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Downing Street,

18<sup>th</sup> June, 1919.

My dear Gibson,

I am sorry to have been so long in answering your letter of the 30th May enclosing Mr. Cowan's letter about the British East African Electric Power Campaign, 1918.

If Mr. Cowan will send in a memorandum of the points which he wishes to raise on this subject, an interview will then be arranged at an early date for him with the Legal Assistant and the Head of the East African Department of the Colonial Office.

J. Gilmour

LIEUTENANT-COLONEL J. GILMOUR, M.P.

TELEGRAMS  
ADVERTISEMENTS, PHONE, LONDON  
TELEPHONE  
VICTORIA 9940

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Statistical Office,  
1, Southampton Buildings,  
61, South Street,  
S.W. 1.

30th May, 1919.

Dear Amery,

I enclose letter from Mr. Cowan  
regard to the British Post Office  
Electric Power Ordinance  
which to some extent the effect of this  
bill will be to transfer to the  
public authorities or to the  
State electric installations  
of considerable importance. It is  
stated that these private  
installations will be transferred  
to the State and that the  
power generated there will  
be utilized to the fullest extent  
for the general interests of the country.  
It would appear that the proposed  
regulations are rather severe for a  
new Colony which is very much in  
early stages. I do not know if you  
arrange for Mr. Cowan to have an  
interview with someone in your office  
with some knowledge of the points  
of consideration. If so, I should  
be much obliged.

Yours faithfully,

*John Selwyn*

J. S. Amery, M.P.  
Colonial Office, S.W.

D. W. COWAN  
MINISTER  
OF JUSTICE  
1918

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4, GREEN VICTORIA STREET  
LONDON, E.C. 1

26th May 1918 53192

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RECEIVED 2 JUN 19

Lieut. Colonel J. Gilmour, B.S.O. M.P.  
House of Commons.

Dear Sir,

I have received two letters from Mr. R. Lambert of  
Battle referring to your correspondence with him about the  
B. E. A. Electric Power Ordinance 1918, draft of which was re-  
cently sent to me from B. E. A.

Mr. Lambert has suggested that I should meet you with  
the object of pointing out certain objections to this measure  
as affecting the interests of the Protectorate. This I should  
be very glad to do, and I suggest if it be quite convenient to  
you that I might pay a visit to the House of Commons or such  
other place as may be convenient to you between 5 and 6 p. m.  
on evening this week. Wednesday would suit me I think quite  
well.

I should say that I have not had time properly to  
study the draft of the Bill.

There are over eighty pages of matter, but I can ex-  
press in a few words one or two objections which have occurred  
to me after glancing over the provisions.

Extent of Control.

(1.) It appears to me that the intricacies and complexities of this Ordinance are likely to hinder rather than to assist in the realisation of the specific scheme which results from the group system of Power Supply. The group system is the system under which one Plantation puts in a Power Plant and Supplies neighbouring plantations with their requirements under mutually satisfactory agreements.

I have been in recent years associated with this system in B. E. A. on a small scale. I can give you one instance. The Thika Sisal Co. Ltd. installed a 500 H. P. Hydro-Electric Plant, and are supplying the neighbouring plantations Thika Ranch, Kabuku Limited, Poshu Limited and L'Orangerie Factory with Electric Power. I could give you other instances. If the proposed Ordinance been enacted when the scheme referred to above was carried out, I hardly think that the Thika Sisal Co. would have cared to face the heavy responsibilities involved in conforming with all the restrictions and regulations of the Act and the risk of severe penalties if they did not do so. I think that the large amount of work involved including the laying of separate conductors on the lines laid down by the Act, would have deterred them from undertaking the task which had to

such beneficial results to all concerned.

I quite understand that a beginning cannot be made so early in the matter of standardization of system, pressure, periodicity, etc. and also that the Central Authority should be concerned that Water Power is not wasted but utilized to the best effect for the general good.

I think however that it is too early to impose such an array of strict conditions upon the Protectorate. The Act appears to me to be practically unworkable in the extent of comprehensiveness of its provisions as an Act applicable to a district in this Country. Indeed if I understand it rightly its conditions are more severe and arbitrary in their character than I have met with in any other Act.

Up to the present there has been practically no Control in B. E. A. It is now proposed, if I understand the Act rightly to interfere with the freedom of action of the Owners of property in the Country to a greater extent than elsewhere.

I think that there should be an intermediate step between the lack of Control in the past and such complete control as this Act provides and that the intermediate step should leave as large a freedom as possible to the Estate owners to make amongst themselves their own arrangements.

SCOPE of ACT.

(2.) Clause 3 of the Act states that "the provisions of this Ordinance shall apply to Every Company, person or body or person generating or using electrical energy".

If I understand the above rightly it means that if a settler decides to light his bungalow electrically, he comes under the regulations of the Act. That is not the case, as far as I know, anywhere else.

Why should a settler who decides to use electrical energy instead of steam, gas, or oil be subject to restriction whereas with any of the other available forms of energy he is free?

EXISTING INSTALLATIONS.

(3.) Those who have already installed electric Power for their Factories, etc., will it appear to you to be liable, under the retrospective clauses of the Act, to incur considerable expense in making alterations in the system or procedure of their works - at least if they are supplying others as well as themselves. (See clause 4, sub clause (b) & (c).)

SYSTEM of SUPPLY.

Clause 49 provides that a particular system of

supply, 50 periodicity, 415 Volts between phases or 240 Volts be-

from any phase and neutral, shall be adopted by all Licensees. This is a sound regulation in principle, but I think that it is on field. Subject to approval of the Governor in Council, I think departure from it might be permitted. It is impossible to foresee the precise requirements of the future in the application of electricity and the Act should I think be drafted with more flexibility in this respect.

Then existing suppliers are required within twelve months to conform with above regulation which may mean scrapping whole of their existing plant and replacing it by new. That does not appear to me to constitute fair treatment.

#### METHOD OF CHARGING.

Clause 68 sets out the method of charging. So far as I know it goes further than any existing act in imposing a rate of charging upon the Protectorate which is disapproved of by every authority both in this country and in America. The subject has been much discussed for many years and in my opinion the method of charging which has been adopted by all Railway and Shipping Companies throughout the world is being adopted to an increasing degree in the electricity supply industry.

The two systems of charging are as follows:-

- (1) Strictly according to cost of service.
- (2) According to cost of service modified by consideration of value of service.

I consider that it will be a most unfortunate step if the Act is passed imposing upon the Protectorate a method of charging which though ardently advocated by one school is nevertheless peculiar to the Electrical industry amongst the great public services. It is of course true that the second method of charging is open to abuse unless adequately controlled by the Authorities, but its adoption nevertheless affords a means of adaptation to market conditions which has been in many cases very beneficial both to the producer and to the Consumer.

I cannot here deal ~~any~~ further with this matter, which has interested me considerably for many years, but I hope that it will not be too late to bring this Bill into conformance with our own Public Lighting Acts 1882, in this respect. The "undue preference" clause should remain, but the remainder will I trust be amended.

I have not of course done anything like justice in the way of criticism of this Act in this letter. I have not had sufficient opportunity to study it, but it calls for very careful study I think in the interests of the Settlers of the Protectorate before it is passed.

Yours very truly,

*Richard Gordon*

TELEGRAMS:  
"INSTITUTE PHONE, LONDON"  
TELEPHONE:  
VICTORIA 9746

Scottish Unionist Whip's Office,  
1. Sanctuary Buildings,  
6. Smith Street,  
S.W.1

19th June, 1919.

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Dear Amer,

Very many thanks for your  
copy of the British and Foreign  
Electric Power Ordinance 1918, which  
I have forwarded to Mr. Cowan.

Yours faithfully,

John Simon

Colonel L. S. Amer, R.P.

37042/1919.

Downing Street,

5th June 1919.

Sir,

I am directed by Viscount Milner to acknowledge the receipt of your letter of the 21st of June written on behalf of the British East African Sisal Producers' London Committee, regarding the proposed Electric Power Ordinance, 1918, of the East Africa Protectorate.

2. I am to suggest that you should call here in order to discuss the matter with Mr. Busho, the Legal Assistant of this Office, and Mr. Holbrey, the Head of the East Africa Department, at 3 o'clock on Wednesday the 2nd of July, if you can make it convenient to attend at that hour.

I am,

Sir,

Your obedient servant,

Edward S. BRINDLEY

*Handwritten initials and scribbles*

Banking Street,

June, 1918.

DRAFT.

FOR MR. ESC

MINUTE.

Sir,

I am glad to acknowledge the receipt of your letter of the 21st of June written on behalf of the B.E.A. Signal Promoters' London Committee, regarding the proposed Electric Power Ordinance, 1918 of the B.E.A.

I am to suggest that you should call here in order to discuss the matter with Mr. Bush, the Legal Assistant of this Office and Mr. Bottomley, the Head of the S.A. Dept. at 10 o'clock on Wednesday the 2nd of July, if you can make it convenient to attend at that hour.

**WALTER A. BRIDLE**

*Handwritten notes and signatures on the left margin, including the name "Bottomley" and other illegible scribbles.*