should be perfectly ready to agree to the insertion of the words "loss of or" after "any". "Any loss or damage to such rifle".

The question was put and carried.

Clause 23.—Calling out and mobilisation of Defence Force.

CAPT. THE HON. E. M. V. KENYAL: Your Excellency. The second part of the first paragraph of clause 23: Does this allow of units such as the transport being called up first before the actual combatant forces, because if not I think it is wrong.

THE HON. THE ATTORNEY GENERAL: No; it is open to the Governor to call out any part or parts of the Defence Force. I take it that that covers the transport section.

CAPT. THE HON. E. M. V. KENYAL: But it says "that the members enrolled in any class shall not be called out until the members enrolled in every preceding class have been called out". Doesn't that rather conflict with the previous one?

THE HON. THE ATTORNEY GENERAL: I do not think it does, because the clause merely refers to the ages of the persons enrolled therein. Classes have no relation to the duties attached to the various individuals.

THE RT. HON. LORD DELAMERE: Isn't that rather a point? If you want to call out, let us say, the transport, you will have to include all those in that certain district, and they could not be called out under this section—the older ones—until all the previous classes had been called out.

THE HON. THE ATTORNEY GENERAL: To put a concrete case. Suppose the Governor wanted to call out the transport service, he could, without calling out the other forces, call out all the classes of the transport service.

THE RT. HON. LORD DELAMERE: He could?

THE HON. THE ATTORNEY GENERAL: Yes.

THE RT. HON. LORD DELAMERE: That is good.

Clause 25.—Liability of population to provide transport, etc.

THE HON. T. J. O'SHEA: May I ask under this section whether any provision has been made in the Bill for payment of compensation for commandeering of transport or supplies?

THE HON. THE ATTORNEY GENERAL: This point was raised before, and the view I took was that regulations could provide for this. If my hon. Friend will refer to paragraph (k) of clause 31 he will find that the Governor is empowered to make regulations for the requisitioning of means of conveyance and transport for service, and under paragraph (m) for the requisitioning of goods, provisions, supplies and accommodation. Such regulations could provide for payment of compensation of whatever may be awarded in the case of transport being acquired.

Clause 31.

THE HON. THE ATTORNEY GENERAL: Your Excellency, there is a very small amendment in this clause. In paragraph (j) the figure "31" should be "20".

The question was put and carried.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to move that the Bill as amended be reported to Council.

The question was put and carried.

Council resumed its sitting.

HIS EXCELLENCY: I have to inform Council that a Bill intituled "a Bill to provide for the organisation of the European inhabitants of the Colony of Kenya for the defence thereof" has been referred to a committee of this Council and has been sent back to Council with various amendments.

THE HON. THE ACTING COLONIAL SECRETARY: I beg leave to give notice that I shall move the third reading of this Bill at a later stage of this Session.

THE BILLS OF EXCHANGE BILL.

SECOND READING.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg leave to move the second reading of a Bill intituled "a Bill relating to bills of exchange, cheques and promissory notes."

The present law in force in the Colony relating to this subject is contained in the Bills of Exchange Act, 1882. That Act applies in Kenya by virtue of the East Africa Order in Council which applied to the Colony all statutes of general application in force on the 12th day of August, 1897. The Imperial Act has been amended on two occasions since its enactment, but these amendments do not apply in Kenya because they were passed subsequent to August, 1897. These two amendments, Sir, relate to crossed cheques and the time for noting of bills of exchange.

One reason, Sir, for the introduction of this Bill is to bring the law in Kenya relating to bills of exchange and promissory notes into line with that in force in the United Kingdom by the introduction of these two amendments to which I have referred.

It may well be asked, Sir, whether these two small amendments—because they are only small amendments—could not have been introduced separately without inflicting on this House a Bill containing 96 sections. My answer is that that could quite easily have been done, but the reason I have not adopted that course is because I feel strongly that applied Acts—whether English or Indian—which are in daily use in the Colony should, as opportunity arises, be made the subject of local enactments. (Hear, hear.) That course has the obvious advantage of convenience for the purpose of reference and for the purpose of construction and I may add that the adoption of that course has been urged upon us on more than one occasion by the Secretary of State.

It is in these circumstances that I have prepared this rather lengthy Bill and I submit it to the House.

Apart from the two amendments to which I have referred, the Bill is practically a copy of the English Act which is at present in force in the Colony, and therefore apart from these two amendments it is not intended to make any material alteration in the present law.

The Bill has been submitted to the banks and to the Law Society and has their approval.

I beg leave to move the second reading of the Bill.

THE HON. P. A. McELWAIN (ACTING SOLICITOR GENERAL): I beg to second.

The question was put and carried.

THE STAMP (AMENDMENT) BILL.

SECOND READING.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg leave to move the second reading of a Bill to Amend the Stamp Ordinance.

This Bill is rather a difficult Bill to deal with in a second reading because it consists entirely of a number of independent amendments to the present Stamp Law.

The Bill has an object which I am sure my hon. Friends will agree is a desirable one, namely, the co-ordination of the law on this subject with that of Uganda and Tanganyika Territory. As stated in the objects and reasons if the amendments proposed in this Bill are accepted there will be few differences between the ordinances of the respective territories and these differences will be so small as to be practically negligible.

In these circumstances I intend to ask the House to approve of the principle of the Bill and to leave the details to be dealt with by a small Select Committee.

As regards the details, it will be found that they are dealt with in the comparative table of clauses attached to the objects and reasons, and this being so I do not feel justified in taking up the time of Council in detailing the amendments one by one. If any hon. Member wishes to raise any point in regard to any clause I shall do the best I can to answer him, but in view of the technical nature of the amendments and the general character of the Bill I suggest to the House that the most appropriate and convenient way of dealing with the Bill is to refer it to a Select Committee.

In these circumstances I beg to move the second reading of the Stamp (Amendment) Bill.

THE HON. THE TREASURER: I beg to second.

THE HON. T. J. O'SHEA: Your Excellency, I am very relieved indeed to find that it is the intention of Government to refer this Bill to a Select Committee because I believe the majority of my colleagues on this side of the House have realised only now that this Bill involves the raising of taxation, and one of the items it is proposed to tax is our overdrafts. (Laughter.) That suggestion will be met with horror by the country and I think it is a suggestion that should certainly receive very careful consideration before it proceeds much further.

Consequently, Your Excellency, I am very much relieved and thankful that Government is going to refer it to a Select Committee and I hope it will be a very select committee.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: I beg to move that the Bill be referred to a Select Committee of Council.

HIS EXCELLENCY: It has been suggested that the Bill should be referred to a Select Committee of Council composed of—

The Hon. the Attorney General.

The Hon. the Treasurer.

The Hon. Member for Nairobi South.

The Hon. Member for Mombasa.

The Hon. Member for Plateau South.

Are there any further suggestions?

That committee is appointed accordingly.

THE TOWN PLANNING (AMENDMENT) BILL.

SECOND READING.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg leave to move the second reading of a Bill to amend the Town Planning Ordinance.

This Bill is of a highly technical character and, subject to the acceptance of the principle involved in the Bill, I propose to suggest that it be referred, as in the last case, to a Select Committee of this House.

The Bill is designed to meet a difficulty which has already arisen in connection with the Mombasa Town Planning Scheme and which will similarly arise in connection with all future town planning schemes.

As hon. Members are aware, an essential feature of all town planning schemes in our Ordinance is that all land in the area covered by the scheme is pooled and redistributed. This involves considerable alteration in the shape and size of plots and consequent readjustment of boundaries. It follows from this, Sir, that an individual who has a plot of a certain shape and size and in a certain position before this scheme may, as the result of the carrying out of the scheme, find himself with a plot of a different shape and size, and even in a different position, and in such cases it is obvious that the document of title relating to the old plot ceases to be of any value as regards the new plot, and it is therefore necessary to make provision for the issue of new and corrected documents of title.

There are, no doubt, Sir, many methods of achieving the desired result but subject possibly to amendment of the present Bill, the method proposed is considered by those concerned to be the most convenient, the cheapest and the most expeditious of all the methods that have been considered. It is, I may add, the method adopted in the Federated Malay States where they have a Town Planning Ordinance similar to ours.

Now, Sir, what the Bill briefly provides for is that on the final approval of a town planning scheme which involves the adjustment of boundaries of plots or holdings, the following provisions shall take effect:—

- (1) The existing title to every plot affected by the scheme is automatically extinguished and the plots are deemed to be Crown land. All documents of title relating to such plots are required to be forthwith delivered up to the Commissioner of Lands or to such officer as he may appoint in order that they may be cancelled;
- (2) The Commissioner of Lands is then required to issue or cause to be issued to each of the several persons amongst whom the plots are to be redistributed a certificate of ownership in the prescribed form in order that they may hold the sites assigned to them upon the same terms and conditions and for the same interests and subject to the same encumbrances (if any) as applied in the case of the original sites;

As I have said, Sir, the Bill deals with a highly technical and difficult subject and personally I should be most grateful for any suggestions, either with the object of improving the present Bill, or with the object of suggesting a procedure different to what is now proposed. I am sure, Sir, that the House will agree that the difficulty which I have tried to indicate does exist and has got to be met, and has got to be met by legislation, and it is only a question of finding the most convenient way of dealing with the difficulty. I therefore ask the House to approve of the principle dealt with in the Bill, and leave the details to be dealt with by a Select Committee which will have the advantage of those officers of Government who are directly concerned with the titles of land. I beg to move the second reading of the Bill.

THE HON. THE ACTING COMMISSIONER OF LANDS (MR. BAKER): I beg to second.

THE HON. THE ATTORNEY GENERAL: I beg leave to move that the Bill be referred to a Select Committee.

HIS EXCELLENCY: It has been suggested that the Bill be referred to the following Select Committee of Council:

The Hon. the Attorney General.

The Hon. the Acting Commissioner of Lands.

The Hon. Member for Nairobi South.

The Hon. Member for Mombasa.

Those in favour?

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I would ask to be excused from this Committee. There is such a thing as overworking a willing horse. You can have my young and budding colleague behind (the Hon. G. G. Atkinson) on this Committee. Anything I would say he will say with greater effect and I beg to be excused.

THE HON. THE ATTORNEY GENERAL: As I said, the Bill is highly technical and I do not know if it is a matter that would interest my non-legal friends on the other side, but I would welcome a suggestion from the other side in that regard.

CAPT. THE HON. H. E. SCHWARTZ: I do not gather that any hon. Member on this side of the House wishes to be involved in technicalities?

HIS EXCELLENCY: I approve the Committee as suggested with the omission of the name of the Hon. Member for Nairobi South.

THE SUPPLEMENTARY APPROPRIATION
(RAILWAY) AMENDMENT BILL.

SECOND READING.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY (BRIG. GEN. RHODES): Your Excellency, before moving the second reading of the Bill to amend the Supplementary Appropriation (Railway) Ordinance, 1925, it may be of interest to this House if I were to give a few details of the Railway working and finances.

It will be remembered that when Mr. Felling introduced his estimates in October last year he said that he thought the earnings over the estimate for 1926 would probably be £75,000, and that the expenditure would correspondingly rise to £55,000 over the estimate, leaving a net sum of £20,000 for transfer to Betterment Fund. The final figure it will be seen from reference to this Bill is very close, the figure being some £16,700.

I would like to draw attention to the cause of the decreased earnings. Traffic dropped very considerably during November of last year, being £6,700 less than for the same month of the previous year, and in December it dropped to no less a sum than £16,000 below the figure for December the year before. A drop of that sort could not, of course, be anticipated by the General Manager. On the other hand, certain miscellaneous receipts have been higher than expected while loan charges have been somewhat lower, bringing the result pretty close to what has been estimated.

In view of the drop in earnings it was necessary to take immediate action to cut down expenditure and this was done. Mr. Felling dealt rather fully with the causes of increased expenditure in introducing his estimates. The only one I wish to draw attention to now is the extra cost of working new branch lines. In opening a new railway such a railway is not able to earn the amount of money an old and established line can possibly earn and therefore working expenditure must go up slightly to that extent. Just at the moment we have taken over rather a large number of lines and that has affected our finances to some extent and points to the necessity for easing up our programme of new construction until our finances are somewhat better established.

The results for the present year up to date are fairly satisfactory. To start with, in January there was a drop, but February, March and April have shown satisfactory increases, so that the position at the moment is not altogether unsatisfactory. There are one or two disturbing factors however which necessitate the situation being very carefully watched.

As you are aware the price of cotton dropped and also the quantity of cotton likely to be grown is less than we anticipated, and that may have a very material effect upon the whole revenue towards the end of this year.

Further factors have entered into the situation since Mr. Felling made his original estimates. These were very excellently reviewed in the *East African Standard* of January 22nd this year and I will briefly refer to them here.

The first is the reduction in the cotton rate. It will be remembered that when it was found that the price for cotton was not likely to be as high as it has previously been, the Railway was obliged to drop its rates to prevent that very important trade from suffering. The Railway Council recommended a drop of 25 per cent. this year provided the shipping companies were prepared to make a similar reduction in their freight rates. This was agreed to by the shipping companies and the 25 per cent. reduction came in. This involved a loss to the railway of some £37,500 for the year.

In addition to that the Railway Council agreed to a reduction in rates on corrugated iron and cement especially in view of the very heavy building programme in front of both Colonies. That involved a loss of £28,000 in the case of iron and £25,000 in the case of cement. The total rate reductions outlined above amount to over £90,000 drop in revenue, which is rather an important reduction. In addition to that we had a further factor—the Port loss, which had not been budgeted for in the estimates for this year. We were called upon by the Secretary of State to carry the Port loss, a sum of £120,000. This brings the loss for the year up to a figure of £210,000. As our original balance which we had estimated for only amounted to £189,000, that immediately involved us in an estimated loss of £22,000. That had to be dealt with at once. A special meeting of the Railway Council was called and the Betterment programme was reduced by a sum of approximately £216,000 in order to re-establish the budget position.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY (*continuing*): The need for such action is very much to be regretted, as it will inevitably react on the future, when development which is undoubtedly required is not carried out according to programme. However, under the circumstances no other course was open to the Railway Council.

Expenditure in other directions is also being watched, and cut down wherever possible. Heads of departments have received very definite instructions to see that all work that can possibly be postponed to a more appropriate occasion is eliminated for the present.

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It is especially necessary to establish a sound financial position in view of the fact that towards the end of this year we may anticipate competition from the Mwanza-Tabora line. The effect of this cannot at present be foreseen. As explained by Mr. Felling, rates negotiations with the Tanganyika Government are in progress, but at the present date it would be premature to attempt to forecast exactly what results will accrue from these negotiations.

In dealing with the financial position the Railway Council expressed its concern at the lack of a decision regarding the Port. It also earnestly requested the Governments concerned not to impose undue burdens on the Railway in regard to police, medical and transport, labour, etc., requirements. I would like to take this opportunity of saying that I think both the Kenya and Uganda Governments fully appreciate this position and are doing everything in their power to assist us to deal with the financial situation in an adequate manner.

The position regarding rates reductions is now, I hope, well known to the public. As everyone is aware, it is the policy of the Railway Administration to return to the public all surplus earnings that may accrue after meeting working and loan charges. The return to the public may take the form either of rates reductions or of improvements to existing services and plant. It is essential that future needs should be foreseen in plenty of time and allowed for, so that the Administration may be in a position to deal adequately with all calls made upon it by the public. Subject to this proviso, all further surplus revenues are returned to the public in the form of rates reductions. A considerable number of reductions, as this Council is aware, have already been carried out since Mr. Felling took over the management of the Administration, and I have indicated earlier the very considerable assistance to industry that has already been given for the present financial year, amounting to £90,500.

It will be realised by hon. Members that, in view of the financial position as already explained, and in view of the recent settlement regarding the Port, further rates reductions must be dealt with in a very conservative manner. As explained by Mr. Felling, it is impossible for him to recommend rates reductions which may involve the Administration in a net loss; but the public may confidently rely on the Administration to introduce rates reductions whenever the financial situation would appear to justify it.

It should, however, be remembered that by the end of 1927 our interest and loan charges will have risen from the present figure of over £400,000 to over £800,000. To cover this, our net revenue must increase by a similar amount, and we are not at all sure yet whether this sum will be realised

in time. This cloud on the horizon is being closely watched, and it will be readily realised that its growth will affect our whole financial policy. It is a very difficult matter for young Colonies to finance development from the start, and it is a matter for regret, therefore, that the Imperial Government has not been able to maintain a policy of loans with a "free of interest" period.

Turning now to the question of new works, I will briefly review the present situation:

As you are aware, the Thika-Nyeri line has been opened to Nyeri for the carriage of public goods under construction arrangements for some considerable time. This line is now completed and has been handed over to open line. The extension from Nyeri to Narro Moru is well started, and will, I hope, progress in a satisfactory manner.

The Solai and Kitale branches are now operating fully under open line conditions, and are carrying a very heavy maize traffic. None of these branch lines are, however, yet showing a profit.

The extension to Uganda is making steady progress and I have every hope that it will be opened under open line conditions before the close of the present year. As you are aware, we have been taking traffic from Tororo under construction arrangements for some time, and a considerable quantity of cotton has already been conveyed from that station.

On the far side of the Mpologoma the line has also been opened under construction arrangements to carry cotton and other goods towards Jinja.

It will be seen, therefore, that, except for the short gap between Tororo and Mpologoma, this extension to Uganda is already affording considerable assistance to the shipping public.

The work on the Mpologoma Causeway and Bridge is progressing smoothly and satisfactorily. The bridge cylinders have now reached their final level, and we hope very shortly to have the bridge and causeway completed.

Platelaying should recommence from Tororo towards Mpologoma at an early date, and through connection with the Mbulamuti section (which was completed some time ago) should be made by July or August of the present year.

Progress, therefore, has been very satisfactory, in spite of considerable difficulties, especially as regards ill-health of the staff. The section between Broderick Falls and the Uganda border has been particularly difficult for the latter reason.

I would like to express my admiration of all the staff concerned in this and other areas, who have given of their best under all circumstances, and in spite of a considerable amount of sickness.

With regard to surveys, it will be remembered that the Thomson's Falls survey has been completed, and the report was placed on the table last year for the information of Legislative Council. Funds have not yet been placed at the disposal of the Administration for the construction of this branch.

A survey and report for the Kavironda branch has been completed, and was laid on the table during the last session.

A survey of the Sotik-Kericho branch has been completed and it is hoped that the report and estimates will be laid on the table in two or three months' time.

With regard to Uganda, surveys and estimates have been prepared for the lines from Tororo to Soroti, from Busumbata to Jinja, from Mbulamuti to Kampala, and from Jinja to Kampala.

The question of the route to Kampala is one that is receiving very close consideration by the High Commissioner. There are considerable claims for both routes, and strong pressure is being exerted by interested parties in favour of the Jinja route.

With regard to the Makupa Causeway, I am now in a position to state that all preliminary inquiries and investigations have been completed. The plans for the final design are now in course of preparation and we propose to start work on this causeway immediately. The question of whether a solid causeway, completely blocking the channel and thereby saving the country an expenditure of £35,000, should be constructed is receiving the consideration of Government.

As hon. Members of Council will have seen, work has already commenced on the foundations for the Railway Head-quarter Offices. It has been found necessary to carry out this work departmentally, under the supervision of the architect responsible for the design. Various details have been under investigation, and experiments have been made in connection with the facing that is to be adopted for this building. A decision has been arrived at, and it is anticipated that work will now go ahead without any further delay.

At the Port, it is satisfactory to be able to report that Messrs. Pauling^s have made a start on the construction of two more deep-water berths. These two berths cannot be completed too soon, in view of the very rapid growth of the trade of the Colony.

It may also interest Members of this Council if I review briefly the position regarding the present traffic that is being carried by the Administration.

From January to April, inclusive, of this year, we have railed to the Coast a total of 115,922 tons of various commodities (coffee, cotton, maize, soda, etc.), as against 57,509 tons during the corresponding period last year, an increase of no less than 56,413 tons, i.e., nearly double the amount carried last year. Maize was responsible for the largest increase, the tonnage carried being 68,308 tons this year as against 20,918 tons last year, or over three times the amount carried last year and 28,000 tons more than we undertook to carry this year.

In spite of the largely increased tonnage handled, fuel costs for January were £12,340, as against £13,549 for January, 1926, a decrease of £1,209. This result has been obtained largely by increasing the amount of wood fuel used and decreasing the amount of coal.

The cargo landed at Kilindini Pier for the sixteen weeks ending 23rd April, 1927, amounted to 76,150 tons, as against 51,180 tons for the corresponding period of the previous year, an increase of 24,970 tons, i.e., 48.7 per cent.

Imports railed up-country during January, February and March amounted to 55,407 tons, as against 38,837 tons for the corresponding period of 1926, an increase of 16,570 tons, or 42.66 per cent.

The above figures are, I think, striking ones in many ways, and show that the Administration is adequately dealing with the traffic that is being offered.

In connection with maize, we endeavoured to rail to the Coast as large a tonnage as possible before the cotton crop was available for transport. In pursuance of this policy a total of 68,308 tons of maize has been carried to the Coast by the end of April. This, I think it will be admitted, is very satisfactory, and has only been possible through the full co-operation of the maize producing organisations and the shipping companies. As an example, it was at one time obvious from the information supplied to the Administration that the shipping space booked for maize for the month of February was inadequate, and on representations being made to this effect, it was gradually increased from 6,800 tons to 20,000 tons. The tonnage actually shipped during the month was 21,178 tons.

Cotton is now coming forward, and is being dealt with without difficulty in Uganda and at Kisumu. 81,174 bales have passed through Kisumu from the 15th January to the end of April. Cotton seed was allowed to come forward from April 1st, as was done last year.

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In connection with our efforts to move rapidly the big bulk traffics of maize and cotton we have naturally received complaints that other traffic has been neglected in consequence.

This, of course, has not been the case. The fact is that during peak periods we can never quite satisfy everybody. We get just as many complaints from shippers of bulk traffics as from smaller shippers, and we endeavour to hold an even balance in all cases.

I think the figures I have quoted above show that, taking all things into consideration, the traffic offering has been adequately dealt with, in spite of the very heavy increases in some commodities.

Attention has been drawn recently in the Press to the functions of the Railway Advisory Council. The High Commissioner looks to this Council to advise him on all major problems concerning the administration of the transportation services, in the best interests of all the territories served by the services.

In this capacity the Railway Administration welcomes their advice and assistance, and also looks to the members of the Railway Council to explain and elucidate to the general public at every opportunity the principles underlying decisions taken.

The Railway Council in the past has already done a great deal in this direction, with the result that the general understanding that now exists between the Administration and its customers is good.

As, however, the functions of the Council are advisory only, it will be realised that in some cases it would be quite improper for the Council to make public the advice given to the High Commissioner, especially in such matters as rates or questions involving action or decision by either Government.

In some cases, too, confidential information is placed before it to assist it in its judgment, which if full publicity were to be given, would have to be withheld.

The Council in these respects is in exactly the same position as many boards of directors.

Except, however, where information or facts are definitely advised by the Chairman as being confidential, the Railway Council is, by its standing Orders, allowed the fullest liberty in discussing matters of principle brought before the Council.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOOTE) : I beg leave to second the motion.

HIS EXCELLENCY : The question before Council is that a Bill to amend the Supplementary Appropriation (Railway) Ordinance, 1925, be read a second time.

THE HON. T. J. O'SHEA : Your Excellency, whatever other complaints hon. Members on this side of the House have against the hon. Representative of the Railway department, they certainly cannot complain of lack of frankness on his part with regard to matters concerning his department. I think I can safely say that we are all grateful to him for the lucid statements he has made from time to time in recent months, keeping us *au fait* with conditions in that very important department, and also to his predecessor. One of the drawbacks of course is that it gives people on this side of the House an opportunity of being a little more critical than they might otherwise be.

I was very interested to hear the hon. Member say that the whole of the branch lines are working at a loss. I am sure it will be a surprise to a good many people who deal with those branch lines to find that they are working at a loss. I should very much like the hon. Member to give us a little more information on that score in connection with the Usain Gishu and Kitale lines. I think it is advisable for this reason, that the people in those areas are labouring under the delusion that the lines are working at a profit and that they feel they are entitled to more consideration from the Railway than they are at present getting. If on the other hand they knew from an authoritative source that these lines are working at a loss they might possibly be more chary of bringing forward the demands they do.

Another matter—the question of Railway rate reduction. I should very much like to know whether the anticipations of a loss arising out of reductions in freights on galvanised iron and cement are being realised, or whether there is any justification for my belief that these rate reductions have encouraged a greater importation and a greater use of these articles, and that consequently the Railway will not in the end lose as a result of these reductions. I should very much like to know, because if that is so, I am greatly concerned that there should be a further rate reduction. I have from time to time in the past urged upon Government and the Railway authorities the advisability of conceding the demand for a considerable rate reduction on fuel oils. I mention it again at this stage because the hon. the Acting General Manager has said that he himself and his colleagues are greatly worried about the position in 1929, when a further charge of something like £400,000 has to be met in respect of interest and sinking fund, and also because he is greatly worried as to whether his expectations for this year will be realised. May I take the liberty of giving him a piece of advice? Having listened to so many of his statements and those of his predecessors I feel I am beginning

to know something about railway matters in this country, and that I may be so bold as to tender advice. I believe that a rate reduction on fuel oils would do more to put up the Railway revenue in this country and the general revenue of the country within a period of two years than any other single step it is in the power of the Government to take. I have studied the question very closely. I am saying something that may appear absurd to people, and one never likes to appear absurd; yet I feel sure that however absurd I may appear to-day, what I predict will be realised within the next couple of years. I know for a fact that during the past eighteen months very considerable development has taken place—agricultural development in various parts of this country, purely because people have taken up tractors. I am also aware that because of the high cost of the fuel for these tractors people have had to allow them to remain idle and lie up before their programme has been half completed. I also know, looking at the statistics published of the Railway traffic, that there has been a very, very considerable increase in the amount of fuel oil which has passed over the Railway, and I think there must have been a very considerable revenue from that source.

I should like the hon. the Acting General Manager to say whether that is not the case. I know that the House is rather tired of hearing me repeat these statements so frequently, but I feel that I am only doing my duty in urging this case, and I feel certain that if the matter is seriously investigated, there will be found a considerable amount of common sense in what I say.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY: Your Excellency, if I may be allowed to reply to the last speaker, I may say that the information we are trying to give to the public is given with the object of trying to persuade them that we realise all their troubles and difficulties, and that we are doing our best for them.

The first question was whether the branch lines are working at a loss. To begin with I referred to the Thika, Solai and Kitale lines—the Usin Gishu is considered a main line. The other three lines are undoubtedly, according to the figures presented to me by the Railway Chief Accountant, working at a loss at present, and that is, too, after giving those branch lines every credit for all traffic introduced by these branch lines to the main line. These lines are at present working at a loss and probably towards the end of the year the loss will grow, but I anticipate each year that loss will decrease.

With regard to the other point, whether we are incurring any loss on corrugated iron and cement owing to the rate reductions, it is impossible at present to state whether that will be so or not. At present the importation of these commodities is higher than it was last year. Those imports were

largely due to orders placed before any rate reductions were thought of. It is impossible to say of course whether the actual rate reduction that was brought in will mean a definitely increased import tonnage at the end of the year. It is probable that the import tonnage will increase to some extent; but on the other hand it will probably not make up for the losses we assume.

With regard to fuel oils: it is correct, as the hon. Member has said, that the tonnage of fuel oils has increased enormously during the last three months, in spite of there being no rate reduction. (Laughter.) I may say that the importance of this fuel oil reduction is fully realised by the Railway Council; it has been up before them frequently and it is only with the greatest reluctance that they have had to turn it down, and that they have done from the point of view that they must make things meet generally. I think the Railway Council fully appreciates the requirements of the country with regard to fuel oils, and this question will no doubt come up again before the Railway Council at subsequent meetings until something can be done.

I think that answers all the points, Your Excellency, raised by the hon. Member.

HIS EXCELLENCY: It is moved that a Bill to amend the Supplementary Appropriation (Railway) Ordinance, 1925, be read a second time.

The question was put and carried.

THE CUSTOMS TARIFF BILL.

SECOND READING.

THE HON. THE COMMISSIONER OF CUSTOMS (MR. WALSH): Your Excellency, I beg to move the second reading of a Bill to amend the Customs Tariff Ordinance.

As the provisions of this Bill are so clearly and fully explained in the printed objects and reasons it seems scarcely necessary for me to elaborate them further.

Clause 2 makes the operation of the Ordinance contingent on the signing of any agreement, under section 263 of the Customs Amendment Ordinance, 1926, with a neighbouring territory under British administration, the three sub-sections of Clause 2 specifying the conditions governing the interchange of imported goods when the rates of duty chargeable in the territories are identical and when they vary.

When forming a Customs Union or entering into an arrangement of the nature indicated in this Bill, it is obviously necessary that the Customs Management and Tariff Laws of

the subscribing territories shall be as nearly identical as possible. The spade work of co-ordination is now virtually completed so far as Kenya, Uganda and Tanganyika are concerned, and Zanzibar has recently enacted a Customs Management Decree, similar in all its main provisions to the Management Ordinances of the mainland Territories.

The following are the steps which have been taken with regard to co-ordination of Customs laws and procedure in Kenya, Uganda and Tanganyika.

1. The tariffs have been virtually identical for some considerable time.
2. The free interchange of local produce and manufacture is allowed.
3. The Customs Management Laws and Regulations have been co-ordinated.
4. The Bill now before this hon. House is an agreed measure, similar legislation being enacted in each of the three territories.

The only real difficulty now outstanding is the settlement of the precise terms of an agreement acceptable to each territory and even in this direction some progress has been made as agreement has been reached on accounting procedure and the method of allocation of Customs revenue to the consuming territory.

Your Excellency in your speech at the opening of Council explained the position of the Kenya and Uganda Governments with regard to the "safeguarding clauses," which were designed solely with the object of maintaining in the future the large measure of uniformity which has already been attained and if this difficulty can be disposed of, there is no reason why the system of single payment of duty on imported goods passing between the three territories should not be brought into active operation at an early date.

THE HON. THE TREASURER (MR. GRANNUM): I beg leave to second the motion.

HIS EXCELLENCY: The question before the House is that a Bill to amend the Customs Tariff Ordinance be read a second time.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, when this Bill was discussed yesterday at a meeting of elected Members a decision was reached to ask Government to send it to a Select Committee, but I am rather under the impression that at the time that decision was reached hon. Members were of opinion that this Bill in some way affected the question of the agreement between the Territories, in other words, it

affected the Customs Union. But after a re-perusal of this Bill and listening to the remarks of the hon. the Commissioner of Customs, it appears to me to be more or less a *pro forma* Bill to make the machinery of the Bill capable of easy working, and that it does not affect the agreement. If I am right in that, and if my hon. Friend will tell me that is purely a Bill as I say to make easy the working of an agreement which may be reached, I think hon. Members on this side of the House will agree that it should go through in the ordinary way, and that there is no necessity for it to go to a Select Committee.

THE HON. THE COMMISSIONER OF CUSTOMS: The hon. Member is right in thinking that this Bill will not affect in any way the agreement. It appears to be quite unnecessary for the Bill to go to a Select Committee.

HIS EXCELLENCY: The motion before the House is that a Bill to amend the Customs Tariff Ordinance be read a second time.

The question was put and carried.

THE CUSTOMS REVENUE ALLOCATION BILL. SECOND READING.

THE HON. THE COMMISSIONER OF CUSTOMS (MR. WALSH): Your Excellency, I beg to move the second reading of a Bill to provide for the Allocation of Customs Revenue between the Governments of Kenya and Uganda.

As stated in the printed objects and reasons this Bill is identical in its provisions with the Customs Amendment Ordinance, 1922, and lays down the precise method of allocation of Customs Revenue between Kenya and Uganda, the percentage payments being governed by the actual amount of duty chargeable on goods consumed in each territory.

This method of allocation has operated smoothly for the past four years, and no change is at present contemplated, but it is necessary to re-enact the provisions of the Customs Amendment Ordinance, 1922, as the Customs Management Ordinance which was passed last year repeals the Customs Ordinance of 1910 and its various amendments, and when the new Principal Ordinance is brought into force by Proclamation the Customs Amendment Ordinance, 1922, will naturally lapse, the Bill now before this hon. House taking its place.

THE HON. THE TREASURER (MR. GRANNUM): I beg leave to second the motion.

HIS EXCELLENCY: The question before the House is that a Bill to provide for the Allocation of Customs Revenue between the Governments of Kenya and Uganda be read a second time.

The question was put and carried.

THE HON. THE ACTING COLONIAL SECRETARY: I beg leave to move that this hon. Council resolve itself into a committee of the whole House to consider in committee the following Bills:—

- Bills of Exchange Bill;
- Supplementary Appropriation (Railway) (Amendment) Bill;
- Customs Tariff Bill;
- Customs Revenue Allocation Bill

THE HON. THE ATTORNEY GENERAL: I beg leave to second the motion.

In Committee.

BILLS OF EXCHANGE BILL.

Clause 14.—Commutation of Time of Payment

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I am very sorry to bring this up, but attention has just been drawn to the fact that clause 14, in view of the motion to-day to make Easter Saturday a public holiday, will have to be altered. Easter Saturday is now an annual public holiday, and comes between a Sunday and a public holiday, and so far as I see, according to clause 14 of the Bill, the last day of grace has either to be the day preceding or the day succeeding.

THE HON. THE ATTORNEY GENERAL: I do not think it affects it, Sir. The same point occurred to me. I do not think it matters because 14 (1) (b) provides:—

"When the last day of grace is a public holiday (other than Christmas Day or Good Friday) under the Public Holidays Ordinance, or when the last day of grace is a Sunday and the second day of grace is a public holiday, the bill is due and payable on the succeeding business day."

That clause will apply.

CAPT. THE HON. H. E. SCHWARTZ: It is therefore payable on?

THE HON. THE ATTORNEY GENERAL: On the succeeding business day.

CAPT. THE HON. H. E. SCHWARTZ: I am sorry if I drew a red herring across the trail. The point was brought to my notice by the Solicitor General. (Laughter.)

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) AMENDMENT BILL.
The Bill was considered clause by clause.

THE CUSTOMS TARIFF BILL.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I suggest in line 36, "may" be changed to the word "shall".

THE HON. THE ATTORNEY GENERAL: So far as I am concerned, the only objection I have to put forward to the suggestion is that the Bill which is before Committee at the moment is a copy of the Bill which has already been passed in Tanganyika, and I did not want to depart from it unless it is necessary. The effect is practically the same, Sir. I take it the Commissioner would pay the refund in every case.

THE CUSTOMS REVENUE ALLOCATION BILL.

The Bill was considered clause by clause.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOLE): Your Excellency, I beg to move that the following Bills be reported to Council without amendment:—

- The Bills of Exchange Bill.
- The Supplementary Appropriation (Railway) Amendment Bill.
- The Customs Tariff Bill.
- The Customs Revenue Allocation Bill.

Council resumed its Sitting.

HIS EXCELLENCY: I have to inform Council that the Bills of Exchange Bill, the Supplementary Appropriation (Railway) Amendment Bill; the Customs Tariff Bill and the Customs Revenue Allocation Bill, after reference to a full Committee of this Council, have been referred back without amendment.

THE BILLS OF EXCHANGE BILL.

THE HON. THE ATTORNEY GENERAL: I beg leave to give notice that at a later stage of the Session I shall move the third reading of a Bill relating to bills of exchange, cheques and promissory notes.

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) AMENDMENT BILL.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY: I beg to give notice that at a later stage of the Session I shall move the third reading of the Supplementary Appropriation (Railway) Amendment Bill.

THE CUSTOMS TARIFF BILL.

THE CUSTOMS REVENUE ALLOCATION BILL.

THE HON. THE COMMISSIONER OF CUSTOMS: I beg leave to give notice that at a later stage in the Session I shall move the third reading of the Customs Tariff Bill and the Customs Revenue Allocation Bill.

THE EUROPEAN OFFICERS' PENSIONS BILL.

HIS EXCELLENCY: The European Officers' Pensions Bill will be taken to-morrow.

Council adjourned until 10 o'clock on Friday the 13th May, 1927.

Original

X. 10718
27 Kenyan

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P. O. Box 104.

NAIROBI.

May 9th 1927.

To
H. E. The Acting Governor.

Excellency,

I have the honor herewith to present to you a petition addressed to His Majesty the King, against the introduction of Conscription into this colony in time of peace.

Accompanying the Petition are over 1500 original signatures, and names are still being sent in. We closed the Petition provisionally at 1500 signatures both for the reason that we considered that this number of signatures amply proved that there was no 'general assent' to the Conscription Bill, and that we thought that we ought to try and meet the convenience of the Local Government by officially showing the strength of opposition to the Bill before the Debates in the Legislative Assembly.

Documents which accompany this letter are:-

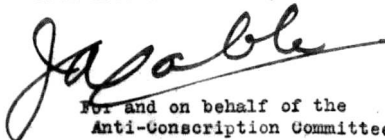
- (a) Petition with original signatures (two files containing 147 sheets) and covering letter to His Majesty the King.
- (b) Covering letter to the Secretary of State for Dominion Affairs.
- (c) Memorandum no. 1 - Analysis of the number of signatures to the Petition.

Two further Memoranda referred to in the letter addressed to the Secretary of State for Dominion Affairs will follow in the course of the next few days.

I have the honor to be,

Excellency,

Your obedient servant,


For and on behalf of the
Anti-Conscription Committee.

P. S.

We much regret that an error has crept into the printed Petition which nobody has noticed till this morning. The ages for military service are quoted 16 - 50 instead of 18 - 50. 16 was the lower limit of the previous Bill. No one, in fact, under the age of 18 has signed the Petition.

91
NAIROBI.

May 9th 1927.

To the Secretary of State
for Dominion Affairs.

Sir,

I have the honor herewith to transmit to you, through the agency of H.E. The Acting Governor of Kenya, a Petition addressed to His Majesty the King praying, for reasons enumerated in the Petition, that Conscription may not be introduced into Kenya in time of peace.

I will state at once that both in the Petition and in the course of this letter and the attached Memorandum, the word "Conscription" is used to describe an organisation for defence which requires compulsory enrolment, training and military service.

Three brief memoranda are to accompany this Petition which deal respectively with

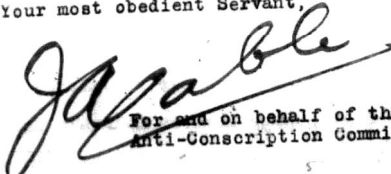
1. An analysis of the number of signatures to the Petition.
2. The history of the Defence Force Bills from 1921 onwards and a discussion of the objects of the Bill.
(An account of the history of the Bill materially incomplete is given in the official White Paper, of which a copy is attached)
3. An alternative scheme of defence based on voluntary service.

As it is important that the Petition should reach the hands of H.E. the Acting Governor tomorrow before any discussion of the Defence Force Bill in the Legislative Assembly, I am sending it forward with Memorandum 1 only. Memoranda 2 and 3 will be presented to H.E. the Acting Governor in the course of the next few days.

I have the honor to be,

Sir,

Your most obedient servant,


For and on behalf of the
Anti-Conscription Committee.

Encls.

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THE DEFENCE FORCE BILL

IN ASSENT WHERE (KENYA).

TO HIS MOST GRACIOUS MAJESTY GEORGE V,
By the Grace of God, of the United Kingdom of Great
Britain and Northern Ireland and of the British
Dominions Beyond the Seas, King, Emperor of India,
Defender of the Faith.

MAY IT PLEASE YOUR MAJESTY :

WE, the undersigned, being loyal and dutiful
subjects of Your Majesty, pray that Conscription may
not be imposed on this Colony and Protectorate of
KENYA, which is under the direct government of the
Crown, in a time of unthreatened peace, and without
any cause being shown.

YOUR MAJESTY'S petitioners submit that the
opinions of Your Majesty's Native Commissioners should
be obtained before Your Majesty's Assent be given to a
Bill that will conscript every British male in the
Colony between the ages of 18 and 50 on the alleged
pleas that the conscript force will increase the
mobility of Your Majesty's King's African Rifles, and
that the white population stands in danger of a rising
from unarmed and peaceful natives living in their own
reserves, for working contentedly on European farms.

No evidence whatsoever has been adduced to show that such a danger exists, yet the existence of this danger is the argument that has everywhere been employed to induce the people of this Colony to accept the Conscription Bill.

YOUR MAJESTY'S petitioners unreservedly accept the great ideal that Your Majesty's Government is the Trustee for Your Majesty's African subjects living under the Flag. They are constrained to admit that, if it were true, as alleged, that the white settlers of this Colony could only safely face the unarmed tribes, which live in the reserves and among the settlers of Kenya, with rifles in their hand, then indeed they would brand themselves before the world as unfitted to share in the Trusteeship for these natives, and this Trusteeship ought to be entrusted to other and more worthy hands, but Your Majesty's petitioners warmly deny that there is any danger to be feared that could not readily be dealt with by a police force and in accordance with the procedure of the Common Law of England. We are mindful of the fact that in Nigeria 18,700,000 of Your Majesty's African subjects have been administered and guided for 25 years by a handful of Europeans with no force behind them save four battalions of native infantry and two

small police forces voluntarily recruited, and we submit that justice and equity in the treatment of the natives of Kenya will be to us a surer shield and defence than the provision of an armed white camp equipped with rifles and machine guns.

YOUR MAJESTY'S petitioners further submit to Your Majesty that the Conscrip Bill now offered for our acceptance deliberately excludes the Oath of Allegiance to Your Majesty, and your Petitioners have every reason to know that this has been done so that the military organisation which the Bill creates may be available, untrammelled by the penalties of Military Law, in the event of certain contingencies well known to Your Majesty's Government. Your Majesty's Petitioners pray that they may, in any event be saved from being impressed into a military organisation based on these conditions.

YOUR MAJESTY'S petitioners venture to recall that Your Majesty's Government has formerly refused to sanction the introduction of Conscription in this Crown Colony on the ground that it is contrary to British tradition, and they pray Your Majesty that so long as this Colony remains under the Government of the Crown that same ground of refusal may continue to

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protect those of us to whom the traditions of our Motherland still remain dear.

... His Majesty's representatives in charge, regarding the introduction of compulsory military service into the Colonies, the effect that it would not be imposed on the Colonies... the effect of such a system... the effect of such a system... the effect of such a system...

... I would remark that Sir Richard's statement... the effect of such a system... the effect of such a system... the effect of such a system...

... the strength of the opposition... the strength of the opposition... the strength of the opposition...

... that in Great Britain, repeated pledges have given to His Majesty's Government that a proposed prohibition will... the effect of such a system... the effect of such a system... the effect of such a system...

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X. 1500¹⁵/₂₇ Kenya

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MEMORANDUM 1

ANALYSIS OF THE NUMBER OF SIGNATURES TO THE PETITION

During the past six years several statements have been made by His Majesty's representatives in Kenya, regarding the introduction of compulsory military service into the Colony, to the effect that it should not be imposed on the Colony without the general assent of the Colony. The latest of such statements is that of Sir Edward Grigg on December 17th 1926 - "I also recognise that a compulsory system of organisation for Defence can only be established in one way - by general acceptance throughout the Colony".

I would remark that Sir Edward Grigg's statement is apt to mislead those who are unacquainted with the provisions of the Defence Force Bill. The Bill does not merely provide a system of organisation for Defence; it definitely renders the whole male population of Kenya from 18 to 50 liable to compulsory military service in time of peace. A man of 29 may well be liable under the Bill to service for 50 days per annum of four hours or more per day.

But to turn to the strength of the opposition of the Bill as shown by the Petition:-

1500^x adult British subjects have signed the Petition out of some 8000 British adults in the Colony.

Let us suppose that in Great Britain repeated pledges were given by His Majesty's Government that a proposed Prohibition Bill should not go through without the general consent of the country, and that out of a total adult population of say 32,000,000 a Petition against Prohibition were to be signed by 6,000,000 adults. We submit that no government that respected its pledges could possibly proceed with such a Bill. We make a similar submission in regard to Kenya.

We have been repeatedly told that compulsory military

really 1500^x not 1500
as an estimate
subject

service ought not to be imposed without general consent. We interpret this to mean that if a considerable minority is opposed to it then it will not be introduced.

We have taken the most direct possible constitutional means of showing the strength of the opposition to conscription by inviting signatures to the present petition, which deals with that question alone, and nearly 20% of the adult population has definitely recorded its opposition.

Again, at the time of the recent elections, which were fought on an electoral roll two years old, there were only 3,500 voters on the roll. If we make the very conservative assumption that, of these, 500 were dead or absent from the Colony, we are left with only 3000 possible voters.

We were told at the time of the elections that the elections were specially important seeing that the issues of self-government and a Federated East Africa were raised in the Manifesto issued by Elected Members. Repeated requests were made months before the elections that the Voters Roll should be opened in order that the elections might be representative of the feeling of the country. These requests were ignored.

The Leader of the Elected Members - Lord Delamere - intimated that the question of the Defence Force was not the main issue at the Elections. Moreover, at the time of his chief and last speech at Nakuru, the Bill had not even been published (see appended cutting from the East African Standard)

At no election was the issue of conscription cited as even one of the issues between rival candidates, except in Captain Ward's Division (Nairobi North). Captain Ward was returned on personal grounds but he officially declared that a very big majority of his constituents was against the compulsory principle (hence against any Bill embodying that principle)

Of the eleven constituencies in Kenya five were contested.

There were 1787 persons on the electoral rolls of these constituencies, and of these 994 voted or 56%. If we assume that 56% of the total number of persons on the electoral rolls of all constituencies in Kenya had voted the total votes cast would have been about 1700. If we also assume that of the 1500 persons who signed the Petition three eighths were on the Voters Roll and that 56% of them had voted, we should have 315 votes certainly recorded against conscription.

It follows therefore that if we make the absurd assumption that all the 1700 obtainable votes in all Kenya were for conscription, except for the 315 known votes against it, then the elections could only show something under 1400 votes for conscription. This Petition definitely records over 1500 votes against it as a direct issue.

This again enforces our contention that the Conscription Bill cannot be said to command the general consent of the Colony.

If we compare the number of signatures on the Petition with the total votes cast in the elections for town and country respectively, and assume that 56%, shown as the number of those on the voters roll who actually voted in contested seats, holds for the uncontested seats.

	<u>SIGNATURES TO THE PETITION</u>	<u>TOTAL VOTES OBTAINABLE IN ELECTIONS</u>
NAIROBI	845	543 (actuals)
MOMBASA & COAST	233	(a) 107 (estimated 56%)
COUNTRY	422	(a) 1352 do

(a) Making no deductions for deaths or absences on the Voters Roll as at January 1927.

Hence on the above assumption that all voters recording votes in the elections were, or would have been, solid for conscription, apart from all other issues, and that all the voters on the electoral roll were present in Kenya and alive in January 1927 - this Petition shows an overwhelming opposition in the towns and 31% against obtainable voters in the country districts.

We have based our comparisons on figures supplied by the electoral rolls and the recent elections in fairness to our opponents who base their case on the elections.

There was, of course, a large section of the population unenfranchised at the recent elections, but elected members showed little enthusiasm for making it possible for them to vote.

For the various reasons enumerated above we claim the honouring of the pledge that the Conscription Bill shall not become law without the general consent of the Colony.

PROCEDURE ADOPTED FOR OBTAINING SIGNATURES TO THE PETITION.

Seeing that Kenya covers an area twice the size of the British Isles we were quite unable personally to canvass the Petition except in Nairobi and to some extent in the immediate neighbourhood and in Mombasa. No canvassing was done in the rest of the Country and we relied merely on bringing the Petition to the notice of Settlers by means of advertisement in the newspapers and by posting a number of copies of the Petition to Farmers in outlying Districts .

The Petition was first published on April 1st. and Petition forms were called in on April 28th. except in Mombasa. Notwithstanding this, signatures were still reaching us in considerable numbers up to yesterday (May 7th).

We have decided to close and present the Petition now only because the Legislative Council is about to meet and because we consider that 1500 signatures amply prove that the Conscription Bill does not command general acceptance.

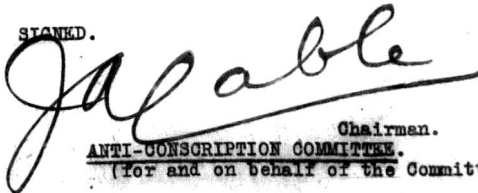
If a further 500 signatures are required we have reason to believe that we can easily obtain them.

But for the fact that His Majesty's representatives, the Governor and the Acting Governor personally advocated compulsory military service and that His Excellency the Governor stated before the elections that it was government policy, we could have obtained several hundred more signatures. The Government, it is true, stated that Civil Servants would not be penalised for signing the Petition, but scores of them have told us that since the Government has thrown its weight unto the scale in favour of conscription they dare not risk signing the Petition whatever guarantees have been given.

Heads of commercial firms have told the same thing and while they have given us ^{every} facility for obtaining signatures from their staffs they say that they cannot sign themselves for fear of giving offence to the Government.

We feel very strongly that in such a matter as the introduction of compulsory Military service into a Crown Colony for which the free and general consent of the Colony is required it is intolerable that the prestige of the Crown should be used to try and secure a verdict in its favour.

SIGNED.



Chairman.
ANTI-CONSCRIPTION COMMITTEE.
(For and on behalf of the Committee).

The Manifesto.

DEFENCE FORCE SHOULD BE TAKEN ON MERITS.

Turning to our Manifesto, I am going to start with the Defence Force Bill because I want to get it out of the way. What I mean is this: Elected Members and the Government are all agreed that this is a matter which should be taken alone on its merits and should not be allowed to confuse the issues at an election on great constitutional changes. So that the position is this. A new Bill is being drafted with the help of a strong Committee of Elected Members. This Bill is drafted on the compulsory principle as that is the Government policy but it is to be on the simplest lines of a Burgher Defence Force. When this Bill is ready, it will be published and Government has given an undertaking that such a Bill will be tabled on the country so that there will be ample opportunity for me as your member to bring it to you.

FROM THE REPORT OF LORD DELAMERE'S SPEECH AT NAKURU IN EAST AFRICAN STANDARD WEEKLY EDITION, JANUARY 22nd.1927.

LORD DELAMERE NEVER DISCUSSED THE BILL WITH HIS CONSTITUENTS. THIS SPEECH WAS THE LAST THAT HE MADE IN THE ELECTIONS.

NOTE

AT THIS DATE A WEEK BEFORE NOMINATION DAY FOR THE ELECTION THE CONSCRIPTION BILL WAS NOT IN THE HANDS OF ELECTORS.

Handwritten initials

Originals.

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NAIROBI.

May 21st, 1927.

To:

H. E. the Acting Governor.
KENYA.

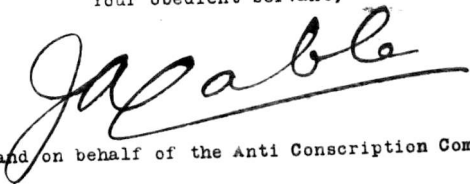
Excellency,

I have the honour herewith to present to you a copy of Memoranda II and III together with Appendices dealing with the subjects to which I referred in my letter of May 9th, 1927 accompanying the Petition addressed to His Majesty the King.

I would ask you to be so good as to forward them to the Secretary of State for Dominion Affairs at the earliest possible moment.

I have the honour to be, Excellency,

Your obedient servant,



(For and on behalf of the Anti Conscription Committee)

Enclosures: Memoranda II, III

Appendix containing twelve separate annotated documents.

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NAIROBI.

105

May 21st, 1927.

To the
Secretary of State for Dominion Affairs,
Whitehall, LONDON.

Sir,

I have the honour herewith to transmit through the agency of H. E. the Acting Governor of Kenya Memoranda II and III, together with appendices, dealing with the subjects to which I referred in my letter of May 9th, 1927, accompanying the Petition addressed to His Majesty the King.

I would ask that this Memorandum be read in conjunction with the previous Memorandum No. I as constituting a statement of our case against the proposed introduction of Conscription into this Colony.

I have the honour to be,

Sir,

Your most obedient servant,



(For and on behalf of the Anti Conscription Committee).

Enclosures:- Memoranda II, III.

Appendix containing twelve separate annotated documents

Methods of Government in the Colony - Brief history of the Defence Force Bill - The terms of the Petition - An alternative method for Defence - The Question of Principle.

(Marginal references relate to documents in the Appendix).

We would preface the remarks contained in this Memorandum by asking that you will not in any way discount the force of our arguments from the fact that they are expressed in the plain and outspoken English that comes natural to us. We are simple and unsophisticated Colonists, who do not profess to be masters of that language of artificial restraint and habitual understatement that is supposed to lend dignity and impressiveness to official communications.

Before proceeding to a discussion of the terms of the Petition to His Majesty, the King, it is necessary for us briefly to discuss the method of Government practically applied in this Colony.

First there is the Executive Council consisting of the Governor, five officials and three unofficial members, of whom Lord Delamere is one. He is at the same time Leader of the single political party; there is no "Opposition".

Secondly there is the Legislative Council, which consists of the Governor multiplied by 20, and Lord Delamere multiplied by 11, together with 5 elected Indian Members and one elected Arab Member. We use these expressions advisedly. The Governor can command the votes of the official majority, as on the occasion of this Defence Force Bill, by declaring that a measure is Government Policy. Very exceptionally the nominated members of the Legislative Council are given the right to a free vote according to their consciences; it is a privilege rarely accorded to them.

The Elected Members under the Leadership of Lord Delamere constitute the only political party in this Colony. They cooperate with the official majority under a system they describe as "Government by agreement".

They discuss in private with the Official Members their political programmes and then present the programme to the people of this Colony as their conclusions as to what is good for the Colony. Criticism of measures is almost unknown. Nothing reaches the ears of the public as to the discussions that lead up to the framing of a political programme, and the public never has any opportunity of appreciating weak or debatable points arising out of any measure except through correspondence in the columns of the single newspaper - the East African Standard - which, outside Mombasa, is the only British newspaper in the Colony.

It should be borne in mind that the whole of Kenya contains only the white population of a small English town. Over a third of the population is contained in Nairobi and Mombasa, and the remainder consists mostly of farmers scattered over an area nearly twice the size of the British Islands.

The great majority of these farmers have to work hard for their living, and although they have Farmers' Associations for the discussion of farming and political topics, their political views are voiced through only few mouths and these are almost always the same. It is with the utmost difficulty

that men can be found in the provinces to stand for the Legislative Council. Members for provincial constituencies are usually unopposed, except for personal reasons. On the occasion of these last elections five out of the eleven seats returned candidates unopposed.

The bearing of these facts on the present controversy is as follows:-

1. As pointed out in Memorandum 1 the Defence Force Bill was deliberately not taken as a primary issue of the Elections by the Leader of the Elected Members.
2. The Defence Force Bill was only published a week before the Nomination day for members; hence if opponents of Conscription had wished to fight the election on that issue they would have been left with one week in which to find a candidate.
3. The system of government which we have described above is bound to lead to political apathy, and it is not surprising that the Voters' Roll was quite unrepresentative. No opposition party is in existence to see that voters are registered. In order to get placed on the Voters' Roll the settler must write to the District Commissioner to ask for certain forms which he has to fill up. Very insufficient publicity is given to the question of how to get a vote, and many settlers do not know how to get put on the Roll. The Government ought to bring to the notice of the settlers their duty to register as voters seeing that there is no political organisation which does so; we feel sure that they would then register their names as voters, for they have just as much sense of civic duty as Britons elsewhere.

Once again, we would remark that it reflects little credit on the local Government and Elected Members that, despite repeated requests, they refused to open the Voters' Roll before the last Election, so as to enable unenfranchised colonists to record their votes on the occasion of an election in which unusually important constitutional issues were raised.

BRIEF HISTORY OF THE DEFENCE FORCE BILL.

The facts here recounted are based on the account given in the Official White Paper "Memorandum on the Defence Force Bill" signed by Mr. E. B. Denham, Colonial Secretary, on January 11th 1927. This official account has been expurgated so as to mislead those who make use of it. The writer evidently wished to create the impression that the Defence Force Bill had received unanimous approval in this Colony for six years past. A copy of the White Paper is appended.

The Defence Force Bill was introduced into Council and passed its first reading on August 29th 1921, and came up for second reading on August 30th 1921. "Owing to the wide powers contained in the Bill it was not proceeded with...." states the White Paper (para:2). In para: 6 lower down "Government is now preparing a draft Bill based in principle on the Defence Force as passed unanimously in 1921...."

The true reason for which the Bill of 1921 was not proceeded with appears from the appended quotations from the second reading of the Bill in 1921. This reason briefly stated was that settlers hands would be tied by a Conscrip Defence Force containing an Oath of Allegiance in the event of their wishing to offer armed resistance to the Imperial Government. In fact armed rebellion was organised against the Imperial

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Once again, we would remark that it reflects little credit on the local Government and Elected Members that, despite repeated requests, they refused to open the voters' Roll before the last Election, so as to enable unenfranchised colonists to record their votes on the occasion of an election in which unusually important constitutional issues were raised.

BRIEF HISTORY OF THE DEFENCE FORCE BILL.

The facts here recounted are based on the account given in the Official White Paper "Memorandum on the Defence Force Bill" signed by Mr. E. B. Denham, Colonial Secretary, on January 11th 1927. This official account has been expurgated so as to mislead those who make use of it. The writer evidently wished to create the impression that the Defence Force Bill had received unanimous approval in this Colony for six years past. A copy of the White Paper is appended.

The Defence Force Bill was introduced into Council and passed its first reading on August 29th 1921, and came up for second reading on August 30th 1921. "Owing to the wide powers contained in the Bill it was not proceeded with...." states the White Paper (para:2). In para: 6 lower down "Government is now preparing a draft Bill based in principle on the Defence Force as passed unanimously in 1921...."

The true reason for which the Bill of 1921 was not proceeded with appears from the appended quotations from the second reading of the Bill in 1921. This reason briefly stated was that settlers hands would be tied by a Conscript Defence Force containing an Oath of Allegiance in the event of their wishing to offer armed resistance to the Imperial Government. In fact armed rebellion was organised against the Imperial

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Government in 1923 because of the proposal to give certain privileges to Indians.

In 1923 the Bill was passed in the Legislative Council, but the Secretary of State withheld consent on the ground that the Bill provided for compulsory military service.

On the occasion of the second reading of the Bill in 1923, Colonel Llewellyn the Officer Commanding troops, remarked that those who had seen blood dripping from spears would not withhold their support to the Bill.

In 1925 Members of the Council pressed for assent to the Bill and the Secretary of State expressed willingness to agree to it in principle, subject to the consideration of certain points in it by the Committee of Imperial Defence.

A Select Committee was appointed to report on the suggestions of the Imperial Defence Committee.

Then (and this is not reported in the White Paper) in November 1925 the Amended Defence Ordinance was published in the newspaper for the purpose of information and criticism before actually coming into law.

It was assailed by violent criticism in the press and at a mass meeting called in Nairobi by the sitting members the Bill was rejected by 350 votes to 20.

On December 18th 1926, Sir Edward Grigg, who evidently differs from Colonel Llewellyn, repudiated in the strongest terms that the Bill was based on any suggestion of alarm respecting natives.

Another Select Committee was appointed and made recommendations on which a new Bill was drafted. This Bill is officially described as an amendment of the Old Defence Force Bill in order to create the illusion that there has been a continuity of approval to one Bill; but the "Amendments" are so fundamental that a man who had no case to make would describe it as a new Bill.

The officials of the local Government find themselves in a quandary. On the one hand they want to show that there has been one Defence Force Bill subject only to successive amendments and on the other hand to prove that the present is not a conscription Bill. Now the Bill of November last is without a doubt a drastic conscription Bill. If then the new Bill is not a conscription Bill it must differ fundamentally from the last, and is therefore a new Bill and the continuity breaks down.

Further the new Bill deliberately omits the Oath of Allegiance to His Majesty, the King which was in the Bill published in November 1926.

The present Bill contains not only provision for compulsory enrolment, but for compulsory military training in time of peace. Recently the politician-officials who are urging this Bill on the country, and certain elected members have publicly made the untrue statement that the Bill is only one for compulsory enrolment. They evidently rely on the fact that members of the public seldom have the text of the Bill in their hands. Every British male from 18 to 30, for example, is liable to 100 hours training per annum exclusive of time taken to and coming from his place of training. If we take one hour each way and two hours rifle practice or drills at a time this means compulsory military service for a man of 29 of 50 days a year of 4 hours each. Frequently in this country the times of going to and from a place of

training would occupy many hours.

THE TERMS OF THE PETITION.

The Petition was first published on April 1st 1927, and since that date it has been given the utmost publicity. It has appeared repeatedly in the newspapers and it is printed in full on every petition-form on which names are signed.

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Fierce controversy has raged round the subject of Compulsory Military Service yet not on any occasion by word or writing has the truth of any statement in the Petition ever been disputed in the Colony, excepting only the objection taken by the local government to paragraph 2 of the Petition (see Petition and correspondence with the local Government) which alleges that one of the pleas on which this Colony has been induced to accept the Conscription Bill is alarm regarding natives, and the political attack made on the Petition last Thursday (May 12th) by the Colonial Secretary. It is significant that not one of the Elected Members is reported to have ventured to attack the accuracy of the wording of the Petition in the debate on the Second Reading of the Defence Force Bill in the Legislative Assembly.

Seeing that in this controversy on the Conscription Bill, which has now raged for some weeks, no one in this Colony outside the precincts of Government House has ever disputed its accuracy, we submit that we have a right to infer that our opponents accept its statements as true, or at least find nothing in it to which they feel strongly disposed to object.

we now deal with the attacks made on us by Government Officials.

First there is the letter sent to us by the Colonial Secretary of which a copy together with our reply is appended to this memorandum. We still consider that the reply was suitable and sufficient for the occasion, and will proceed to deal with the second attack by the Colonial Secretary delivered in the Legislative Assembly on May 12th.

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We wish to preface our reply to the Colonial Secretary by remarking that it seems to us amazing that at a time when in England it is proposed to restrain Trade Unions from levying forced contributions for political purposes that we should be subjected to forced contributions in the shape of taxes for the support of officials, such as the Colonial Secretary, who direct against us a violent political attack in a place where we have no right to reply, and because we are fighting against the principle of Compulsory Service, concerning which the last public declaration of the Imperial Government was to the effect that it would not be approved as being against British principles. True it was the Colonial Secretary of a Labour Government that made this declaration, but are we to understand that colonial officials are to regale us with the home and colonial stores of their own party politics? Our conception of their duties is that they are public servants of the Imperial Government irrespective of politics.

The Colonial Secretary in an offensively patronising speech is good enough to state that we suffer from "myopia inherent and not wilful". Perhaps in view of his introduction of such epithets it may not be considered out of place if we say that whether or no we are suffering from myopia we yet enjoy sufficient clearness of vision to refuse wilfully to

manufacture the eyewash which the Colonial Secretary has prepared in the hope of blinding the eyes of the Imperial Government.

We state in the Petition that a plea alleged in the support of the Bill is fear of a native rising.

Sir Edward Grigg has stated : " I desire to repudiate in the strongest terms all suggestions that the compulsory organisation of Europeans for defence is based upon alarm of any sort regarding our relations with the King's African subjects in the Colony".

It is difficult to find words to describe sufficiently vividly the falsity of the impression that such a statement is bound to convey in England. For months past local newspapers have been full of letters and speeches whose burden is that defence is urgently needed against the danger of native trouble. The members of this Committee have canvassed hundreds of opponents to the Bill, and the plea of danger from natives is almost the only argument we have to meet (see appended typical letters).

Responsible men all over the country repudiate Sir Edward Grigg's statement and do not hesitate to declare that it is for "home consumption". We have never on any occasion found a settler willing unreservedly to subscribe to it.

We ourselves, though opposing conscription, do admit that on the borders of certain native reserves more police protection is required, and we are willing to support a voluntary organisation to deal with the danger of small disturbances in connection with cattle thefts, circumcision ceremonies, and in some cases from the refusal of the government to give natives the necessary assurances for security of tenure for their landholdings. We doubt whether it would be possible to find any group of 20 settlers in the whole country which would pass a resolution that in supporting a Defence Force Bill "they repudiate any suggestion of any alarm regarding natives".

Of course Sir Edward Grigg and his nominated majority can arbitrarily assign any reason they please for the basis of the Defence Force Bill; we are concerned only to demonstrate that his statement is only true in the sense that, say, a declaration of a British Prime Minister would be true if he brought in a Prohibition Bill and declared that it was not directed against the drink traffic. He might truly have some other basis for the Bill in his mind, but the opponents of the Bill in the country might be forgiven if they were to state that an alleged plea for the Bill was the prevention of drink, especially if a number of his political party were to canvass the Bill on that basis.

Sir Edward Grigg gives as a positive reason for the Conscription Bill that it would increase the mobility of the King's African Rifles (K. A. R.). By this he means that, if the K. A. R. are called out to deal with raiders on the Northern frontier, then the Colony will be mobilised under the Conscription Bill, that is to say, under the Army Acts. Why this should be necessary does not appear, since on his own showing there is absolutely nothing to fear from Africans, and no one suggests that we have anything to fear from Indians or Arabs. The only possible remaining danger is that from white settlers of independent views. If a few hundred Somalis on the Northern border could appreciate Sir Edward Grigg's views, and wanted to bleed Kenya white, they would

make hostile demonstrations three or four times a year. The whole Colony would be conscripted on these occasions - it is a great point with promoters of this Bill that all shall serve - and the economic life of the Colony would suffer from intermittent paralysis.

When the Acting Colonial Secretary says "It is amazing, and almost confounding that a statement so malicious and so mischievous, so utterly untrue should ever come from any responsible person, more especially as it is uttered in conscious disregard to Sir Edward Grigg's statement to the exact contrary", we are unimpressed except with the fact that it is regrettable that a public official should be tempted to use language of such lyrical fervour at the sound of his master's voice in order to deceive the British Government and public.

The Acting Colonial Secretary next criticised the Petition on the matter of the Oath of Allegiance. Again we suggest that he is deceiving the Imperial Government. We state the evidence and leave it to the Imperial Government to draw the conclusions; comment seems hardly necessary:-

1. Defence Force Bill 1921 - contains Oath of Allegiance - objected to on that ground as it would bind the hands of the settlers - armed rebellion organised 1923.
2. Defence Force Bill 1923 - contains Oath of Allegiance - passed - assent refused by Secretary of State.
3. Defence Force Bill 1925 -reluctant assent of Secretary of State in principle - points of detail to be considered by Committee of Imperial Defence.
4. Remarks of Imperial Defence Committee received in May 1926. Select Committee appointed here to consider them.
5. In November 1926 Defence Force Bill officially published "for information and criticism before coming into law", contained Oath of Allegiance.

This Bill was rejected by the Colony and withdrawn. Strong exception was taken to Oath of Allegiance as it would tie the settlers' hands.

New Select Committee appointed. This Committee recommended the omission of the Oath of Allegiance - no reason given (January 1927). From that time onwards the omission of the Oath of Allegiance has been keenly debated in the Press in connection with our Petition. Speeches have been made up and down the country by politicians on the Conscription Bill.

The Government took exception to one statement in our Petition, but never referred to the Oath of Allegiance. We have discussed the omission of the Oath with His Excellency the Acting Governor, Elected Members, and various government officials. Never has any reason been given for its omission. Now at the last moment the Colonial Secretary declares that the Oath was only left out because it does not appear in certain other Colonial Statutes, and was not considered necessary by the Imperial Defence Committee. Why was the Oath then included in the Bill of November 1926, and eliminated by the Select Committee of January 1927?

We suggest that this reason is an untrue one, invented at the last moment to hoodwink the Imperial Government, otherwise previous silence is incomprehensible. If our belief is not true it is, we submit, entirely justifiable on the facts, and if it is untrue, then we respectfully suggest

that the inexcusable negligence of the officials who allowed the Colony to remain unenlightened on so important a matter for so long and amidst fierce controversy deserves some official notice from the Imperial Government.

The debate in the Legislative Council on May 12th would be correctly described as a rehearsed and staged discussion for the deception of the British Government and public. It is common knowledge that the roles of the various speakers were assigned to them on the day before. The Government nominated majority agree with the Elected Members in advocating Compulsory Military Service, but are utterly at variance with them as to the basis on which they support it. The Elected Members would not think of subscribing unreservedly to Sir Edward Grigg's statement.

Members of that section of the Legislative Council headed and commanded by Sir Edward Grigg say with their faces turned towards London "We support Compulsory Military Service; it is in no wise concerned with the slightest alarm regarding natives".

Members of that section of the Legislative Council headed and commanded by Lord Delamere say, with their faces turned towards the interior of Kenya "We support Compulsory Military Service it is necessary for fear of native trouble".

We think that the Imperial Government ought to know the truth which is that the police protection offered to settlers on the borders of native reserves is insufficient; that there is some danger, but not much, of sporadic local native disturbances. Further there are from time to time small affrays between contiguous native tribes which might, if unchecked, lead to serious loss of life between them. For these reasons we support the strengthening of the police forces of the colony, and the creation of local forces of special citizen police to deal with troubles such as those outlined above.

For the sake of those of our opponents who tell us that such forces would not cope with such native attacks as they fear, we are willing to support the formation of an efficient mobile Volunteer Defence Force each member of which would be proud to take the Oath of Allegiance to His Majesty, the King.

We cannot too strongly emphasize that in our opinion these small native troubles should be dealt with according to the methods provided by the English Common Law. They are primarily police matters. Quite recently hundreds of spear armed natives were prevented from fighting amongst themselves by two young Englishmen. Under the proposed scheme of Defence some scores of these natives would have probably been shot down and an appropriate official account would have been remitted home.

The Preamble to the new Defence Force Bill borrowed our public suggestion that we should deal with native troubles in accordance with the Common Law but the authors of the Bill evidently consider that the Common Law of England normally calls out men as soldiers under the Army Acts for the suppression of affrays (see Section 24).

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The Petition protests against creation of a military organisation amenable to the discipline of the Army Acts but under the orders of the local government whose powers might be usurped, as was threatened in 1923 by the local politicians who would then have precisely such an organisation as they then attempted to create, ready at hand, at their beck and call.

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The Oath of Allegiance has been omitted from this Bill, in our belief, because of the widely expressed objection in this Colony that it would tie the hands of settlers. The Imperial Government can best judge between us and the Colonial Secretary

in the light of the evidence that we have adduced.

We do not for a moment suggest that we differ from the general mass of our fellow Colonists in the loyalty to the Crown. That is not so; but we do not wish to see a general conscript force created, without any reasonable cause being shown, as a temptation to local politicians to repeat their tactics of a few years ago in trying to obtain political concessions by the threat of armed force.

Appended is a statement describing the scheme of Voluntary Defence which we are willing to support, not because we consider that the danger of native trouble in any sense requires such a scheme, but in order to render assurance doubly sure for settlers in outlying districts. Their fears are not for themselves; they are for the safety of their wives and children and even though we may think that their alarm is magnified, we sympathise with them and want to take from them all sense of anxiety so far as that can be done.

We would respectfully ask that Mr. J. A. Cable, the Chairman of this Committee, be given an opportunity of presenting to you personally in July next the views of petitioners against this Bill. We cannot hope for impartiality in a Report drawn up by officials who have attacked us on public occasions where we have no right to reply and who are free to comment on the case we put forward in a Report drawn up behind our backs.

THE QUESTION OF PRINCIPLE.

We believe that the great tradition of free service freely offered to the State is interwoven with the texture of our national character, and that to this we largely owe our greatness among the nations of the earth.

This colony earned distinction among the distinguished in the late war for the number of its men who flocked to the Colours as volunteers. We are fighting to maintain this ideal of free service to one's fellows; it dies under compulsion.

We feel that once the principle of compulsion creeps into this colony we shall tread ground which henceforward will cease "to be for ever England", and that the ideals of free service, which men died in thousands to save, will have been conquered and abandoned to the enemy.

In the times through which we are now passing, there is a tendency to treat tradition and principle as of light account, but we regard each breach with those traditions and principles that made our Motherland great as if it were the tolling of a knell to mark the passing of the Soul of a great race - our own.

J. A. Cable

Chairman Anti-conscription
Committee (for & on behalf of
the Committee)

PROPOSED SCHEME OF DEFENCE BASED ON VOLUNTARY SERVICE.

The reasons for which Defence is needed are:-

1. From time to time intertribal fights occur, owing to cattle thefts by one tribe from a neighbouring tribe; these fights may at any time lead to serious loss of native life if they are not checked.
2. On the borders of certain reserves cattle thefts from white settlers are very common.
3. At certain times, such as the times of circumcision ceremonies, natives frequently become very much excited, and there is a slight danger of sporadic outbreaks on the borders of the reserves, which might endanger the lives and property of white settlers living in those districts.

Natives are armed only with spears, when they are armed at all.

We maintain that all these dangers are essentially dangers to be met by a strengthened police force, together with specially enrolled citizen police-constables in turbulent districts. These citizen police would normally act under the orders of the local Justice of the Peace.

Fighting between hundreds of natives has been stopped on several recent occasions by two or three settlers, and we consider that the procedure sanctioned by the English Common Law is admirably adapted for quelling intertribal disturbances, without the shedding of blood.

Again, the cases of cattle thefts or a murderous raid, are to our minds, obviously police matters. If they can be stopped at all, certainly they can be stopped more effectively by the rapid mobilisation of a handful of police, than by an order to a local military force to "stand by".

The employment of a military force and rifles, as a first line of Defence, is in our opinion, indefensible. Police officers persuade; military officers fire.

Seeing, however, that a large number of our fellow colonists consider that further defence is needed against the danger of native risings, we are willing to support the formation of an efficient mobile Volunteer Defence Force, to act with the K.A.R. as a second line of Defence, and to support as a third line of Defence a scheme for voluntary enrolment of all men not otherwise enrolled for duties of national service in times of emergency.

Apart from, and in addition to our voluntary efforts, the whole Colony would welcome a yearly visit from a regiment of His Majesty's Regular Army, if that could be arranged.

Briefly then, our suggested Scheme of Defence is:-

- 1st line. Regular police (strengthened) and citizen police.
- 2nd line. K. A. R. and Volunteer Force.
- 3rd line. National Service Corps (for military or other duties).

(A yearly visit from a regiment of His Majesty's Regular Army).

We cannot too strongly express our opinion that a grievous error will be committed if a military force is created as proposed under this Bill, which can be called out in emergencies by District Civil Officers. Settlers in the districts bordering on the Nandi Reserves, driven to exasperation by cattle thefts, have recently threatened to take the law into their own hands. This brings our contentions to a direct issue:-

We say the law should be enforced by its ordinary and proper custodians - the police, whether civil or military, - but emphatically not by an armed military force.

That "internal security" shall normally rest on an organisation of military force is, to our minds, un-British and a complete denial of the spirit of our Common Law whatever this Bill may declare.

J. C. Able

*Chairman Anti-Conscription
Committee (for & on behalf
of the Committee)*

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The two Members for Nairobi and their private
Referenda.

There are two Members for Nairobi: Captain Ward for Nairobi North, and Captain Schwartz for Nairobi South.

In November, 1926 the Defence Force Bill of 1923, with a few amendments, was gazetted for the purpose of information and criticism before actually coming into law. It was met by a storm of public criticism and protest.

Consequently the Nairobi members called a meeting at the Lyric Hall, Nairobi, and tried to induce the meeting to accept the Bill, modified by certain amendments which they proposed, in order to try and make it more palatable to the public. They suffered a crushing defeat. A huge majority (350 to 20) passed a most drastic resolution, refusing to have anything to do with the Bill either in its original or amended form, and instructing both members to vote for a new Bill based on the principle of Voluntary Service.

Captain Schwartz took no notice of this instruction as it was not to his liking, but Captain Ward, when he was asked to sit on a Select Committee for drafting another Bill made the following formal personal statement which we quote from the proceedings of the Legislative Council :-

"Captain Ward having received the permission of Council rose to make a personal statement. Whilst he said he was perfectly willing to sit on the Select Committee, and his personal views were in favour of the compulsory principle, his constituents by a very big majority had expressed opposition to that principle, so that whatever his personal views he would consider it his duty to press the views of the majority of his constituents before the Committee."

We not unnaturally thought that so explicit a declaration that as a very big majority of his constituents was against the compulsory principle would be conclusive as to his attitude towards the principle of Compulsory Military Service.

We were doomed to disillusionment. Just before the recent elections, early in February, both Captain Schwartz and Captain Ward promised that if they were elected they would take a referendum of their constituents on the subject of the Defence Force. They were both returned on personal grounds against candidates who appeared on the field against them only at the last moment.

After considerable delay they took their referenda. Meanwhile, however, the direct issue of Conscription versus Voluntary Service was raised by the appeal for signatures to a Petition addressed to His Majesty The King.

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Naturally Nairobi constituents having expressed their opposition to the Compulsory principle, and having signed the Petition to His Majesty The King, were not disposed to recognise private referenda taken by Nairobi members. We know of a number who declined to have anything to do with the Referenda, and of other constituents of both Captain Ward and Captain Schwartz who never even received a copy of the Referendum forms.

In any case 845 persons (at date 877) in Nairobi signed the Petition against Conscription as against 543 who voted for all candidates at the recent Elections, and as against some 300 who took part on the Referenda.

The methods of taking the Referenda deserve some notice; we submit that these private referenda have no public value whatsoever.

Captain Schwartz took his Referendum as if he were pushing a patent medicine and accompanied his Referendum form by a "puff" of the Conscription Bill which ascribed to it virtues that it does not possess. He states in his accompanying "puff" that the Bill is in effect nothing more than a Bill for compulsory registration in case of emergencies. Reference to Clauses 18 and 31 of the Bill refutes this statement. Some people probably signed the Referendum because of Captain Schwartz's incorrect statement and others of whom we know would not sign the Referendum because it was accompanied by the advertising "puff".

Captain Ward's Referendum was an attempt to disprove the truth of his own statement in the Legislative Council. Instead of adhering to his resolution to press the views of his constituents in favour of the Voluntary system he now tries to press his own views in favour of the Compulsory system and our political chameleon having made this quick change of colour in his principles of action now stands conspicuously silhouetted against the unchanged background of the unwavering adherence of his constituents to their expressed principles as shown by the number of signatories to the Petition. He is no longer in harmony with his environment.

In the Debate on the Defence Force Bill both Captain Schwartz and Captain Ward quote the results of their Referenda in the form of betting results 3 to 1, 50% on. They are understood to favour a sort of "Derby" scheme giving a brief time in which men can "volunteer" with a delayed-action - Conscription-pistol held at their heads. The quotations "3 to 1" and "50% on" should be read in reference to the small numbers involved.

It has not been uncommon in this controversy to see numerical results stated in this pretentious fashion. Farmers' Associations with long names report "One and all voted for Conscription". Such reports are most safely read in their literal sense; six or eight may have been present.

Once again we would emphasize that we have had to fight Conscription with our backs against the wall faced by a hostile government and press. The reluctant consent to Conscription in principle given by the Colonial Office has

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has been interpreted by the local officials of His Majesty's Government as the signal for them to plunge with ardour into the fray in order to secure the passage of the Conscription Bill. The Acting Governor in his address to the Legislative Council was 'glad' at the apparent approval of the Bill by the Colony.

The only newspaper printed in English which circulates in the country districts - The East African Standard - veered round from its early attitude of hostility to Compulsory Military Service to approval of the principle. If restricted correspondents to one letter only on the subject of Conscription and rejected letters tendered by members of this Committee which were written either to answer questions asked by correspondents or to deal with questions arising in the controversy. The Managing Director is Mr. Rudolf Franz Mayer.

CHAIRMAN.

(For and on behalf of the Anti-Conscription Committee.)

originals.

APPENDED DOCUMENTS.

We append herewith a small selection of typical letters and documents (annotated) to corroborate the statements made in the foregoing Memorandum.

Further evidence can be found if required in the files of the East African Standard during the past six months.

12 annotated documents

Jal
21-5-27

THE DEFENCE FORCE

(E.A.S. 2/13)

To the Editor, the Democrat
Sir,—I have been looking up some old E.A. Standards and find that Lord Delamere's motion in Legislative Council on August 30th 1921 on the second reading of the Defence Force Bill was as follows:—

That this Bill be put back until further notice for two reasons. That the power of conscription of all males between the ages of 16 and 60 at this time should not be given into the hands of an arbitrary Government which is not elected by the people of the country, at a time when that Government is debating a change in the constitution of the country and which is repugnant to those who would be so conscripted.

That considering that the military expenditure of the Colony has gone up 400 per cent. since 1913-1914 while our only serious enemy has disappeared, an enquiry should be held into the cause and necessity of that increase before adding to the burdens of the country.

Major Grant said that if the Bill was passed every European male automatically would be forced to take the Oath of Allegiance to the Government, and speaking for his own district (Ukamba) he could only say that the vast majority would be Basuto residents.

The Director of Agriculture said no one had intended Government why the measure was necessary.

The motion was carried on a free vote, and H. E. the Acting Governor (Col. Noffs) explained his vote for the motion by the remark that the success of the measure depended entirely on popular support that was not forthcoming.

A report of a Committee on Military expenditure was presented to the Council the previous day, and in regard to the Defence Force, the desirability of which was agreed, Mr. E. Bamsted, Senior Commissioner (who is still a member of Council) dissents on the grounds that in view of the extreme instability of any situation arising among Native tribes in the settled areas of the Colony which could not be adequately dealt with by the existing Military Forces of the Police, there would appear to be no justification for formation of a Defence or Territorial Force unless it would result in a reduction in the Expenditure on the Regular Reserve Forces. He considers that it might even constitute a danger by unnecessary Expensive Expeditions being undertaken. He recommends that the Government should not recommend the despatch of a force to the organisation as it at present exists, and that the formation of the forces be deferred until the need of them appears likely.

Yours etc.,
CHAS UDALL.
Nairobi, April 12, 1927.

True reasons for which Bill of 1921 was not proceeded with

The absence of Lord Delamere 'arbitrary government' vs to H.M.'s Imperial Government (also at Nakuru Jan. 1927)

→ Same reason applies to-day

→ Still Senior Commissioner but has to vote by command to-day

→ same reason applies to-day

A

Annex B.

B.

119



THE
OFFICIAL GAZETTE (*Annotated*)
 OF THE
COLONY AND PROTECTORATE OF KENYA.

Published under the Authority of His Excellency the Governor of the
 Colony and Protectorate of Kenya.

Vol. XXIX.—No. 1118]

NAIROBI, January 12, 1927.

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B

GOVERNMENT NOTICE No. 11

ARRIVALS

Name	Rank	Formative or on 1st Appointment	Date of leaving England.	Date of Embarkation.	Date of arrival at Kilindini
E. A. Jones	Driver, K. & U. Rly.	Leave	26th Nov., 1926	26th Nov., 1926	26th Dec., 1926
L. C. Schwartzel	P. W. L., K. & U. Rly.	do	do	do	do
G. D. Sinclair	Foreman, K. & U. Rly.	do	do	do	do
F. Marsden	Asst. Press Supdt., K. & U. Rly.	do	do	do	do
W. G. Lindeman	Clerk, K. & U. Rly.	1st appt.	do	do	do
G. W. S. Smith	Driver, K. & U. Rly.	Leave	do	do	do
Miss R. V. Jones	Jr. Clerk, K. & U. Rly.	do	do	do	do
H. G. Pike	Driver, K. & U. Rly.	do	do	do	do
John Rawlins	Artisan 1st Class, K. & U. Rly.	1st appt.	do	do	do
C. H. Jones	do do do	Leave	do	do	do
H. B. Emley	M. E. & W. M., K. & U. Rly.	do	3rd Dec., 1926	*5th Dec., 1926	do
H. W. Cox	Asst. Accountant, K. & U. Rly.	do	do	do	do
G. D. Hoile	Driver, K. & U. Rly.	1st appt.	11th Dec., 1926	11th Dec., 1926	do

* Date of leaving Marseilles. † Date of leaving Mauritius

DEPARTURES.

Name	Rank	On leave or termination of appointment	Date of Departure
J. Lee	Asst. Stationmaster, K. & U. Rly.	Leave	26th Dec., 1926
A. E. Owen	2nd Engineer, Lake Steamers, K. & U. Rly.	do	do
S. J. Jutsum	Clerk, K. & U. Rly.	Termination	do

APPOINTMENTS.

S 10419

PERCY HAROLD WONTNER, to be Office Superintendent (Engineering Department), with effect from 1st January, 1927.

ADRIAN JOHN MACLEAN, to be Senior Commissioner, Eldoret, to exercise the powers and perform the duties of a Resident Commissioner in the Usain' Gishu District, with effect from 27th December, 1926.

MAGISTERIAL WARRANT.

JOSEPH WILLIAM EDWARD WIGHTMAN, to be a Magistrate of the Second Class, with power to hold a Subordinate Court of the Second Class in the Usain' Gishu District, whilst holding his present appointment as Assistant Resident Commissioner, Eldoret, with effect from 27th December, 1926.

CORRIGENDUM.

Government Notice No. 511, page 1527, Official Gazette No. 1114 22nd December, 1926: the words "the Elected Member for the Mombasa Electoral Area," five lines from the end should be amended to read "the Elected Member for the Coast Electoral Area."

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

Colony and Protectorate of Kenya.

PROCLAMATION No. 2

THE DISEASES OF ANIMALS ORDINANCE

PROCLAMATION.

WHEREAS by Section 4 of the Diseases of Animals Ordinance (Chapter 157 of the Revised Edition) it is provided that the Governor may at any time by Proclamation declare any area to be an infected area; extend, diminish or otherwise alter the limit of an area declared to be an infected area; declare an infected area to be free from disease; and/or for the purpose of preventing disease prohibit the removal of animals from one district, place or area to any other district, place or area.

And whereas by Government Notice No. 231, dated the 3rd day of July, 1919, in exercise of the powers conferred upon him by Section 13 of the Interpretation and General Clauses Ordinance (Chapter 1 of the Revised Edition), His Excellency the Governor has been pleased to depute the person for the time being holding the office of Chief Veterinary Officer to exercise on his behalf the powers conferred upon the Governor by the said Section 4 of the Diseases of Animals Ordinance.

Now, therefore, in exercise of the powers so conferred and all other powers thereunto enabling me, I hereby declare the following farms to be infected areas for the purposes of the said Diseases of Animals Ordinance:—

EAST COAST FEVER.

Farms L. O. Nos. 938 and 1702, Mr. W. A. Liss, Sabukia, Nakuru District.

RINDERPEST.

Farms L.O. Nos. 60, 64 and 65, Major H. A. D. White, Curragila Estate, Gilgil, Naivasha District.

TRYPANOSOMIASIS.

Farms L.O. Nos. 701 and 702, Captain J. Glegg, Sabukia, Nakuru District.

And further I do hereby declare that the following portions of a proclamation are revoked:—

Those portions of Proclamation No. 67, dated the 15th day of July, 1926, declaring

Farm L.O. No. 2091, The Manager, Trans Nzoia District, and Farm L.O. No. 2069, Captain Hambidge, Trans Nzoia District, to be infected areas (Trypanosomiasis).

Given under my hand at Nairobi this 30th day of December, 1926.

A. G. DOHERTY,
Chief Veterinary Officer.

GOVERNMENT NOTICE No. 12.

NATIVE REGISTRATION ORDINANCE.

(Chapter 127 of the Revised Edition.)

RULES.

IN EXERCISE of the powers conferred upon him by section 22 of the Native Registration Ordinance (Chapter 127 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as "the Native Registration (Casual Labourers) Rules, 1926," and shall come into force in such areas and upon such dates as the Governor may by notice in the Gazette direct.

2. For the purpose of these Rules, "Public Authority" shall mean and include any person who is authorised under the provisions of any Ordinance to register natives as casual labourers or rickshaw boys.

3. When any native is registered as a casual labourer or rickshaw boy under the provisions of any Ordinance the Public Authority shall demand from him the production of his certificate and shall endorse thereon the words "Registered as a casual labourer," or "Registered as a rickshaw boy," as the case may be, together with the name of the township, district, or area, within which such casual labourer or rickshaw boy is registered, the number of the badge issued to him and the date and period of such registration.

4. Upon such registration being cancelled, or upon the expiry of the period of registration, as the case may be, the native shall produce his certificate to the Public Authority, who shall thereupon endorse his discharge upon the certificate. In the event of registration being renewed, a fresh endorsement shall be made by the Public Authority as provided in Rule 3 hereof.

5. The Public Authority shall render to the Chief Registrar of Natives returns of all natives registered as casual labourers or rickshaw boys, and such returns shall include the particulars set forth in Rule 18 of the Native Registration Rules, 1922, as amended by Rule 6 of the Native Registration (No. 2) Rules, 1922.

By Command of His Excellency the Governor in Council,
Nairobi.

This 31st day of December, 1926.

J. E. S. MERRICK,
Clerk to the Executive Council.

GOVERNMENT NOTICE No. 13

THE COMMISSIONS OF INQUIRY ORDINANCE.

A COMMISSION.

I, EDWARD WILLIAM MACLEAY GRIGG, Knight Commander of the Royal Victorian Order, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross, Lieutenant Colonel in His Majesty's Army (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do by virtue and in exercise of the powers conferred upon me by the Commissions of Inquiry Ordinance by this my Commission under my hand appoint —

THE HONOURABLE MR. ALEX HOLM, C.B.E.

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

COMMANDER S. L. K. LAWFORD, R.N.

CAPTAIN W. T. TYSON, M.B.E.

E. A. EVANS, ESQ.

And such other person or persons as I may from time to time nominate,
to be Commissioners

To examine and report upon the needs of the Colony in respect of African labour outside the Native Reserves; and in particular to examine and report upon the following matters —

- (i) The needs of the Colony in African labour for the coming year, with regard to its agricultural, industrial and other development.
- (ii) The probable rate of development of the various agricultural industries in the near future and their needs in respect of African labour.
- (iii) What measures of improvement, if any, may be adopted for the better use of the labour supply now engaged on public or private work.
- (iv) To make any recommendations to which the inquiry under (i), (ii) and (iii) above, may lead them.

The inquiry shall be limited to areas outside the Native Reserves.

AND I DO HEREBY APPOINT the said Honourable Mr. Alex Holm, C.B.E., to be Chairman of the said Commissioners;

AND I DO HEREBY DIRECT that three Commissioners shall form a quorum;

AND I DO HEREBY APPOINT D. L. Blunt, Esq., M.A., to be Secretary to the said Commissioners;

AND I DO HEREBY DIRECT that the Oaths of the said Commissioners shall be made and subscribed before any Resident Magistrate of the Colony;

AND I DO HEREBY DIRECT that the Inquiry shall be held at such places in the Colony as the Chairman may think fit;

AND I DO HEREBY DIRECT that the said Inquiry may be held in public or in private, or partly in public and partly in private, at the discretion of the Commissioners;

AND I DO HEREBY COMMAND all persons whom it may concern to take due notice hereof and give their obedience accordingly.

GIVEN under my hand at Nairobi this 12th day of January, 1927.

EDWARD GRIGG,
Governor.

GOVERNMENT NOTICE No 14

THE COMMISSIONS OF INQUIRY ORDINANCE.

(Chapter 25 of the Revised Edition of the Laws.)

A COMMISSION.

I, EDWARD WILLIAM MACLEAY GRIGG, Knight Commander of the Royal Victorian Order, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross, Lieutenant-Colonel in His Majesty's Army (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do by virtue and in exercise of the powers conferred upon me by the Commissions of Inquiry Ordinance (Chapter 25 of the Revised Edition of the Laws) by this my Commission under my hand appoint:—

HIS HONOUR SIR JACOB WILLIAM BARTH, Knight Bachelor, Commander of the Most Excellent Order of the British Empire;

HONOURABLE CONWAY HARVEY, Member of the Legislative Council;

ALBERT WALTER, ESQUIRE, Statistician to the Governors' Conference;

HUGH ROBERT EVERARD EARLE WELBY, ESQUIRE, District Commissioner, Nairobi;

ARTHUR ALEXANDER LEGAT, ESQUIRE;

WILLIAM TYSON, ESQUIRE, Member of the Most Excellent Order of the British Empire;

Mrs. ALICE BEATON;

And such other person or persons as I may from time to time nominate,
to be Commissioners.

4. Upon such registration being cancelled, or upon the expiry of the period of registration, as the case may be, the native shall produce his certificate to the Public Authority, who shall thereupon endorse his discharge upon the certificate. In the event of registration being renewed, a fresh endorsement shall be made by the Public Authority as provided in Rule 3 hereof.

5. The Public Authority shall render to the Chief Registrar of Natives returns of all natives registered as casual labourers or rickshaw boys, and such returns shall include the particulars set forth in Rule 18 of the Native Registration Rules, 1922, as amended by Rule 6 of the Native Registration (No. 2) Rules, 1922.

By Command of His Excellency the Governor in Council,
Nairobi,

This 31st day of December, 1926.

J. E. S. MERRICK,
Clerk to the Executive Council.

GOVERNMENT NOTICE NO. 13.

THE COMMISSIONS OF INQUIRY ORDINANCE.

A COMMISSION.

I, EDWARD WILLIAM MACLEAY GRIGG, Knight Commander of the Royal Victorian Order, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross, Lieutenant Colonel in His Majesty's Army (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do by virtue and in exercise of the powers conferred upon me by the Commissions of Inquiry Ordinance by this my Commission under my hand appoint —

THE HONOURABLE MR. ALEX HOLM, C.B.E.

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

COMMANDER S. L. K. LAWFORD, R.N.

CAPTAIN W. T. TYSON, M.B.E.

E. A. EVANS, ESQ.

And such other person or persons as I may from time to time nominate,

to be Commissioners

To examine and report upon the needs of the Colony in respect of African labour outside the Native Reserves; and in particular to examine and report upon the following matters —

- (i) The needs of the Colony in African labour for the coming year, with regard to its agricultural, industrial and other development.
- (ii) The probable rate of development of the various agricultural industries in the near future and their needs in respect of African labour.
- (iii) What measures of improvement, if any, may be adopted for the better use of the labour supply now engaged on public or private work.
- (iv) To make any recommendations to which the inquiry under (i), (ii) and (iii) above, may lead them.

The inquiry shall be limited to areas outside the Native Reserves.

AND I DO HEREBY APPOINT the said Honourable Mr. Alex Holm, C.B.E., to be Chairman of the said Commissioners;

AND I DO HEREBY DIRECT that three Commissioners shall form a quorum;

AND I DO HEREBY APPOINT D. L. Blunt, Esq., M.A., to be Secretary to the said Commissioners;

AND I DO HEREBY DIRECT that the Oaths of the said Commissioners shall be made and subscribed before any Resident Magistrate of the Colony;

AND I DO HEREBY DIRECT that the Inquiry shall be held at such places in the Colony as the Chairman may think fit;

AND I DO HEREBY DIRECT that the said Inquiry may be held in public or in private, or partly in public and partly in private, at the discretion of the Commissioners;

AND I DO HEREBY COMMAND all persons whom it may concern to take due notice hereof and give their obedience accordingly.

GIVEN under my hand at Nairobi this 12th day of January, 1927.

EDWARD GRIGG,
Governor.

GOVERNMENT NOTICE NO 14

THE COMMISSIONS OF INQUIRY ORDINANCE.

(Chapter 25 of the Revised Edition of the Laws.)

A COMMISSION.

I, EDWARD WILLIAM MACLEAY GRIGG, Knight Commander of the Royal Victorian Order, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross, Lieutenant Colonel in His Majesty's Army (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do by virtue and in exercise of the powers conferred upon me by the Commissions of Inquiry Ordinance (Chapter 25 of the Revised Edition of the Laws) by this my Commission under my hand appoint:—

HIS HONOUR SIR JACOB WILLIAM BARTH, Knight Bachelor, Commander of the Most Excellent Order of the British Empire;

HONOURABLE CONWAY HARVRY, Member of the Legislative Council;

ALBERT WALTER, ESQUIRE, Statistician to the Governors' Conference;

HUGH ROBERT EVERARD EARLE WELBY, ESQUIRE, District Commissioner, Nairobi;

ARTHUR ALEXANDER LEGAT, ESQUIRE;

WILLIAM TYSON, ESQUIRE, Member of the Most Excellent Order of the British Empire;

Mrs. ALICE BRATON;

And such other person or persons as I may from time to time nominate,
to be Commissioners.

To inquire into and report upon—

(a) The reason for the rise in the cost of commodities in Kenya, and particularly in Nairobi, with special reference to local products;

(b) The cost of living in relation to salary and earnings.

AND I DO HEREBY APPOINT His Honour Sir Jacob William Barth, C.B.E., to be Chairman of the said Commissioners:

AND I DO HEREBY DIRECT that three Commissioners shall form a quorum:

AND I DO HEREBY APPOINT the officer for the time being holding the office of Assistant District Commissioner, Nairobi, to be Secretary to the said Commissioners:

AND I DO HEREBY APPOINT Stephen Henry Carnelly, a Senior Magistrate in the Colony and Protectorate of Kenya, to be the person before whom the Commissioners appointed under this Commission shall make and subscribe the proper Oath as by the aforesaid Ordinance required:

AND I DO HEREBY DIRECT that the inquiry shall be held at such places in the Colony as the Chairman may think fit:

AND I DO HEREBY DIRECT that the said inquiry may be held in public or in private, or partly in public and partly in private, at the discretion of the Commissioners:

AND I DO HEREBY COMMAND all persons whom it may concern to take due notice hereof and give their obedience accordingly.

Given under my hand at Nairobi this 12th day of January, 1927.

EDWARD GRIGG,
Governor.

GOVERNMENT NOTICE No. 15.

MEMORANDUM ON THE DEFENCE FORCE BILL.

Government consider that, in view of the responsibility resting upon the European inhabitants of this Colony for the defence thereof and the protection of life and property therein, it is desirable that special provision be made to enable such inhabitants promptly and efficiently to perform, when called upon, the duty of maintaining law and order incumbent upon them under the Common Law. For this purpose it is considered necessary that all able-bodied British male subjects of European descent or origin should be enrolled and organised, and that youths before reaching manhood should be adequately trained.

Dealing in Legislative Council on December 17th with the considerations which prompted Government to introduce a Defence Bill, His Excellency the Governor said:—

I cannot too strongly repudiate the idea that the acceptance by the European of an obligation such as this Bill imposes—an obligation accepted by two other lonely British territories in the Empire, though they contain no native population—can adversely affect the friendly relations at present happily existing between the European and African communities in this Colony.

provides that immediately we are called up under Defence Force Bill automatically under the Army Act (No oath of allegiance) serious view of common law duties!

Kenya youths - Compulsory training all British males (18-50) See Clause 18 of Bill

"It is surely manifest that nothing which is good for European morale in this Colony can be anything but beneficial to the African. There is no danger of strained relations between the races here unless the European becomes too dependent upon African services and the African realises that he is so. We rely at present entirely upon African soldiers and African police. Splendidly they have served us. But they will serve us all the more loyally if they realise that at any moment when the King's peace may be endangered, organised Europeans, as well as organised Africans, will answer the King's call. Peace is a common interest of both races; it should not be left to the guardianship of the more backward alone; and some such organisation as this Bill provides is necessary to give adequate mobility to the reserve companies of the King's African Rifles, should they be needed to maintain peace upon our frontiers, as they have been in the past and as they may be again. Such mobility is impossible unless Europeans, as well as Africans, are organised to provide the King's Government with the necessary safeguards for good order at home.

"That is the whole issue. Our Government in this Colony is not based on force alone. Far from it. But no Government in the world can dispense with a reserve of force available at call. Is that reserve to be wholly African? I say that it consorts neither with the spirit nor the tradition of our race that it should be so. The organisation of a Defence Force will express our readiness to serve, equally with enlisted Africans, should the need arise. It will make for economy, for tranquility, and, above all, for sound and steady morale."

The Defence Force Bill was introduced to Council and passed its first reading on 29th August, 1921. It had previously been submitted to and discussed at some twenty public meetings held throughout the Colony by the Officer Commanding Troops and the Staff Officer, Defence Force. At all these meetings it was unanimously endorsed.

The Bill came up for second reading on 30th August, 1921. Owing to the wide powers contained in the Bill it was not proceeded with, but a Territorial Bill, which was complementary to the Defence Force Bill went through all its stages between October and December, 1921. The Territorial Bill (a volunteer measure) was complementary to the compulsory Defence Force Bill; but it also stands by itself, and has been law, although never applied, since December, 1921.

In January, 1923, the Defence Force Bill was again before Council, and in November of that year passed its second reading without a division. A Select Committee then reported in favour of the Bill and it was sent to the Secretary of State before being read for the third time. The Secretary of State withheld consent on the grounds that the Bill provided for compulsory military service.

In 1925, Members of Council pressed for assent to the Bill and the Secretary of State stated that he was willing to agree in principle to the Bill as the matter of the compulsory principle had been accepted, but that certain points of detail were being considered by the Committee of Imperial Defence.

The remarks of the Imperial Defence Committee were received here in May, 1926; they did not affect the principle of the Bill, but necessitated the legal redrafting thereof.

utterance! See cutting for truth (taken from debate at the time)

on next page Bill described as passed unanimously in 1921

A Select Committee was appointed to report on the suggestions of the Imperial Defence Committee. In pursuance of the undertaking given by His Excellency the Governor in his speech to Legislative Council on 17th December, 1926, another Select Committee was appointed and has submitted the Report which follows this memorandum.

Government is now preparing a draft Bill, based in principle on the Defence Force Bill as passed unanimously in 1921 and 1923, and containing the modifications proposed by the Imperial Defence Committee and the recent Select Committee.

The defence measures of other British Colonies embody the principle of liability for compulsory service proposed for Kenya: South Africa, Australia, New Zealand have each adopted the principle of compulsory service and training. Southern Rhodesia's experience of defence measures has special significance; a Defence Committee in 1917 examined some 373 witnesses, 79 per cent. of whom were in favour of compulsory training, and the conclusion of that Committee was that the voluntary system was a failure. A Compulsory Defence Bill, providing for enrolment and training of all men between the ages of 19 and 23, has recently been passed by 15 votes to 6.

The Report of the Select Committee convened as promised by His Excellency the Governor in his speech on the 17th December, 1926, which was composed of:—

- The Hon. the Officer Commanding Troops (Chairman).
- The Hon. the Attorney General.
- The Hon. the Member for Ukamba.
- The Hon. the Member for Plateau North.
- The Hon. the Member for Kenya.
- The Hon. the Member for Plateau South.
- The Hon. the Member for Nairobi North.
- The Hon. the Member for the Lake.

is as follows:—

DEFENCE FORCE BILL.

MEMORANDUM PREPARED BY A SELECT COMMITTEE OF LEGISLATIVE COUNCIL APPOINTED TO CONSIDER THE PROVISIONS OF THE DEFENCE FORCE BILL AS RECENTLY PUBLISHED AND TO MAKE RECOMMENDATIONS THEREON.

1.—COMPULSORY SERVICE.

The Committee, with one dissentient, are agreed that local conditions necessitate the adoption of the principle of compulsory service in the Defence Force in order to organise the European population into an efficient and properly constituted Force for dealing with internal disturbances. (The Member for Nairobi North, although personally in favour of compulsory service for community defence in time of emergency, feels compelled as the result of a majority vote of his constituents to press for a Bill providing for voluntary service and to oppose any measure providing for compulsory service until a voluntary system has been given a fair trial.)

Material omission!

Defence Force Bill as published in Official Gazette in the purpose of formation and criticism before coming law. During the process of criticism

Govt Gazette

Yet acting Governor says new Bill is invitation to come forward voluntarily (see his speech St George's Day Dinner) and the present Bill to judge of accuracy of his statement

SE George's Dinner
acting Governor's words: It is as willing recruits to volunteers that you are asked to join

against what disturbances?
not Natives, K.A.A., police in S.E. G. statement
not Arabs, Indians

2.—DIVISION OF DEFENCE FORCE INTO CLASSES.

The Committee recommend that the Defence Force should be divided into Classes, as follows:—

- CLASS I.—Persons who have attained the age of 18 years and have not attained the age of 30 years.
- CLASS II.—Persons who have attained the age of 30 years and have not attained the age of 40 years.
- CLASS III.—Persons who have attained the age of 40 years and have not attained the age of 50 years.

(Enrolment in the above Classes to be compulsory upon all male British subjects of European origin or descent, subject to the exemptions set out in the Bill as published.)

- CLASS IV.—Persons who have attained the age of 50 years and have not attained the age of 60 years.

(Enrolment in this Class to be optional, but every person so enrolling to become subject to all the duties and obligations imposed by law upon members of this Class.)

3.—ORGANISATION.

The Committee recommend the formation of the following Committees:—

- (a) A Central Committee composed of the Officer Commanding Troops and one delegate from each Defence Force District.
- (b) A Central Sub-Committee composed of the Officer Commanding Troops and three other members of the Central Committee. (The main function of this Sub-Committee would be to advise the Governor in cases of emergency when it would be inconvenient to await the assembling of the Central Committee.)
- (c) A District Committee in each Defence Force District to be appointed by the Governor on the recommendation of the members of the Force in that District. The District or Resident Commissioners in each Defence Force District to be *ex-officio* members of this Committee.

4.—GENERAL TRAINING.

The Committee recommend that the periods of compulsory training which each Class of the Defence Force should be liable to undergo should be limited as follows:—

- CLASS I.—A period not exceeding in the aggregate 100 hours in any one year.
- CLASSES II, III and IV.—A period not exceeding in the aggregate 12 hours in any one year.

(The above periods to be exclusive of the time taken in travelling to and from the place of assembly.)

(after 3 to 6 hours or more)

5.—MUSKETRY TRAINING.

The Committee recommend that power be taken to require any member of the Defence Force to fire a prescribed musketry course, but that such a course should not be compulsory on every member of the Force as provided in the Bill.

6.—EXEMPTION FROM TRAINING.

The Committee recommend that District Commandants should be empowered to exempt any member of the Defence Force in his District from all or any part of his annual training mentioned in paragraph 4 above.

7.—CALLING OUT DEFENCE FORCE.

The Committee recommend that there should be no power to call out the Defence Force or any part thereof for ceremonial parades or for any other purpose other than training and service. It is further recommended that power should be given to the Governor to order the Force or any part thereof to hold itself in readiness for emergency in lieu of actually calling it out, and that upon such order being given members should become subject to the provisions of the Army Act as if they were on service.

8.—ACTIVE SERVICE.

The Committee recommend that the liability of the Defence Force for service should be limited to service within the Colony.

9.—OATH.

The Committee recommend that the provision in the Defence Force Bill as published, requiring each member of the Force to take the oath, should be omitted.

10.—PENSIONS AND GRATUITIES.

The Committee recommend the appointment of a Pension Board to advise the Governor in regard to the grant of pensions and gratuities, and further recommend that the maximum gratuity in respect of temporary disablement should be a sum of £250.

11.—GENERAL REMARKS.

Subject to the modifications and amendments recommended in the preceding paragraphs of this Memorandum, the Committee are in general agreement with the provisions of the Defence Force Bill as published, but certain members have recorded reservations as noted below.

C. S. DAVIES, Lieut.-Colonel.

W. C. HUGGARD,

FRANCIS SCOTT.

J. A. ANGUS.

E. M. V. KENEALY.

T. J. O'SHEA.

CONWAY HARVEY.

Hon. Members for Ukamba and the Lake:

That Class IV should read "Persons who have attained the age of 50 and over."

Hon. Member for Plateau South:

Suggests that the last clause of para. 7 of the Report (dealing with the application of the Army Act) should be reconsidered to avoid the possibility of political abuse.

Hon. Member for Kenya:

Agrees to the Report with the exception of para. 11.

In a covering letter the Select Committee expressed the opinion that provision should be made for the inclusion in the curriculum of all European Boys' Schools of courses of physical training, drill and musketry, and that, where possible, similar courses should be provided in the various districts for boys under the age of 18 years who do not attend schools. In this connection Government is already considering the formation of Cadet Corps in Schools, and also views with favour the provision adopted in the Union of South Africa and Southern Rhodesia whereby young men under 23 are liable to attend annual camps for training and instruction.

In addition to the exemptions outlined in the Bill, Government proposes to exempt members of Executive Council and Ministers of Religion.

By Order of the Government.

Nairobi,

11th January, 1927.

E. B. DENHAM,
Colonial Secretary.

GOVERNMENT NOTICE No. 16.

THE LEGISLATIVE COUNCIL ORDINANCE.

(Chapter 24 of the Revised Edition.)

ANNUAL REVISION OF REGISTERS OF VOTERS.

Government Notice No. 522, dated the 28th day of December, 1926, is hereby amended by the deletion of the line:—

"9. Kenya: The Resident Commissioner, Nyeri," and the substitution thereof of the line:—

"9. Kenya: The Assistant District Commissioner, North Nyeri."

Nairobi,

Dated the 12th day of January, 1927.

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

GOVERNMENT NOTICE No. 17.

DANGEROUS CRIMINALS.

NOTICE.

IT IS NOTIFIED for general information that lists of all natives who have been convicted of any infamous crime are being made by the Police. Employers of natives for domestic purposes will, on enquiry of the Officer-in-Charge Criminal Records, P.O. Box 322, Nairobi, be informed if the name of any applicant for such employment or any native in their domestic employ appears on such lists. The name and number of the Registration Certificate of any such applicant or employee should be stated in such enquiry.

Nairobi,
7th January, 1927.

E. B. DENHAM,
Colonial Secretary.

GOVERNMENT NOTICE No. 18

THE NATIVE REGISTRATION ORDINANCE.

(Chapter 127 of the Revised Edition).

NOTICE.

IN EXERCISE of the powers thereunto enabling him His Excellency the Governor has been pleased to give notice that the Native Registration (Casual Labourers) Rules, 1926, shall come into force in the Municipal Area of Nairobi on the first day of January, 1927.

By Command of His Excellency the Governor
Nairobi,
31st December, 1926.

G. A. S. NORTHCOTE,
for Colonial Secretary

GOVERNMENT NOTICE No. 19

THE PRISONS ORDINANCE, 1914.

NOTICE.

IN EXERCISE of the powers conferred upon him by Section 77 (C), Chapter 37, Laws of Kenya, His Excellency the Governor has been pleased to appoint Rev. Father Thomas Turnbull as a Visiting Justice to Kisumu Prison vice Rev. Father H. G. Farmer resigned.

By Command of His Excellency the Governor.
Nairobi,
Dated this 4th day of January, 1927.

JUXON BARTON,
for Colonial Secretary

GOVERNMENT NOTICE No. 20.

THE RESIDENT NATIVE LABOURERS' ORDINANCE, 1925.

NOTICE.

RESIGNATION.

IN EXERCISE of the powers conferred upon His Excellency the Governor by Section 4 (2) of the Resident Native Labourers' Ordinance, 1925, which powers His Excellency, in exercise of powers conferred upon him by the Interpretation and General Clauses Ordinance, 1912, has been pleased by the Government Notice No. 5 of 1926 to delegate to Senior Commissioners and Resident Commissioners, I hereby notify the resignation of the following gentleman from the office of Attesting Officer for the District of South Lumwa (Kericho), to which he was appointed by Government Notice No. 504 of the 8th day of December, appearing on page 1227 of the Official Gazette for 1925.

Captain H. B. Dooner, D.S.O., M.C., J.P.,
Sotik.

Dated at Kisumu this 3rd day of January,
1927.

C. M. DOBBS,
Senior Commissioner, Nyanza.

GOVERNMENT NOTICE No. 21.

THE PUBLIC TRAVEL AND ACCESS ROADS ORDINANCE, 1920.

APPOINTMENT OF DISTRICT ROAD BOARD.

IN EXERCISE of the powers conferred upon His Excellency the Governor by the Public Travel and Access Roads Ordinance, 1920, which powers His Excellency, in exercise of the powers conferred upon him by the Interpretation and General Clauses Ordinance, 1912, has been pleased by Government Notice No. 501 of 1925, to delegate to District Commissioners, I hereby make the following appointments to the District Road Board, Nakuru, for the year 1927:—

The Senior Commissioner, or in his absence, the Assistant Resident Commissioner.

H. B. Simson, Esq., Thomson's Falls.
Colonel A. I. Lean, D.S.O., Solai.
J. W. Eames, Esq., Solai.
F. Watkins, Esq. (Jr.), Nakuru.
Major J. A. Macdonald, D.S.O., M.C., Nakuru.
Commander E. C. Ward, R.N., Subukia.
A. A. Laurie, Esq., Rongai.
G. M. Taylor, Esq., Rongai.
E. H. Wright, Esq., Njoro.
Lt.-Col. A. E. Fewcus, D.S.O., M.C., Njoro.
A. Turton, Esq., Molo.
The Executive Engineer, P.W.D., Nakuru.
The District Surveyor, Nakuru.

Dated at Nakuru this 29th day of December,
1926.

E. C. CREWE-READ,
Senior Commissioner.

GOVERNMENT NOTICE No. 22.

THE PUBLIC TRAVEL AND ACCESS ROADS ORDINANCE, 1920.

APPOINTMENT OF DISTRICT ROAD BOARD.

IN EXERCISE of the powers conferred upon His Excellency the Governor by the Public Travel and Access Roads Ordinance, 1920, which powers His Excellency in exercise of the powers conferred upon him by the Interpretation and General Clauses Ordinance, 1912, has been pleased by Government Notice No. 501 of 1925 to delegate to District Commissioners, I hereby make the following appointments to the District Road Board, Naivasha District, for the year 1927:—

Resident Commissioner, or in his absence, the Assistant Resident Commissioner.

H. J. Allen-Turner, Esq.,
J. Etherington, Esq.,
Colonel H. J. Henderson.
R. E. Anderson, Esq.,
H. W. Attenborough, Esq.,
A. R. McCrae, Esq.,
E. B. Taylor, Esq.,
F. G. Taylor, Esq.,
J. H. D. Beales, Esq.,
Major H. D. White.
Captain G. Le Blanc-Smith.
Captain A. K. Gibson.
H. Allison, Esq.,
W. G. Patten, Esq.,
I. North-Lewis, Esq.,
R. Hall, Esq.,
Major G. Hampson.

Dated this 4th day of January, 1927.

E. C. CREWE-READ,
Senior Commissioner.

GOVERNMENT NOTICE No. 23.

THE EAST AFRICA MARRIAGE ORDINANCE.

NOTICE.

IN EXERCISE of the powers thereunto enabling me, I hereby give notice that I have this day licensed the Salvation Army Hall at the corner of River Road and Racecourse Road, Nairobi, to be a place for the celebration of marriages under the aforesaid Ordinance.

Nairobi,
5th January, 1927.

W. M. KEATINGE,
Registrar General of Marriages.

GOVERNMENT NOTICE No. 24.

THE NATIVE CHRISTIAN MARRIAGE ORDINANCE.

NOTICE.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the following officers of the Salvation Army to be Registrars of Marriages for the purpose of the above Ordinance:—
Lieut.-Commissioner William Stevens.
Captain George Tabor.

Nairobi,
5th January, 1927.

W. M. KEATINGE,
Registrar General of Marriages.

GENERAL NOTICE No. 24.

POST OFFICE NOTICE.

INDIAN MONEY ORDER EXCHANGE RATES.

THE following advice has been received from the Indian Post Office:—

"Sterling Money Orders advised to India on or after the 6th December, 1926 will, until further notice, be paid at thirteen rupees and eight annas per pound sterling."

2. No responsibility as to the rate at which any Money Order is paid in India will be accepted by this Administration. Money order advice lists on India are closed only in connection with the departure of mails to Bombay, and not with regard to fluctuation in the rate of exchange.

General Post Office, F. E. BALMER,
Nairobi, for Acting Postmaster General,
6th January, 1927. Kenya and Uganda.

GENERAL NOTICE No. 25.

POST OFFICE NOTICE.

IT IS NOTIFIED for public information that a postal agency will be opened at Maungu Railway Station as from the 1st of February, 1927.

General Post Office, G. R. F. MARTIN,
Nairobi, for Acting Postmaster General,
4th January, 1927. Kenya and Uganda.

GENERAL NOTICE No. 26.

POST OFFICE NOTICE.

IT IS HEREBY NOTIFIED for general information that money order and postal order business was extended to Nanyuki Post Office as from the 1st January, 1927.

General Post Office, G. R. F. MARTIN,
Nairobi, for Acting Postmaster General,
7th January, 1927. Kenya and Uganda.

GENERAL NOTICE No. 27

POST OFFICE NOTICE.

IT IS HEREBY NOTIFIED for general information that a Departmental Post Office, transacting all classes of business, was opened at Lugazi, Uganda, on the 20th December, 1926.

General Post Office, G. R. F. MARTIN,
Nairobi, for Acting Postmaster General,
10th January, 1927. Kenya and Uganda.

GENERAL NOTICE No. 28.

POST OFFICE NOTICE.

IT IS HEREBY NOTIFIED for general information that a Departmental Post Office, for the transaction of all classes of post and telegraph business, with the exception of Savings Bank, was opened at Muhoroni on the 1st January, 1927.

General Post Office, G. R. F. MARTIN,
Nairobi, for Acting Postmaster General,
7th January, 1927. Kenya and Uganda.

GENERAL NOTICE No. 1318.

HIS MAJESTY'S COURT OF APPEAL FOR EASTERN AFRICA.

The next Sessions of His Majesty's Court of Appeal for Eastern Africa have been fixed to be holden at Kampala and to commence on Tuesday the 1st day of March, 1927, at 10 a.m. or as soon thereafter as cases can be heard.

To ensure cases being set down for hearing at these Sessions the records should be received by the Registrar, His Majesty's Court of Appeal for Eastern Africa at Nairobi, on or before the 7th day of February, 1927.

Nairobi,

20th December, 1926.

D. EDWARDS,

Registrar.

CAUSE LIST

FOR HEARING ON THE 1ST DAY OF MARCH, 1927, AT KAMPALA.

Appeal No	Civil or Criminal	Appellant.	Respondent.	Original No. of Case.	Appeal from
36 of 1926	Criminal	Mohamed Ismail Essa	Rex	Cr. Case No. 115/26	H. M. Supreme Court of Kenya at Mombasa.
8 of 1926	Civil	The Uganda Commercial Company	The High Commissioner for Transport	Civil Case No. 28/26	H. M. High Court of Uganda in the D. R. at Kampala.
15 of 1926	..	George Stuart Watt	J. F. H. Harper	Civil Case No. 157/25	H. M. Supreme Court of Kenya at Nairobi.

GENERAL NOTICE No. 5.

NOTICE.

SESSIONS of His Majesty's Supreme Court will be held at the places and on the dates hereinafter set out.—

CAUSE LIST.

Nyeri, 17th January, 1927.

Criminal Case No. 119 of 1926 Rex vs. Mwerimeri wa Mahundumi.
125 of 1926 Rex vs. I. Wanichi s/o Magosta and 18 others.

MERIC, 20th January, 1927.

Divorce Jurisdiction Cause No. 25 of 1926 Alisi Thrindi vs. Muntu Muga.

EMBU, 22nd January, 1927.

Criminal Case No. 140 of 1926 Rex vs. I. Kathangu wa Ragati and 13 others.

FORT HALL, 24th January, 1927.

Criminal Case No. 129 of 1926 Rex vs. Karogi wa Kamau.

Nairobi,

31st December, 1926

D. EDWARDS,

Registrar, Supreme Court of Kenya.

GENERAL NOTICE No. 29.

IN HIS MAJESTY'S SUPREME COURT OF KENYA

AT NAIROBI.

INSOLVENCY JURISDICTION.

CAUSE No. 24 of 1926.

IN THE MATTER OF LALJI AMERAH, TRADING AS CHHAGANAL LALJI & Co.

To all whom it may concern.

NOTICE is hereby given that the petition of the above-named debtor, Lalji Amerah, lately trading as Chhaganal Lalji & Co., Nakuru and Nairobi, in 1925 and 1926, in the Colony of Kenya, for an order adjudicating him an insolvent under the Provincial Insolvency Act (No. III of 1907), will be heard at Nairobi on the 28th day of January, 1927, at 10.20 a.m.

Dated this 4th day of January, 1927.

D. EDWARDS,

Registrar.

GENERAL NOTICE No. 30.

IN HIS MAJESTY'S SUPREME COURT OF KENYA

AT NAIROBI.

INSOLVENCY JURISDICTION.

CAUSE No. 1 of 1927.

IN THE MATTER OF AHMED HAJI, DEBTOR.

To all whom it may concern.

NOTICE is hereby given that the petition of the above-named debtor, Ahmed Haji, motor-driver, of Nairobi, in the Colony of Kenya, for an order adjudicating him an insolvent under the Provincial Insolvency Act (No. III of 1907), will be heard at Nairobi on the 28th day of January, 1927, at 10.30 a.m.

Dated this 4th day of January, 1927.

D. EDWARDS,

Registrar.

GENERAL NOTICE No. 31.

IN HIS MAJESTY'S SUPREME COURT OF KENYA AT NAIROBI.

PROBATE AND ADMINISTRATION.

CAUSE No. 1 of 1927.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF RONALD MARSHALL, LATE OF LIVESHURA, NAKURU, DECEASED.

TAKE NOTICE that application having been made in this Court by Alexander Heath, of Nakuru, for the administration with a copy of the exemplification of the will annexed of the estate of Ronald Marshall, late of Liveshura, Nakuru, who died in London on the 15th day of October, 1925, this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 26th day of January, 1927.

Nairobi,

J. E. R. STEPHENS,

4th January, 1927.

Judge.

GENERAL NOTICE No. 32.

PROBATE AND ADMINISTRATION

PUBLIC TRUSTEE'S CAUSE No. 1 of 1927.

IN THE MATTER OF JUMAN BIN AHAMED BIN KAISAR, DECEASED.

To all whom it may concern.

TAKE NOTICE that on or after the 26th day of January, 1927, I intend to apply to the Supreme Court of Kenya at Nairobi for an order to administer the estate of the above-named Juman bin Ahamed bin Kaiser, who died at Lamu on the 9th day of December, 1925.

Nairobi,

W. M. KEATINGE,

4th January, 1927.

Public Trustee

GENERAL NOTICE No. 33.

IN THE DISTRICT DELEGATE'S COURT AT KISUMU.

PROBATE AND ADMINISTRATION.

CAUSE No. 1 of 1927.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF WILLIAM PETER COETSEE, LATE OF KIBOS, DECEASED.

TAKE NOTICE that application having been made in this Court by Rachelina Pretoria Coetsee, of Kibos, for the administration of the estate of William P. Coetsee, late

of Kibos, who died at Kisumu on the 11th day of December, 1925, this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 4th day of February, 1927.

Kisumu,

J. G. H. ROSS,

4th January, 1927.

for District Delegate, Nyamoa

GENERAL NOTICE No. 34.

IN HIS MAJESTY'S SUPREME COURT OF KENYA

AT MOMBASA.

PROBATE AND ADMINISTRATION.

CAUSE No. 1 of 1927.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF SHARIF HUSSEIN BIN ALWI, LATE OF LAMU, DECEASED.

TAKE NOTICE that application having been made in this Court by Sharif Alwi bin Hussein, of Lamu, for the administration of the estate of Sharif Hussein bin Alwi, late of Lamu, who died at Lamu on the 21st day of July, 1925, this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 24th day of January, 1927.

Mombasa,

JOSEPH SHERIDAN,

8th January, 1927.

Judge.

GENERAL NOTICE No. 35.

IN HIS MAJESTY'S SUPREME COURT OF KENYA AT MOMBASA.

PROBATE AND ADMINISTRATION.

CAUSE No. 2 of 1927.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF SHIVNARAYAN, s/o BALGOVIND, LATE OF RUPAO, IN THE DISTRICT OF UNAO, INDIA, DECEASED; FORMERLY A PROCESS SERVER IN HIS MAJESTY'S SUPREME COURT OF KENYA AT MOMBASA.

TAKE NOTICE that application having been made in this Court by Bhagwatiapershad, s/o Ajudhyapershad, of Mombasa, for the administration of the estate of Shivnarayan, s/o Balgovind, late of Rupao, who died at Rupao on the 27th day of August, 1925, this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 24th day of January, 1927.

Mombasa,

JOSEPH SHERIDAN,

8th January, 1927.

Judge.

GENERAL NOTICE No. 36.

NOTICE.

To all whom it may concern.

WE, the undersigned, hereby give notice that we have sold our business at Rongai, carried on by us under the name of the Rongai Trading Co., to Everard Grindley and Cecil Jahan Eddleston as from the 15th December, 1926.

All accounts due to or claims against the said Rongai Trading Co., for transactions up to the 15th December, 1926, are receivable and payable respectively by us.

KIRPARAM & SON.

GENERAL NOTICE No. 37.

NOTICE.

NOTICE is hereby given that William George Drummond Hay Nicol and Hugh Hargreaves Robinson were admitted partners in the firm of Smith, Mackenzie & Co., from the 1st January, 1927.

GENERAL NOTICE No. 38.

NOTICE.

To all whom it may concern.

THE PARTNERSHIP which existed formerly and known as the Molo Dairy, between Mrs. M. A. Hawking, Mrs. H. Cooper and Mr. A. Woolman, was dissolved by mutual consent on the 31st of December, 1925. On the 1st of January, 1926, Mr. A. Woolman took over all assets and liabilities of the said Company.

M. A. HAWKING.

HYLDA COOPER.

A. WOOLMAN.

GENERAL NOTICE No. 39.

THE CROWN LANDS ORDINANCE, 1915.

KIAMBU TOWNSHIP PLOTS.

NOTICE is hereby given that grants in respect of the plots at Kiambu specified in the Schedule hereto will be sold by auction at the District Commissioner's Office, Kiambu, on Thursday the 10th February, commencing at 10 a.m.

Plans of the plots may be seen at the office of the Department of Lands, Nairobi, and at the office of the Resident Commissioner at Kiambu, or may be had on application to the Department of Lands on payment of Shs. 3, post free.

The right to withdraw any plot from the auction is reserved to the Commissioner of Lands:

GENERAL CONDITIONS OF SALE.

1. Each plot will be auctioned separately.
2. The amount of the advance of each bid will be regulated by the auctioneer and no bidding shall be retracted.
3. The highest bidder will be the purchaser, but if any dispute arise as to any bid, the plot will be re-offered at the last undisputed bid.
4. Each purchaser shall pay to the auctioneer, immediately on the fall of the hammer, a deposit of 25 per cent. of the purchase money. In default of such payment the plot may be immediately re-offered for sale and any subsequent bid by the person who has made default may be ignored or refused.

5. Each purchaser shall, on paying the deposit, inform the auctioneer of the name or names of the person or persons on whose behalf the plot is purchased, the grant will be issued in accordance with this information.

6. The balance of the purchase money, together with the rent due to the 31st December, 1927, the survey fees (Shs 70), the fees payable for the preparation and registration of the grant (Shs 110) and the stamp duty payable in respect of the grant and all other expenses, if any, shall be paid to the Commissioner of Lands, Nairobi, within seven days from the date of the sale, and upon such payments being duly made the purchaser shall, subject to the provisions of the Crown Lands Ordinance, 1915, be deemed to have accepted the grant which shall be presented to him for execution as soon as conveniently may be. Provided that the balance of the purchase money shall not be payable within the time stated hereafter unless and until the Commissioner of Lands can present to the purchaser the grant of the plot duly executed.

7. Subject to the provisions herein mentioned, the purchaser shall be deemed to have accepted the grant of the plot if he fails to pay the purchase money and the rent due to the 31st December, 1927, within seven days from the date of the sale, and the Commissioner of Lands may order the plot to be sold to the purchaser to be forfeited and the purchaser shall have no further claim to a grant of the plot.

8. The purchaser of each plot or authority to whom the plot is sold for any purpose shall have the right to lay out drains, roads, and lay and have access to the same, and to use pipes, telegraph or telephone wires, and other means of all descriptions, which may be required, above or below ground, and the grantee shall not erect any building in such a way as to interfere with any existing routes, means of survey, or pipes, telegraph or telephone wires and drains as hereinbefore mentioned.

9. No building shall be erected on any plot unless plans (on building block plan showing the position of the building) drawings, elevations and specifications thereon, shall have been previously

approved by the local authority and by the Commissioner of Lands, or such other person as he may appoint. Such plans, etc., shall be submitted in triplicate to the Resident Commissioner for necessary action.

10. Each grantee will be responsible for the proportionate cost of roads and drains when construction is complete.

11. The term of each grant will be 99 years from the 1st March, 1927.

SPECIAL CONDITIONS.

1. The plots will be used for the combined purpose of business and residence.
2. Not more than one-half of the area of the plot shall be built upon.
3. Each purchaser of a plot shall erect on his plot within two years of the commencement of his grant a building of approved design constructed of stone, burnt brick, concrete, asbestos, wood or iron on proper foundations.
4. The grantee shall not at any time subdivide the plot, or assign or sublet any portion of the plot without the consent of the Commissioner of Lands.

5. At no time during the term of the grant shall any plot or any portion thereof or any building erected on the plot be used for the purpose of carrying on any of the following trades:—

Blood-boiler, bone-boiler, fellmonger, soap-boiler, tallow-melter, tripe-boiler, blood-drier, leather-dresser, tanner, fat-melter or extractor, glue-maker, size-scraper, gut-scraper, knacker, slaughterer of animals, storage of hides, bacon-curing, artificial manure-making, caliche and linoleum making, indiarubber-making, varnish-making and oil-boiling, paper-making, manufacture of alkali, trades associated with the generation of irrespirable gases, manufacture of horse-hair, wool-sorting, trades associated with the use of poisonous metals, or any other trade or business which may be declared to be dangerous or offensive by notice in the Official Gazette.

6. Any building erected shall conform to a building line decided upon by the local authority.

7. Verandahs may be erected within a road reserve with the previous consent of the local authority and must conform to a building line decided upon by such authority.

SCHEDULE REFERRED TO IN NOTICE OF SALE.

Section Number.	Plot No.	Area, sq. ft.	Rent per annum	Upset Price, 1-3-27.	Proportionate rent from 1-3-27 to 31-12-27.
VII	1	5,000	72	300	60
VII	2	5,000	72	300	60
VII	3	5,000	72	300	60
VII	4	5,000	72	300	60
VII	5	5,000	72	300	60
VII	6	5,000	72	300	60
VII	7	5,000	72	300	60
VII	9	5,000	72	300	60
VII	10	5,000	72	300	60
VII	11	5,000	72	300	60
VIII	4	5,000	72	300	60
VIII	5	5,000	72	300	60
VIII	6	5,000	72	300	60
VIII	7	5,000	72	300	60
VIII	8	5,000	72	300	60
VIII	9	5,000	72	300	60
VIII	10	5,000	72	300	60

Nairobi,

C. E. MORTIMER,

3rd January, 1927. for Commissioner of Lands.

GENERAL NOTICE No. 40

POST OFFICE NOTICE.

ARRIVAL OF KENYA MAELS IN ENGLAND.

IT IS HEREBY NOTIFIED for general information that the mails despatched from Mombasa on the undermentioned date arrived in England as stated:—

Date of despatch from Mombasa.	Name of vessel by which despatched.	Date of arrival in England.
16th Dec. 1926	S.S. "A. R. Curves"	6th Jan. 1927.

General Post Office,

Nairobi,

10th January, 1927.

D. CORMACK,

for Acting Postmaster General,
Kenya and Uganda.

GENERAL NOTICE No. 41.

KENYA AND UGANDA RAILWAY

(INCLUDING BRANCH LINES, MARINE AND MOTOR SERVICES.)

Approximate Statement of Public Coaching and Goods Traffic for the Month of December, 1926.

Corresponding Month of previous Year ..	163,672
Year ..	184,688
Decrease ..	210,316

Nairobi,

10th January, 1927.

H. E. GOODSHIP,

Chief Accountant.

GENERAL NOTICE No. 4

GRAZING RIGHTS, EASTERN MAU FOREST. NOTICE.

TENDERS are invited for the rights to graze cattle and other stock with the option to cultivate such parts as are suitable in the grass land known as the Likia Glade in the Eastern Mau Forest Reserve for a period of five years.

The area which consists of approximately 581 acres is bounded on the south-east by Farm L.O. No. 1,818 and on all other sides by forest.

Cattle bomas and guard huts may be erected by the successful tenderer, but no native squatters will be allowed to reside or cultivate in the area.

The basis of tender to be an annual licence fee per acre payable in advance.

No tender of less than 40 cents per acre per annum will be considered.

Tenders should be addressed to the Honourable the Acting Conservator of Forests, Forest Office, Nairobi, and will be received up to and including January 17th, 1927.

The highest or any tender will not necessarily be accepted.

Nairobi

28th December, 1926.

M. V. BRANNETT,

Acting Conservator of Forests.

GENERAL NOTICE No. 42.

MUTILATION OF CURRENCY NOTES.

NOTICE.

THE attention of the public is invited to Section 9 of the Currency Notes Ordinance, Chapter 44 of the Laws of Kenya, 1926, under which any person who willfully mutilates or tears, cuts or otherwise mutilates any currency note shall be liable on conviction to imprisonment for a period not exceeding three months or to a fine not exceeding one hundred pounds or to both such fine and imprisonment.

Currency Department,

Nairobi,

6th January, 1927.

H. L. BAYLES,

Currency Officer.

GENERAL NOTICE No. 39.

THE CROWN LANDS ORDINANCE, 1915.

KIAMBU TOWNSHIP PLOTS.

NOTICE is hereby given that grants in respect of the plots at Kiambu specified in the Schedule hereto will be sold by auction at the District Commissioner's Office, Kiambu, on Thursday the 10th February, commencing at 10 a.m.

Plans of the plots may be seen at the office of the Department of Lands, Nairobi, and at the office of the Resident Commissioner at Kiambu, or may be had on application to the Department of Lands on payment of Shs. 3, post free.

The right to withdraw any plot from the auction is reserved to the Commissioner of Lands.

GENERAL CONDITIONS OF SALE.

1. Each plot will be auctioned separately.
2. The amount of the advance of each bid will be regulated by the auctioneer and no bidding shall be retracted.
3. The highest bidder will be the purchaser, but if any dispute arise as to any bid, the plot will be re-offered at the last undisputed bid.
4. Each purchaser shall pay to the auctioneer, immediately on the fall of the hammer, a deposit of 25 per cent. of the purchase money. In default of such payment the plot may be immediately re-offered for sale and any subsequent bid by the person who has made default may be ignored or refused.

5. Each purchaser shall, on paying the deposit, inform the auctioneer of the name or names of the person or persons on whose behalf the plot is purchased; the grant will be issued in accordance with this information.

6. The balance of the purchase money, together with the rent due to the 31st December, 1927, the survey fees (Shs. 70), the fees payable for the preparation and registration of the grant (Shs. 110) and the stamp duty payable in respect of the grant and all other expenses, if any, shall be paid to the Commissioner of Lands, Nairobi, within seven days from the date of the sale, and upon such payments being duly made the purchaser shall, subject to the provisions of the Crown Lands Ordinance, 1915, and to the requirements of the law, be entitled to a grant of the plot which grant shall be presented to him duly executed as soon as conveniently may be. Provided that the balance of the purchase money shall not be payable within the time stated or thereafter unless and until the Commissioner of Lands, on present to the purchaser of the grant of the plot duly executed.

7. As regards to the provisions contained in Condition No. 6, the amounts therein mentioned are not payable to the Commissioner of Lands at the Land Department, Nairobi, within seven days from the date of the sale; the Commissioner of Lands may order the balance of the purchase money to be forfeited and the plot sold, and have no further claim to a grant of the plot.

8. The grantee of such person or authority as may be appointed for such purpose shall have the right to lay pipes, cables and lines and have access to water mains, telegraph wires, telegraph or telephone wires, and other conduits of all descriptions, whether overhead or underground, and the grantee shall not erect or install anything in such a way as to interfere with or obstruct any existing routes, main or service pipes, telegraph or telephone wires and electric cables or conduits.

9. No building shall be erected on any plot unless plans (in duplicate) showing the position of the buildings, drawings, elevations and specifications thereof, shall have been previously

approved by the local authority and by the Commissioner of Lands, or such other person as he may appoint. Such plans, etc., shall be submitted in triplicate to the Resident Commissioner for necessary action.

10. Each grantee will be responsible for the proportionate cost of roads and drains when construction is complete.

11. The term of each grant will be 99 years from the 1st March, 1927.

SPECIAL CONDITIONS.

1. The plots may be used for the combined purpose of business and residence.
2. Not more than one-half of the area of the plot shall be built upon.
3. Each purchaser of a plot shall erect on his plot within two years of the commencement of his grant a building of approved design constructed of stone, burnt brick, concrete, asbestos, wood or iron on proper foundations.
4. The grantee shall not at any time subdivide the plot, or assign or sublet any portion of the plot without the consent of the Commissioner of Lands.

5. At no time during the term of the grant shall any plot or any portion thereof or any building erected on the plot be used for the purpose of carrying on any of the following trades:—

Blood-boiler, bone-boiler, fellmonger, scap-boiler, tallow-melter, tannery, fat-melter or extractor, glue-maker, size-scrapers, gut-scrapers, knacker, slaughterer of animals, storage of hides, bacon-curing, artificial manure-making, oilcloth and linoleum making, indiarubber-making, varnish-making and oil-boiling, paper-making, manufacture of alkali, trades associated with the generation of irrespirable gases, manufacture of horse-hair, wool-sorting, trades associated with the use of poisonous metals, or any other trade or business which may be declared to be dangerous or offensive by notice in the Official Gazette.

6. Any building erected shall conform to a building line decided upon by the local authority.

7. Verandahs may be erected within a road reserve with the previous consent of the local authority and must conform to a building line decided upon by such authority.

SCHEDULE REFERRED TO IN NOTICE OF SALE.

Section Number	Plot No.	Area sq. ft.	Rent per annum	Upset Price	Proportional rent from 1-3-27 to 31-12-27
			Shs.	Shs.	Shs.
VII	1	5,000	72	300	60
VII	2	5,000	72	300	60
VII	3	5,000	72	300	60
VII	4	5,000	72	300	60
VII	5	5,000	72	300	60
VII	6	5,000	72	300	60
VII	7	5,000	72	300	60
VII	9	5,000	72	300	60
VII	10	5,000	72	300	60
VII	11	5,000	72	300	60
VIII	4	5,000	72	300	60
VIII	5	5,000	72	300	60
VIII	6	5,000	72	300	60
VIII	7	5,000	72	300	60
VIII	8	5,000	72	300	60
VIII	9	5,000	72	300	60
VIII	10	5,000	72	300	60

Nairobi,

C. E. MORTIMER,

3rd January, 1927. for Commissioner of Lands.

GENERAL NOTICE No. 40

POST OFFICE NOTICE.

ARRIVAL OF KENYA MAELS IN ENGLAND.

IT IS HEREBY NOTIFIED for general information that the mails despatched from Mombasa on the undermentioned date arrived in England, as stated:—

Date of despatch from Mombasa.	Name of vessel by which despatched.	Date of arrival in England.
16th Dec. 1926	S.S. "A. R. Carter"	6th Jan. 1927.

General Post Office,
Nairobi,
10th January, 1927.

D. CORMACK,
for Acting Postmaster General,
Kenya and Uganda.

GENERAL NOTICE No. 41.

KENYA AND UGANDA RAILWAY
(INCLUDING BRANCH LINES, MARINE AND MOTOR SERVICES.)

Approximate Statement of Public Coaching and Goods Traffic for the Month of December, 1926.

Corresponding Month of previous Year	£163,672
	154,638
Decrease	£9,034

Nairobi,

10th January, 1927.

H. E. GOODSHIP,
Chief Accountant.

GENERAL NOTICE No. 4

GRAZING RIGHTS, EASTERN MAU FOREST.
NOTICE.

TENDERS are invited for the rights to graze cattle and other stock with the option to cultivate such parts as are suitable in the grass land known as the Likia Glade in the Eastern Mau Forest Reserve for a period of five years.

The area which consists of approximately 581 acres is bounded on the south-east by Farm L.O. No. 1,816 and on all other sides by forest.

Cattle bomas and guard huts may be erected by the successful tenderer, but no native squatters will be allowed to reside or cultivate in the area.

The basis of tender to be an annual licence fee per acre payable in advance.

No tender of less than 40 cents per acre per annum will be considered.

Tenders should be addressed to the Honourable the Acting Conservator of Forests, Forest Office, Nairobi, and will be received up to and including January 17th, 1927.

The highest or any tender will not necessarily be accepted.

Nairobi,

28th December, 1926.

N. V. BRANNETT,
for Acting Conservator of Forests.

GENERAL NOTICE No. 42.

MUTILATION OF CURRENCY NOTES.

NOTICE.

THE attention of the public is invited to Section 6 of the Currency Notes Ordinance, Chapter 44 of the Laws of Kenya, 1926, under which any person who willfully defaces or tears, cuts or otherwise mutilates any currency note shall be liable on conviction to imprisonment for a period not exceeding three months or to a fine not exceeding one hundred pounds or to both such fine and imprisonment.

Currimsey Department,

Nairobi,

6th January, 1927.

H. I. BAYLES,
Currency Officer.

GENERAL NOTICE No. 1340.

EASTLEIGH TOWNSHIP.

SALE OF PLOTS.

THE undermentioned plots situated in Eastleigh Township have been attached on account of the non-payment of township rates, levied under the Eastleigh Township Assessment and Rating Rules, 1922, and will be offered for sale by public auction by the Court Broker, Mr. C. Denovan, at his office in Standard Street, Nairobi, on Tuesday, 18th January, 1927, at 10 a.m.:-

Plot No.	Section.	Registered Owner.	Land Registry Reference.
697	I	Haribhai Mavji	Vol. No. N.12, folio 368.
698	I	do.	Vol. No. N.12, folio 368.
699	I	do.	Vol. No. N.12, folio 370.
700	I	do.	Vol. No. N.12, folio 370.

Nairobi.

18th December, 1926.

W. W. RIDOUT,

Superintendent, Suburban Areas.

NOTICE.

A copy of the 1925 Annual Report of the Native Affairs Department can be obtained from the Chief Native Commissioner, P.O. Box 326, Nairobi.

Price: Shs. 5, per copy.

Shs. 5/50, by post.

S. 18381/2

NOTICE.

The following Bills have been published for information prior to introduction into Legislative Council and can be obtained at the Government Press. Price. Cts. 50 Posted. Cts. 60 —

Punishment of Incest Ordinance, 1925.

The Corporal Punishments Ordinance, 1925

The Kenya and Uganda Railway Ordinance, 1926

The Specific Loan Ordinance, 1926

RATES OF SUBSCRIPTION TO OFFICIAL GAZETTE.

	Sh. cts.
For one year ...	25 00
.. six months ...	13 00
.. three months (excluding postage) ...	6 50
.. three months (including postage) ...	7 50
Single copy (excluding postage) ...	0 50
Single copy (including postage) ...	0 60

(Subscriptions must be prepaid.)

	Sh. cts.
Price of one copy between 1 and 3 months old ...	0 60
.. .. 3 and 6 months old ...	1 00
.. .. 6 months and 1 year old ...	2 00
.. .. 1 and 2 years old ...	3 00
Price of one copy over 2 years old ...	4 00

(Postal charges must be added to above if forwarded through the Post.)

NOTICES AND ADVERTISEMENTS.

All Notices and Advertisements by Private Advertisers may be tendered at or sent direct by Post to the Office of the Official Gazette, Nairobi, for insertion at the authorised rates of payment. The Office hours are from 9 a.m. to 4 p.m., closing at 1 o'clock on Saturdays.

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Matter for publication should reach the Editor not later than 3 o'clock on Monday afternoon in each week.

AUTHORISED SCALE OF CHARGES.

	Sh. cts.
For insertion in Official Gazette (column) ...	32 00
.. .. (half column) ...	16 00
.. .. (quarter column or less) ...	8 00

NOTICE.

Publications obtainable from the Government Press.

Revised Edition of the Laws of Kenya Colony, 1926, in three volumes. Price: £7 7s. per set (carriage extra).

Conference of Governors of the East African Dependencies, 1926. Summary of Proceedings. Price: Shs 2/50; Postage, Cts. 35.

Report of the Port Commission of Inquiry, 1925. (With map.) Price: Shs. 5/-; Postage, Cts. 35.

Bound copies of Ordinances, Vol. IV, 1925 (New Series). Price: Shs. 7/50; Posted, Shs. 8/20.

	Sh. cts.
Bound volume of Official Gazette ...	25 00
.. Ordinances ...	7 50
.. Proclamations, Rules and Regulations ...	7 50
Ordinances (per copy) ...	3 00

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Lord Delamere
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Yet we understand
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for what is now
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Jae.

THE DEFENCE FORCE ORDINANCE.

Full Compulsory Provisions Gazetted for Criticism.

DISCIPLINE UNDER THE ARMY ACTS.

The Defence Force Ordinance 1926 is published in the current Kenya Official Gazette for the purpose of information and criticism before actually coming into law.

At the discretion of the Governor a Central Defence Committee shall be appointed, and the Bill provides for the compulsory enrolment in the Defence Force of all male European and British residents who have been in the country a month and are between the ages of 16 and 60.

Anyone who does not enrol himself within a month after the proclamation of his liability shall be deemed to be enrolled. Ministers, doctors, and veterinary officers are liable only to serve in their professional capacity.

Those not liable to conscription will be men certified by a M.O. to be unfit. Legislative Councillors, Judges, policemen, prison warders, merchant seamen, and men of the K.A.R. These will serve only voluntarily.

The conscripts shall be liable to render general military service in any part of East Africa within or without the Colony and Protectorate for the defence thereof or for the protection of life and property therein. The Governor is given power to exempt anyone from this service.

DISTRICT OFFICERS.

The D.C. or R.C. of every Kenya district is called "The officer in charge," and the Bill makes it his duty to sufficiently advertise the enrolment order, and to make out and keep corrected annually a list of those liable to defence force service. He shall announce and hold a periodical court at which, "on due proof by oath, declaration, or affidavit" the list shall be kept amended or corrected, "provided always that such Court may be adjourned from day to day until all questions as to the correctness of the list are determined, and provided further that the decision of the officer in charge shall be final."

When all is ready the officer shall forthwith transmit such corrected lists to the Staff Officer of the Defence Force, Nairobi.

THE OATH.

Every member enrolled or deemed to be enrolled shall take an oath before a Magistrate or Justice of the Peace in the form applicable to his case. The two forms of oath are these:

For a British Subject:

Do solemnly promise and swear that I will be faithful and bear true allegiance to His Majesty King George V, his Heirs and Successors, and that while residing in the Colony and Protectorate of Kenya

This local committee shall plan the defence of its district, collect necessary intelligence, and keep up to date reports to be sent to the staff officer, headquarters of the force being Nairobi, with a permanent staff.

On the mobilisation of any part of the force every resident is liable to provide transport and any supplies in his possession.

Rules, ammunition, and equipment will be supplied by the Government, and every man shall be liable for its safe-keeping and for any damage to it.

PENALTIES FOR NEGLECT.

A musketry course is compulsory to every man, on notice of the date and place being given by the staff officer. Then:

"If any member of the Defence Force shall without reasonable cause or excuse after such publication of a public notice as is mentioned in the preceding section wilfully fail or neglect to attend at a rifle range for the purpose of performing the training by this Ordinance required to be performed by him or shall wilfully fail or neglect to perform the whole or any portion of the training required by this Ordinance or by any Regulations thereunder to be performed by him, then and in any such cases he shall, on conviction by a magistrate be liable to a fine not exceeding five pounds, or in default of payment to a term of imprisonment of either description not exceeding one month or to both; but no such conviction and sentence shall be deemed or taken to exempt the party convicted from all or any of his duties and liabilities under this Ordinance or any Regulations issued thereunder."

The Governor may call out any part of the force for inspection from time to time, and may mobilise it. But in cases of emergency the civil officer in charge of the district may call out his force, and report afterwards to the Governor.

A pension not exceeding £100 a year may be awarded in cases of disablement on service, or to the widow or family of a man killed in action.

COURTS MARTIAL.

With regard to discipline the force comes under the army acts and its members are liable to a court martial. But "no sentence of a court-martial upon the trial of a member of the Defence Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint in this behalf."

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For a Non-British Subject: "I,

do sincerely promise and swear that while residing in the Colony and Protectorate of Kenya I will serve His Majesty King George V, his Heirs and Successors, for the defence of the said Colony and Protectorate and in the suppression of rebellion, insurrection and riot and for the maintenance of order therein according to the conditions of my service and the laws in that behalf made and provided."

ORGANISATION.

Each of the defence force districts shall, be organised as far as possible so as to constitute units complete for service in the field, including supply, transport, medical and veterinary services and hold its own stock of reserve arms and ammunition, and shall have its own first and second line transport allocated to it.

Each district shall have a district commandant recommended by the central committee and approved by the Governor, and also section commanders and a local defence committee consisting of the district commandant, the B.C. or D.C., and members appointed by the Governor.

mentioned in the preceding section willfully fail or neglect to attend at a rifle range for the purpose of performing the training by this Ordinance required to be performed by him; or shall willfully fail or neglect to perform the whole or any portion of the training required by this Ordinance or by any Regulations thereunder to be performed by him; then and in any such cases he shall, on conviction by a magistrate be liable to a fine not exceeding five pounds, or in default of payment to a term of imprisonment of either description not exceeding one month or to both; but no such conviction and sentence shall be deemed or taken to exempt the party convicted from all or any of his duties and liabilities under this Ordinance or any Regulations issued thereunder."

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COURTS MARTIAL.

With regard to discipline the force comes under the army acts and its members are liable to a court martial. But "no sentence of a court-martial upon the trial of a member of the Defence Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint in this behalf."

For all matters concerning the working of the force the Governor may issue regulations from time to time. These matters include attendance at drills, inspections, classes and courses of instruction the examination as to proficiency in military professional subjects promotion in commissioned or non-commissioned ranks, and the fixing of rates of pay and allowances and issue of rations when called out.

PRISON FOR DEFAULT.

Any European in Kenya who shall without reasonable cause or excuse neglect his service "or shall absent himself from service on any occasion or shall withdraw himself before permission to that effect be given by some competent authority, or shall refuse or willfully neglect to obey any lawful command of his superior officer" shall on conviction by a magistrate "be liable to a fine not exceeding one hundred pounds, and in default of payment to a term of imprisonment of either description not exceeding six months, or to both."

Indian Xmas Mail.

The Xmas mail to India goes by the s.s. "Karagola" on December 14. The letter portion closes in Nairobi on December 12 at 11 a.m. and the parcels mail on the 11th at 4 p.m.

Lord Delamere
at Nairobi in
the course of his
Principal Speech
said that the
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than the last.
Yet we understand
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of which Bill!
Jae.

(E.A.S. Dec 16)

To the Editor, "E.A. Standard."

Sir,—I and others down in this part of the world, heartily endorse the expressions of disapproval that have poured in to you from other parts of the Colony. Prussianism is as hateful to us as Bolshevism. The Conscription Bill gives more power into the hands of the Kenya Government than Parliament itself exercised at the height of the European War. The vagaries of the Bill are especially to be criticised. Like others I would like to know before I take any oaths, who these "enemies and offenders" are, whom I pledge myself to defend the Colony against. What is meant by the "conditions of my service," and "the laws in that behalf made and provided," and the "regulations" from "time to time" to be provided? Why so careful a distinction between the duties and liabilities of Britishers and Europeans if it is merely a "Defence Force Bill" as it pretends to be? And how is "any lawful command of a superior officer" to be defined if new laws are to be made from time to time at the discretion of the Governor? Can any conscientious Britisher commit himself by an oath to obey laws before they are formulated?

It has been suggested that this is but the "thin end of the wedge of Prussianism". Can our rulers defend themselves against this charge? Did not thousands,—yes millions—join up during 1914 and the terrible years that followed believing that they were going to down militarism for ever? Did not recruiting posters advertise that this was one of the chief reasons why we went to war? Now, having unfettered Germany, shall we consent to having the fable turned on ourselves. This in what silence at this time? As one of your correspondents said, "the Elected Members have already given the measure their assent and are hardly likely to oppose it now unless given a definite mandate from the people". Do we want never again to be able to sing with conviction and pride: "Britons never, never, never, (not even in Tropical Africa where races are said to degenerate)—never shall be slaves?"

A Referendum of the Colony has been suggested. Can the Colonial Office be informed by any better means of the strong opposition to conscription existing in this hitherto free and prosperous Colony

Yours etc,
A. BEAVON.
Kisumu, Dec. 9, 1926.

Letter from the remote west of Kenya.

The independent British spirit still survives in Kenya, despite the fact that she has for years been drugged with all the drab syrup of prescribed by government by agreement.

C(ii)

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D

Weekly East African
Standard 30/4/27 T.

From Weekly 'East African Standard'
30-4-27

Speech at St George's Dinner
by Acting Governor

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so to behave. Such is doubtless
the feeling which lies behind much
of what we hear today in regard to
that much abused expression Com-
pulsion.

It is not a case of dictation but
of understanding. I do not wish
to discuss here the Defence Force
Bill—it has been most fully and
clearly explained to the country by
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opportunity to take their part in a
united movement for local organi-
sation are being compelled to do so.
It is as willing recruits and volun-
teers that you are asked to join—
the only compulsion in the Bill lies
in the necessity for preventing any
hiatus in the organisation. You
cannot afford to let your neighbour
be ignorant of the measures you
may be taking for any local
organisation when its success must
lie in the participation of all and
when any such measure is regarded
of the first importance surely it is
desirable to bring all in least the
many suffer by the neglect of the
few.

Hardly a true account of
a Bill which even Sir Edward
Grigg states is based on
the principle of compulsory
service.

(See the Bill)

We resent these partial
official misstatements and
misconceptions recorded
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D

Weekly East Africa
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in the necessity for preventing any
hiatus in the organisation. You
cannot afford to let your neighbors
be ignorant of the measures you
may be taking for any local
organisation when its success must
lie in the participation of all and
when any such measure is regarded
of the first importance surely it is
desirable to bring all in line, the
many suffer by the neglect of the
few.

Hardly a true account of
a Bill which even Sir Edward
Grigg states is based on
the principle of compulsory
Service.

(See the Bill)

We resent these perpetual
official misstatements on
occasions when we are precluded
from replying.

D

X-1086₂₇ Kenya

132

PETITION TO HIS MAJESTY THE KING Against Conscription.

MAY IT PLEASE YOUR MAJESTY :

We, the undersigned, being loyal and dutiful subjects of Your Majesty, pray that Conscription may not be imposed on this Colony and Protectorate of KENYA, which is under the direct government of the Crown, in a time of unthreatened peace, and without any cause being shewn.

YOUR MAJESTY'S petitioners submit that the opinions of Your Majesty's Native Commissioners should be obtained before Your Majesty's Assent be given to a Bill that will conscript every British male in the Colony between the ages of 16 and 50 on the alleged plea that the conscript force will increase the mobility of Your Majesty's King's African Rifles, and that the white population stands in danger of a rising from unarmed and peaceful natives living in their own reserves, or working contentedly on European farms. No evidence whatsoever has been adduced to show that such a danger exists, yet the existence of this danger is the argument that has everywhere been employed to induce the people of this Colony to accept the Conscription Bill.

YOUR MAJESTY'S petitioners unreservedly accept the great ideal that Your Majesty's Government is the Trustee for Your Majesty's African subjects living under the Flag. They are constrained to admit that, if it were true, as alleged, that the white settlers of this Colony could only safely face the unarmed tribes, which live in the reserves and among the settlers of Kenya, with rifles in their hand, then indeed they would brand themselves before the world as unfitted to share in the Trusteeship for these natives, and this Trusteeship ought to be entrusted to other and more worthy hands, but Your Majesty's petitioners warmly deny that there is any danger to be feared that could not readily be dealt with by a police force and in accordance with the procedure of the Common Law of England. We are mindful of the fact that in Nigeria 18,700,000 of Your Majesty's African subjects have been administered and guided for 25 years by a handful of Europeans with no force behind them save four battalions of native infantry and two small police forces voluntarily recruited, and we submit that justice and equity in the treatment of the natives of Kenya will be to us a surer shield and defence than the provision of an armed white camp equipped with rifles and machine guns.

YOUR MAJESTY'S petitioners further submit to Your Majesty that the Conscription Bill now offered for our acceptance deliberately excludes the Oath of Allegiance to Your Majesty, and your petitioners have every reason to know that this has been done so that the military organisation which the Bill creates may be available, untrammelled by the penalties of Military Law, in the event of certain contingencies well known to Your Majesty's Government. Your Majesty's petitioners pray that they may, in any event be saved from being impressed into a military organisation based on these conditions.

YOUR MAJESTY'S petitioners venture to recall that Your Majesty's Government has formerly refused to sanction the introduction of Conscription in this Crown Colony on the ground that it is contrary to British tradition, and they pray Your Majesty that so long as this Colony remains under the Government of the Crown that same ground of refusal may continue to protect those of us to whom the traditions of our Motherland still remain dear.

(Signed) D. P. DRISCOLL, LT.-COL.

NAME.

ADDRESS.

The terms of this Petition have never been challenged except by the politician-officials of the Local Government. We regard the issue of conscription from the standpoint of those who are resident abroad as ordinary citizens; not as ambassadors.

E

RETURN THIS FORM TO LT.-COL. DRISCOLL, C.M.G., D.S.O., P. O. BOX 104, NAIROBI.

fine lash which is used in other countries. If this fails to make them trot, (because oxen are made to trot, in order that the Native may get his day's work over in good time) the offending animal is struck in the eye. I counted five blind oxen in one team. A farmer will tell you quite calmly, "a boy has blinded an ox," and there it ends—but not for the ox.

A young animal proved troublesome, therefore two Natives tied him up to a tree thrashing him with sticks. When tiring of their game they threw stones at him. Fortunately a passer-by saw this and stopped the Natives. Where was their Brand?

It is not unusual to hear an animal bellow in the plough, or wagon not a friendly bellow, but one of pain owing to ill-treatment. There is no mistaking it.

The law forbids the Native to carry more than 50 lbs.; can't the same law punish the Native, (and owner who permits it), who tortures the overladen animals.

Where are the owners? Do they know how their animals are treated? If so, do they care? or is the poor "beast" only regarded as a mill stone which will not be taken out of the water by the Society for the Prevention of cruelty to animals? If so, they will do well to turn their attention to some of the farms.

Yours etc.,
P. FAIRPLAY.

Rongai, April 4, 1917.

**THE DEER POISON
FEEL**

The following copy of a letter has been handed to the *Kenya Standard* by Mr. J. A. C. Cable for publication:

The Hon. the Acting Colonial Secretary,
Nairobi.

Sir,
A number of Civil servants are telling us that the Government which appear to be taking no notice of the administrative measures taken against them if they sign the Petition.

I am assuring them that from my personal knowledge of the Hon. the Acting Colonial Secretary, His Excellency the Governor such a fear must be unfounded but nevertheless I should

respondance publicity equal to that given to the above mentioned message telephones, to post on the 3rd instant.

I have the honour to be,
Sir,
Your obedient Servant,
G. A. S. NORTHCOTE,
Acting Colonial Secretary.

To the Editor, "E. A. Standard."

Sir,—I have the utmost pleasure in giving publicity to the contents of the above letter from the Hon. the Colonial Secretary. I would point out, however, that the Petition does not state that the alleged pleas are both adopted by the Government, nor do we expect the Government to agree with the terms of the Petition; if it did we should not be addressing His Majesty the King.

I would call especial attention to the quotation from the speech of H. E. the Governor as this obviously indicates the official bluff that is to be put up to the Imperial Government. Any ordinary intelligent Englishman reading that statement in *The Times* or hearing it in the House of Commons would certainly be led to the impression that the Government was being asked to do for Kenya without any reference whatsoever to the natives. If he then read the speeches and letters published in the *East African Standard* during the past four months, or better still if he visited Kenya, he would be amazed to find that his first impressions were entirely at variance with the truth.

It would follow that the Government was not to be asked to do for Kenya without any reference whatsoever to the natives. On the same principle it is not to be expected that the Government should have sanctioned the Imperial Government and that the basis of his expedition was to force for Kenya.

In view of the request made to the Government to do for Kenya without any reference whatsoever to the natives, it is not to be expected that the Government should have sanctioned the Imperial Government and that the basis of his expedition was to force for Kenya.

→ This is how Kenya regards it.

F

fine lash which is used, in other countries. If this fails to make them trot, (because oxen are made to trot in order that the Native may get his day's work over in good time) the offending animal is struck in the eye. I counted five blind oxen in one team. A farmer will tell you quite calmly, "a boy has blinded an ox," and there it ends—but not for the ox.

A young animal proved troublesome, therefore two Natives tied him up to a tree thrashing him with sticks. When tiring of their game they threw stones at him. Fortunately a passer-by saw this and stopped the Natives. Who was their *Bwana*?

It is not unusual to hear an animal bellow in the plough, or wagon not a friendly bellow, but one of pain owing to ill-treatment. There is no mistaking it.

The law forbids the Native to carry more than 50 lbs.; can't the same law punish the Native, (and owner who permits it), who tortures the over-laden animals.

Where are the owners? Do they know how their animals are treated? If so, do they care? or is the poor "beast" only regarded as a machine and, when worn out, thrown out? Is there not a Society for the Prevention of cruelty to animals? If so, they will do well to turn their attention to some of the farms.

Yours etc.,
FAIRPLAY.

Rongai, April 4, 1927.

THE DEFENCE FORCE PETITION.

The following correspondence has been handed to the *East African Standard* by Mr. J. A. Cable for publication:

Nairobi,
April 5th, 1927.

The Hon. the Acting Colonial Secretary,
Nairobi.

Sir,

A number of Civil servants are telling us that despite the notice which appears in the *East African Standard* to-day they fear that administrative action will be taken against them if they sign the Petition.

I am assuring them that from my personal knowledge of the Hon. the Acting Colonial Secretary and His Excellency the Acting Governor such a fear must be unfounded but nevertheless I should esteem it a favour if you would be good enough to assure me that such fears are groundless and that no signatory of the Petition need have any fear of being penalised.

I have the honour to be
Sir,

response publicity equal to that given to the above mentioned message telephoned to you on the 3rd instant.

I have the honour to be,
Sir,
Your obedient Servant,
G. A. S. NORTHCOTE,
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To the Editor, "E. A. Standard."

Sir.—I have the utmost pleasure in giving publicity to the contents of the above letter from the Hon. the Colonial Secretary. I would point out, however, that the Petition does not state that the alleged pleas are both adopted by the Government, nor do we expect the Government to agree with the terms of the Petition; if it did we should not be addressing His Majesty the King.

I would call especial attention to the quotation from the speech of H. E. the Governor as this obviously indicates the official bluff that is to be put up to the Imperial Government. Any ordinary intelligent Englishman reading that statement in *The Times* or hearing it in the House of Commons would certainly receive the impression that Conscription was being asked for by Kenya without any reference whatsoever to the natives. If he then read the speeches and letters published in the *East African Standard* during the past four months, or better still if he visited Kenya, he would be amazed to find that his first impressions were entirely at variance with the truth.

Then would follow the official "explanation"—H. E. the Governor was speaking on behalf of the Kenya Government and that Government is under his orders. On the principle *L'Etat c'est moi* he has power to assign any basis he pleases to the Conscription Bill. On the same principle Dr. Jameson might have informed the Imperial Government that he represented his followers and that the basis of his expedition was to forage for Cape gooseberries.

In effect the request made to me to give publicity to the quotation from H. E. the Governor's speech is a request to call the bluff; I have much pleasure in doing so.

Again, supposing that a telegram came through that Norway was conscripting the whole of her population from 16 to 50 for internal security should we not be justified in supposing that some alarm existed as to internal dangers? The Select Committee on the new Conscription Bill tells us that we are arming for internal security, and the New Bill is officially drafted in accordance with the recommendations for that Committee.

Once again, listen to Mr. Ormsby

→ This is how things regard

THE DEFENCE FORCE
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Sir,

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I am assuring them that from my personal knowledge of the Hon. the Acting Colonial Secretary and His Excellency the Acting Governor such a fear must be unfounded but nevertheless I should esteem it a favour if you would be good enough to assure me that such fears are groundless, and that no signatory of the Petition need have any fear of being penalised.

I have the honour to be
Sir,
Your obedient servant,
J. A. CABLE.

The Secretariat,
Nairobi,
April 9th, 1927.
N. S. Def. 14, 56.
J. A. Cable, Esq.,
Nairobi.

Sir,
In reply to your letter of April 5th, 1927, concerning the attitude of Government towards Civil Servants who may sign the petition under mention. I am directed by His Excellency the Acting Governor to inform you that my previous intimation to you by telephone to the effect that in this matter Civil Servants should exercise their own discretion implied that no disciplinary action would be taken in regard to such signatories.

2. It is not however to be assumed from this that Government accepts the terms of that petition and I take this opportunity with reference to a statement contained therein, that the provisions for compulsory enrolment in the Bill rest on an "alleged p.c." that the white population stands in danger of a rising from unarmed and peaceful natives living in their own reserves, or working contentedly on European farms, to remind you of a passage in a speech to Legislative Council by His Excellency Sir Edward Grigg on December 17th as follows:

"In the first place I desire to repudiate in the strongest terms any suggestion that the compulsory organisation of Europeans for defence is based upon any kind of any sort regarding our relations with the King's African subjects in this Colony."

3. From this it will be observed that the petition contains a complete mis-statement of the Government's object in introducing this Bill, and in view of this fact I must ask that you give this "cor-

rection" to my first impressions were entirely at variance with the truth. Then would follow the official "explanation"—H. E. the Governor was speaking on behalf of the Kenya Government and that Government is, under his orders. On the principle *L'état c'est moi* he has power to assign any basis he pleases to the Conscription Bill. On the same principle Dr. Jameson might have informed the Imperial Government that he represented his followers and that the basis of his expedition was to forage for Cape gooseberries.

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Once again, listen to Mr. Ormsby Gore (I quote from the *East African Standard*) "Mr. Ormsby Gore was in his unhappiest and least convincing vein in supporting it (the Conscription Bill). This he did on the ground of a possible emergency and in view of a small and scattered white population living among a large native population.

I leave it to the Government to harmonize these scriptures.

I need hardly once again remark that I share with my fellow settlers the opinion that settlers living in outlying districts deserve more protection than they at present possess, but I differ from them in holding that this is primarily a police matter. I would strongly support a proposal to strengthen the police forces, and to link up with them a body of citizen police, not only for the protection of white settlers, but also to save intertribal bloodshed among the natives themselves.

It may interest readers to learn that I have excellent authority for stating that the bait held out during the recent elections that conscription would enable us to effect big economies by a reduction in the strength of the K. A. R. has now been silently withdrawn. Truly this is a land for an Order of the Golden Fleece.

I am hoping that the heads of the Government will sign, in their capacity as private citizens, the copy of the Petition that I am sending to Government House, in spite of the fact that one of them has, I am told, described me as "audacious" for venturing to approach him. Many of the gods of Olympus once were men.

Yours etc.,
J. A. CABLE.

P. S.—I am sure that my friend Commander Lawford will appreciate the Government's attitude.

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In reply to your letter of April 2nd, 1927, concerning the attitude of Government towards Civil Servants who may sign the petition under mention. I am directed by His Excellency the Acting Governor to inform you that my previous intimation to you by telephone to the effect that in this matter Civil Servants should exercise their own discretion implied that no disciplinary action would be taken in regard to such signatories.

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Yours etc.,
J. A. CABLE.

P. S.—I am sure that my friend Commander Lawford will appreciate the Government's attitude.

To the Editor, "E. A. Standard."

(S.A.S. April 6)

X. 10018/27 Kenya

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Sir,—I expect that many of your correspondents have entered the lists of controversy on the subject of Colonel Driscoll's letter on the question of conscription under the Defence Force Bill. He is backed by that eminent scribe Mr. Cable, but I would very earnestly submit that I do hope that the Colony of Kenya will not be carried away by the persuasions of these gentlemen.

The late General Roberts some years ago was accused of being an alarmist against the ultimate German War, but curiously enough that war came to pass and the entire nation was eventually conscripted. If it had been in the primary phases, I venture to submit that the war would not have been so long or disastrous.

Colonel Driscoll and Mr. Cable do not apparently like the word conscription. Neither do I, but I would much rather see this Colony suffer under a supposed insult in the matter of an unpleasant word than I would face the possibility of my wife and my children being murdered for the sake of an unprepared occasion which is laughed at by your correspondents.

I beg you will believe me, Sir, when I say that I am no alarmist. I am not. So long as the tribes are under discipline there is no cause for alarm but I was in the Reserves when the late War broke out. I did see the Warriors take their shields from their butts which is a National sign of War. I did have, in conjunction with my superiors, to take the most drastic action to prevent open rebellion, however futile it may have been, and I do know now that if you could extract the truth from Government Officials in the Reserves, you would obtain a confession of extreme uneasiness as to the near future. An elaboration of such a statement would perhaps place me in the Court of Alarmists and I therefore refrain, but I say that the situation is present and an attempt to evade our responsibilities is a betrayal of our dependants.

It has been said that defence should be voluntary. If every one would come in I agree. But there are some who would still think it their business or duty to refrain from the protection of their interests and therefore I submit every one should be on a level basis.

I expect, in so far as our loyalty goes, Colonel Driscoll, Mr. Cable myself and practically the whole assembly of this Colony, which after all is mostly one of ex-soldiers

or sailors, are on the same basis, but I would remind all that it is some years ago since the statement was written *Si vis pacem, para bellum* and that it is true to-day.

Yours, etc.,

LIONEL LAWFORD,
Commander R.N. (Retd.)

Thika, April 4, 1927.

A typical letter expressing
the view of the settlers
i.e. that the Defence Force
Bill is accepted by the
"consent of alarmist"
"nationalist"

G.

(S.A.S. April 6)

X. 10018 27 Kenya.

134

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but I am sure that it is
some of the more thoughtful
men of the Colony who
believe that it is not to be

LEWIS, Esq.,
Commander R.F. (Retd.)
Thika, April 4, 1920.

A typical letter expressing
the view of the settlers
i.e. that the Defence Force
Bill is accepted by the
Colony on account of alarm
regarding natives

→ Sometimes District Commissioner

G

(S.A.S. April 6)

X. 10715
27 Kengon

134

of the Standard. "The fact that many of your correspondents have entered the lists of controversy on the subject of Colonel Driscoll's letter on the question of conscription makes the Defence Force Bill. He is backed by that eminent scribe Mr. O'Connell and I would very earnestly submit that I do hope that the Colony of Natal will not be misled by the representations of these men."

The Bill was introduced some years ago and consisted of having an armistice against the German. We were not satisfied enough that was done to have the entire nation was essentially conscripted. It is held that in the primary phases of warfare to admit that the war would not have been so long or successful.

Colonel Driscoll and Mr. Cable do not appear to be aware of the word conscription. I would much rather see the Colony suffer under a conscription which would result in the making of an unpleasant word than I would see the possibility of my children being conscripted for the sake of an unimportant occasion which is looked at by your correspondents.

I beg you will believe me, Sir, when I say that I am no Alarmist. I am not. So long as the Tribes are under discipline there is no cause for alarm but I was in the Reserves when the late War broke out. I did see the Warriors take their shields from their backs which is a National sign of War. I did have in conversation with my superiors, in fact the most drastic action to prevent open rebellion, however foolish it may have been, and I do know now that if you could extract the truth from Government Officials in the Reserves, you would obtain a confession of extreme uneasiness as to the near future. An elaboration of such a statement would perhaps place me in the Court of Alarmists and I therefore refrain, but I say that the situation is present and an attempt to evade our responsibilities is a betrayal of our dependants.

It has been said that defence should be voluntary. If every one would come in I agree. But there are some who would still think it their business or duty to refrain from the protection of their interests and therefore I submit every one should be on a level basis.

I expect, in so far as our loyalty goes, Colonel Driscoll, Mr. O'Connell myself and practically the whole assembly of this Colony, which after all is mostly one of ex-soldiers

for soldiers, to be on the same basis, but I am not satisfied that it is some of the men in the Government who are the cause of the present, your belief that it is time to do.

A typical letter expressing the view of the Settlers i.e. that the Defence Force Bill is accepted by the Colony on account of alarm regarding natives

→ Sometimes District Commissioner

G

Chairman S.A.S. (Contd.)
Taita, April 4, 1907.

(E. a. s. April 18)

This is an extract from a letter by the Hon^{Mr} Thos. J. O'Shea a present member of the Legislative Council.

His effort evoked warm commendation in certain well-known Conscriptivist quarters

We do not care whether he goes to hell to raise trouble there or whether he attempts the more arduous task of taking the Kingdom of Heaven by violence; but we are concerned that such men shall not raise trouble here on earth in Kenya by advocating the use of force for obtaining political concessions.

None of Mr O'Shea's colleagues has dissociated himself from his views

H

(E. a. s. april 18)

Those who have voted for our re-election demand a settler majority (though we shall allow the vote even to those who are merely sojourners while they bleed what they can out of the country) and the majority of our critics are such because we are too quiet and cooperate with the Government. So peace you cannot have and peace you shall not have. If we don't get a settler majority, we shall raise hell, and if we do get it we shall storm heaven.

"I wish better you had been born fifty years earlier, gentlemen, or that you had been gifted with sufficient sense to realize at your present ages that with such ideas as you have you were better dead—politically. Thank the Lord, I entered politics while still one of a pack of school boys. I ask for the prayers of my friends that I be nicked out and stamped out before I reach the age of maturity.

Yours, etc.,
THOS. J. O'SHEA.

Eldoret,
February 16, 1927.

This is an extract from a letter by the Hon. ^{Mr.} Thos. J. O'Shea a present member of the Legislative Council.

His effort evoked warm commendation in certain well-known conscriptionist quarters

We do not care whether he goes to hell to raise trouble there or whether he attempts the more arduous task of taking the Kingdom of Heaven by violence; but we are concerned that such men shall not raise trouble here on earth in Kenya by advocating the use of force for obtaining political concessions.

Some of Mr O'Shea's colleagues has dissociated himself from his views.

H

THE DEFENCE FORCE.

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With the elections now in view local settlers are taking more interest in politics and we hope to see our member before the next session of Council. There are many little matters to be discussed, and with several important measures due to come up at next session, such as the Defence Force Bill, taxation of domestic servants, etc. We want to have a heart to heart talk with our member before he goes to Council again.

In speaking to other settlers around here, it seems clear that the majority are opposed to the Defence Force Bill, in its present form. It savours too much of conscription for one thing, and for another thing opinion is that our hands should be left free to deal with such a trouble as that of a year or two back, should such an emergency arise again. But as the bill stands, we should all be called up as soldiers and those refusing to serve would be rebels! It is considered that Government should not have power to make people into rebels, as would happen in a case like that, and the Bill as it stands seems to give Government too much power. Nobody is opposed to a certain amount of military training for young men. it does them good physically, if nothing else, and there is no reason why Government should not have plans prepared to deal with an emergency, but we do not want conscription. It is foreign to British ideas of freedom, and is not tolerated in any other British country. Why then in Kenya, we ask

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Correspondent from
Londiani
(Courthouse district)
Reference Bill
November 1952

x. 10018/27 Kenya

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E.A.S. Dec 15, 1924

THE DEFENCE BILL.

With the election now in view local settlers are taking more interest in politics and we hope to see our member before the next session of Council. There are many little matters to be discussed, and with several important matters due to come up at next session, such as the Defence Force Bill, taxation of domestic servants, etc. We want to have a chance to have talk with our member before he goes to Council again.

In speaking to other settlers several have a view that the Defence Force Bill, as it stands now, is a very good one. It avoids the cost of a regular force for one thing, and a reserve force, consisting of the best men should be left to deal with such a trouble as occurred in 1914 or two back, should be a permanent force. It is suggested that the bill should be amended so as to allow the Government to have a reserve force in a case like that which occurred in 1914. It is suggested that the Government should not have to pay for the maintenance of a reserve force in a case like that which occurred in 1914. The bill as it stands seems to put the Government too much out of pocket. It is opposed to a permanent military training force, and it does them good. It is nothing else, and it is why Government should have a reserve force proposed in the bill. It is necessary, but we do not want a permanent force. It is necessary in the case of British, and is not tolerated in any other British country. What does in Kenya, we ask.

Correspondent from
Londiani
(Country district)
Reference to Bill
November 1924
containing Oath
Allegiance

K

As far as the community is concerned, there will be no reduction of Military expenditure. On the contrary there will be an increase at the Colonial Office Military advisor will say "this Defence Force is too expensive to use and insufficiently trained to allow of any serious reduction in the K. A. R. vote" - hence the country will pay for both the K. A. R. as at present plus a Defence Force and thus will grow into no mean item as more and more brass buttons (and hats) are called for ceremonial parades. These ceremonial parades, Inspections, Guards of Honour and God knows what will become constant irritations; various travelling expenses to rifle practices, drills and the above futurities will eat into our time and money whilst chief of all our liberty for political action is taken from us. As soon as late, as soon as we have a difference of opinion with our local authorities or with Colonial Office (this latter is bound to come, etc) the deliberate attack made on Kenya settlers made by the Labour Party in their last effusion as to how to rule Africa, the Defence Force will be called out and we shall be put under military law—which is no law but merely Might is Right—and sent to guard bridges from Mombasa to Malindi or some such job to keep us out of the way and keep our mouths shut.

No. It is time our elected members consulted us before tying us up into knots, financial or otherwise and on this all important matter of our liberty I recommend them to hold public meetings and see how many "Ages" they can raise for this bill or better still if they don't care to face a meeting have a referendum.

Capital and farmer settlers are being kept out of the country now by the much vaunted Dual Policy, but when it comes to conscription as well! A man would be a fool to come, that's all.

If a defence force is wanted for internal local defence, have it, but specify clearly that it can only be used with the consent of all the Elected Members and not as a weapon against ourselves as for the "Ages" mentioned.

My name shows that I am no shrinker but as I am only discussing the principle, my identity does not matter.

Yours, etc,
FARMER.

[Nicos]

Dec. 5. 1926

Letter giving typographical
Expression to views
on Defence Force
of November 1926.

Note:- We, with the man
who signs himself 'Farmer'
object to a Conscription Bill
that enables a government
to use military powers
to stifle legitimate political
agitation

But if we are forced to
Conscript we object still
more to serving under a
Bill that deliberately
Excludes the Oath of
Allegiance with an
'arrière-pensée'

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Letter going to
Expression

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But if we are forced to a conscript we object still more to a conscription Bill that excludes the...
Obedience

EXTRACT OF SPEECH BY COL HENDERSON, NAIWASHA, DEC. 21, 1926.

final Dec 20th 1926
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Here is another aspect of this Bill. It would tie the settlers hands in the case of the Indian question cropping up in. In fact I have heard it suggested that this was the original object of the Bill.

I thought so myself until I knew that the Secretary of State had turned the Bill down in 1924 on account of the principle of compulsory Military Service. I hardly think he would have done that if this had been the real object of the Bill. Whatever the object of the Bill, it would tie our hands badly and we don't want our hands tied.

You will all remember about three years ago; there was very nearly being a rising of the settlers in this Colony on account of the Indian Question.

My attitude at that time was this: I had made up my mind that if certain privileges were granted to the Indians I would turn out with the rest as a rebel, much as I hated the idea of being a rebel.

What would have been the position of the settlers, if this Defence Force Bill had been law at the time when the Indian Question was so hot? If the rising had come off we should not only have been rebels but mutineers as well -- and you all know what the penalty for mutiny is.

Lord Delamere was present

K

This is merely an expression of the views everywhere expressed.

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DUPLICATE

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COLONY AND PROTECTORATE OF KENYA.



SPEECH

BY

H. E. THE GOVERNOR,

LT.-COL. SIR EDWARD GRIGG,
K.C.V.O., C.M.G., D.S.O., M.C.

THE CALEDONIAN DINNER.

30TH NOVEMBER, 1926.

PRINTED AT THE GOVT. PRESS, NAIROBI.
1926.

H. E. THE GOVERNOR'S SPEECH
AT THE CALEDONIAN DINNER,
30TH NOVEMBER, 1926.

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His Excellency the Governor's Speech, Caledonian Dinner.
30th November, 1926.

MR. PRESIDENT AND GENTLEMEN :

I am very much honoured by your having asked me, like other Governors before me, to reply to this important toast, which has just been proposed by my friend, Mr. Mackenzie, in that happy, confident and contented vein, which we all appreciate so much after dinner. But before I come to the toast there are one or two other things which I should not like to overlook. In the first place, Sassenach as I am, I cannot refrain from congratulating the Caledonians on the presence here of these four football cups on the table to-night; but I must admit a certain feeling which they engender that the acquisitive character of the Scot is getting dangerous once again. I think we shall have to take steps to deal with that next year.

I also want to thank you for drinking my health as you did and for the tune you arranged to be played with it. I appreciate that very much—not that my right is not much less than that of many other Grenadier officers in this Colony to having that tune played for me. I am a comparatively junior Grenadier, and we are a long-lived Regiment. The senior officer of the Regiment at the present time served as an Adjutant in the Crimea, and when he joined the Regiment the Commanding Officer of his Battalion had served at Waterloo. You will understand, therefore, that a junior officer in the Regiment feels very junior indeed, and is all the prouder that the march of the Regiment should be played for him. May I say, too, as I am in the company of Scots to-night, that nobody can appreciate better than a Grenadier what the Scottish troops did in the War. We were constantly brigaded with the 51st Highland Territorial Division. Knowing how splendid both in training and in fighting spirit those troops were, I never think of them without metaphorically taking off my hat to one of the greatest Divisions in the Army in France during the War.

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I also want to say how sorry I was that events prevented me from coming to this dinner last year. I wish indeed I had come last year. In those days I was young and innocent. I had a clean sheet. There was not a stain upon my character. Now I come with innumerable sins of omission and commission thick upon me, and I know, thick as those sins are, that I cannot plead in extenuation of them that they have been due to any lack of good advice. I have had plenty of advice, and it has come not from mortals only, but from immortals, too! Gods and goddesses have hurried down from Olympus, and rushed into print to keep me straight. And I can assure you that I feel grateful to them for their condescension.

But seriously, while I am talking about advice, I should like to express here my great gratitude for the help and co-operation I have had throughout a difficult year from many members of the community, representatives of public bodies, private citizens and others. I have never appealed for counsel from any quarter without receiving the best help that could be given me in most generous measure, and I have appreciated that spirit of co-operation and helpfulness very much.

In coming here to-night I felt that I had special cause for trepidation in the fact to which Mr. Mackenzie has so feelingly referred—that I am responsible for the heinous offence of adding to the duties on liquor. Whisky taxation is bound to be unpopular everywhere, but what other people feel about it is nothing to the fierce resentment which I am sure it engenders in the Scottish breast. And I feel grateful to you that you have not only, as I might say, fed and watered me at this hospitable board, but that you have actually given me also of Scotland's chosen nectar. I rejoice to think that the revenue has not suffered at the hands of the Caledonian Society to-night.

I come now to the toast to which you have asked me to reply, and which has been proposed in such optimistic tones by my friend Mr. Mackenzie. I am afraid that the whisky tax led him to take rather a jaundiced view of the prospects of the land in which he lives. He reminded me a little of the sad-minded piper who played "Flowers o' the Forest" at a wedding breakfast, and explained that his own experience as a married man had led him to conclude that a bridegroom and a corpse were equally fit subjects for lamentation. Mr. Mackenzie apparently feels that life in Kenya cannot be called real life at all. It is, or will shortly be, only a kind of

existence. Well, now, is Kenya really so bad a place to live in as all that? He complained of many things—the slight fall in the total value of exports, for instance. Well, gentlemen, when you deal with such things, you must be sure that you know all the relevant facts. If you are comparing the exports of last year with this year, you must remember to state that the exports of Jubaland, which consisted in the main of valuable ivory and figured in the returns previously, are now excluded from them. When speaking of maize, you must know that the local consumption was much higher in the later than in the earlier period. You must also know that the export of copra fell considerably for a good reason—that it is now being used for manufacture locally. Figures are often misleading unless you analyse them.

Take another matter—taxation. It is perfectly true that here Europeans pay the very high sum of £35 per annum per head. It is equally true that in Britain at the present moment they only pay £15 per head. Yes, but remember that practically everyone who pays taxation in this Colony at the present time would, if he lived in England, be an income-tax payer. That fact is essential to true comparison. If you enjoy the large salary of £500 in England, you have £200 exemption, but on the other £300 you have to pay £18 per centum, with certain small abatements. Your taxation would, therefore, begin with £50 or so, and to that you would have to add other direct taxation, very heavy indirect taxation on food, liquor and tobacco, and municipal rates to which in this country there is no comparison. I was looking into this matter the other day, and a case was given me—quite an ordinary case—of a man and wife in England having an income of £650 a year. They had no family and lived in a very simple way. And yet the rates and taxes which they paid out of that £650 amounted to £200 a year. I am sure that if my friend, Mr. Mackenzie, will search his heart and his ledgers, he will find he is not paying anything like that in comparison to what he earns in this Colony.

I would also remind him that if you are going to add railway rates to taxation here you must add it to taxation elsewhere. Railway rates in England are very high indeed, and if those rates were added to taxation in England the total paid by industry and agriculture would reach a fabulous sum. I do not say these things because I think that taxation in Kenya is too light. On the contrary, I think that taxation here should be kept as low as possible, and that low taxation is absolutely necessary for the development of a young country.

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But I do plead for common sense when we are talking about the conditions in which we live out here; and, really, when it comes to the question of encouraging settlement in this country, I would rather have the apathy which Mr. Mackenzie quite unjustly attributed to the elected members of Council than the terms in which he commended the land he lives in to would-be settlers. For he presented a very forbidding picture.

For my part, I am a profound believer in the future of Kenya. I have been here a very short time, but I can at least claim this, that I am in a position to compare Kenya with other parts of the Empire, and I think that what this Colony has done, in view of what it has been through, is simply amazing. This Colony was more severely hit by the war than any other Colony of its kind—it really went through the mill, as no other Crown Colony did. The Colony also suffered more heavily than other colonies from the economic tidal waves which followed that world-wide conflagration. It suffered in the same way as other colonies, when the bottom dropped out of prices in 1921, and it had to face a change in currency as well at that very critical moment.

When you also look at the fact that during the last three years we have not had very good seasons here, I think the achievements of our people are wonderful. When such progress can be made under such disabilities, there is no doubt about the future.

I myself hold that this Colony presents an ideal climate and setting for a virile and progressive race, and I believe that such a race will be established here. It is true that the Colony has suffered badly from sickness and disease in certain parts. These are sad things, but they can be mastered, and have been mastered in other parts of the world. I know that it suffers, like all young countries, from a lack of equipment for the care of women and children, but these things are put right in time. People say, "But after all, these are the Tropics. Can a virile race ultimately settle and breed future generations here?" I can only give my belief that it can. It may interest you on this matter to hear what the experience of a great firm like Paulings was during the construction of the deep-water berths at Kilindini. The men there were working under the coral cliffs in conditions as trying to the white race as any conditions could possibly be. They had 92 Europeans altogether at work there. The average length of tour for all except divers was two years. The tour for divers was one and a half years. They worked for fifty

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hours a week, except divers, who worked for thirty-six hours a week. The amount of sickness amongst all these workers for the period which it took to construct the deep-water berths was only 3 per cent., and only eight of them had to go home to England in all that time on account of climate. I think that is a remarkable example of what our people can do even in the tropics and on the sea coast, when they really get down to it; and they have no comparable drawbacks of climate to face in the highlands.

Another fact which gives me confidence in this Colony is that, young as it is, production has already spread over many forms of agricultural and pastoral industry. Our eggs are in many different baskets, and that gives us a good basis of security. You all know that the maize crop was still an infant in 1921, yet in this year—the fifth year—we will probably be exporting a million bags. Coffee, one of our most valuable crops, will soon reach the million pound sterling level, and although sisal has already done remarkably well, it is still in the ascendant, and all I have heard in regard to it makes me certain that it has a very promising future.

We have also this further ground for confidence that the area for production, if we like, can be spread much more widely still. After all, it is easy to make fun-of experts, but you must buy your experience in one way or another. You can pay an expert or you can buy it by making the failures yourself. My view is that it is better to buy it from an expert because you get it cheaper in that way, and I am glad to say that what our experts have told us in regard to the dairying industry in this country, and the results so far of Sir Rowland Bifen's inquiry into wheat growing, give us every ground for confidence in the development of these industries, which are the special industries for closer settlement. We have great untouched areas which are still available for wheat. I am myself convinced that wheat is going to be one of the great agricultural industries of this country.

I think we have also reason to congratulate ourselves that the relations between races in this Colony are so good. I have been in other Colonies where relations are by no means so good; and although, as we know, people often say extreme things and violent things, everybody who lives in this Colony knows that the relations between employer and employed are, taking them broadly, very happy and very contented. There is absolutely no ground for what is often said, that the African is an unhappy worker on a European farm.

All these are grounds for confidence and congratulation. There is no reason for any sort of pessimism. But in the political sphere we are at a critical stage of our development, and I know it is widely felt that certain changes are desirable. The position of the Colony, and the political claims which it may advance, have recently been reviewed in a remarkable series of articles in the *East African Standard*. I do not always agree with what the *East African Standard* says, and I by no means agree with all that its correspondents say, but I consider that the *Standard* has done a very real service to the Colony by publishing this series of articles at the present time. It is proper, I think, that on this toast I should say a word on some of the points raised by those articles, and in particular on what seem to me the two most critical features in the present situation of the Colony.

In the first place, I think everybody is beginning to realise that it is idle and blind to discuss the future of one of the East African Territories by itself, and that everything here must be discussed in relation to the other two. What they do in Tanganyika and in Uganda affects us here profoundly, and what we do here affects them also. I think we are all beginning to recognise that. We have found it in regard to railways, over which, as you know, we are discussing an arrangement on rates. We have found it in regard to Customs, and we have found it in regard to all forms of communication.

Finally, as you will all recognise, the dual policy of white settlement and native production cannot possibly succeed in this Colony unless it is spread over a wider area. In South Africa you had in the past an example of the difficulties created by different native policies in different parts of the territory, all tending to defeat each other and to cause difficulty and confusion. I notice that somebody says "Question". If he will look again at Lord Selborne's famous memorandum or at any other of the chief State papers which followed it, he will find that the urgent need for co-ordinating native policy was one of the considerations that most strongly influenced the makers of that great Union.

Co-ordination of policy is absolutely essential as between different parts of our own European community in this Colony; and if that is the case, if it is important that Government and settlers and missionaries and all other people working for the good of the native should, so far as possible, speak with one voice, it is still more important that all Governments should

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speak with one voice on the fundamental questions of native policy and colonial development. I think, therefore, that you will agree that the Secretary of State's endeavour to provide for a new means of co-ordination through the Governor's Conference was a wise one. I cannot speak for other Territories, but I know that so far as Kenya is concerned the uncertainty which hangs over us in certain directions does affect settlement, does affect investment, does affect credit and development. I know that fact will be endorsed by everyone, like my friend beside me, Mr. Legat, who is in close touch with our business conditions.

I wish particularly, having referred to this aspect of our problems, to disclaim both on behalf of the Colony and on my own behalf, any grandiose ideas of trying to force our ideas upon other Territories. We do not want that at all. Kenya, I am sure, only wants a square deal. And so far as I myself am concerned, if I find that any views which I think it right to advocate are in any way associated with my own personal advancement, I shall free them at once of that disability by asking that my post be considered vacant from the time they are put into effect.

That is one feature of the situation here. I feel it important to call attention to it. I apologise for making so serious a political speech, but I understand that is what you like of the Governor when he comes to the Caledonian dinner.

I come now to another feature which seems to me equally important. The two are bound up together. I come to the question of the political development of Kenya. I have recently received a resolution from the Convention of Associations urging that the time has come when a further step may be taken towards self-government in this Colony. I understand that that view is widely shared and that I may, in the near future, receive representations from other sources to the same effect. Well, Gentlemen, that view has my instinctive sympathy. But if I am to do my duty by you, if I am to do any true service to the Colony, I think I am bound to tell you what difficulties stand in the way, in order that all of you who hold these views may realise what you have to face. I am not helping you or doing you any service unless I present the facts to you without equivocation.

You will realise that the difficulties are considerable if you read the statement by the late Secretary of State for the Colonies, Mr. Thomas, which was printed in this morning's

paper. That statement illustrates suspicions regarding this Colony which are very widespread, although entirely unfounded. We have to accept these suspicions as one of the facts in the situation with which we have to deal, and I would say this to you. Remember that much of this criticism does not come from unfriendly critics. Unfriendly critics you can rule out at once. They defeat themselves. They are too malevolent, they overstate their case, they twist the facts. This Colony has nothing to fear from that extreme form of criticism, whether in England or elsewhere. What you have to pay attention to is friendly criticism which wants to help, which wants to see the Colony succeed. That is the only kind of criticism to which I pay any attention myself.

What do the friendly critics feel about us? As I said they want us to succeed. When speaking of Kenya to balanced and experienced critics of that type, I have often felt that they are like old cricketers in a pavilion watching a young cricketer batting on a bad pitch, against deadly bowling and close fielding, at a critical moment in the match, and terribly anxious that he should play his part successfully. An upstrik stroke makes them hold their breath. A good stroke they cheer with enthusiasm. That is the feeling of people in England who watch this Colony critically and who want to help it. You must realise that their anxiety is natural, because the problem with which we are dealing in a very special form here is the most critical problem of the twentieth century—the problem as to what mutually helpful and progressive relations can be established between highly civilised and uncivilised races. This is one of the cardinal problems of the century, and as far as the British Empire is concerned, there is no problem which goes more to the root of its welfare and its security.

What is the first difficulty which such friendly critics feel? It arises on the subject of labour—African labour. Everybody agrees as to first principles in regard to African labour or any other form of uncivilised labour. On these questions we should go, not to the people who theorise, but to the people who have had actual experience of administration. I therefore quote upon them one of the greatest administrators of the last century, Lord Cromer, who restored Egypt. Lord Cromer on compulsory labour said this:—

We do not stigmatise as slavery such labour when, under all possible safeguards against the occurrence of abuses, it is employed for recognised

and indispensable purposes of public utility. On the other hand, we regard the system, when employed for private profit, as wholly unjustifiable and as synonymous with slavery."

That is a clear statement by one of our greatest administrators. In principle, it is accepted by everybody. Why is it accepted? Why is it that this doctrine has spread right across the world and that no one any longer publicly challenges it? The reason is this. There are many arguments which may be advanced to show that slaves have been happier in the conditions of slavery than they were afterwards when they were emancipated. Change and adjustment are always hard on primitive peoples. But though the change is often slow in producing its final good result, it is a necessary condition of progress, and there can be no progressive relations between civilised and uncivilised peoples unless it is faithfully and scrupulously carried out. For slavery is a two-edged evil, which degrades not only those who endure but those who enforce it. Bad as slavery is for slaves, it is worse for masters; and every race that has become dependent on forced labour of any sort has gone down before the self-reliant races that rule the world. I say that everybody accepts that principle. But what friendly critics ask us is some assurance that the application of that principle is unswerving and complete. We can give that assurance in Kenya, and I desire to give it in terms to-night.

Take, for instance, the question of the Dual Policy. We have all agreed, Governments, missionaries, settlers, and others who study the native, that the African cannot progress unless he is taught to work. But manifestly if he is taught to work, he must be given the alternatives of either working for himself in his own lands or else, if he chooses, for an employer elsewhere on alienated land. Once you take the former alternative from him or limit it in any way, you bring in compulsory labour by a side door, and it is the ruling race even more than the backward race which will ultimately pay most heavily for such equivocation or compromise. Freedom of choice in this is absolutely essential. Friendly critics are anxious for assurance on that point, because our unswerving application of the principle is essential to the character and security of the Empire in Africa. I repeat that, in Kenya, we can give that assurance with clean and clear consciences to-day.

Now let us come to another matter on which our friendly critics ask for assurances. That is the matter of taxation. I

have sought the latest figures upon the distribution of taxation in this Colony according to this year's census return. The complete returns take some time to work out in detail in the districts and are not complete for 1925, but I can give the returns for 1924. They show this. The European population—who numbered 12,529—paid as their contribution to revenue £444,789, or £35/10/- a head. The Germans paid £53,423 or £20/17/- per head. The Indians paid £165,813 or £6/4/- per head. The natives paid £939,849, nearly a million pounds, or 7/3d. per head. Other races paid £35,000 or £2/18/- per head.

It is perfectly clear from these figures that the Europeans paid by far the largest share per head, but it is also clear that they only paid a quarter of the total tax revenue. When therefore we talk of any further movement towards self-government in this Colony, friendly critics will wish to be assured that we realise the greatness and the searching nature of the responsibility which will be laid upon us in regard to the taxation of other communities.

There is another anxiety behind these two points which I have dealt with, something more than the desire for assurance about the labour question, something more than the desire for assurance about taxation. That anxiety is this. Our very best friends say, "Can you really develop and make safe for ever a self-governing European British Colony, if all European enterprise is economically dependent on African labour?" That question is put. We are unquestionably so dependent at the present time, and I would like to say one word in this connection on what fell from the lips of my friend Captain Robertson. I refer to the Defence Force Bill. It was introduced into this Colony five years ago and was discussed on and off for the greater part of three years. It has been awaiting the sanction of the Secretary of State ever since 1923. There has, therefore, been plenty of time for all objections to be heard, and I do not wish to go into the objections to-night. But when we talk of conscription, I would call attention to one important feature in the position of the white man in a Colony like this. It is rather a different situation from that in Europe or elsewhere. We are at all times paying African soldiers and policemen to maintain our peace and our safety. On Sunday night I was at the Scottish Kirk and I heard a sermon preached by Dr Orr in which he said that perhaps the greatest moment in the life of a young man, after he had realised the ties of family life, was realising the ties and claims of the nation to which he belonged. I do not think it is a bad thing, in

whatever form you may put it, that young men in a country so dependent as this on African labour and on African service, should recognise that they also have some obligation for the welfare of their own people, the peace of the Colony, and the security of the King's Government in Africa. I say to you, gentlemen, in all seriousness, not only on that ground, but on other grounds, that our dependence upon the African in this Colony at the present time is too great. Friendly critics want to see a firmer basis than that for a self-governing European community, and I believe that you can secure that wider and firmer basis if you choose.

You can secure it by taking the line of closer settlement with those crops which are not dependent to any serious degree on African labour of any kind. Those are the crops on which three great Dominions have been built up, and you have a great future here for closer development upon those lines. I am not speaking to the prejudice of other crops equally vital to the Colony. They are the crops on which the Colony has been built up, and I do not say one word to their detriment. Closer development must be gradual, and if you concentrate your closer settlement upon forms of agriculture which require less labour, the existing crops of the Colony can continue to flourish and expand with far less anxiety regarding labour. For closer settlement we need above all things greater independence of the labour problem and smaller estates.

I am indeed convinced that stability and security in this Colony can only be secured if, on the one hand, you have an independent settler community based on crops which are practically free from the vagaries of African labour, and, on the other hand, at the opposite pole, Africans developing their own reserves and in no way compelled to labour for European employers unless they choose. If you have these two firm bases, there will be between them a very large common ground for co-operative development, and I do not believe that the crops which have proved so successful in the Colony will suffer or cease to expand. I speak perhaps with more conviction than I am entitled to, considering how short a time I have been in this Colony, but I have seen this problem in other parts of the world, and it is true that lookers-on sometimes see more of the game than those engaged in it. This, believe me, is the only sure road which will lead through your dangers and difficulties at the present time. What will it do for you? It will, in the first place, gradually reduce the urgency of the labour problem. It will give you increased settlement, and

by that means will spread the charges of development over a larger European taxpaying community. It will give an independent basis to white settlement which is absolutely essential to its success, and with that assurance to your friendly critics you will achieve a steadiness and stability for the Empire in East Africa which it cannot otherwise attain.

Gentlemen, I apologise for addressing you after dinner with such gravity and at such length. I have expressed no opinions of my own to-night on the important political issues to which I have referred, but I have thought it right to tell you what the facts are and what your difficulties are. I have announced no policies: I have only called attention to things that anybody can see who will look into things as they are.

But although I have spoken of difficulties, I can assure you that for my part I have an absolutely firm faith in the future of white settlement and in the future of my own people in this part of Africa. I have firm faith in it because I believe that what history has shown in other parts of the Empire will be shown here—that there is in our people a prevailing wisdom, fairness and integrity which always tell in the long run and which always pursue the right. It is perfectly true that these qualities may waver from time to time in trouble like the needle of a compass, but they always swing true in the end to the great magnetic tradition which has guided the Empire through all straits and storms, however difficult at moments the course might be.

I have done, Gentlemen. I have no anxiety in talking to Scotsmen about the Empire, for no one has done more than Scotsmen to build the Empire up. I sometimes feel indeed that Scotsmen have a keener cutting edge to their patriotism than Englishmen. However that may be, in my travels I have noticed that there are more statues of Burns about the Empire than of Shakespeare. The only criticism I have to make is that while such statues always carry quotations about "a happy fireside clime wi' weans and wife," they derive in fact from joyous Caledonian evenings far from weans and wives. I hope that a statue of Burns will not be the first statue in Nairobi. My friend, Mr. Northcote, the President of the St. George's Society, should see that Shakespeare gets up first.

Gentlemen, I thank you again for the welcome which you have given me and for the patience with which you have listened to a very serious speech.

147

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Gentlemen, I thank you again for the welcome which you have given me and for the patience with which you have listened to a very serious speech.

240

RECEIVED
16 MAY 1927
COL. OFFICE

149

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

Dated 16th May.

(Received Colonial Office 2.10 p.m. 16th May, 1927)

175 16th May

11027

My telegram of 7th May No. 166 Following forwarded at the request of Cable begins:- Petitioner(s) through Anticonscription Committee ask the Secretary of State to delay final decision on conscription bill until the Chairman of the Anticonscription (Committee) arrives in London in July to present the case. Ends. Vide my telegram of 14th May.

11032

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16MAY 1927
COL. OFFICE

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Order recd: 28 151
8.0k. 9/15/27

Mr. Bonhoming 9/15 et al

Mr.

Mr.

Mr. E. J. Harding.

Mr. C. Strachey.

Sir J. Shuckburgh.

Sir G. Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby Gore

Earl of Clarendon.

Mr. Amery.

(40:23) 9 May 1927
Unw. no. 32

Your tel: of 2 May 1927

DRAFT. Code of

Governor
Nazisti

Defence Force Bill has not been
completely re-examined but I
am anxious that if passed
it should represent the wishes
of the general European
population. It after
going through Council it should
be reserved and sent home
with full report including
your comments not only on
anti-conscription petition
but also on that published
in E.A. Standard April
2nd on omission of oath.
Omission has given rise
to questions in Parliament

as to possibility of wrongful
use of organization of force.

I have received your tel. of ~~7~~⁵ May (25)

~~No. 163~~ 163 your tel. of 7 May 1966. (27)

26 21
152

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

Dated 7th May 1927 - consider both.

(Received Colonial Office 9.15 a.m. 9th May 1927)

Priority. No.166. 7th May. Following at request of Anti Conscription Committee begins Secretary of State for the Colonies. Signatories of Anti Conscription petition now number 1,500 against about 3,000 of the whole of Kenya electorate roll at time of elections. 56% of the roll recorded votes where seats contested hence if contest of country total voters only 1,700 petition signatories far exceed all votes actually recorded last election despite conscription advocacy of Government and press. Signatures of 860 Nairobi 230 Mombasa 410 country districts signatories claim the honouring of repeated official pledges no (?) general consent no compulsion ends. I do not attach importance to the numbers of signatories of petition which has not yet reached me It has I believe been signed largely under misapprehension as to practical effect of the bill and by objectors to any kind of compulsory training. The opinion throughout the country is undoubtedly strongly in favour of the bill and all elected members will I think support it. The objections have chiefly come from Nairobi and the position of Nairobi members was stated to you in telegram sent to you on 5th May at the request of Ward. Deduction regarding proportion of signatory voters valueless in respect of total European population. With regard to alleged official pledges please see speech of Grigg to Legislative Council delivered 17th December page 8. Full particulars of the bill were before the country at the elections. I am proceeding with the bill which will

ickn only tel 9 May/27

No 25

Incl. to
No. 20

152

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icked only Tel 27 May 27

11015

Encl. to No. 20

be passed here and sent to you with petition, assent
being reserved until you can consider both.

No. W 3952/1034/17.

4th May, 1927.

Your Excellency,

With reference to your note of the 9th February I have the honour to inform Your Excellency that the Bill "to provide for the organisation of the European inhabitants of the Colony and Protectorate of Kenya for the defence thereof", which was published in the Official Gazette of the 20th November last, has now been amended. A copy of the new Bill, which, as you will notice, has not yet been introduced into the Legislative Council, is enclosed in the accompanying issue of the Official Gazette.

2. While it was never the intention that non-British subjects should be compulsorily liable for service, the text of the Bill as now amended, makes it quite clear that only those foreigners can serve who volunteer to do so and receive the government's permission.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

(For the Secretary of State)

(Signed) R. H. CAMPBELL

His Excellency

Monsieur Arde Fleuriau, S.C.V.G.,

etc., etc., etc.

RECEIVED

6-MAY 1927

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

Dated 5th May.

(Received, Colonial Office, 2.19 p.m., 5th May, 1927)

163. 5th May Following from Ward, Member of the Legislative Council Nairobi, begins:-
Reference to your answer House of Commons Gillet. My remark referred to public meeting held to discuss original bill. Since then I have contested and won election against anti-conscription candidate. Schwartze Nairobi South and I have held referendum of both Nairobi constituencies result in his case 3 to 1 majority in favour of the bill and in my case 50 per cent majority in favour. Agitation against organised by agile Socialist minority in Nairobi which if it successfully influences the present issue will repeat the performance whatever suitable catchwords can be found to the detriment of the constitutional Government of the Colony. Ends.

*N^o 18 in
Sub file A*

acc'd. only Tel. 9 May 27.

156

25

RECEIVED
3-15-27
COL. OFFICE

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

157

Dated 2nd May, 1927.

(Received Colonial Office 5.35 p.m. 2nd May, 1927.)

Urgent.

157. 2nd May. Defence Force Bill My despatch 31st
March Council meet 10th May and I propose that this
Bill be then introduced and taken through all its
readings. A petition has been intirculation against
any form of compulsory enrolment at the outset but has
not yet reached me and in my opinion and that of my
advisers the country are expected to strongly support
measure and it will I believe be supported by all the
unofficial members. The petition will be forwarded
to you with my comments as soon as received. Shall be
glad of early reply to paragraph 7 of despatch
referred to.

157
19

X.10018/27 Kenya.

21
158

Mr. Allen 27.4.27.

Mr. *Bottanley 27 f*

Mr.

Mr. E. J. Harding.

Sir C. Strachey.

Sir J. Shuckburgh.

Sir G. Grindle.

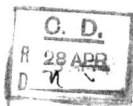
Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore

Earl of Clarendon.

Mr. Amery



S/S

Downing Street,

29 April, 1927.

Sir,

I am etc., to acknowledge the

receipt of your letter of the

21st March (W.2170/1034/17), and to

transmit to you ~~for communication~~

~~to the French Ambassador the~~

accompanying revised draft of the

Kenya Defence Force Bill, which it is to suggest that it should be communicated to the French proposed to introduce into the Ambair with an explanation that it Legislative Council of Kenya. has not yet been introduced in the Legis. Col of the Colony. ©

2. It will be observed

that the provisions of the draft

(No.15)

enclosed in the letter from this

Department of the 12th March

have been largely modified; and as

regards the points referred to in

your letter under acknowledgment

arising

DRAFT.

The U.S. of S.,

Foreign Office.

Copy Bill sent home with No 20 in the file

arising out of Sections 3 and 5 of
the original Bill, I am to refer
to Sections 11 and 14 of the
amended Bill.

I am, etc.,

(Signed) W. C. BOTTOMLEY.

20
159



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA.

No. 217

RECEIVED
22 APR 1927

31st March, 1927.

Sir,

Bill.

I have the honour to transmit twelve copies of a Bill to Provide for the Organisation of the European Inhabitants of the Colony of Kenya and for the Defence thereof, together with a statement of the Objects and Reasons as published for introduction to Legislative Council in the Official Gazette of the 16th March.

Speech.

Memorandum.

2. The history of the Bill is outlined in this statement as well as in Sir Edward Grigg's speech to Legislative Council of the 17th December. Six copies of this speech are enclosed, together with six copies of the explanatory Memorandum covering the Select Committee's Report, which was published in January in accordance with the undertaking given by the Governor in his speech. The annexures so fully explain the amendments made to the original Bill that I do not consider it necessary to amplify them to any considerable extent.

3. Despite certain opposition in the Nairobi constituencies it is, I think, clear from the elections that the large majority of the European population of the Colony is in favour of the /principle

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

principle of compulsory enrolment and service.

Annotated Copy

4. I attach a spare copy of the Bill showing, marginally noted in red, the new features which have been incorporated as a result of the recommendations of the Select Committee. These recommendations have been accepted by Government subject to the following modifications in detail now embodied in the Bill.

Section 6. This has been re-drafted so as to provide in the first instance for the appointment of a Local Defence Committee which should be constituted and consulted before any appointment is made by the Governor to the post of District Commandant in any Defence Force District.

Section 10. Class IV has been amended so as to include persons who have attained the age of 50 years without any reference to an age limit.

Section 13. The exemptions have been confined to those certified as medically unfit, and the power of granting other exemptions either wholly or partially has been vested in the Governor-in-Council. It was considered invidious in practice to specify individual exemptions and this amendment has been introduced accordingly.

Section 19. It has been made clear that the period of any musketry course is included in the aggregate period for the annual course of training as the maximum for the various classes in Section 18.

5. In addition, a provision empowering the Governor to call out the Defence Force or any part

/thereof

principle of compulsory enrolment and service.

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5. In addition, a provision empowering the Governor to call out the Defence Force or any part

/thereof

thereof for inspection under its own officers, which was contemplated, has been ~~de~~lated upon the advice of my Executive Council.

6. It will be observed that no provision for Training Camps has been made, as this question requires further examination, particularly in regard to its financial aspect, and I propose to refer it to a Select Committee of Legislative Council at a later date. I am strongly in favour of such provision being made to ensure a more complete and efficient training for men between 18 and 23.

This view was also held by Sir Edward Grigg.

The inclusion of provision in the Bill to enable such Camps to be held was very fully considered in Executive Council who advised, in view of the amount of controversy that the Bill had already aroused, that it was inadvisable at this stage to insert a new proposition which might create further discussion and lead to a division of opinion - the Legislative Council is now undoubtedly ~~is~~ strongly in favour of the Bill as it stands.

7. In view of the importance of the proposed measure I shall be glad to receive your instructions by telegram at the earliest date possible.

I would emphasise the importance of avoiding any further delay in the introduction of this measure.

If you feel that assent should not be given until the Bill has been further examined I would suggest that it be passed through its stages here and assent withheld pending your approval, but I trust that

/I may

I may be able to inform Council that your prior assent to it has been obtained.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

W. P. Graham
ACTING GOVERNOR.

COLONY AND PROTECTORATE OF KENYA.



LEGISLATIVE COUNCIL.

SPEECH

BY

H. E. THE GOVERNOR,

LT.-COL. SIR EDWARD GRIGG,
K.C.V.O., C.M.G., D.S.O., M.C.

17TH DECEMBER, 1926.

PRINTED AT THE GOVT. PRESS, NAIROBI.
1926.

H. E. THE GOVERNOR'S SPEECH
TO LEGISLATIVE COUNCIL
17TH DECEMBER, 1926.

HIS EXCELLENCY'S SPEECH, LEGISLATIVE COUNCIL.

17th December, 1926.

HONOURABLE MEMBERS OF COUNCIL :

There are three matters of considerable importance which will be submitted to you in this, the closing session of this Council. The first is the Appropriation Bill. On it depend all our services and I suppose therefore that it is the most important of these measures, but I think it requires no special comment from me. Second are the new taxation Bills. These are not on the paper until to-morrow, and since I wish this morning to devote my attention to the third subject, the Defence Force Bill, I defer any comment that may be required on the Bills to a future occasion.

The Defence Force Bill is probably the most controversial of the subjects now engaging the attention of the Colony. There is also about to be presented to you a resolution in favour of securing advice on the formation of a Land and Agricultural Bank in the Colony. I want to say a word about that before I sit down. But in the first place, and for the greater part of what I have to say this morning, I will deal with the Defence Force Bill.

Honourable Members here all know its history, and I propose to recount it briefly, not principally for internal consumption within the Colony, but for the enlightenment of critics outside the Colony, who may misunderstand our action and may misinterpret the controversy which has arisen.

The Defence Force Bill was introduced into this Council and read a first time on the 29th of August, 1921. It was then submitted to the judgment of a long series of public meetings, throughout the Colony, by Colonel Phillips and his staff officer. It was discussed at twenty public meetings in different parts of the Colony, and at all those meetings it was unanimously endorsed. The second reading was moved in this Council, after several months of discussion in the country, on the 30th of August, 1921. During that period, and after discussion in the country, circumstances had to some extent changed, and

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it was not considered desirable that an arbitrary Government should wield the wide powers contained in the Bill. For that reason at the end of that year, 1921, the Defence Force Bill was not passed, but Council proceeded to consider a Territorial Force Bill, which went through all its stages between the 19th of October and the 8th of December of that year. The Territorial Force Bill was the complement of the Defence Force Bill, but it also stands by itself, and it has been law ever since December, 1921. It can be applied by Proclamation in any district of the Colony. Despite that fact, I believe that there has never been an application from any district for the formation of a territorial force.

The Defence Force Bill was re-introduced again about a year later on the 8th of January, 1923. The changes in it were very slight and it was practically the same Bill as that of 1921. During the greater part of that year the Governor and a large delegation were absent in England on the Indian question. When the Governor returned, the second reading was moved and carried without a division on the 12th of November, 1923. The Bill was then referred to a Select Committee consisting of a majority of Elected Members as follows :—

The Officer Commanding Troops, Chairman.

The Colonial Secretary.

The Acting Attorney General.

Mr. T. A. Wood, the Member for Nairobi South.

Captain J. E. Coney, the Member for Plateau North.

Mr. Berkeley Cole, the Member for West Kenya.

Mr. Conway Harvey, the Member for the Lake.

Lord Delamere, the Member for the Rift Valley.

That Select Committee reported in favour of the Bill on the 31st of December, 1923. In accordance with Orders-in-Council a Bill of that character has to be referred to the Secretary of State before it is read a third time and passed by this Council. The Bill was accordingly sent home with the unanimous approval of the Colony.

In the following year, in August, the Member for the Lake asked what steps were being taken by Government to give effect to the Ordinance. The Colonial Secretary then replied that the Ordinance had been sent home in accordance with Royal Instructions and that the Secretary of State had declined to give his assent on the ground that it provided for

compulsory military service. The Colonial Secretary said that an amending measure was therefore in contemplation. This amending measure was considered, but never moved. In the following year—last year—on the 18th of April, the Member for the Lake moved a resolution in these terms :—

“ That this Honourable Council is of opinion that Government should press the Secretary of State to advise His Majesty to give assent to the Defence Bill as passed by this Honourable Council.”

That resolution was fully debated in this Council. In reply to the Hon. Member's motion the then Colonial Secretary said :—

“ The Secretary of State, writing on the 12th of February this year, stated that he was willing to agree in principle to the Defence Force Bill, as the matter of a compulsory principle has been accepted, but that he wished to be satisfied on certain points, such as the proposed employment of the Defence Force, its training, etc.”

The debate continued, and ultimately the Member for the Lake's resolution was unanimously carried. That was in April last year.

When I came to the Colony I found that according to all the records, and according to my advisers, opinion in the Colony in favour of the Bill was still unanimous, and I accordingly urged the Secretary of State to secure the King's assent for the Bill. The Secretary of State explained that the delay was solely due to the consideration of certain details in that measure by the Committee of Imperial Defence. That consideration was completed, and the comments of the Committee were received in this Colony not very long ago, and the Bill was then re-introduced.

I think it may be well for me just to recapitulate this brief historical review. It is five and a half years since the Bill was first introduced into this Colony and discussed throughout the Colony. It is four years since the present Bill, which is in principle the same as the old Bill, was introduced. It is three years since this Bill was sent to the Secretary of State. The Bill was re-affirmed by the unanimous resolution of this Council only last year. As I say, the representations which I made to the Secretary of State have led this year to the Bill coming out with the approval not only

of the Imperial Government, but with the approval of the Committee of Imperial Defence, which merely suggested some minor amendments. Owing to the fact that the Bill passed through its first reading, second reading, and the committee stage, not in this Council, which was elected in 1924, but in the previous Council, it was necessary to re-introduce it from the first stage in order that this Council should be able to take cognizance of it. It was accordingly republished in the Gazette a month ago in order that this Council might deal with it and discuss amendments, including the amendments suggested by the Imperial Defence Committee.

Let me emphasise that it was not published as something new; it was re-published. The text of the Bill has been public property for four years and had been available for public criticism all that time. It was fully discussed in this Council last year, and unanimously approved by this Council last year; and the opportunity was not taken by anybody in any part of the country to criticise it. Some criticism is natural now, but no one can say that the Colony has been misled in any way or kept in the dark regarding this Bill.

Let me add that I am not in any way criticising the Colony for what has occurred. It is quite natural that people who have very heavy work and concentrate on their own affairs should often neglect public questions like this, even when debated in this Council, until they become acute and urgent. But I want to defend Government against the charge of not considering public opinion in this matter. That is a serious charge. I must repeat that although Council discussed this measure last year, there was then no echo of disapproval in the Colony. Not only that, but before Government published the Bill a month ago, it received a unanimous resolution in favour of it from the Contention of Associations. If this experience be a model, which I do not think it is, a dispassionate observer might, I think, be pardoned for forming the conclusion that the business of ascertaining public opinion in this Colony sometimes resembles the bewildering and costly game known to sharpers as "spotting the lady."

So much for the history of the Bill. I come now to the merits. I have seen it stated in the course of the controversy which has recently arisen that the principle of compulsion is un-British. It may be as well therefore to consider for a moment the military organisation adopted by other British communities in a lonely geographical situation such as our own.

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In South Africa, every citizen between the ages of 17 and 60 is liable to render personal service in time of war. The country is organised in 15 military districts accordingly. The Defence Act prescribes that all young men between the ages of 17 and 25 shall undergo a periodical peace training spread over a period of four years. Only 50 per cent. actually undergo this training, unless Parliament makes special financial provision for the training of a greater number. This training is normally taken between the ages of 21 and 25. Those who are not called out for it are compelled to undergo training during the same four years in a Rifle Association. Provision is also made for the cadet training of boys between 13 and 17 in urban and other populous areas.

In Australia the principle is the same, though the period of training is shorter. The defence policy is based upon compulsory training for a citizen army, and Regular troops are maintained only in such numbers as are necessary to administer and instruct the Citizen Forces. Young men of 18 and 19 are liable for compulsory training in the Citizen Forces, boys of 16 and 17 for compulsory training as Senior Cadets.

In New Zealand the Defence Act imposes a liability upon every male New Zealander to undergo military training from 14 to 25. A boy is liable to serve from 14 to 18 as a Senior Cadet, from 18 to 25 as a soldier in the Territorial Force, and from 25 to 30 as a soldier in the Reserve. For the Senior Cadet 50 drills and a musketry course are prescribed annually. In the Territorial Force the soldier does 30 drills, 6 whole-day parades, and 7 days' continuous training every year. I do not know exactly at what strength the Force is normally maintained, but it is limited to a maximum of 30,000 men.

I hope I need not apologise for this plain recital of facts. Our measure has been denounced as un-British in character. The facts which I have recited demonstrate that, if the compulsory principle is un-British in character, that vituperative term must be applied to the established systems of three great Dominions of the Empire.

I expect that many Honourable Members know South Africa. I unhappily do not as yet, but I know Australia and New Zealand well; and I am confident that no one who knows those two Dominions will deny that they are fundamentally British in their political and constitutional ideas, wedded to freedom body and soul, and anti-militarist in every fibre of their being.

I think these facts should weigh with the European community in this Colony, and I have no doubt that they have already done so in no small degree. It is not an accident that all the European communities in the Empire which are far removed from great centres of European population and which enjoy responsible government have found it wise for many years to adopt the principle of compulsion for defence. It would be rash for us to take Great Britain, for all her accumulated tradition, for all her rich store of political wisdom and practical experience, but with her very different circumstances, as a complete and all-satisfying model. Our conditions are not hers, and I say unhesitatingly that for my part, looking at our position here upon this continent, I endorse the views of this question publicly held by both my predecessors, in common with a great body of experienced opinion throughout the Colony, since the war. I endorse the view that the compulsory principle in defence favoured by the Colony since 1921 is sound and suited to our circumstances.

That is the view of Government. But I cannot leave the matter there. Recent controversy has raised some issues which affect the matter closely, and with those issues, I feel bound to deal as briefly as possible.

In the first place I desire to repudiate in the strongest terms all suggestion that the compulsory organisation of Europeans for defence is based upon alarm of any sort regarding our relations with the King's African subjects in this Colony. The colonisation of Kenya has been exceptionally free from warfare against the native population. In many other territories our sovereignty has been established in the first or last resort by force of arms; but here our penetration has been, with very minor exceptions, entirely peaceful. The most warlike tribes in the Colony have, on the whole, been friendly to us. The main instrument which has established European settlement has not been a warlike instrument, but a civilising one—the Kenya and Uganda Railway.

Is there any ground for the fear expressed in some quarters that the establishment of an European Defence Force will induce the native to take a new and sinister view of the foundations of British civilisation in this Colony? I cannot believe it. The native has already learnt all that can be learnt of the part which force may be called upon to play in human affairs, even between highly civilised nations. He learnt that lesson amply between 1914 and 1918, and the creation of a

Defence Force will add nothing to it, unless his European preceptors are sufficiently wrong-headed to foster ideas which would not otherwise occur to him.

"A Defence Force, yes," some one may say, "but a compulsory Defence Force, that is another matter." I reply, that so far as native opinion is concerned, it cannot make the slightest difference whether the system is compulsory or voluntary. In his own history the African has never dreamt of anything but universal and compulsory organisation for defence. The compulsory principle will not seem peculiar to him unless, I repeat, misguided preceptors assure him that it is so. His views upon that question, as on many others, will depend largely on what is suggested to him.

I cannot too strongly repudiate the idea that the acceptance by the European of an obligation such as this Bill imposes—an obligation accepted by two other lonely British territories in the Empire, though they contain no native population—can adversely affect the friendly relations at present happily existing between the European and African communities in this Colony.

It is surely manifest that nothing which is good for European morale in this Colony can be anything but beneficial to the African. There is no danger of strained relations between the races here unless the European becomes too dependent upon African services and the African realises that he is so. We rely at present entirely upon African soldiers and African police. Splendidly they have served us. But they will serve us all the more loyally if they realise that at any moment when the King's peace may be endangered, organised Europeans, as well as organised Africans, will answer the King's call. Peace is a common interest of both races; it should not be left to the guardianship of the more backward alone; and some such organisation as this Bill provides is necessary to give adequate mobility to the reserve companies of the King's African Rifles, should they be needed to maintain peace upon our frontiers, as they have been in the past and as they may be again. Such mobility is impossible unless Europeans, as well as Africans, are organised to provide the King's Government with the necessary safeguards for good order at home.

That is the whole issue. Our Government in this Colony is not based on force alone. Far from it. But no Government in the world can dispense with a reserve of force available at call. Is that reserve to be wholly African? I say that it

consorts neither with the spirit nor the tradition of our race that it should be so. The organisation of a Defence Force will express our readiness to serve, equally with enlisted Africans, should the need arise. It will make for economy, for tranquility, and, above all, for sound and steady morale.

These are the views of Government. I recognise that a certain number of people may feel some difficulty in endorsing them so long as the Government of the Colony controls an official majority. To that objection I can only say that I believe it to be mistaken and more likely to delay than to promote the purpose by which it is inspired.

I also recognise that a compulsory system of organisation for defence can only be established in one way—by general acceptance throughout the Colony. Government therefore has no intention of forcing the issue in any way. An election is imminent, and an election is the surest constitutional means of testing the general opinion of the Colony. In common with all my advisers, official and unofficial, I have felt ever since I considered the existing Bill that it is in some respects no longer suited to the circumstances of the Colony. Conditions have changed since it was passed, and discontent with it in some particulars is natural. I will not delay Council by going now into the amendments which Government considers desirable, but I may say briefly that the liability to serve outside the Colony should be greatly modified, if not annulled, that better provision should be made for the training of the young, and that no less obligation should be laid upon those who have already had long training in the Services, and whose readiness to respond in emergency is beyond all doubt.

Government therefore proposes not to press the Bill in Council, but to refer the amendments considered desirable to a Select Committee of Council, to publish with the help of that Committee the outline of an amended Bill, and to submit that outline to the judgment of the Colony at the elections to be held next year. There can be no question of pressing such a Bill at the elections unless the elections show that the general opinion of the Colony endorses it.

I would like to say a word before I sit down on two other subjects which I have very much at heart. The first is research into native welfare.

Some weeks ago I informed Council of a proposal which this Government had made for encouraging the organisation of research on a large scale in this Colony with the help of

Imperial funds. I have no further information as yet about the progress of that scheme, but Government here in the meanwhile has arranged to detach an officer who can be spared, an officer of experience, Colonel Watkins, for an experiment in research over a small area. Colonel Watkins, as Members of Council know, is a good linguist. He has also been for years a close and sympathetic student of native customs and the native mind. He is to work in close collaboration with Mr. Walter, the Conference Statistician, whose grasp of method in this sort of work is unsurpassed. His instructions are to concentrate on a small area, and to endeavour within that area to make a complete picture of native life and custom. He is to deal in particular with vital statistics, the birth rate, the death rate, length of life, ages of mortality, and so on. He is also to deal with health and all that bears upon it, diet, disease, and customs of various kinds. He is also to look into land tenure, the ideas of industry held by the natives, and the economic area which may be adequate for the family unit. In short, he is to try and give a complete picture in miniature, over a small area, of tribal life and economy.

Government hopes by these means to secure two results in advance of the wider organisation of research, which will, I hope, be established. It hopes to secure, in the first place, a better general insight into factors affecting native welfare throughout the Colony, and also to obtain some guidance as to the most promising lines of research over a wide area.

The other subject which I have much at heart, is closer settlement in the areas already alienated or available for alienation.

The main difficulty which has delayed this hitherto has now been removed by the final fixation of the boundaries of the Native Reserves. A new Land Ordinance will be introduced next year, in accordance with the recommendations of the East Africa Commission, vesting the native lands in trustees and providing complete security of tenure. That is one arm of the Dual Policy, and until native boundaries were fixed and fully secured, further progress in settlement in the Colony was always bound to be difficult. That difficulty has now been removed, and I am anxious, even at this early stage, to thank the Kenya Advisory Committee, recently established to work with the Advisory Committee at home for the promotion of closer settlement.

They have already made two practical proposals to Government. The first is that £750,000 should be secured from Loan funds for a Land and Agricultural Bank. The second is that the advice of the Director of the very successful Government Land and Agricultural Bank in the Union of South Africa should be invited to come at an early date to advise us here, if the Union Government are kind enough to give him leave to do so. A resolution is upon the paper on this subject, and I hope it will commend itself to Council. I am particularly anxious to have the recommendations of such an adviser in my hands as a guide while I am engaged on the work of the Colony in London. If he comes in the early future, his recommendations and advice would, I hope, be available not later than the beginning of March.

I am leaving the Colony on January 23rd, by which time I hope that public opinion on the questions submitted at the elections will be reasonably clear. I am allowing myself a fortnight's holiday on arriving in Europe and have undertaken to be available in Downing Street at the beginning of March. I have been told that there are rumours about that I am not returning. I hasten therefore to say that my only object in going to England is to do what I can in the interests of the Colony in the shortest possible time and to return to the Colony after the shortest possible delay.

Colony and Protectorate of Kenya.

MEMORANDUM ON THE DEFENCE FORCE BILL.

Government consider that, in view of the responsibility resting upon the European inhabitants of this Colony for the defence thereof and the protection of life and property therein, it is desirable that special provision be made to enable such inhabitants promptly and efficiently to perform, when called upon, the duty of maintaining law and order incumbent upon them under the Common Law. For this purpose it is considered necessary that all able-bodied British male subjects of European descent or origin should be enrolled and organised, and that youths before reaching manhood should be adequately trained.

Dealing in Legislative Council on December 17th with the considerations which prompted Government to introduce a Defence Bill, His Excellency the Governor said :-

" I cannot too strongly repudiate the idea that the acceptance by the European of an obligation such as this Bill imposes—an obligation accepted by two other lonely British territories in the Empire, though they contain no native population—can adversely affect the friendly relations at present happily existing between the European and African communities in this Colony.

" It is surely manifest that nothing which is good for European morale in this Colony can be anything but beneficial to the African. There is no danger of strained relations between the races here unless the European becomes too dependent upon African services and the African realises that he is so. We rely at present entirely upon African soldiers and African police. Splendidly they have served us. But they will serve us all the more loyally if they realise that at any moment when the King's peace may be endangered, organised Europeans, as well as organised Africans, will answer the King's call. Peace is a common interest of both races; it should not be left to the guardianship of the more backward alone; and some such organisation as this Bill provides is necessary to give adequate mobility to the reserve companies of the King's African Rifles, should they be needed to maintain peace upon our frontiers, as they have been in the past and as they may be again. Such mobility is impossible unless Europeans, as well as Africans, are organised to provide the King's Government with the necessary safeguards for good order at home.

" That is the whole issue. Our Government in this Colony is not based on force alone. Far from it. But no Government in the world can dispense with a reserve of force available at call. Is that reserve to be wholly African? I say that it consorts neither with the spirit nor the tradition of our race that it should be so. The organisation of a Defence Force will express our readiness to serve equally with enlisted Africans, should the need arise. It will make for economy, for tranquility, and above all for sound and steady morale.

The Defence Force Bill was introduced to Council and passed its first reading on 29th August, 1921. It had previously been submitted to and discussed at some twenty public meetings held throughout the Colony by the Officer Commanding Troops and the Staff Officer, Defence Force. At all these meetings it was unanimously endorsed.

The Bill came up for second reading on 30th August, 1921. Owing to the wide powers contained in the Bill it was not proceeded with, but a Territorial Bill, which was complementary to the Defence Force Bill went through all its stages between October and December, 1921. The Territorial Bill (a volunteer measure) was complementary to the compulsory Defence Force Bill; but it also stands by itself, and has been law, although never applied, since December, 1921.

In January, 1923, the Defence Force Bill was again before Council, and in November of that year passed its second reading without a division. A Select Committee then reported in favour of the Bill and it was sent to the Secretary of State before being read for the third time. The Secretary of State withheld consent on the grounds that the Bill provided for compulsory military service.

In 1925, Members of Council pressed for assent to the Bill and the Secretary of State stated that he was willing to agree in principle to the Bill as the matter of the compulsory principle had been accepted, but that certain points of detail were being considered by the Committee of Imperial Defence.

The remarks of the Imperial Defence Committee were received here in May, 1926; they did not affect the principle of the Bill, but necessitated the legal redrafting thereof.

A Select Committee was appointed to report on the suggestions of the Imperial Defence Committee. In pursuance of the undertaking given by His Excellency the Governor in his speech to Legislative Council on 17th December, 1926, another Select Committee was appointed and has submitted the Report which follows this memorandum.

Government is now preparing a draft Bill, based in principle on the Defence Force Bill as passed unanimously in 1921 and 1923, and containing the modifications proposed by the Imperial Defence Committee and the recent Select Committee.

The defence measures of other British Colonies embody the principle of liability for compulsory service proposed for Kenya: South Africa, Australia, New Zealand have each adopted the principle of compulsory service and training. Southern Rhodesia's experience of defence measures has special significance; a Defence Committee in 1917 examined some 373 witnesses, 79 per cent. of whom were in favour of compulsory training, and the conclusion of that Committee was that the voluntary system was a failure. A Compulsory Defence Bill, providing for enrolment and training of all men between the ages of 19 and 23, has recently been passed by 15 votes to 6.

The Report of the Select Committee convened as promised by His Excellency the Governor in his speech on the 17th December, 1926, which was composed of:—

The Hon. the Officer Commanding Troops (Chairman).
The Hon. the Attorney General.
The Hon. the Member for Ukamba.
The Hon. the Member for Plateau North.
The Hon. the Member for Kenya.
The Hon. the Member for Plateau South.
The Hon. the Member for Nairobi North.
The Hon. the Member for the Lake.

is as follows:—

DEFENCE FORCE BILL.

MEMORANDUM PREPARED BY A SELECT COMMITTEE OF LEGISLATIVE COUNCIL APPOINTED TO CONSIDER THE PROVISIONS OF THE DEFENCE FORCE BILL AS RECENTLY PUBLISHED AND TO MAKE RECOMMENDATIONS THEREON.

1.—COMPULSORY SERVICE.

The Committee, with one dissentient, are agreed that local conditions necessitate the adoption of the principle of compulsory service in the Defence Force in order to organise the European population into an efficient and properly constituted Force for dealing with internal disturbances. (The Member for Nairobi North, although personally in favour of compulsory service for community defence in time of emergency, feels compelled as the result of a majority vote of his constituents to press for a Bill providing for voluntary service and to oppose any measure providing for compulsory service until a voluntary system has been given a fair trial.)

2.—DIVISION OF DEFENCE FORCE INTO CLASSES.

The Committee recommend that the Defence Force should be divided into Classes, as follows:—

CLASS I.—Persons who have attained the age of 18 years and have not attained the age of 30 years.

CLASS II.—Persons who have attained the age of 30 years and have not attained the age of 40 years.

CLASS III.—Persons who have attained the age of 40 years and have not attained the age of 50 years.

(Enrolment in the above Classes to be compulsory upon all male British subjects of European origin or descent, subject to the exemptions set out in the Bill as published.)

CLASS IV.—Persons who have attained the age of 50 years and have not attained the age of 60 years.

(Enrolment in this Class to be optional, but every person so enrolling to become subject to all the duties and obligations imposed by law upon members of this Class.)

see p. 5

3.—ORGANISATION.

The Committee recommend the formation of the following Committees:—

- (a) A Central Committee composed of the Officer Commanding Troops and one delegate from each Defence Force District.
- (b) A Central Sub-Committee composed of the Officer Commanding Troops and three other members of the Central Committee. (The main function of this Sub-Committee would be to advise the Governor in cases of emergency when it would be inconvenient to await the assembling of the Central Committee.)
- (c) A District Committee in each Defence Force District to be appointed by the Governor on the recommendation of the members of the Force in that District. The District or Resident Commissioners in each Defence Force District to be *ex-officio* members of this Committee.

4.—GENERAL TRAINING.

The Committee recommend that the periods of compulsory training which each Class of the Defence Force should be liable to undergo should be limited as follows:—

CLASS I.—A period not exceeding in the aggregate 100 hours in any one year.

CLASSES II, III and IV.—A period not exceeding in the aggregate 12 hours in any one year.

(The above periods to be exclusive of the time taken in travelling to and from the place of assembly.)

5.—MUSKETRY TRAINING.

The Committee recommend that power be taken to require any member of the Defence Force to fire a prescribed musketry course, but that such a course should not be compulsory on every member of the Force as provided in the Bill.

6.—EXEMPTION FROM TRAINING.

The Committee recommend that District Commandants should be empowered to exempt any member of the Defence Force in his District from all or any part of his annual training mentioned in paragraph 4 above.

7.—CALLING OUT DEFENCE FORCE.

The Committee recommend that there should be no power to call out the Defence Force or any part thereof for ceremonial parades or for any other purpose other than training and service. It is further recommended that power should be given to the Governor to order the Force or any part thereof to hold itself in readiness for emergency in lieu of actually calling it out, and that upon such order being given members should become subject to the provisions of the Army Act as if they were on service.

8.—ACTIVE SERVICE.

The Committee recommend that the liability of the Defence Force for service should be limited to service within the Colony.

9.—OATH.

The Committee recommend that the provision in the Defence Force Bill as published, requiring each member of the Force to take the oath, should be omitted.

10.—PENSIONS AND GRATUITIES.

The Committee recommend the appointment of a Pension Board to advise the Governor in regard to the grant of pensions and gratuities, and further recommend that the maximum gratuity in respect of temporary disablement should be a sum of £250.

11.—GENERAL REMARKS.

Subject to the modifications and amendments recommended in the preceding paragraphs of this Memorandum, the Committee are in general agreement with the provisions of the Defence Force Bill as published, but certain members have recorded reservations as noted below.

C. S. DAVIES, Lieut.-Colonel.
W. C. HUGGARD.
FRANCIS SCOTT.
J. A. ANGUS.
E. M. V. KENEALY.
T. J. O'SHEA.
CONWAY HARVEY.

Hon. Members for Ukamba and the Lake:

That Class IV should read "Persons who have attained the age of 50 and over."

Hon. Member for Plateau South:

Suggests that the last clause of para. 7 of the Report (dealing with the application of the Army Act) should be reconsidered to avoid the possibility of political abuse.

Hon. Member for Kenya:

Agrees to the Report with the exception of para. 11.

In a covering letter the Select Committee expressed the opinion that provision should be made for the inclusion in the curriculum of all European Boys' Schools of courses of physical training, drill and musketry, and that, where possible, similar courses should be provided in the various districts for boys under the age of 18 years who do not attend schools. In this connection Government is already considering the formation of Cadet Corps in Schools, and also views with favour the provision adopted in the Union of South Africa and Southern Rhodesia whereby young men under 23 are liable to attend annual camps for training and instruction.

In addition to the exemptions outlined in the Bill, Government proposes to exempt members of Executive Council and Ministers of Religion.

By Order of the Government.

Nairobi,
11th January, 1927.

E. B. DENHAM,
Colonial Secretary.

Annotated Copy 176



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GOVERNMENT NOTICE No. 159.

DEPARTURES.

Name	Rank	On leave or termination of appointment.	Date of Departure
W. M. Lynde	Asst. Director, P. W. D.	Leave	5th March, 1927
Miss G. E. Low	Postmistress	do	do
E. G. Gulliver	Collector of Customs	do	do
A. J. Field	European Clerk, Secretariat	do	do
Lieut. B. E. Horton	Lieut. 3rd K. A. R.	do	do
K. S. J. Chamberlain	Asst. Treasurer	do	do
D. Storn-Fox	A. D. C.	do	do
Miss M. E. Mindham	Nursing Sister, Medical Department	do	do
Mrs. M. M. Breerton	Head Mistress, Education Department	do	do
E. J. Harrison	Asst. Inspect. Police	do	do
J. D. McKean	A. D. C.	do	do
R. L. Creary	Veterinary Officer	do	do
F. J. Thomas	Preventive Officer, Customs	do	6th March, 1927
H. S. Land	Asst. & O. S. Agricultural Department	do	do
W. White	Clerk, Veterinary Research Department	do	do
H. L. Bayles	Lt. Treasurer	do	do
S. E. J. Howarth	Chief Accountant, P. W. D.	do	do

APPOINTMENT.

JAMES SANDFORD ROSS, to act as Chief Accountant, Public Works Department, with effect from the 1st of March, 1927.

SWAHILI EXAMINATION.

LOWER STANDARD—PASS.

H. LAMONT, Storekeeper, P.W.D.

T. R. GINGER, Inspector, Water Supply, P.W.D.

POLICE PASSED FOR PROMOTION TO ASSISTANT INSPECTORS

J. P. MAY, European Police Constable.

R. D. SHARPE, European Police Constable.

CORRIGENDA.

Government Notice No. 145, page 279, Official Gazette No. 1131, 9th March, 1927: the words "the Elected Member for the Ukamba Electoral Area" three lines from the end should be amended to read "the Elected Member for the Mombasa Electoral Area."

General Notice No. 182 in Official Gazette of 2nd March. For the words "heard at Nairobi" read "heard at Kisumu."

J. F. S. MERRICK,
for Acting Colonial Secretary.

Colony and Protectorate of Kenya.

GOVERNMENT NOTICE No. 160

HIS EXCELLENCY the Acting Governor has approved of the following Bill being introduced into Legislative Council:—

G. R. SANDFORD,

Clerk to the Legislative Council.

A Bill to Provide for the Organisation of the European Inhabitants of the Colony of Kenya for the Defence thereof.

WHEREAS, in view of the responsibility resting upon the European inhabitants of the Colony for the defence thereof and for the protection of life and property therein, it is desirable that special provision be made to enable such inhabitants promptly and efficiently to perform, when called upon, the duty of maintaining law and order incumbent upon them, under the common law:

AND WHEREAS for the above purpose it is necessary that all able-bodied British subjects of European origin or descent should be enrolled and organised, and that youths before reaching manhood should be adequately trained:

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

PART I.

ESTABLISHMENT, ORGANISATION AND ADMINISTRATION OF DEFENCE FORCE.

1. This Ordinance may be cited as "the Defence Force Ordinance, 1927," and shall come into operation on such date as the Governor may by notice in the Gazette appoint. Short title and commencement.

2. There shall be established a Force to be known as the Kenya Colony Defence Force (hereinafter referred to as "the Defence Force") which shall be under the supreme command of the Governor, and the members of which shall be liable to render general military service in any part of the Colony for the defence thereof or any part thereof or for the protection of life and property therein. Establishment of Defence Force.

(Service limited to the Colony and Protectorate)

3. (1) The Governor shall appoint an officer to be Commandant of the Defence Force, who shall be responsible for the discipline and efficiency of the Defence Force. Organisation of Defence Force.

(2) The Governor shall appoint a permanent headquarters staff which shall consist of a Staff Officer and such other ranks as the Governor may deem expedient.

(3) The headquarters of the Defence Force shall be at Nairobi.

4. (1) The Governor shall appoint a Central Defence Committee consisting of the Commandant and one delegate from each Defence Force District. Central Defence Committee.

(2) The Central Defence Committee shall perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder. (Constitution of Central Defence Committee provided for)

Central Sub-Committee.

(3) It shall be lawful for the Governor to appoint a Central Sub-Committee, consisting of the Commandant and three other members of the Central Defence Committee, for the performance of such functions and the execution of such powers and duties as may be delegated to the Sub-Committee by the Central Defence Committee.

Defence Force Districts.

5. (1) For the purposes of this Ordinance the Governor shall divide the Colony into districts to be known as Defence Force Districts, and shall designate the same respectively by such names as he may think fit: Provided that the Governor may at any time alter or abolish such districts or designations and may appoint others in place thereof respectively.

(2) Each Defence Force District shall, in accordance with the provisions of this Ordinance and of any Regulations made hereunder, be organised as far as possible so as to constitute units complete for service in the field, including Supply, Transport, Medical and Veterinary Services, and shall hold its own stock of reserve arms and ammunition, and shall have its own first and second line Transport allocated to it.

District organisation

6. (1) The Governor shall appoint in each Defence Force District a Local Defence Committee which shall include the District or Resident Commissioners of any areas included in such Defence Force District and such other persons as the Governor, on the recommendation of the members of the Force in such District, may approve.

(2) The Governor shall, after consultation with the Local Defence Committee, appoint in each Defence Force District a District Commandant and such Section Commanders as he may deem expedient. Each District Commandant shall *ex officio* be a member of the Local Defence Committee for the district in which he is appointed.

(3) The District Commandant, Section Commanders and Local Defence Committee shall respectively perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder.

Power of Local Defence Committee

7. (1) Each Local Defence Committee shall draw up a scheme of defence for its district, including the selection of rallying points, the establishment of defensive posts and the arrangement of a system for the collection and use of available supplies and transport during such period as the Defence Force or any portion thereof shall be called out on active service.

(2) Each Local Defence Committee shall also collect such topographical and other information as it may consider necessary or expedient. Any such topographical information shall be inserted in the existing maps of the Defence Force District so that the same shall at all times be kept up to date.

(3) The Local Defence Committee shall from time to time send duplicate reports on all or any of the foregoing matters to the Staff Officer of the Defence Force.

Power of Governor to dispense with services

8. The Governor may at any time dispense with the services of any officer or member of the Defence Force or of any member of the Central or Local Defence Committees.

Power of Governor to delegate authority

9. The Governor may, for all or any of the purposes of this Ordinance, delegate all or any of his functions, powers and duties under this Ordinance to such person or persons as he may deem expedient.

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PART II.

CONSTITUTION AND ENROLLMENT OF DEFENCE FORCE.

10. Members of the Defence Force shall be divided into the following classes, namely:—

Division of Defence Force into Classes.

5 Class I.—Persons who have attained the age of eighteen years.

Class II.—Persons who have attained the age of thirty years and have not attained the age of forty years;

new
(Persons of Compulsory Training limited)

10 Class III.—Persons who have attained the age of forty years and have not attained the age of fifty years;

Class IV.—Persons who have attained the age of fifty years.

15 11. (1) Subject to the provisions of this Ordinance, every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and has not attained the age of fifty years, and who is ordinarily resident in the Colony, shall attend at the office of the District or Resident Commissioner of his administrative district within one month after the commencement of this Ordinance or within one month of attaining the age of eighteen years or becoming so resident as aforesaid, as the case may be, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age, and if any such person shall fail so to enrol himself he shall be deemed to be enrolled as a member of the Defence Force.

Compulsory enrolment of male British subjects between the ages of 18 and 50 years.

(Compulsory enrolment limited to persons between 18 and 50 years of age)

(2) Any male British subject, both of whose parents are of European origin or descent who has attained the age of fifty years may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of his District or Resident Commissioner of his administrative district and shall enrol himself as a member of Class IV of the Defence Force.

Voluntary enrolment of male British subjects who have attained the age of 50 years.

new

35 (3) Subject to the permission of the Governor, any male person, not being a British subject but otherwise qualified in regard to age and origin or descent, may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner as aforesaid, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age.

Enrolment of persons other than British subjects.

(4) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions shall only be enrolled or deemed to be enrolled and liable to serve in their professional capacity.

50 12. Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the Defence Force or who volunteers for service therein may, with the permission of the District Commandant of the Defence Force District in which he ordinarily resides, elect to enrol himself as a member of any Class preceding the Class appropriate to his age: Provided that upon such enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance and by any Regulations made hereunder upon the members of the Class in which he is so enrolled.

Right of persons to elect as to Class in which they are enrolled.

new

Central Sub-Committee.

(3) It shall be lawful for the Governor to appoint a Central Sub-Committee, consisting of the Commandant and three other members of the Central Defence Committee, for the performance of such functions and the execution of such powers and duties as may be delegated to the Sub-Committee by the Central Defence Committee.

Defence Force Districts.

5. (1) For the purposes of this Ordinance the Governor shall divide the Colony into districts to be known as Defence Force Districts, and shall designate the same respectively by such names as he may think fit: Provided that the Governor may at any time alter or abolish such districts or designations and may appoint others in place thereof respectively.

District organisation

(2) Each Defence Force District shall, in accordance with the provisions of this Ordinance and of any Regulations made hereunder, be organised as far as possible so as to constitute units complete for service in the field, including Supply, Transport, Medical and Veterinary Services, and shall hold its own stock of reserve arms and ammunition, and shall have its own first and second line Transport allocated to it.

6. (1) The Governor shall appoint in each Defence Force District a Local Defence Committee which shall include the District or Resident Commissioners of any areas included in such Defence Force District and such other persons as the Governor, on the recommendation of the members of the Force in such District, may approve.

(2) The Governor shall, after consultation with the Local Defence Committee, appoint in each Defence Force District a District Commandant and such Section Commanders as he may deem expedient. Each District Commandant shall *ex officio* be a member of the Local Defence Committee for the district in which he is appointed.

(3) The District Commandant, Section Commanders and Local Defence Committee shall respectively perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder.

District of Local Defence Committee

7. (1) Each Local Defence Committee shall draw up a scheme of defence for its district, including the selection of rallying points, the establishment of defensive posts and the arrangement of a system for the collection and use of available supplies and transport during such period as the Defence Force or any portion thereof shall be called out on active service.

(2) Each Local Defence Committee shall also collect such topographical and other information as it may consider necessary or expedient. Any such topographical information shall be inserted in the existing maps of the Defence Force District so that the same shall at all times be kept up to date.

(3) The Local Defence Committee shall, from time to time send duplicate reports on all or any of the foregoing matters to the Staff Officer of the Defence Force.

Power of Governor to dispense with services

8. The Governor may at any time dispense with the services of any officer or member of the Defence Force or of any member of the Central or Local Defence Committees.

Power of Governor to delegate authority

9. The Governor may, for all or any of the purposes of this Ordinance, delegate all or any of his functions, powers and duties under this Ordinance to such person or persons as he may deem expedient.

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PART II.

CONSTITUTION AND ENROLMENT OF DEFENCE FORCE.

10. Members of the Defence Force shall be divided into the following classes, namely:—

Division of Defence Force into Classes.

Class I.—Persons who have attained the age of eighteen years.

Class II.—Persons who have attained the age of thirty years and have not attained the age of forty years;

new
(Persons of Compulsory Training limited)

Class III.—Persons who have attained the age of forty years and have not attained the age of fifty years;

Class IV.—Persons who have attained the age of fifty years.

11. (1) Subject to the provisions of this Ordinance, every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and has not attained the age of fifty years, and who is ordinarily resident in the Colony, shall attend at the office of the District or Resident Commissioner of his administrative district within one month after the commencement of this Ordinance or within one month of attaining the age of eighteen years or becoming so resident as aforesaid, as the case may be, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age, and if any such person shall fail so to enrol himself he shall be deemed to be enrolled as a member of the Defence Force.

Compulsory enrolment of male British subjects between the ages of 18 and 50 years.

(Compulsory enrolment limited to persons between 18 and 50 years of age)

(2) Any male British subject, both of whose parents are of European origin or descent who has attained the age of fifty years may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner of his administrative district and shall enrol himself as a member of Class IV of the Defence Force.

Voluntary enrolment of male British subjects who have attained the age of 50 years.

new

(3) Subject to the permission of the Governor, any male person, not being a British subject but otherwise qualified in regard to age and origin or descent, may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner as aforesaid, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age.

Enrolment of persons other than British subjects.

(4) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions shall only be enrolled or deemed to be enrolled and liable to serve in their professional capacity.

12. Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the Defence Force or who volunteers for service therein may, with the permission of the District Commandant of the Defence Force District in which he ordinarily resides, elect to enrol himself as a member of any Class preceding the Class appropriate to his age: Provided that upon such enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance and by any Regulations made hereunder upon the members of the Class in which he is so enrolled.

Right of person to elect as to Class in which they are enrolled.

new

Exemptions.

13. (1) All persons who are certified under the hand of a Medical Officer to be medically unfit for service under this Ordinance by reason of bodily or mental infirmity or unfitness shall be exempt from enrolment and service in the Defence Force.

(2) The Governor in Council may by order exempt any person or any class of persons from all or any of the obligations imposed by this Ordinance or by any Regulations made hereunder.

Preparation of lists of persons liable to serve.

14. (1) The District or Resident Commissioner (herein after referred to as "the officer in charge") of each administrative district shall, within two months after the commencement of this Ordinance, and during the month of January in each succeeding year, prepare a list, in the Form given in the Schedule to this Ordinance, containing the names of all persons in his district who are liable for enrolment and service or who volunteer for service under the provisions of this Ordinance.

(2) When such list has been prepared the officer in charge shall cause a copy thereof to be affixed in a conspicuous manner at his office and court-house, and shall cause a notice to be inserted in at least one newspaper of the day on which and the place at which he will hold a court for the purpose of hearing objections to such list, which day shall not be earlier than two weeks nor later than four weeks (unless for special reason) after the date on which the copy of such list was affixed as aforesaid.

(3) Upon the day and at the place so notified the officer in charge shall hold a court, and shall, on due proof by the oath of such persons as he shall see fit to examine or by statutory declaration or affidavit, correct all errors in such list, either by adding thereto the names of persons liable to enrolment and service or by striking off the names of persons who claim to be exempt. Such court may be adjourned from day to day until all questions as to the correctness of the list have been determined. The decision of the officer in charge upon any question arising in regard to the correction of the list shall be final.

(4) As soon as all questions as to the correctness of the list have been determined as aforesaid, the officer in charge shall forthwith transmit such corrected list to the Staff Officer of the Defence Force.

15. Any member of the Defence Force who leaves one Defence Force District to reside in another Defence Force District shall forthwith notify the District Commandant of each such District.

PART III.

ARMS, AMMUNITION AND EQUIPMENT.

16. Such rifles, ammunition and equipment as may be prescribed shall be provided by the Government for members of the Defence Force, and will be issued in accordance with the Regulations to be made under this Ordinance.

17. Every member of the Defence Force in possession of a Government rifle, ammunition and equipment as hereinbefore provided shall be responsible for the same and for keeping the same in a good and efficient condition, and shall be liable for any damage to such rifle, ammunition or equipment, due to his act, neglect or default.

PART IV.

TRAINING.

18. (1) Subject to the provisions of section 20, every member of the Defence Force shall in each year undergo the course of training prescribed for the Class in which he is enrolled: Provided that the annual course of training shall not exceed—

(a) in the case of Class I, a period of one hundred hours in the aggregate;

(b) in the case of Classes II, III and IV, a period of twelve hours in the aggregate.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of the prescribed period of training.

19. Any member of the Defence Force may be required, as part of his annual course of training, to fire such musketry course as may be prescribed.

(1) A District Commandant may, in his discretion, exempt any member of his unit from the performance of the whole or any part of his compulsory training under the two last preceding sections.

(2) A District Commandant may, in his discretion, authorise any member of his unit to fire his musketry course on any military or police range: Provided that in such case such member shall obtain a certificate of efficiency signed by a European Military or Police Officer.

21. The date and place for every course of training and every musketry course shall be notified by the Staff Officer, and notice of such date and place published in the Defence Force Orders and affixed in a conspicuous manner at the office of the District Commandant of each Defence Force District shall be sufficient notice to every member of the Defence Force residing in such District.

22. If any member of the Defence Force shall without reasonable cause or excuse, after due publication of the notice prescribed by the last preceding section, fail to attend at the place mentioned in such notice for the purpose of undergoing the prescribed course of training or of firing the prescribed musketry course, or shall fail to complete such courses or either of them, then and in any such case such member shall be liable, on conviction before a magistrate of the first or second class, to a fine not exceeding five pounds or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment: Provided that no such conviction shall be deemed to exempt the person convicted from all or any of his duties and obligations under this Ordinance or any Regulations made hereunder.

PART V.

MOBILIZATION.

23. (1) Whenever in the opinion of the Governor it shall be necessary for the defence of the Colony or any part thereof or for the protection of life and property therein, the Governor may, by proclamation, call out and mobilize the Defence Force, or such part or parts thereof as he may deem necessary, for active service:

Training

Musketry training

Powers of exemption in regard to training.

Notification of time and place of training.

Penalties for non-attendance at training or musketry course.

Calling out and mobilization of Defence Force

(Power to exempt from training vested in District Commandant)

new

Exempt class limited to persons medically unfit to serve

Change of residence of member of Defence Force

Government provides rifles and equipment

Duties of members in regard to Government rifle

Central Sub-Committee.

(3) It shall be lawful for the Governor to appoint a Central Sub-Committee, consisting of the Commandant and three other members of the Central Defence Committee, for the performance of such functions and the execution of such powers and duties as may be delegated to the Sub-Committee by the Central Defence Committee.

Defence Force Districts.

5. (1) For the purposes of this Ordinance the Governor shall divide the Colony into districts to be known as Defence Force Districts, and shall designate the same respectively by such names as he may think fit: Provided that the Governor may at any time alter or abolish such districts or designations and may appoint others in place thereof respectively.

(2) Each Defence Force District shall, in accordance with the provisions of this Ordinance and of any Regulations made hereunder, be organised as far as possible so as to constitute units complete for service in the field, including Supply, Transport, Medical and Veterinary Services, and shall hold its own stock of reserve arms and ammunition, and shall have its own first and second line Transport allocated to it.

District organisation.

6. (1) The Governor shall appoint in each Defence Force District a Local Defence Committee which shall include the District or Resident Commissioners of any areas included in such Defence Force District and such other persons as the Governor, on the recommendation of the members of the Force in such District, may approve.

(2) The Governor shall, after consultation with the Local Defence Committee, appoint in each Defence Force District a District Commandant and such Section Commandants as he may deem expedient. Each District Commandant shall *ex officio* be a member of the Local Defence Committee for the district in which he is appointed.

(3) The District Commandant, Section Commanders and Local Defence Committee shall respectively perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder.

Duties of Local Defence Committee.

7. (1) Each Local Defence Committee shall draw up a scheme of defence for its district, including the selection of rallying points, the establishment of defensive posts and the arrangement of a system for the collection and use of available supplies and transport during such period as the Defence Force or any portion thereof shall be called out on active service.

(2) Each Local Defence Committee shall also collect such topographical and other information as it may consider necessary or expedient. Any such topographical information shall be inserted in the existing maps of the Defence Force District so that the same shall at all times be kept up to date.

(3) The Local Defence Committee shall from time to time send duplicate reports on all or any of the foregoing matters to the Staff Officer of the Defence Force.

Power of Governor to dispense with services.

8. The Governor may, at any time dispense with the services of any officer or member of the Defence Force or of any member of the Central or Local Defence Committees.

Power of Governor to delegate authority.

9. The Governor may, for all or any of the purposes of this Ordinance, delegate all or any of his functions, powers and duties under this Ordinance to such person or persons as he may deem expedient.

PART II.

CONSTITUTION AND ENROLMENT OF DEFENCE FORCE.

10. Members of the Defence Force shall be divided into the following classes, namely:—

Division of Defence Force into Classes.

5 Class I.—Persons who have attained the age of eighteen years.

Class II.—Persons who have attained the age of thirty years and have not attained the age of forty years;

new.
(Persons to compulsory training limited)

10 Class III.—Persons who have attained the age of forty years and have not attained the age of fifty years;

Class IV.—Persons who have attained the age of fifty years.

15 11. (1) Subject to the provisions of this Ordinance, every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and has not attained the age of fifty years, and who is ordinarily resident in the Colony, shall attend at the office of the District or Resident Commissioner of his administrative district within one month after the commencement of this Ordinance or within one month of attaining the age of eighteen years or becoming so resident as aforesaid, as the case may be, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age, and if any such person shall fail so to enrol himself he shall be deemed to be enrolled as a member of the Defence Force.

Compulsory enrolment of male British subjects between the ages of 18 and 50 years.

(Compulsory enrolment limited to persons between 18 and 50 years of age)

(2) Any male British subject, both of whose parents are of European origin or descent who has attained the age of fifty years may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner of his administrative district and shall enrol himself as a member of Class IV of the Defence Force.

Voluntary enrolment of male British subjects who have attained the age of 50 years.

new

(3) Subject to the permission of the Governor, any male person, not being a British subject but otherwise qualified in regard to age and origin or descent, may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner as aforesaid, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age.

Enrolment of persons other than British subjects.

(4) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions shall only be enrolled or deemed to be enrolled and liable to serve in their professional capacity.

12. Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the Defence Force or who volunteers for service therein may, with the permission of the District Commandant of the Defence Force District in which he ordinarily resides, elect to enrol himself as a member of any Class preceding the Class appropriate to his age: Provided that upon such enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance and by any Regulations made hereunder upon the members of the Class in which he is so enrolled.

Right of persons to elect as to Class in which they are enrolled.

new

Exemptions.

18. (1) All persons who are certified under the hand of a Medical Officer to be medically unfit for service under this Ordinance by reason of bodily or mental infirmity or untitness shall be exempt from enrolment and service in the Defence Force.

(2) The Governor in Council may by order exempt any person or any class of persons from all or any of the obligations imposed by this Ordinance or by any Regulations made hereunder.

Preparation of lists of persons liable to serve

14. (1) The District or Resident Commissioner (hereinafter referred to as "the officer in charge") of each administrative district shall, within two months after the commencement of this Ordinance, and during the month of January in each succeeding year, prepare a list, in the Form given in the Schedule to this Ordinance, containing the names of all persons in his district who are liable for enrolment and service or who volunteer for service under the provisions of this Ordinance.

(2) When such list has been prepared the officer in charge shall cause a copy thereof to be affixed in a conspicuous manner at his office and court-house, and shall cause a notice to be inserted in at least one newspaper of the day on which and the place at which he will hold a court for the purpose of hearing objections to such list, which day shall not be earlier than two weeks nor later than four weeks (unless for special reason) after the date on which the copy of such list was affixed as aforesaid.

(3) Upon the day and at the place so notified the officer in charge shall hold a court, and shall, on due proof by the oath of such persons as he shall see fit to examine or by statutory declaration or affidavit, correct all errors in such list, either by adding thereto the names of persons liable to enrolment and service or by striking out the names of persons who claim to be exempt. Such court may be adjourned from day to day until all questions as to the correctness of the list have been determined. The decision of the officer in charge upon any question arising in regard to the correction of the list shall be final.

(4) As soon as all questions as to the correctness of the list have been determined as aforesaid, the officer in charge shall forthwith transmit such corrected list to the Staff Officer of the Defence Force.

15. Any member of the Defence Force who leaves one Defence Force District to reside in another Defence Force District shall forthwith notify the District Commandant of each such District.

PART III

ARMS, AMMUNITION AND EQUIPMENT.

16. Such rifles, ammunition and equipment as may be prescribed shall be provided by the Government for members of the Defence Force, and will be issued in accordance with the Regulations to be made under this Ordinance.

17. Every member of the Defence Force in possession of a Government rifle, ammunition and equipment as hereinbefore provided shall be responsible for the same and for keeping the same in a good and efficient condition, and shall be liable for any damage to such rifle, ammunition or equipment, due to his act, neglect or default.

Government to provide rifles and ammunition

Duties of members in regard to Government rifle

PART IV

TRAINING.

18. (1) Subject to the provisions of section 20, every member of the Defence Force shall in each year undergo the course of training prescribed for the Class in which he is enrolled: Provided that the annual course of training shall not exceed—

(a) in the case of Class I, a period of one hundred hours in the aggregate;

(b) in the case of Classes II, III and IV, a period of twelve hours in the aggregate.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of the prescribed period of training.

19. Any member of the Defence Force may be required, as part of his annual course of training, to fire such musketry course as may be prescribed.

20. (1) A District Commandant may, in his discretion, exempt any member of his unit from the performance of the whole or any part of his compulsory training under the two last preceding sections.

(2) A District Commandant may, in his discretion, authorise any member of his unit to fire his musketry course on any military or police range: Provided that in such case such member shall obtain a certificate of efficiency signed by a European Military or Police Officer.

21. The date and place for every course of training and every musketry course shall be notified by the Staff Officer, and notice of such date and place published in the Defence Force Orders and affixed in conspicuous manner at the office of the District Commandant of each Defence Force District shall be sufficient notice to every member of the Defence Force residing in such District.

22. If any member of the Defence Force shall without reasonable cause or excuse, after due publication of the notice prescribed by the last preceding section, fail to attend at the place mentioned in such notice for the purpose of undergoing the prescribed course of training or of firing the prescribed musketry course, or shall fail to complete such courses or either of them, then and in any such case such member shall be liable, on conviction before a magistrate of the first or second class, to a fine not exceeding five pounds or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment: Provided that no such conviction shall be deemed to exempt the person convicted from all or any of his duties and obligations under this Ordinance or any Regulations made hereunder.

PART V

MOBILIZATION.

23. (1) Whenever in the opinion of the Governor it shall be necessary for the defence of the Colony or any part thereof or for the protection of life and property therein, the Governor may, by proclamation, call out and mobilize the Defence Force, or such part or parts thereof as he may deem necessary, for active service:

new

Musketry training

Powers of exemption in regard to training

Notification of time and place of training

Penalties for non-attendance at training or musketry course

Calling out and mobilization of Defence Force

(Power to exempt from training vested in District Commandant)

Provided that a proclamation under this sub-section may call out the members of any one or more of the Classes mentioned in section 10 of this Ordinance, but so that the members enrolled in any Class shall not be called out until the members enrolled in every preceding Class have been called out:

Provided, further, that the Governor may by such proclamation, in lieu of calling out and mobilizing the Defence Force or any part thereof as aforesaid, order the Defence Force, or such part or parts thereof as he may deem necessary, to hold itself in readiness for immediate mobilization.

(2) In the case of sudden and imminent danger in any administrative district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer in charge of such district may, for the defence of the district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor call out the members of the Defence Force resident in such district, but in such case such officer shall forthwith report to the Governor such calling out and any subsequent step taken by him.

24. Members of the Defence Force shall, when they are on active service or when called out under the last preceding section or when ordered to hold themselves in readiness for mobilization under the second proviso to section 23 (1), be subject to the provisions of the Army Act and all Acts amending or substituted for the same, but so that the Regulations under section 31 hereof may prescribe that any provisions of those Acts shall not apply to the Defence Force: Provided that—

(a) the words "the Defence Force" shall be read therein for the words "Regular Forces", the words "member of the Defence Force" for the words "officer or soldier", as the case may be, and the word "Governor" for the words "His Majesty" and "Secretary of State";

(b) no sentence of a court-martial upon the trial of a member of the Defence Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

25. On the mobilization of the whole or any part of the Defence Force for active service, every resident (whether he shall or shall not himself be a member of the Defence Force) shall be liable to provide any transport and supplies in his possession if so required; and any person who, without reasonable cause or excuse, shall fail to comply with the requirements of this section shall be liable, on conviction before a magistrate of the first or second class, to a fine not exceeding one hundred pounds or to imprisonment of either description for any term not exceeding six months or to both such fine and imprisonment.

new

new

Power of administrative officers to call out Defence Force.

Discipline of Defence Force on mobilization to be governed by Army Act 44 & 45 Vic., c. 58.

Liability of population to provide transport

26. No member of the Defence Force shall be liable to be called out for ceremonial parades or for any purpose other than as provided in this Ordinance.

Defence Force not to be called out for ceremonial parades.

new

27. Any member of the Defence Force who, after publication of any proclamation mentioned in section 23, shall without reasonable cause or excuse fail to attend for service or duty on any occasion, or shall absent himself without the permission of some competent authority, or shall refuse or neglect to obey any lawful command of his superior officer, shall be liable, on conviction before a magistrate of the first or second class, to a fine not exceeding one hundred pounds or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment:

Penalty for breach of duty.

Provided always that no such conviction shall be deemed to exempt the person convicted from service or from any future liability to serve under the provisions of this Ordinance.

PART VI.

MISCELLANEOUS PROVISIONS.

28. The provisions of this Ordinance shall not apply to any member of the Defence Force during his temporary absence from the Colony.

Temporary absence of members.

new

29. Nothing in this Ordinance contained shall be deemed to prevent any member of the Defence Force from volunteering to serve in any of His Majesty's Regular or other Forces.

Right of members to volunteer for service in His Majesty's Forces.

30. (1) In the case of any member of the Defence Force who shall be temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him when on service as provided in section 23, the Governor may award to such member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no such gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

Governor may award gratuity or pension in certain events.

new

(2) The Governor may assign to the widow or family of any such member who may be killed in action or on service as provided in section 23 a pension or allowance not exceeding one hundred pounds per annum.

(3) No pension or gratuity payable under this Ordinance shall be assignable or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due by the recipient thereof or his wife.

31. The Governor in Council may from time to time make provision by Regulations for all or any of the following matters, that is to say—

Power to make Regulations.

new

(a) the general government, discipline, training and management of the Defence Force;

(b) the establishment of corps and other units of the Defence Force and the various divisions, branches, grades, numerical establishment, ranks and appointments therein;

(Provision as to amount of gratuity annual)

PROCLAMATION No. 14.

COLONY AND PROTECTORATE OF KENYA.



THE NATIVE FOODSTUFFS ORDINANCE.

PROCLAMATION.

EDWARD BRANDIS DENHAM.

L.S.

By His Excellency Edward Brandis Denham, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

WHEREAS by section 3 of the Native Foodstuffs Ordinance (Chapter 135 of the Revised Edition) it is provided that where it has been made to appear to the Governor in Council that any district or area is suffering from, or threatened with a shortage of native foodstuffs, he may issue a proclamation prohibiting the purchase or barter of such foodstuffs generally or of any class or classes of the same, for the purpose of resale in or export from the district or area in such proclamation specified, unless the written permission of the Resident Commissioner or District Commissioner, as the case may be, be first obtained; and prohibiting the export of such foodstuffs generally or of any class or classes of the same from any district or area; and prohibiting the use of such foodstuffs or of any class or classes of the same for the manufacture of liquor in any district or area; and prohibiting the concealment or destruction of such foodstuffs or any class or classes of the same in any district or area.

AND WHEREAS it has been made to appear to me that the Kitui District is suffering from or threatened with a shortage of native foodstuffs.

NOW KNOW YE that by virtue of the powers in me vested as aforesaid, I have taken the advice of my Executive Council and do hereby proclaim:

- a) the purchase or barter of maize, beans, chiroko, groundnuts, sweet potatoes, kunde and mtama for the purpose of resale in or export from the Kitui District unless the written permission of the District Commissioner of the said District be first obtained;
- b) the export of any such native foodstuffs from the said area;
- c) the use of any such native foodstuffs for the manufacture of liquor in the said area; or
- d) the concealment or destruction of any such native foodstuffs in the said area.

GOD SAVE THE KING.

Given under my hand at Nairobi this 10th day of March, 1927.

By Command of His Excellency the Acting Governor in Council

J. E. S. MERRICK,
Clerk to the Executive Council.

PROCLAMATION No. 15.

COLONY AND PROTECTORATE OF KENYA.



THE TOWNSHIPS ORDINANCE.

PROCLAMATION.

E. B. DENHAM.

L.S.

BY His Excellency Edward Brandis Denham, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by the Townships Ordinance (Chapter 92 of the Revised Edition), I do hereby declare the area in the Kyambu District described in the Schedule hereto to be a Township for the purposes of the said Ordinance and to be named "Kijabe".

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi this 12th day of March, 1927.

By Command of His Excellency the Acting Governor.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

SCHEDULE.

Commencing at a beacon at the most easterly corner of L.O. No. 2976/7 on the south-western boundary of Kijabe Station Reserve;

thence by a part of the south-western boundary, the whole of the north-western boundary and part of the north-eastern boundary of that Station Reserve to where it intersects a dry stream-bed;

thence generally northerly by that stream-bed for a distance of 1,500 feet approximately to a point where the line A—B produced intersects the stream-bed;

thence by that produced line north-easterly bearing 55° 54' 14" for approximately 287 feet to beacon B and onwards for approximately 689 feet to beacon A;

thence south-easterly by a line bearing 132° 32' 22" for approximately 2,896 feet to a beacon and onwards to where it intersects the Tongitongi River;

thence by that river down-stream to where it intersects the generally north-eastern boundary of L.O. No. 2976/6;

thence by the generally northern boundary of the latter portion to its north-western corner;

thence by a part of the south-eastern boundary of L.O. No. 2976/7 to the point of commencement.

The foregoing boundaries are more particularly delineated, edged red, on Land Survey Boundary Plan No. 36 deposited at the Land Surveys Office, Nairobi, a copy of which is on record at the Senior Commissioner's Office, Nyeri, and District Commissioner's Office, Kyambu.

PROCLAMATION No. 16.

THE DISEASES OF ANIMALS ORDINANCE.

PROCLAMATION.

WHEREAS by Section 4 of the Diseases of Animals Ordinance (Chapter 137 of the Revised Edition) it is provided that the Governor may at any time by Proclamation declare any area to be an infected area; extend, diminish, or otherwise alter the limit of an area declared to be an infected area; declare an infected area to be free from disease; and/or for the purpose of preventing disease prohibit the removal of animals from one district, place or area, to any other district, place or area.

And whereas by Government Notice No. 231, dated the 3rd day of July, 1919, in exercise of the powers conferred upon him by Section 13 of the Interpretation and General Clauses Ordinance (Chapter 1 of the Revised Edition), His Excellency the Governor has been pleased to depute the person for the time being holding the office of Chief Veterinary Officer to exercise on his behalf the powers conferred upon the Governor by the said Section 4 of the Diseases of Animals Ordinance.

Now, therefore, in exercise of the powers so conferred and all other powers thereunto enabling me, I hereby declare the following farms to be infected areas for the purposes of the said Diseases of Animals Ordinance:—

EAST COAST FEVER.

Farms L.O. Nos. 2616, 2617 and the eastern portion of Farm L.O. No. 2631, adjoining Farm L.O. No. 2617, bounded by a straight line drawn from OI Motosoi to the southern beacon of Farm L.O. No. 2617, Major the Hon. R. F. Carnegie, P.O. Ngobit, Laikipia District.

TRYPANOSOMIASIS.

Farm L.O. No. 4431, Messrs. Jamji Estate, Kericho, Kericho District.

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

That portion of Proclamation No. 78, dated the 30th day of September, 1926, declaring Farm L.O. No. 2050, Mr. F. Guy, Kitale, Trans Nzoia District, to be an infected area (Trypanosomiasis).

Given under my hand at Nairobi this 3rd day of March, 1927.

A. G. DOHERTY,
Chief Veterinary Officer.

GOVERNMENT NOTICE No. 161.

THE ASIATIC EDUCATION TAX ORDINANCE, 1926.

ORDER.

IN EXERCISE of the powers conferred upon me by section 11 of the Asiatic Education Tax Ordinance, 1926, I hereby order that all Goans shall be exempt from paying the whole of the tax leviable under the aforesaid Ordinance.

This notice shall be deemed to have been in force from the 1st day of January, 1927.

Government Notice No. 100 of the 12th day of February, 1927, is hereby cancelled.

Nairobi,

This 9th day of March, 1927.

E. B. DENHAM,
Acting Governor.

GOVERNMENT NOTICE No. 162.

THE CROWN LANDS ORDINANCE.

IN EXERCISE of the powers conferred upon him by Section 8 of the Crown Lands Ordinance (Chapter 140 of the Revised Edition), His Excellency the Acting Governor has been pleased to appoint as Assistant Land Officers all Administrative Officers in charge of districts.

By command of His Excellency the Acting Governor.

Nairobi,

The 9th March, 1927.

JUNON BARTON,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 163.

THE PUBLIC TRAVEL AND ACCESS ROADS ORDINANCE, 1920.

APPOINTMENT OF DISTRICT ROAD BOARD.

IN EXERCISE of the powers conferred upon His Excellency the Governor by the Public Travel and Access Roads Ordinance, 1920, which powers His Excellency, in exercise of the powers conferred upon him by the Interpretation and General Clauses Ordinance, 1912, has been pleased by Government Notice No. 501 of 1923, to delegate to District Commissioners, I hereby make the following appointment to the Kyambu District Road Board:—

Major J. Gailey, Ruiru, *vice* Col. F. W. Hallows, resigned.

Kyambu,
8th March, 1927.

H. W. GRAY,
District Commissioner.

GOVERNMENT NOTICE No. 164.

THE EAST AFRICA TOWNSHIP ORDINANCE, 1908.

IN EXERCISE of the powers conferred upon him by Section 4 of the Eastleigh Assessment and Rating Rules, 1922, His Excellency the Governor has been pleased to impose the following rates which are now payable by the owners of property in Eastleigh for the year 1927, subject to the exemptions provided for in Sections 6 and 7 of the above Rules:—

For every plot or sub-plot not exceeding one-fifth of an acre in area—10 per cent. of the assessed net annual value.

For every plot exceeding one-fifth of an acre in area—5 per cent. of the assessed net annual value.

For every building as defined in Clauses 1, 2, 3 and 4 of Rule 12 of the Eastleigh Township Rules, 1921—2½ per cent. of the assessed net annual value.

By command of His Excellency the Governor.

Nairobi,

The 12th day of March, 1927.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 165.

THE NATIVE AUTHORITY ORDINANCE

(Chapter 129 of the Revised Edition, Section 3 (1).)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, Section 18.)

GOVERNMENT NOTICE No. 406 of 1926.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein.

Nyeri,

21st February, 1927.

R. W. HEMSTED,
Senior Commissioner.

SCHEDULE.

SOUTH NYERI DISTRICT, KIKUYU PROVINCE.

Name.	Area.	With effect from.	Remarks.
Stephano wa Kibisa	Othika Location No. 11.	1st May, 1926.	Was Kibisa & Ndoro, deposed. Appointed by Gov. Notice No. 176 dated 1st May, 1924.

GOVERNMENT NOTICE No. 166.

THE NATIVE AUTHORITY ORDINANCE
(Chapter 129 of the Revised Edition, Section 3 (1).)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, Section 18.)

GOVERNMENT NOTICE No. 406 of 1926.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein.

Nyeri,

24th February, 1927.

R. W. HEMSTED,
Senior Commissioner.

SCHEDULE.

FORT HALL DISTRICT, KIKUYU PROVINCE.

Name.	Area.	With effect from.	Remarks.
Kerugumi wa Kigaro	A. B. Kipuruine	4th Feb. 1927	Vice Mare wa Mbita, deposed.

GOVERNMENT NOTICE No. 167.

THE NATIVE AUTHORITY ORDINANCE

(Chapter 129 of the Revised Edition, Section 3 (1).)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, Section 18.)

GOVERNMENT NOTICE No. 406 of 1926.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein.

The temporary appointment of Numi wa Karanga as Official Headman of Kyambu District, appointed by Government Notice No. 71 of 1927, is hereby cancelled, with effect from the 28th day of October, 1926.

Nyeri,

This 26th day of February, 1927.

R. W. HEMSTED,
Senior Commissioner.

SCHEDULE.

KIKUYU PROVINCE, KYAMBU DISTRICT.

Name.	Area.	With effect from.	Remarks.
Wanda wa Karuga	Kyambugu Location	26th Oct. 1926	Vice Mare wa Mbita, deposed.

GOVERNMENT NOTICE No. 168

THE NATIVE AUTHORITY ORDINANCE

(Chapter 120 of the Revised Edition, Section 3 (1).)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, Section 13.)

GOVERNMENT NOTICE No. 406 OF 1926.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein.

Nyeri.

This 28th day of February, 1927.

R. W. HEMSTED.

Senior Commissioner.

SCHEDULE

SOUTH NYERI DISTRICT, KIKUYU PROVINCE

Name	Area	With effect from	Remarks
Phillipo Kamau wa Gichoki	Nditi Location of 23 Muranga	1st Jan, 1927	Probationary appointment for 6 months. Vice Njogu wa Rukinga resigned. Appointed by Govt. Notice No. 172 dated 1st May, 1924.

GOVERNMENT NOTICE No. 169

NOTICE

THE REGISTRATION OF TRADE MARKS ORDINANCE.

TRADE MARKS RENEWED.

Trade Mark Number	Advertised in the Official Gazette	Name of Applicants	Class
5/13	1st July, 1913.	Rapsome, Sims, and Jeffrey, Limited.	7

Nairobi.

11th March, 1927.

W. M. KEATINGE.

Registrar of Trade Marks

GOVERNMENT NOTICE No. 170.

THE CROWN LANDS ORDINANCE.

The following instructions are issued under Section 8 of the Crown Lands Ordinance, Chapter 140, to Administrative Officers acting as Assistant Land Officers:—

Administrative Officers acting as Assistant Land Officers are hereby authorised, in respect only of land situated in Native Reserves within their respective districts:—

(a) To represent the Commissioner of Lands in any actions, suits or proceedings referred to in Section 11 of the Ordinance.

(b) To exercise any of the powers conferred upon the Commissioner of Lands by Sections 51 and 53 of the Ordinance.

(c) To take action on behalf of the Commissioner of Lands under Section 132 of the Ordinance.

H. T. MARTIN,

Commissioner of Lands.

GENERAL NOTICE No. 230

DISPOSAL OF CROWN LANDS.

MOMBASA TOWNSHIP.

A Government auction of residential sites in Section VIII of Mombasa Township, will be considered on evidence of a demand being shown.

Interested parties are desired to furnish the Department of Lands, Nairobi or Mombasa, with particulars of any site they wish to acquire.

Plans showing available sites may be seen at the Land Offices, Nairobi and Mombasa, where approximate terms and tentative conditions may be obtained.

GENERAL NOTICE No. 231.

POST OFFICE NOTICE.

IT is hereby notified for general information that a Departmental Post Office for the transaction of all classes of Post and Telegraph business with the exception of Savings Bank was opened at Rongai on the 14th March, 1927.

General Post Office,

Nairobi,

8th March, 1927.

G. R. F. MARTIN,

for Postmaster General,
Kenya and Uganda.

GENERAL NOTICE No. 232.

POST OFFICE NOTICE.

IT is notified for public information that the South African Postal Authorities have intimated that it has been decided to revert immediately to the previous arrangement whereby dutiable articles may be imported by letter post into the Union of South Africa.

2. Senders of registered letters containing dutiable articles are required to describe the contents and value on the cover of the packet.

General Post Office,

Nairobi,

15th March, 1927.

G. R. F. MARTIN,

for Postmaster General,
Kenya and Uganda.

GENERAL NOTICE No. 233.

POST OFFICE NOTICE.

ARRIVAL OF KENYA MAILS IN ENGLAND.

IT is notified for general information that the mails despatched from Mombasa on the under-mentioned date arrived in England as stated:—

Date of despatch from Mombasa.	Name of vessel by which despatched.	Date of arrival in England.
21st Feb., 1927	S.S. "Dumba"	11th Mar., 1927.

General Post Office,

Nairobi.

14th March, 1927.

D. CORMACK,

for Postmaster General,
Kenya and Uganda.

GENERAL NOTICE No. 234.

NOTICE.

REGISTRATION OF TITLES ORDINANCE, 1919.

WHEREAS an instrument of transfer has been executed by one Ali bin Abdulla, El-Amudi, purporting to transfer to His Most Gracious Majesty King George the Fifth, all the right, title and interest of the said Ali bin Abdulla, El-Amudi, in that piece of land being Plot No. 473, Section III on the Island of Mombasa, delineated on a Plan No. 18222, attached to a Certificate of Ownership No. 4309, and registered in the Coast District as No. C.R. 3114/1, and whereas such instrument of transfer has been presented to me for registration, and whereas the said Ali bin Abdulla, El-Amudi has filed an affidavit in terms of Section 65 (h) of the Registration of Titles Ordinance, 1919, certifying that such certificate of ownership has been lost and has not since been recovered, I, Phineas Ernest Wolfe as Registrar of Titles, Coast District, hereby give notice that, in pursuance of the said Section 65 (h) of the said Ordinance, provided legal objections shall not have been lodged by any person or persons claiming an interest in the said land within thirty days from the date hereof, I shall proceed to register the instrument of transfer without production of the said certificate of ownership.

Mombasa,

Dated the 11th day of March, 1927.

P. E. WOLFFE,
Registrar of Titles.

GENERAL NOTICE No. 235.

KENYA AND UGANDA RAILWAY.
COMPLETE CONSTRUCTION OF A FUEL SIDING AT NJORO.

TENDERS are invited for the complete construction of a fuel siding, about 1.8 miles in length, at Njoro, following the usual specification for the construction of fuel sidings, and in accordance with plans which may be seen on application to the Chief Engineer, Nairobi, from whom tender form may also be obtained.

2. Applications for tender form, etc., should be accompanied by a remittance for Shs. 50/- which will be returned on receipt of a bona fide tender.

3. Tenders (which should state time required for completion of the work) in sealed envelopes marked "Tender for Fuel Siding, Njoro," should reach the office of the Chief Engineer, P.O. Box 79, Nairobi, on or before 12 noon, on Friday, 25th March, 1927.

4. The lowest or any tender will not necessarily be accepted.

Nairobi,

8th March, 1927.

G. D. RHODES,

Acting General Manager,
Kenya and Uganda Railway.

GENERAL NOTICE No. 236.

THE PORT ORDINANCE, 1922.

RULES—SECTION 64.

NOTICE is hereby given that the following articles will be sold on the 15th April, 1927, by public auction unless claims for same are lodged at the Port Office, Mombasa, before that date.

(a) One canoe, salvaged at Malindi.

(b) One anchor, salvaged at Malindi.

Mombasa,

3rd March, 1927.

F. C. GREENWOOD,

Acting Port Captain.

GENERAL NOTICE No. 208.

KENYA AND UGANDA RAILWAY.

TENDERS FOR BEANS.

TENDERS are invited for forty-five tons per month of mixed beans for a period of 6 months to 30th September, 1927.

2. Quotations to include cost of bags and also delivery into railway trucks at any Kenya and Uganda Railway Station or at the General Railway Stores, Nairobi. Place of delivery to be specified in the tender. First delivery to be made by 15th April.

3. The quantity of forty-five tons per month to be subject to either an increase or a decrease of 25% on 14 days' written notice being given by the Railway.

4. Sealed samples of the beans to be submitted with the tender.

5. Delivery to be made in sound bags and the quotation should be per load of 60 lbs. nett to include the cost of the bags.

6. Tenders for part or the whole of the above quantity will be considered.

7. Sealed tenders marked "Tenders for Beans," should reach the Chief Storekeeper's Office, Kenya and Uganda Railway, Nairobi, P.O. Box 40, on or before the 24th March. Tenders received after that date will not be considered.

8. The lowest or any tender will not necessarily be accepted.

Nairobi,

4th March, 1927.

G. D. RHODES,

Acting General Manager,
Kenya and Uganda Railway.

CAUSE LIST.—(contd.).

ELDAMA RAVINE, 6TH APRIL, 1927.

Criminal Case No.	3/27.	Rex vs. Kamau wa Ndirangu.
"	18/27.	Rex vs. I. Lowalau wa Limende and 3 others.
"	18/27.	Rex vs. Talai d/o Yator.
"	32/27.	Rex vs. Soso wa Kiragu.

NAIVASHA, 9TH APRIL, 1927.

Criminal Case No. 6/27. Rex vs. Njeroge wa Kimimia.

Nairobi,
14th February, 1927.D. EDWARDS,
Registrar,
H. M. Supreme Court of Kenya.

GENERAL NOTICE No. 179.

NOTICE.

SESSIONS of His Majesty's Supreme Court of Kenya will be held at the places and on the dates hereinafter set out:—

NYERI, 28TH MARCH, 1927.

Criminal Case No.	19/27.	Rex vs. Choani wa Kethenge.
"	22/27.	Rex vs. M'Rintuara s/o Mbaia.
"	26/27.	Rex vs. Gakenge wa Kanyi.
"	39/27.	Rex vs. EBU. 777838 Mtumoga s/o Mtuthambura.
"	40/27.	Rex vs. Njeru wa Kibugwa.

FORT HALL, 30TH MARCH, 1927.

Criminal Case No. 24/27. Rex vs. Margerina wa Kori.

Nairobi,
24th February, 1927.D. EDWARDS,
Registrar,
H. M. Supreme Court of Kenya.

GENERAL NOTICE No. 191.

NOTICE.

SESSIONS of His Majesty's Supreme Court will be held at the places and on the dates hereinafter set out:—

CAUSE LIST.

KILIFI, 9TH MARCH, 1927.

Criminal Case No.	14/27.	Rex vs. Matini Oluko, Mkwavirondo.
"	25/27.	Rex vs. Unda wa Mangolo.
"	37/27.	Rex vs. KSU. 31898 Were Agunja.

MALINDI, 10TH MARCH, 1927.

Criminal Case No. 15/27. Rex vs. Kurisu wa Mwarabu, Giriama.

VOI, 21ST MARCH, 1927.

Criminal Case No. 11/27. Rex vs. (1) Manyama (Mka Mwyandugu) wa Ngonga, (2) Mwanyango wa Mati, (3) Mashongu wa Kisai.

KWALE, 19TH MARCH, 1927.

Criminal Case No. 29/27. Rex vs. (1) Ndimoru wa Borasi, (2) Rasi wa Borasi, (3) Ruwa wa Mangolo.

Mombasa,
25th January, 1927.E. J. O'FARRELL,
Deputy Registrar, Supreme Court of Kenya.

GENERAL NOTICE No. 238.

THE BANKRUPTCY ORDINANCE, 1925.

RECEIVING ORDER, FIRST MEETING OF CREDITORS AND PUBLIC EXAMINATION.

Debtor's name.—Ahmed Haji.
Address.—Nairobi and Embu.
Description.—Motor Driver.
Date of filing petition.—3rd January, 1927.
Number of matter and Court.—No. 6 of 1927, Supreme Court, Nairobi.
Date of receiving order.—2nd March, 1927.
Whether debtor's or creditor's petition.—Debtor's petition.
Date, hour and place of first meeting.—23rd March, 1927, 9 a.m. at Registrar General's Office, Old Secretariat Building, Nairobi.
Date, hour and place of public examination.—23rd March, 1927, 10 a.m. at Law Courts, Nairobi.
Date of order for summary administration.—9th March, 1927.
Nairobi,
8th March, 1927.

W. M. KEATINGE,
Official Receiver.

GENERAL NOTICE No. 239.

THE BANKRUPTCY ORDINANCE, 1925.

RECEIVING ORDER.

Debtor's name.—Jagat Ram Bahri.
Address.—Nairobi.
Description.—Contractor.
Court.—Supreme Court, Nairobi.
No. of matter.—4 of 1927.
Date of filing petition.—19th February, 1927.
Date of order.—10th March, 1927.
Whether debtor's or creditor's petition.—Debtor's.
Nairobi,
12th March, 1927.

W. M. KEATINGE,
Official Receiver.

GENERAL NOTICE No. 240.

THE BANKRUPTCY ORDINANCE, 1925.

RECEIVING ORDER.

Debtor's name.—Baburam s/o Partap Singh and Sowa Singh s/o Baburam.
Address.—Victoria Street, Nairobi.
Description.—Carrier in business as Baburam & Son.
Court.—Supreme Court, Nairobi.
No. of matter.—4 of 1927.
Date of filing petition.—14th February, 1927.
Date of order.—11th March, 1927.
Whether debtor's or creditor's petition.—Debtor's.
Nairobi,
12th March, 1927.

W. M. KEATINGE,
Official Receiver.

GENERAL NOTICE No. 241.

THE BANKRUPTCY ORDINANCE, 1925.

RECEIVING ORDER.

Debtor's name.—Jhanda Singh.
Address.—Nairobi.
Description.—Motor Driver.
Court.—Supreme Court, Nairobi.
No. of matter.—3 of 1927.
Date of filing petition.—27th January, 1927.
Date of order.—10th March, 1927.
Whether debtor's or creditor's petition.—Debtor's.
Nairobi,
12th March, 1927.

W. M. KEATINGE,
Official Receiver.

GENERAL NOTICE No. 242.

IN HIS MAJESTY'S SUPREME COURT OF KENYA AT NAIROBI.
INSOLVENCY JURISDICTION.

CAUSE No. 18 of 1922.

IN THE MATTER OF RADHA KISHEN s/o SALIGRAM, INSOLVENT. To all whom it may concern.

TAKE NOTICE that Kanji Narajee, of Nairobi, the Receiver in the above cause, has applied to this Court for his discharge, and that this Court has fixed the 9th day of April, 1927, at 10.30 a.m. for hearing of the application.

Dated the 9th day of March, 1927.

D. EDWARDS,
Registrar,
H. M. Supreme Court of Kenya.

GENERAL NOTICE No. 243.

IN HIS MAJESTY'S SUPREME COURT OF KENYA AT NAIROBI.
INSOLVENCY JURISDICTION.

CAUSE No. 8 of 1924.

IN THE MATTER OF W. C. P. VARY, INSOLVENT. To all whom it may concern.

TAKE NOTICE that Kanji Narajee, of Nairobi, Receiver in the above cause, has applied to this Court for his discharge, and that this Court has fixed the 22nd day of March, 1927, at 10.30 a.m. for hearing of the application.

Dated this 9th day of March, 1927.

D. EDWARDS,
Registrar,
H. M. Supreme Court of Kenya.

GENERAL NOTICE No. 244.

IN HIS MAJESTY'S SUPREME COURT OF KENYA AT NAIROBI.
PROBATE AND ADMINISTRATION.

CAUSE No. 7 of 1927.

IN THE MATTER OF THE ESTATE OF HENRY BOWKER, DECEASED.
TAKE NOTICE that all persons claiming against the estate of the above deceased, who have not already done so, are required to file such claim with the Probate Registrar on or before the 5th day of April, 1927, which date only, unless allowed will be the date of estate distribution.
Dated the 8th day of March, 1927.

HAMILTON, HARRISON & MATHEWS,
Solicitors for the Executor,
Nairobi.

GENERAL NOTICE No. 245.

IN HIS MAJESTY'S SUPREME COURT OF KENYA AT NAIROBI.
PROBATE AND ADMINISTRATION.

CAUSE No. 16 of 1927.

IN THE MATTER OF THE ESTATE OF SIR THOMAS FISHER, DECEASED.

AND
IN THE MATTER OF AN APPLICATION FOR RE-SEALING IN THE COLONY AND PROTECTORATE OF KENYA OF A CERTIFIED COPY OF THE PROBATE GRANTED BY THE PRINCIPAL REGISTRAR OF THE PROBATE, DIVORCE AND ADMIRALTY DIVISION OF THE HIGH COURT OF JUSTICE IN ENGLAND.

TAKE NOTICE that application has been made to this Court by George Alexander Hume Hamilton, on behalf of the executrix Dame Amy Constance Fisher, but now the wife of Geoffrey Hitheryay Shakespeare, of 155, Sloane Street, in the County of London in England, Esquire, for the re-seal of a certified copy of the Probate granted by the Principal Registrar of the Probate, Divorce and Admiralty Division of the High Court of Justice in England, of the estate of Sir Thomas Fisher, who died at Park Lane, London, England on the 21st day of February, 1925, and that this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 30th day of March, 1927.

Dated the 12th day of March, 1927.

D. EDWARDS,
Registrar,
H. M. Supreme Court of Kenya.

GENERAL NOTICE No. 246.

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI.

CAUSE No. 17 of 1927.

PROBATE AND ADMINISTRATION.

IN THE MATTER OF THE ESTATE OF ALFRED SEYMOUR JONES,
DECEASED,
AND

IN THE MATTER OF AN APPLICATION FOR RE-SEALING IN THE
COLONY AND PROTECTORATE OF KENYA OF A CERTIFIED COPY
OF THE PROBATE GRANTED BY HIS MAJESTY'S HIGH COURT
OF JUSTICE AT ST. ASAPH, WALES.

TAKE NOTICE that application has been made to this
Court by John Eric Seymour Jones, one of the executors,
settler, residing at Soha Estate, in the Colony of Kenya, for
the re-seal of a certified copy of the Probate granted by
His Majesty's High Court of Justice at St. Asaph, Wales,
of the estate of Alfred Seymour Jones, who died at Pen-
dower, Wrexham, in the County of Denbigh, on the 22nd day
of June, 1925, and that this Court will proceed to make a
decree in the same unless cause be shown to the contrary and
appearance in this respect entered on or before the 30th day
of March, 1927.

Dated this 12th day of March, 1927.

D. EDWARDS,

Registrar,
H. M. Supreme Court of Kenya.

GENERAL NOTICE No. 247.

PROBATE AND ADMINISTRATION.

PUBLIC TRUSTEE'S CAUSE No. 27 of 1927.

IN THE MATTER OF JAMES R. BROWNE, DECEASED.
To all whom it may concern.

TAKE NOTICE that on or after the 31st day of March,
1927, I intend to apply to the Supreme Court of Kenya, at
Nairobi, for an order to administer the estate of the above
named James R. Browne, who died at Cape Town on the
22nd day of December, 1926.

Nairobi,

14th March, 1927.

W. M. KEATINGE,

Public Trustee.

GENERAL NOTICE No. 248.

THE REGISTRATION OF TRADE MARKS
ORDINANCE.

APPLICATION No. 2/27.

DUCO

To all whom it may concern.

TAKE NOTICE that an application for the registration
of the Trade Mark shown above in Class I of Part III of
the Schedule to the above-mentioned Ordinance, in respect
of lacquers, varnishes, enamels, paints, dry colours,
distempers, japans and anti-corrosive oils, all being goods
included in Class I, has been lodged by Nobel Chemical
Finishes, Limited, of Nobel House, Buckingham Gate,
London, S.W., England; Manufacturers, whose address for
service in the Colony is Messrs. Atkinson and Wright,
Advocates, Mombasa.

Registration is not claimed under the special provisions
of paragraph 5 of Section 7 of the said Ordinance in regard
to names, signatures or words.

The said Trade Mark will be registered after the
expiration of the period mentioned in Section 13 of the said
Ordinance, provided no notice of opposition is received.

A specimen of the Trade Mark the registration of which
is applied for can be seen at the office of the undersigned
at Nairobi.

(To be associated Section 25).

Nairobi,

10th March, 1927.

W. M. KEATINGE,

Registrar of Trade Marks.

GENERAL NOTICE No. 249.

THE REGISTRATION OF TRADE MARKS
ORDINANCE.

APPLICATION No. 3/27.

DUCO

To all whom it may concern.

TAKE NOTICE that an application for the registration
of the Trade Mark shown above in Class 47 of Part III of
the Schedule to the above-mentioned Ordinance, in respect
of paint removing preparations, has been lodged by Nobel
Chemical Finishes, Limited, of Nobel House, Buckingham
Gate, London, S.W., England; Manufacturers, whose
address for service in the Colony is Messrs. Atkinson and
Wright, Advocates, Mombasa.

Registration is not claimed under the special provisions
of paragraph 5 of Section 7 of the said Ordinance in regard
to names, signatures or words.

The said Trade Mark will be registered after the
expiration of the period mentioned in Section 13 of the said
Ordinance, provided no notice of opposition is received.

A specimen of the Trade Mark the registration of which
is applied for can be seen at the office of the undersigned
at Nairobi.

(To be associated Section 25).

Nairobi,

10th March, 1927.

W. M. KEATINGE,

Registrar of Trade Marks.

GENERAL NOTICE No. 250.

THE REGISTRATION OF TRADE MARKS
ORDINANCE.

APPLICATION No. 4/27.

DUCO

To all whom it may concern.

TAKE NOTICE that an application for the registration
of the Trade Mark shown above in Class 50 of Part III of
the Schedule to the above-mentioned Ordinance, in respect
of polishing and cleaning preparations and materials included
in Class 50, and putty, has been lodged by Nobel Chemical
Finishes Limited, of Nobel House, Buckingham Gate,
London, S.W., England; Manufacturers, whose address for
service in the Colony is Messrs. Atkinson and Wright,
Advocates, Mombasa.

Registration is not claimed under the special provisions
of paragraph 5 of Section 7 of the said Ordinance in regard
to names, signatures or words.

The said Trade Mark will be registered after the
expiration of the period mentioned in Section 13 of the said
Ordinance, provided no notice of opposition is received.

A specimen of the Trade Mark the registration of which
is applied for can be seen at the office of the undersigned
at Nairobi.

(To be associated Section 25).

Nairobi,

10th March, 1927.

W. M. KEATINGE,

Registrar of Trade Marks.

GENERAL NOTICE No. 251.

NOTICE.

I, Mandle Radford, lately called and known as Mandle
Rottanburg, hereby give notice that as and from the date
hereof I shall adopt and in future be known as Mandle
Radford.

Nairobi,

Dated the 4th March, 1927.

MANDLE RADFORD,

Witness:—

A. NEWTON,

Advocate, Nairobi.

GENERAL NOTICE No. 252

NYANZA PROVINCE.

LABOUR AGENTS' PERMITS ISSUED DURING THE MONTH OF FEBRUARY, 1927

No.	Name.	Date of receipt.	Date of commencement.	Date of expiration.
175	A. de Mello	2-2-27	4-2-27	3-5-27
176	Ghulam Khadir Khan	3-2-27	3-2-27	3-5-27
177	Capt. R. E. McClelland	2-2-27	9-2-27	8-5-27
178	Juma Remu & Co.	8-2-27	7-2-27	6-5-27
179	Kisumu Trading & Recruiting Co.	11-2-27	14-2-27	13-5-27

Kisumu,
2nd March, 1927.

C. M. DOBBS,
Senior Commissioner, Nyanza.

GENERAL NOTICE No. 253.

KENYA AND UGANDA RAILWAY.

(INCLUDING BRANCH LINES, MARINE AND
MOTOR SERVICES.)

Approximate Statement of Public Coaching and Goods Traffic for the Month of February, 1927	£182,831
Corresponding Month of previous Year	173,514
Decrease	£9,317

Nairobi,

9th March, 1927.

S. N. FAULKNER,

for Chief Accountant.

GENERAL NOTICE No. 205

THE CROWN LANDS ORDINANCE, 1915.

TEMPORARY OCCUPATION OF NJORO TOWN LANDS.
NOTICE.

TENDERS in terms of rent per annum are invited
for the rights to occupy temporarily the under-
mentioned blocks of Njoro town lands under the
following conditions:—

Block	AREA.
Block 1	... 250 acres approximately.
" 2, north	... 218 " "
" 2, south	... 186 " "
" 4	... 314 " "

TERM.

Five years from 1st January, 1927, with the
option to renew for a further 5 years, provided
Government does not require the land for any
purpose whatsoever.

RESERVATION.

The standing timber on any block.

TREES.

Two per cent. of the area of each block to be
planted per annum with trees specified by the
Nakuru District Committee and in positions
approved by the Committee. The areas planted in
accordance with the foregoing condition to be kept
free of grass and weeds and protected from fire.

SWEET GRASS.

Ten per cent. of each block to be under sweet
grass at the termination of the tenancy.

Plans showing the approximate boundaries of the
blocks offered may be seen at the Public Map Office
of the Land Department, Nairobi, or at the office of
the Resident Commissioner, Nakuru.

Tenders should reach the Acting Commissioner of
Lands, Nairobi, by the 6th April, 1927.

The highest or any tender will not necessarily be
accepted.

Nairobi,

4th March, 1927.

H. W. BORROW,
for Acting Commissioner of Lands.

SHIPPING REPORT.

KILINDINI HARBOUR.

MONTH OF FEBRUARY, 1927.

Name of vessel.	Captain.	Gross tons.	Cargo.	Nationality.	To whom Consigned.	From.	Date.		Bound to.
							Arr.	Dep.	
S.S. Clan Mackenzie	Geo. Young	6544	General	British	The African Mercantile Co. Ltd.	U. S. A.	1927 Feb. 1	1927 Feb. 4	Moulinsin (India)
" Dolphin Shell	A. J. Maclure	2007	Petrol	"	Smith, Mackenzie and Co.	Singapore	" 2	" 3	Arochay
" Llandoff Castle	W. M. Betts	10786	General	"	Union Castle Mail S/S Co. Ltd.	London	" 3	" 6	Southern Ports
" Firenze	M. Lagorio	3956	"	Italian	Societa Coloniale Italiana	Genoa	" 3	" 3	Zanzibar
" Maiella	Stiglich	5524	"	"	"	"	" 3	" 5	Genoa
" Kasama	D. H. Metcalfe	4634	"	British	The African Mercantile Co. Ltd.	New York	" 3	" 9	Calcutta
" Boeroe	P. A. J. Prinsey	4196	"	Dutch	Tweentsche Overseas Trading Co.	Tanga	" 5	" 9	Amsterdam
" Firenze	M. Lagorio	3956	"	Italian	Societa Coloniale Italiana	Zanzibar	" 5	" 6	Genoa
" Almascos	Stevenson	613	"	British	Gibson and Co.	Assumption Is.	" 5	" 10	Assumption Is.
" Chambord	E. Paris	7562	"	French	Messageries Maritimes	Marseilles	" 6	" 6	Mauritius
" Nyati	A. Issak	123	"	British	Smith Mackenzie and Co.	Tanga	" 7	" 10	Kilifi
" Rialto	J. O. Shea	2948	"	"	The African Mercantile Co. Ltd.	Beira	" 8	" 13	Liverpool
" Garth Castle	C. R. Jackson	7715	"	"	Union Castle Mail S/S Co. Ltd.	South Africa	" 8	" 10	England
" Springfontein	W. van Eyken	6381	"	Dutch	Tweentsche Overseas Trading Co.	Amsterdam	" 10	" 13	Amsterdam
" Karagola	Oliver	7053	"	British	Smith Mackenzie and Co.	Durban	" 10	" 11	Bombay
" A. Pierre	Roudy	4885	"	French	Messageries Maritimes	Mauritius	" 10	" 10	Marseilles
M. V. Dumra	Fosketh	2304	"	British	Smith Mackenzie and Co.	Mikindani	" 10	" 17	Dar-es-Salaam
S.S. Counsellor	A. L. de Legh	5068	Bulk Coal	"	Mitchell Cotts and Co.	Durban	" 11	" 15	"
" Khandalla	G. J. Harley	7018	General	"	Smith Mackenzie and Co.	Durban	" 11	" 13	Durban
" Baron Haig	L. Dewar	3391	Bulk Coal	"	Mitchell Cotts and Co.	Durban	" 12	" 21	Freemantle, W.A.
" Nyati	A. Issak	123	General	"	Smith Mackenzie and Co.	Kilifi	" 12	" 16	Dar-es-Salaam
" Somalia	Maravigna	2578	"	Italian	Societa Coloniale Italiana	Massaua	" 15	" 15	Zanzibar
" City of Agra	J. Cooper	4836	"	British	The African Mercantile Co. Ltd.	Liverpool	" 15	" 24	Dar-es-Salaam
" Mulbera	Steadman	9100	"	"	Smith Mackenzie and Co.	Beira	" 16	" 19	London
" Casaregis	D. Pirrelli	4485	"	Italian	Societa Coloniale Italiana	Durban	" 17	" 17	Genoa
" Somalia	Maravigna	2578	"	"	"	Zanzibar	" 17	" 18	Massaua
" Chicago Maru	Kenzuo Ishmaru	5848	"	Japanese	The African Mercantile Co. Ltd.	Colombo	" 17	" 20	Durban
" Madura	Cave	8975	"	British	Smith Mackenzie and Co.	London	" 17	" 22	Beira
" Billiton	J. Riedel	5889	"	Dutch	Tweentsche Overseas Trading Co.	Amsterdam	" 18	" 24	Amsterdam
" Tanganyika	Wagner	8540	"	German	Boustedt & Clarke, Ltd.	Aden	" 19	" 20	Hamburg
" Wangoni	Iversen	7782	"	"	"	Hamburg	" 20	" 22	"
" General Duchesne	Frial	7290	"	French	Messageries Maritimes	Marseilles	" 21	" 21	Mauritius
" Dumbea	Lacanand	5695	"	"	"	Mauritius	" 21	" 21	Marseilles
" Karapara	Miller	7117	"	British	Smith Mackenzie and Co.	Durban	" 22	" 23	Bombay
" Mexico Maru	Jokupu Mosohig	5767	"	Japanese	The African Mercantile Co. Ltd.	"	" 22	" 7	Singapore
" Nyati	A. Issak	123	"	British	Smith Mackenzie and Co.	South	" 23	" 6	Kilifi
" Nykerk	T. Bay	5766	"	Dutch	Tweentsche Overseas Trading Co.	Amsterdam	" 23	" 27	Tanga
" Almascos	Stevenson	613	"	British	Gibson and Co.	Assumption Is.	" 24	" 28	Assumption Is.
" Karoa	Watson	7009	"	"	Smith Mackenzie and Co.	Bombay	" 25	" 26	Durban
" Simba	Oaman Juma	125	"	"	"	Tanga	" 26	"	Still in Harbour
" Kamakura Maru	T. Takeda	5846	"	Japanese	W. C. Hunter and Co.	Singapore	" 27	"	"
" Counsellor Light Cruiser Emden	A. L. de Legh	5068	"	British	The African Mercantile Co. Ltd.	Dar-es-Salaam	" 28	"	"
" "	"	"	"	German	"	Zanzibar	" 3 Feb. 6	"	Seychelles

MOMBASA HARBOUR.

Name of vessel.	Captain.	Gross tons.	Cargo.	Nationality.	To whom Consigned.	From.	Date.		Bound to.
							Arr.	Dep.	
S.S. Ayamonte	R. J. Gilchrist	845	General	British	Kampala General Agency, Ltd.	Kismayu	1927 Feb. 5	1927 Feb. 6	Zanzibar
" "	"	"	"	"	"	Zanzibar	" 16	" 17	Lamu
M.V. Dumra	H. Foskitt	2304	"	"	Smith Mackenzie and Co.	"	" 20	" 20	"
" "	"	"	"	"	"	Lamu	" 22	" 22	Mikindani

LAID-UP SHIPS.

S.S. Calliope	-	-	-	British	E. India Steam Navigation Co.	Dar-es-Salaam	1922		-
							Nov. 15	Apr. 10	
" Cannadore	"	275	-	"	"	"	"	"	"

F. C. GREENWOOD, AG. PORT CAPTAIN.

GENERAL NOTICE No. 254.

NOTICE.

PENISTON DAIRY FARM AND CHEESE FACTORY.
THE partnership between E. M. Peniston, J. Duffy and C. Poy, trading under the above name has been dissolved by mutual consent.

All claims against and accounts due to the partnership should be submitted to the undersigned before the 31st inst.

Nanyuki,
8th March, 1927.

L. GASCOIGNE & CO.,
Liquidators.

stolen and it is intended at the expiration of three months from the date hereof, to issue a duplicate.
For and on behalf of the Standard Bank of South Africa, Limited, Mombasa Branch.

W. STEWART,
Manager.

GENERAL NOTICE No. 255.

NOTICE.

IN THE MATTER OF THE COMPANIES ORDINANCE, 1921,
AND
TYSON BROS. LIMITED.
(IN LIQUIDATION).

NOTICE is hereby given that a general meeting of the above Company will be held at my office, Royal Exchange Buildings, Nairobi, on Saturday, the 16th day of April, 1927, at 10 o'clock in the forenoon, for the purpose of having the account of the liquidator, showing the manner in which the winding up has been conducted, and the property of the Company disposed of, laid before the meeting, and of hearing any explanations which may be given by the liquidator.

Dated this 12th day of March, 1927.

A. HORNBY,
Liquidator.

GENERAL NOTICE No. 255.

NOTICE.

NOTICE is hereby given that a sight draft drawn by ourselves on the Bank of British West Africa, Hamburg, No. 16/14/15302, dated 8th October, 1927, for the sum of £20 (twenty pounds) in favour of Franz Maier is lost or

NOTICE.

A copy of the 1925 Annual Report of the Native Affairs Department can be obtained from the Chief Native Commissioner, P.O. Box 328, Nairobi.

Price: Shs. 5, per copy.
Shs. 5/60, by post.

Report on Irrigation, etc., by A. D. Lewis, M.A., M.Inst.C.E.: Price Sh. 5/-; Posted Sh. 5/65.

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.. three months (including postage) ...	7	50
Single copy (excluding postage) ...	0	50
Single copy (including postage) ...	0	60

(Subscriptions must be prepaid.)

	Sh.	cts.
Price of one copy between 1 and 3 months old ...	0	60
.. .. 3 and 6 months old ...	1	00
.. .. 6 months and 1 year old ...	2	00
.. .. 1 and 2 years old ...	3	00
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NOTICES AND ADVERTISEMENTS.

All Notices and Advertisements by Private Advertisers may be tendered at or sent direct by Post to the Office of the Official Gazette, Nairobi, for insertion at the authorised rates of payment. The Office hours are from 9 a.m. to 4 p.m., closing at 1 o'clock on Saturdays.

All Notices and Advertisements must be prepaid. To save delay Notices and Advertisements sent direct by Post should be accompanied by remittance.

Matter for publication should reach the Editor not later than 4 o'clock on Monday afternoon in each week.

AUTHORISED SCALE OF CHARGES.

	Sh.	cts.
For insertion in Official Gazette (column) ...	32	00
.. .. (half column) ...	16	00
.. .. (quarter column or less) ...	8	00

NOTICE

Publications obtainable from the Government Press.

Revised Edition of the Laws of Kenya Colony, 1926, in three volumes. Price: £7 7s. per set (carriage extra).

Conference of Governors of the East African Dependencies, 1926. Summary of Proceedings. Price: Shs 2/50; Postage, Cts. 35.

Report of the Port Commission of Inquiry, 1925. (With map.) Price: Shs. 5/-; Postage, Cts. 35.

Bound copies of Ordinances, Vol. IV, 1925 (New Series). Price: Shs. 7/50; Posted, Shs. 8/20.

	Sh.	cts.
Bound volume of Official Gazette ...	25	00
.. .. Ordinances ...	7	50
.. .. Proclamations, Rules and Regulations ...	7	50
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PRINTED BY THE GOVERNMENT PRINTER, NAIROBI.

Colony and Protectorate of Kenya.

GOVERNMENT NOTICE No 160

HIS EXCELLENCY the Acting Governor has approved of the following Bill being introduced into Legislative Council:—

A Bill to Provide for the Organisation of the European Inhabitants of the Colony of Kenya for the Defence thereof.

WHEREAS, in view of the responsibility resting upon the European inhabitants of the Colony for the defence thereof and for the protection of life and property therein, it is desirable that special provision be made to enable such inhabitants promptly and efficiently to perform, when called upon, the duty of maintaining law and order incumbent upon them under the common law;

AND WHEREAS for the above purpose it is necessary that all able-bodied British subjects of European origin or descent should be enrolled and organised, and that youths before reaching manhood should be adequately trained;

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

PART I

ESTABLISHMENT, ORGANISATION AND ADMINISTRATION OF DEFENCE FORCE.

1. This Ordinance may be cited as "the Defence Force Ordinance, 1927," and shall come into operation on such date as the Governor may by notice in the Gazette appoint.

2. There shall be established a Force to be known as the Kenya Colony Defence Force (hereinafter referred to as "the Defence Force") which shall be under the supreme command of the Governor, and the members of which shall be liable to render general military service in any part of the Colony for the defence thereof or any part thereof or for the protection of life and property therein.

3. (1) The Governor shall appoint an officer to be Commandant of the Defence Force, who shall be responsible for the discipline and efficiency of the Defence Force.

(2) The Governor shall appoint a permanent headquarters staff which shall consist of a Staff Officer, and such other ranks as the Governor may deem expedient.

(3) The headquarters of the Defence Force shall be at Nairobi.

4. (1) The Governor shall appoint a Central Defence Committee consisting of the Commandant and one delegate from each Defence Force District.

(2) The Central Defence Committee shall perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder.

Short title and commencement. o.s.i.

Establishment of Defence Force.

new (see sec 3)

Organisation of Defence Force.

o 12/3/ amended

15 staff which shall consist of a Staff Officer, and such other ranks as the Governor may deem expedient.

o 12/3/ amended

(3) The headquarters of the Defence Force shall be at Nairobi.

o 12/1/

Central Defence Committee.

o 20/1: 2/2 do it tomorrow will be done in the morning

new.

Amie remainder No 8

Amie remainder No 3/2

revised

Central Sub-Committee.

(3) It shall be lawful for the Governor to appoint a Central Sub-Committee, consisting of the Commandant and three other members of the Central Defence Committee, for the performance of such functions and the execution of such powers and duties as may be delegated to the Sub-Committee by the Central Defence Committee.

Defence Force Districts.

5. (1) For the purposes of this Ordinance the Governor shall divide the Colony into districts to be known as Defence Force Districts, and shall designate the same respectively by such names as he may think fit: Provided that the Governor may at any time alter or abolish such districts or designations and may appoint others in place thereof respectively.

(2) Each Defence Force District shall, in accordance with the provisions of this Ordinance and of any Regulations made hereunder, be organised as far as possible so as to constitute units complete for service in the field, including Supply, Transport, Medical and Veterinary Services, and shall hold its own stock of reserve arms and ammunition, and shall have its own first and second line Transport allocated to it.

District organisation.

6. (1) The Governor shall appoint in each Defence Force District a Local Defence Committee which shall include the District or Resident Commissioners of any areas included in such Defence Force District and such other persons as the Governor, on the recommendation of the members of the Force in such District, may approve.

(2) The Governor shall, after consultation with the Local Defence Committee, appoint in each Defence Force District a District Commandant and such Section Commandants as he may deem expedient. Each District Commandant shall *ex officio* be a member of the Local Defence Committee for the district in which he is appointed.

(3) The District Commandant, Section Commandants and Local Defence Committee shall respectively perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder.

Duties of Local Defence Committee.

7. (1) Each Local Defence Committee shall draw up a scheme of defence for its district, including the selection of rallying points, the establishment of defensive posts and the arrangement of a system for the collection and use of available supplies and transport during such period as the Defence Force or any portion thereof shall be called out on active service.

(2) Each Local Defence Committee shall also collect such topographical and other information as it may consider necessary or expedient. Any such topographical information shall be inserted in the existing maps of the Defence Force District so that the same shall at all times be kept up to date.

(3) The Local Defence Committee shall from time to time send duplicate reports on all or any of the foregoing matters to the Staff Officer of the Defence Force.

Power of Governor to dispense with services.

8. The Governor may at any time dispense with the services of any officer or member of the Defence Force or of any member of the Central or Local Defence Committee.

Power of Governor to delegate authority.

9. The Governor may, for all or any of the purposes of this Ordinance, delegate all or any of his functions, powers and duties under this Ordinance to such person or persons as he may deem expedient.

*Amend
Recommendation
No 3(b)*

*Amend
Recommendation
No 3(c)*

new

*o 9(1)
amended*

o 2 9(2)

*o 8(1)
amended*

*o 8(1)
amended*

*o 8(2)
amended*

o 9(1)

o 9(2)

*o 9(3)
amended*

*o 2(2) + 8(3)
amended*

o 12(a)

revised

PART II

CONSTITUTION AND ENROLMENT OF DEFENCE FORCE.

10. Members of the Defence Force shall be divided into the following classes, namely:—

Division of Defence Force into Classes

5 Class I.—Persons who have attained the age of eighteen years.

Class II.—Persons who have attained the age of thirty years and have not attained the age of forty years;

10 Class III.—Persons who have attained the age of forty years and have not attained the age of fifty years;

Class IV.—Persons who have attained the age of fifty years.

15 11. (1) Subject to the provisions of this Ordinance, every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and has not attained the age of fifty years, and who is ordinarily resident in the Colony, shall attend at the office of the District or Resident Commissioner of his administrative district within one month after the commencement of this Ordinance or within one month of attaining the age of eighteen years or becoming so resident as aforesaid, as the case may be, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age, and if any such person shall fail so to enrol himself he shall be deemed to be enrolled as a member of the Defence Force.

Compulsory enrolment of male British subjects between the ages of 18 and 50 years.

(2) Any male British subject, both of whose parents are of European origin or descent who has attained the age of fifty years may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner of his administrative district and shall enrol himself as a member of Class IV of the Defence Force.

Voluntary enrolment of male British subjects who have attained the age of 50 years.

35 (3) Subject to the permission of the Governor, any male person, not being a British subject but otherwise qualified in regard to age and origin or descent, may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner as aforesaid, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age.

Enrolment of persons other than British subjects.

(4) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions shall only be enrolled or deemed to be enrolled and liable to serve in their professional capacity.

12. Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the Defence Force or who volunteers for service therein may, with the permission of the District Commandant of the Defence Force District in which he ordinarily resides, elect to enrol himself as a member of any Class preceding the Class appropriate to his age: Provided that upon such enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance, and by any Regulations made hereunder, upon the members of the Class in which he is so enrolled.

Right of persons to elect as to Class in which they are enrolled.

*Amend
Recommendation
no 2.
new*

*sec (3) -
quite different.
see also sec 2
not habit
since*

new

Exemptions

13. (1) All persons who are certified under the hand of a Medical Officer to be medically unfit for service under this Ordinance by reason of bodily or mental infirmity or unfitness shall be exempt from enrolment and service in the Defence Force.

(2) The Governor in Council may by order exempt any person or any class of persons from all or any of the obligations imposed by this Ordinance or by any Regulations made hereunder.

Preparation of lists of persons liable to serve.

14. (1) The District or Resident Commissioner (hereinafter referred to as "the officer in charge") of each administrative district shall, within two months after the commencement of this Ordinance, and during the month of January in each succeeding year, prepare a list, in the Form given in the Schedule to this Ordinance, containing the names of all persons in his district who are liable for enrolment and service or who volunteer for service under the provisions of this Ordinance.

(2) When such list has been prepared the officer in charge shall cause a copy thereof to be affixed in a conspicuous manner at his office and court-house, and shall cause a notice to be inserted in at least one newspaper of the day on which and the place at which he will hold a court for the purpose of hearing objections to such list, which day shall not be earlier than two weeks nor later than four weeks (unless for special reason) after the date on which the copy of such list was affixed as aforesaid.

(3) Upon the day and at the place so notified the officer in charge shall hold a court, and shall, on due proof by the oath of such persons as he shall see fit to examine or by statutory declaration or affidavit, correct all errors in such list, either by adding thereto the names of persons liable to enrolment and service or by striking out the names of persons who claim to be exempt. Such court may be adjourned from day to day until all questions as to the correctness of the list have been determined. The decision of the officer in charge upon any question arising in regard to the correction of the list shall be final.

(4) As soon as all questions as to the correctness of the list have been determined as aforesaid, the officer in charge shall forthwith transmit such corrected list to the Staff Officer of the Defence Force.

Change of residence of members of Defence Force

15. Any member of the Defence Force who leaves one Defence Force District to reside in another Defence Force District shall forthwith notify the District Commandant of each such District.

PART III.

ARMS, AMMUNITION AND EQUIPMENT.

Government to provide rifles and ammunition

16. Such rifles, ammunition and equipment as may be prescribed shall be provided by the Government for members of the Defence Force, and will be issued in accordance with the Regulations to be made under this Ordinance.

Duties of members in regard to Government rifle

17. Every member of the Defence Force in possession of a Government rifle, ammunition and equipment as hereinbefore provided shall be responsible for the same and for keeping the same in a good and efficient condition, and shall be liable for any damage to such rifle, ammunition or equipment, due to his act, neglect or default.

March 16, 1927
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0.5(1)
amended

20
0.5(1)
amended

25
0.5(2)
amended

30
0.5(3)

35
0.11
amended

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192

PART IV.

TRAINING.

18. (1) Subject to the provisions of section 20, every member of the Defence Force shall in each year undergo the course of training prescribed for the Class in which he is enrolled: Provided that the annual course of training shall not exceed—

(a) in the case of Class I, a period of one hundred hours in the aggregate;

(b) in the case of Classes II, III and IV, a period of twelve hours in the aggregate.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of the prescribed period of training.

19. Any member of the Defence Force may be required, as part of his annual course of training, to fire such musketry course as may be prescribed.

20. (1) A District Commandant may, in his discretion, exempt any member of his unit from the performance of the whole or any part of his compulsory training under the two last preceding sections.

(2) A District Commandant may, in his discretion, authorise any member of his unit to fire his musketry course on any military or police range: Provided that in such case such member shall obtain a certificate of efficiency signed by a European Military or Police Officer.

21. The date and place for every course of training and every musketry course shall be notified by the Staff Officer, and notice of such date and place published in the Defence Force Orders and affixed in a conspicuous manner at the office of the District Commandant of each Defence Force District shall be sufficient notice to every member of the Defence Force residing in such District.

22. If any member of the Defence Force shall without reasonable cause or excuse, after due publication of the notice prescribed by the last preceding section, fail to attend at the place mentioned in such notice for the purpose of undergoing the prescribed course of training or of firing the prescribed musketry course, or shall fail to complete such courses or either of them, then and in any such case such member shall be liable, on conviction before a magistrate of the first or second class, to a fine not exceeding five pounds or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment: Provided that no such conviction shall be deemed to exempt the person convicted from all or any of his duties and obligations under this Ordinance or any Regulations made hereunder.

PART V.

MOBILIZATION.

23. (1) Whenever in the opinion of the Governor it shall be necessary for the defence of the Colony or any part thereof or for the protection of life and property therein, the Governor may, by proclamation, call out and mobilize the Defence Force, or such part or parts thereof as he may deem necessary, for active service:

heut
Commandant
Kansanohia
No. 1

(Commandant Kansanohia)
0.16 (1) h. 5

Penalties of exemption in regard to training
0.15
Commandant Kansanohia
No. 6

0.16(2)
amended

Notification of time and place of training
0.17
amended

Penalties for non-attendance at training or musketry course
0.18
amended

Calling out and mobilization of Defence Force
see sec 49

Provided that a proclamation under this sub-section may call out the members of any one or more of the Classes mentioned in section 10 of this Ordinance, but so that the members enrolled in any Class shall not be called out until the members enrolled in every preceding Class have been called out:

Provided, further, that the Governor may by such proclamation, in lieu of calling out and mobilizing the Defence Force or any part thereof as aforesaid, order the Defence Force or such part or parts thereof as he may deem necessary, to hold itself in readiness for immediate mobilization.

Power of administrative officers to call out Defence Force.

(2) In the case of sudden and imminent danger in any administrative district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer in charge of such district may, for the defence of the district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor call out the members of the Defence Force resident in such district, but in such case such officer shall forthwith report to the Governor such calling out and any subsequent step taken by him.

Discipline of Defence Force on mobilization to be governed by Army Act, 44 & 45 Vic., c. 58.

24. Members of the Defence Force shall, when they are on active service or when called out under the last preceding section or when ordered to hold themselves in readiness for mobilization under the second proviso to section 23 (1), be subject to the provisions of the Army Act and all Acts amending or substituted for the same, but so that the Regulations under section 31 hereof may prescribe that any provisions of those Acts shall not apply to the Defence Force: Provided that—

(a) the words "the Defence Force" shall be read therein for the words "Regular Forces"; the words "member of the Defence Force" for the words "officer or soldier"; as the case may be, and the word "Governor" for the words "His Majesty" and "Secretary of State";

(b) no sentence of a court-martial upon the trial of a member of the Defence Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

Liability of population to provide transport, etc.

25. On the mobilization of the whole or any part of the Defence Force for active service, every resident (whether he shall or shall not himself be a member of the Defence Force) shall be liable to provide any transport and supplies in his possession if so required; and any person who, without reasonable cause or excuse, shall fail to comply with the requirements of this section shall be liable, on conviction before a magistrate of the first or second class, to a fine not exceeding one hundred pounds or to imprisonment of either description for any term not exceeding six months or to both such fine and imprisonment.

transcript
new

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new
(Amend)
recommending
No 7

see sec 19
Colo. Act

15

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2201
amended
(2212?)
instituted

10

new

transcript

No member of the Defence Force shall be liable to be called out for ceremonial purposes or for any purpose other than as provided in this Ordinance.

Defence Force not to be called out for ceremonial parades.

Penalty for breach of duty.

Any member of the Defence Force who, after publication of any proclamation mentioned in section 23, shall without reasonable cause or excuse fail to attend for service or duty on any occasion, or shall absent himself without the permission of some competent authority, or shall refuse or neglect to obey any lawful command of his superior officer, shall be liable, on conviction before a magistrate of the first or second class, to a fine not exceeding one hundred pounds or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment:

Provided always that no such conviction shall be deemed to exempt the person convicted from service or from any future liability to serve under the provisions of this Ordinance.

221
amended

PART VI.

MISCELLANEOUS PROVISIONS.

28. The provisions of this Ordinance shall not apply to any member of the Defence Force during his temporary absence from the Colony.

Temporary absence of members.

29. Nothing in this Ordinance contained shall be deemed to prevent any member of the Defence Force from volunteering to serve in any of His Majesty's Regular or other Forces.

Right of members to volunteer for service in His Majesty's Forces.

(1) In the case of any member of the Defence Force who shall be temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him when on service as provided in section 23, the Governor may award to such member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no such gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

Governor may award gratuity or pension in certain events.

(2) The Governor may assign to the widow or family of any such member who may be killed in action or on service as provided in section 23 a pension or allowance not exceeding one hundred pounds per annum.

(3) No pension or gratuity payable under this Ordinance shall be assignable or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due by the recipient thereof or his wife.

31. The Governor in Council may from time to time make provision by Regulations for all or any of the following matters, that is to say—

Power to make Regulations.

(a) the general government, discipline, training and management of the Defence Force;

(b) the establishment of corps and other units of the Defence Force and the various divisions, branches, grades, numerical establishment, ranks and appointments therein;

See Annex
recommending
no 10.

23
amended

20(1)
amended

20(3)

20(2)
amended

75

- (c) the attendance at drills, inspections, classes and courses of instruction of members of the Defence Force, and the examination of members of the Defence Force as to proficiency in military professional subjects, and the granting of certificates of proficiency in military professional subjects; 5 ✓
- (d) the appointment to, seniority of, promotion in and tenure of commissioned or non-commissioned ranks in the Defence Force; 10 ✓
- (e) the leave of absence, suspension, reduction and discharge of members of the Defence Force; 10 ✓
- (f) the condition as to physical fitness for service in the various branches of the Defence Force; 15 ✓
- (g) the fixing of the rates of pay and allowances and issue of rations to members of the Defence Force when called out under section 23 of this Ordinance; 15 ✓
- (h) the enrolment of all persons liable for service in the Defence Force; 20 ✓
- (i) the convening, composition, procedure and power of boards of officers and courts of inquiry; 20 ✓
- (j) the payment of compensation to widows and families of members of the Defence Force as provided in section 31 of this Ordinance; 25 ✓
- (k) the requisitioning of means of conveyance and transport for service with the Defence Force when called out under section 23 of this Ordinance; 25 ✓
- (l) the conveyance by rail or road of members of the Defence Force, and their transport and equipment when travelling on duty; 30 ✓
- (m) the requisitioning of goods, provisions, supplies and accommodation for members of the Defence Force when called out under section 23 of this Ordinance; 35 ✓
- (n) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Defence Force; 35 ✓
- (o) the compiling of registers of transport and the duties of members of the Defence Force in connection therewith; 40 ✓
- (p) the establishment and conduct of camp, regimental, or district institutions for providing recreation and refreshment to members of the Defence Force; 40 ✓
- (q) the returns, books, forms, and correspondence relating to the Defence Force; 45 ✓
- (r) all matters which are by this Ordinance required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for securing the discipline and good management of the Defence Force, or for the carrying out and giving effect to the provisions of this Ordinance. 45 ✓

Such Regulations may provide as a penalty in respect of any breach thereof a fine not exceeding fifty pounds which may be recovered in any court of competent jurisdiction at the instance of the District Commandant of the Defence Force District in which the person infringing the same resides.

new.

SCHEDULE.

REGISTRATION LIST.

Administrative District
 Defence Force District

No.	Name.	Age.	Residence.	Calling.	Nationality.	Previous military service (if any) and technical qualifications.	Class in which enrolled
		06-24					
		04-06					
		07-06					
		06-06					

Forms to call omitted.

OBJECTS AND REASONS.

It is considered necessary, in view of the responsibility resting upon the European inhabitants of the Colony for the defence thereof and for the protection of life and property therein, that special provision should be made to enable those inhabitants promptly and efficiently to perform, when called upon, the duty of maintaining law and order incumbent upon them under the common law. For this purpose it is proposed that all able-bodied British male subjects of European origin or descent should be enrolled and organised, and that youths before reaching manhood should be adequately trained.

A Bill to provide for the enrolment and organisation of the European inhabitants of the Colony was introduced in Legislative Council in 1921 and was passed but not assented to in 1923. In November, 1926, the same Bill was published for re-introduction in Legislative Council, but owing to public criticism in regard to certain of its provisions it was not proceeded with. A Select Committee of Council was then appointed to consider the provisions of the Bill and the recommendations of the Committee were accepted by Government and published in the Official Gazette dated the 12th January, 1927.

The original Bill has accordingly been redrafted and the Bill now submitted includes provisions which are designed to give effect to the recommendations of the Select Committee.

Part I of the Bill provides for the establishment, organisation and administration of the Defence Force. It is proposed that the force should be called "the Kenya Colony Defence Force" and that the members of the Force should be liable to render general military service within the Colony for the defence thereof and for the protection of life and property therein. Provision is made for the appointment of a Commandant, the necessary headquarters staff, and also a Central Defence Committee consisting of the Commandant and one delegate from each Defence Force District. The Governor is also empowered to appoint a Central Sub-Committee consisting of the Commandant and three other members of the Central Defence Committee for the performance of such functions as may be delegated to the Sub-Committee by the Central Committee.

For the purposes of organisation the Governor is empowered to divide the Colony into Defence Force Districts and to appoint in each district a District Commandant, such Section Commandants as he may deem expedient, and a Local Defence Committee. Each Local Defence Committee is required to draw up a scheme of defence for its district and to collect such topographical and other information as it may consider necessary.

Part II of the Bill relates to the constitution and enrolment of the Force. It is proposed that the Force should be divided into four Classes according to age, as indicated in Clause 10, namely:—

Class I	...	...	...	18—30
Class II	...	...	...	30—40
Class III	...	...	...	40—50
Class IV	...	...	...	50 and over.

In accordance with the recommendations of the Select Committee of Legislative Council, provision is made for compulsory enrolment in the appropriate Class of every British male person between the ages of 18 and 50 who is ordinarily resident in the Colony and both of whose parents are of European origin or descent. All such persons are required to enrol themselves in the prescribed manner within one month after the commencement of the Ordinance or within one month of attaining the age of 18 or becoming so resident, and in the event of failure to comply with this requirement any person so failing is deemed to be enrolled. Provision is made for the voluntary enrolment in the Force of British subjects who have attained the age of 50 years, and also, subject to the permission of the Governor, of persons who are not British subjects but who are otherwise qualified in regard to age or origin.

Clause 12 of the Bill contains a special provision enabling any person liable to be enrolled or who volunteers for service to elect, with the permission of his District Commandant, to enrol himself as a member of any Class preceding the Class appropriate to his age, but on such enrolment such person is declared to be liable to all the duties and obligations imposed upon the members of the Class in which he is so enrolled.

It will be observed that Clause 13 limits the right to exemption from enrolment and service to persons who are medically unfit and are certified to be so by a medical officer, but the Governor in Council is given power to exempt any person or class of persons from all or any of the obligations imposed by the Ordinance or Regulations.

The subject of training is dealt with in Part IV of the Bill. Subject to the powers of District Commandants to grant exemption, every member of the Defence Force is required to undergo an annual course of training as follows—

- (a) in the case of Class I, a period not exceeding 100 hours in the aggregate;
- (b) in the case of Classes II, III and IV, a period not exceeding 12 hours in the aggregate,

excluding in each case the time occupied in proceeding to or returning from the camp or place of assembly. Members of the Force may be called upon to fire a musketry course as part of their annual course of training. Penalties are prescribed for failure, after due notice, to attend for training or musketry or to complete the prescribed courses.

Part V of the Bill deals with the mobilization of the Force and empowers the Governor to call out the Force or any part thereof for active service whenever in his opinion it is necessary for the defence of the Colony or for the protection of life and property therein. It is provided, however, that where the Force or any part thereof is called out under the above-mentioned powers, the members of any particular Class shall not be called out until the members of every preceding Class have been called out. It is also provided that, in lieu of calling out, the Governor may order the Force or any part thereof to hold itself in readiness for immediate mobilization.

In addition to the powers vested in the Governor as above, special powers are conferred on a civil officer in charge of a district to call out, in the name of the Governor, the members of the Defence Force resident in that district for the defence of the district or for the protection of life and property therein. Such powers are to be exercised only in cases of sudden and imminent danger when it is not possible to obtain the authority of the Governor without undue delay, and the civil officer responsible is required to report forthwith to the Governor.

It is specifically provided that no member of the Force shall be liable to be called out for ceremonial parades or for any purpose other than those already mentioned.

In Part VI of the Bill will be found provision for the award of pensions and gratuities in respect of wounds or injuries received or sickness contracted by members of the Force while on service. The Governor is also empowered to grant a pension to the widow or family of any member of the Force who may be killed in action or on service.

Under Clause 31 the Governor in Council is given extensive powers to make Regulations in order to carry out and give effect to the provisions of the Ordinance.

The provision contained in the former Defence Force Bill requiring all members of the Force to take an oath of allegiance to His Majesty is omitted from the present Bill.

PROCLAMATION No. 14.

COLONY AND PROTECTORATE OF KENYA.



THE NATIVE FOODSTUFFS ORDINANCE.

PROCLAMATION.

EDWARD BRANDIS DENHAM,

L.S.

By His Excellency Edward Brandis Denham, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

WHEREAS by section 3 of the Native Foodstuffs Ordinance (Chapter 135 of the Revised Edition) it is provided that where it has been made to appear to the Governor in Council that any district or area is suffering from, or threatened with a shortage of native foodstuffs, he may issue a proclamation (a) prohibiting the purchase or barter of such foodstuffs generally or of any class or classes of the same, for the purpose of re-sale in or export from the district or area in such proclamation specified, unless the written permission of the Resident Commissioner or District Commissioner, as the case may be, be first obtained; (b) prohibiting the export of such foodstuffs generally or of any class or classes of the same from any district or area; (c) prohibiting the use of such foodstuffs or of any class or classes of the same for the manufacture of liquor in any district or area; (d) prohibiting the concealment or destruction of such foodstuffs or any class or classes of the same in any district or area:

AND WHEREAS it has been made to appear to me that the Kitui District is suffering from or threatened with a shortage of native foodstuffs:

NOW THEREFORE, by virtue of the powers in me vested as aforesaid and having taken the advice of my Executive Council I do hereby prohibit—

- (a) the purchase or barter of maize, beans, chiroko, groundnuts, sweet potatoes, kunde and mtama for the purpose of re-sale in or export from the Kitui District unless the written permission of the District Commissioner of the said District be first obtained;
- (b) the export of any such native foodstuffs from the said area;
- (c) the use of any such native foodstuffs for the manufacture of liquor in the said area; or
- (d) the concealment or destruction of any such native foodstuffs in the said area.

GOD SAVE THE KING.

Given under my hand at Nairobi this 10th day of March, 1927.

By Command of His Excellency the Acting Governor in Council.

J. E. S. MERRICK,
Clerk to the Executive Council.

PROCLAMATION No. 15.

COLONY AND PROTECTORATE OF KENYA.



THE TOWNSHIPS ORDINANCE.

PROCLAMATION.

E. B. DENHAM.

L.S.

BY His Excellency Edward Brandis Denham, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by the Townships Ordinance (Chapter 82 of the Revised Edition), I do hereby declare the area in the Kyambu District described in the Schedule hereto to be a Township for the purposes of the said Ordinance and to be named "Kijabe".

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi this 12th day of March, 1927.

By Command of His Excellency the Acting Governor.

G. A. S. NORTHCOTE,

Acting Colonial Secretary.

SCHEDULE.

Commencing at a beacon at the most easterly corner of L.O. No. 2976/7 on the south-western boundary of Kijabe Station Reserve;

thence by a part of the south-western boundary, the whole of the north-western boundary and part of the north-eastern boundary of that Station Reserve to where it intersects a dry stream-bed;

thence generally northerly by that stream-bed for a distance of 1,500 feet approximately to a point where the line A—B produced intersects the stream-bed;

thence by that produced line north-easterly bearing 55° 54' 14" for approximately 237 feet to beacon B and onwards for approximately 639 feet to beacon A;

thence south-easterly by a line bearing 132° 32' 22" for approximately 2,396 feet to a beacon and onwards to where it intersects the Tongitongi River;

thence by that river down-stream to where it intersects the generally north-eastern boundary of L.O. No. 2976/6;

thence by the generally northern boundary of the latter portion to its north-western corner;

thence by a part of the south-eastern boundary of L.O. No. 2976/7 to the point of commencement.

The foregoing boundaries are more particularly delineated, edged red, on Land Survey Boundary Plan No. 96 deposited at the Land Surveys Office, Nairobi, a copy of which is on record at the Senior Commissioner's Office, Nyeri, and District Commissioner's Office, Kyambu.

PROCLAMATION No. 16.

THE DISEASES OF ANIMALS ORDINANCE.

PROCLAMATION.

WHEREAS by Section 4 of the Diseases of Animals Ordinance (Chapter 157 of the Revised Edition) it is provided that the Governor may at any time by Proclamation declare any area to be an infected area; extend, diminish, or otherwise alter the limit of an area declared to be an infected area; declare an infected area to be free from disease; and or for the purpose of preventing disease prohibit the removal of animals from one district, place or area, to any other district, place or area.

And whereas by Government Notice No. 231, dated the 3rd day of July, 1919, in exercise of the powers conferred upon him by Section 13 of the Interpretation and General Clauses Ordinance (Chapter 1 of the Revised Edition), His Excellency the Governor has been pleased to depute the person for the time being holding the office of Chief Veterinary Officer to exercise on his behalf the powers conferred upon the Governor by the said Section 4 of the Diseases of Animals Ordinance.

Now, therefore, in exercise of the powers so conferred and all other powers thereunto enabling me, I hereby declare the following farms to be infected areas for the purposes of the said Diseases of Animals Ordinance:—

EAST COAST FEVER.

Farms L.O. Nos. 2616, 2617 and the eastern portion of Farm—L.O. No. 2631, adjoining Farm L.O. No. 2617, bounded by a straight line drawn from Oi Motosioi to the southern beacon of Farm L.O. No. 2617, Major the Hon. R. F. Carnegie, P.O. Ngobit, Laikipia District.

TRYPANOSOMIASIS.

Farm L.O. No. 4431, Messrs. Jamji Estate, Kericho, Kericho District.

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

That portion of Proclamation No. 78, dated the 30th day of September, 1926, declaring Farm L.O. No. 2050, Mr. F. Guy, Kitale, Trans Nzoia District, to be an infected area (Trypanosomiasis).

Given under my hand at Nairobi this 3rd day of March, 1927.

A. G. DOHERTY,
Chief Veterinary Officer.

GOVERNMENT NOTICE No. 161.

THE ASIATIC EDUCATION TAX ORDINANCE, 1926.

ORDER.

IN EXERCISE of the powers conferred upon me by section 14 of the Asiatic Education Tax Ordinance, 1926, I hereby order that all Goans shall be exempt from paying the whole of the tax leviable under the aforesaid Ordinance.

This notice shall be deemed to have been in force from the 1st day of January, 1927.

Government Notice No. 100 of the 12th day of February, 1927, is hereby cancelled.

Nairobi,

This 9th day of March, 1927.

E. B. DENHAM,
Acting Governor.

GOVERNMENT NOTICE No. 162.

THE CROWN LANDS ORDINANCE

IN EXERCISE of the powers conferred upon him by Section 8 of the Crown Lands Ordinance (Chapter 140 of the Revised Edition), His Excellency the Acting Governor has been pleased to appoint as Assistant Land Officers all Administrative Officers in charge of districts.

By command of His Excellency the Acting Governor

Nairobi,

The 9th March, 1927.

JUXON BARTON,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 163.

THE PUBLIC TRAVEL AND ACCESS ROADS ORDINANCE, 1920.

APPOINTMENT OF DISTRICT ROAD BOARD.

IN EXERCISE of the powers conferred upon His Excellency the Governor by the Public Travel and Access Roads Ordinance, 1920, which powers His Excellency, in exercise of the powers conferred upon him by the Interpretation and General Clauses Ordinance, 1912, has been pleased by Government Notice No. 501 of 1925, to delegate to District Commissioners, I hereby make the following appointment to the Kyambu District Road Board:—

Major J. Gailey, Ruiru, vice Col. F. W. Hallows, resigned.

Kyambu,
8th March, 1927.

H. W. GRAY,
District Commissioner.

GOVERNMENT NOTICE No. 164.

THE EAST AFRICA TOWNSHIP ORDINANCE, 1908.

IN EXERCISE of the powers conferred upon him by Section 4 of the Eastleigh Amendment and Rating Rules, 1922, His Excellency the Governor has been pleased to impose the following rates which are now payable by the owners of property in Eastleigh for the year 1927, subject to the exemptions provided for in Sections 6 and 7 of the above Rules:—

For every plot or sub-plot not exceeding one-fifth of an acre in area—10 per cent. of the assessed net annual value.

For every plot exceeding one-fifth of an acre in area—5 per cent. of the assessed net annual value.

For every building as defined in Clauses 1, 2, 3 and 4 of Rule 12 of the Eastleigh Township Rules, 1921—24 per cent. of the assessed net annual value.

By command of His Excellency the Governor.

Nairobi,

The 12th day of March, 1927.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 165.

THE NATIVE AUTHORITY ORDINANCE

(Chapter 129 of the Revised Edition, Section 3 (1).)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, Section 18.)

GOVERNMENT NOTICE No. 406 of 1926.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein.

Nyeri,

21st February, 1927.

R. W. HEMSTED,
Senior Commissioner.

SCHEDULE.

SOUTH NYERI DISTRICT, KIKUYU PROVINCE.

Name	Area	With effect from	Remarks
Stephano wa Kibira	Othala Location No. 11.	1st May, 1926	Vice Kibira, Nyeri, deceased. Appointed by Govt. Notice No. 176 dated 15 May, 1926.

GOVERNMENT NOTICE No. 166.

THE NATIVE AUTHORITY ORDINANCE

(Chapter 129 of the Revised Edition, Section 3 (1).)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, Section 18.)

GOVERNMENT NOTICE No. 406 of 1926.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein.

Nyeri,

24th February, 1927.

R. W. HEMSTED,
Senior Commissioner.

SCHEDULE.

FORT HALL DISTRICT, KIKUYU PROVINCE.

Name	Area	With effect from	Remarks
Karugumi wa Kigoro	A. 8 Kiparule	4th Feb., 1927	Vice Mwa wa Mwa, deceased.

GOVERNMENT NOTICE No. 167.

THE NATIVE AUTHORITY ORDINANCE

(Chapter 129 of the Revised Edition, Section 3 (1).)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, Section 18.)

GOVERNMENT NOTICE No. 406 of 1926.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein.

The temporary appointment of Numi wa Karanga as Official Headman of Kyambu District, appointed by Government Notice No. 71 of 1927, is hereby cancelled, with effect from the 29th day of October, 1926.

Nyeri,

This 26th day of February, 1927.

R. W. HEMSTED,
Senior Commissioner.

SCHEDULE.

KIKUYU PROVINCE, KYAMBU DISTRICT.

Name	Area	With effect from	Remarks
Wanda wa Karuga	Location	26th Oct., 1926	Vice Mwaro wa Ngũgũ, deceased.

GOVERNMENT NOTICE No. 168

THE NATIVE AUTHORITY ORDINANCE

(Chapter 129 of the Revised Edition, Section 3 (1).)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

(Chapter 1 of the Revised Edition, Section 13.)

GOVERNMENT NOTICE No. 406 of 1926.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein.

Nyeri.

This 28th day of February, 1927.

R. W. HEMSTED,

Senior Commissioner.

SCHEDULE.

SOUTH NYERI DISTRICT, KIKUYU PROVINCE.

Name	Area	With effect from	Remarks.
Phillipo Kamau wa Gichoki	Ndhi Location of 25 Muranga	1st Jan. 1927	Probationary appointment for 6 months Vice Njigu wa Rukinga resigned. Appointed by Govt. Notice No. 175, dated 1st May, 1924.

GOVERNMENT NOTICE No. 169

NOTICE

THE REGISTRATION OF TRADE MARKS ORDINANCE

TRADE MARKS RENEWED.

Trade Mark Number	Advertised in the Official Gazette.	Name of Applicants.	Class.
9/13	1st July, 1913	Ransomes, Sims, and Jeffries, Limited	7

Nairobi.

14th Mar. 1927

W. M. KEATINGE,

Registrar of Trade Marks.

GOVERNMENT NOTICE No. 170.

THE CROWN LANDS ORDINANCE.

THE following instructions are issued under Section 8 of the Crown Lands Ordinance, Chapter 140, to Administrative Officers acting as Assistant Land Officers:—

Administrative Officers acting as Assistant Land Officers are hereby authorised, in respect only of land situated in Native Reserves within their respective districts:—

(a) To represent the Commissioner of Lands in any actions, suits or proceedings referred to in Section 11 of the Ordinance.

(b) To exercise any of the powers conferred upon the Commissioner of Lands by Sections 51 and 58 of the Ordinance.

(c) To take action on behalf of the Commissioner of Lands under Section 182 of the Ordinance.

H. T. MARTIN,

Commissioner of Lands.

GENERAL NOTICE No. 230

DISPOSAL OF CROWN LANDS.

MOMBASA TOWNSHIP.

A Government auction of residential sites in Section VIII of Mombasa Township, will be considered on evidence of a demand being shown.

Interested parties are desired to furnish the Department of Lands, Nairobi or Mombasa, with particulars of any site they wish to acquire.

Plans showing available sites may be seen at the Land Offices, Nairobi and Mombasa, where approximate terms and tentative conditions may be obtained.

GENERAL NOTICE No. 231.

POST OFFICE NOTICE.

IT is hereby notified for general information that a Departmental Post Office for the transaction of all classes of Post and Telegraph business with the exception of Savings Bank was opened at Rongai on the 7th March, 1927.

General Post Office,

Nairobi,

8th March, 1927.

G. R. F. MARTIN,
for Postmaster General,
Kenya and Uganda.

GENERAL NOTICE No. 232.

POST OFFICE NOTICE.

IT is notified for public information that the South African Postal Authorities have intimated that it has been decided to revert immediately to the previous arrangement whereby dutiable articles may be imported by letter post into the Union of South Africa.

2. Senders of registered letters containing dutiable articles are required to describe the contents and value on the cover of the packet.

General Post Office,

Nairobi,

15th March, 1927.

G. R. F. MARTIN,
for Postmaster General,
Kenya and Uganda.

GENERAL NOTICE No. 233.

POST OFFICE NOTICE.

ARRIVAL OF KENYA MAILS IN ENGLAND.

IT is notified for general information that the mails despatched from Mombasa on the under-mentioned date arrived in England as stated:—

Date of despatch from Mombasa.	Name of vessel by which despatched.	Date of arrival in England.
21st Feb., 1927	S.S. "Dumbas"	11th Mar., 1927.

General Post Office,

Nairobi,

14th March, 1927.

D. CORMACK,

for Postmaster General,
Kenya and Uganda.

GENERAL NOTICE No. 234.

NOTICE.

REGISTRATION OF TITLES ORDINANCE, 1919.

WHEREAS an instrument of transfer has been executed by one Ali bin Abdulla, El-Amudi, purporting to transfer to His Most Gracious Majesty King George the Fifth, all the right, title and interest of the said Ali bin Abdulla, El-Amudi, in that piece of land being Plot No. 478, Section III on the Island of Mombasa, delineated on a Plan No. 18222, attached to a Certificate of Ownership No. 4909, and registered in the Coast District as No. C.B. 3114/1, and whereas such instrument of transfer has been presented to me for registration, and whereas the said Ali bin Abdulla, El-Amudi has filed an affidavit in terms of Section 65 (h) of the Registration of Titles Ordinance, 1919, certifying that such certificate of ownership has been lost and has not since been recovered, I, Phineas Ernest Wolfe as Registrar of Titles, Coast District, hereby give notice that, in pursuance of the said Section 65 (h) of the said Ordinance, provided legal objections shall not have been lodged by any person or persons claiming an interest in the said land within thirty days from the date hereof, I shall proceed to register the instrument of transfer without production of the said certificate of ownership.

Mombasa,

Dated the 11th day of March, 1927.

P. E. WOLFE,
Registrar of Titles.

GENERAL NOTICE No. 235.

KENYA AND UGANDA RAILWAY.
COMPLETE CONSTRUCTION OF A FUEL SIDING
AT NJORO.

TENDERS are invited for the complete construction of a fuel siding, about 1.8 miles in length, at Njoro, following the usual specification for the construction of fuel sidings, and in accordance with plans which may be seen on application to the Chief Engineer, Nairobi, from whom tender form may also be obtained.

2. Applications for tender form, etc., should be accompanied by a remittance for Shs. 50/- which will be returned on receipt of a bona fide tender.

3. Tenders (which should state time required for completion of the work) in sealed envelopes marked "Tender for Fuel Siding, Njoro," should reach the office of the Chief Engineer, P.O. Box 79, Nairobi, on or before 12 noon, on Friday, 25th March, 1927.

4. The lowest or any tender will not necessarily be accepted.

Nairobi,

8th March, 1927.

G. D. RHODES,
Acting General Manager,
Kenya and Uganda Railway.

GENERAL NOTICE No. 236.

THE PORT ORDINANCE, 1922.

RULES—SECTION 64.

NOTICE is hereby given that the following articles will be sold on the 15th April, 1927, by public auction unless claims for same are lodged at the Port Office, Mombasa, before that date.

(a) One canoe, salvaged at Malindi.

(b) One anchor, salvaged at Malindi.

Mombasa,

3rd March, 1927.

F. C. GREENWOOD,
Acting Port Captain.

GENERAL NOTICE No. 208.

KENYA AND UGANDA RAILWAY.

TENDERS FOR BEANS.

TENDERS are invited for forty-five tons per month of mixed beans for a period of 6 months to 30th September, 1927.

2. Quotations to include cost of bags and also delivery into railway trucks at any Kenya and Uganda Railway Station or at the General Railway Stores, Nairobi. Place of delivery to be specified in the tender. First delivery to be made by 15th April.

3. The quantity of forty-five tons per month to be subject to either an increase or a decrease of 25% on 14 days' written notice being given by the Railway.

4. Sealed samples of the beans to be submitted with the tender.

5. Delivery to be made in sound bags and the quotation should be per load of 60 lbs. nett to include the cost of the bags.

6. Tenders for part or the whole of the above quantity will be considered.

7. Sealed tenders marked "Tenders for Beans," should reach the Chief Storekeeper's Office, Kenya and Uganda Railway, Nairobi, P.O. Box 40, on or before the 24th March. Tenders received after that date will not be considered.

8. The lowest or any tender will not necessarily be accepted.

Nairobi,

4th March, 1927.

G. D. RHODES,
Acting General Manager,
Kenya and Uganda Railway.

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