

Minutes of the Proceedings of a Special Session of the Legislative Council, 1915.

55

Held at Nairobi on the 13th September, 1915.

The Council assembled on the 13th September, at 10 a.m., HIS EXCELLENCY THE GOVERNOR (SIR H. CONWAY BELFIELD, K.C.M.G.) presiding.

Present:—

THE HON. THE CHIEF SECRETARY (C. C. BOWRING, C.M.A.).
THE HON. THE TREASURER (H. P. ESPIE).
THE HON. THE ATTORNEY GENERAL (J. W. BARTH).
THE HON. THE MANAGER OF THE UGANDA RAILWAY (W. EASTWOOD).
THE HON. A. C. MACDONALD.
THE HON. R. BARTON WRIGHT.

Absent:—

THE HON. F. W. MAJOR, I.S.O.
THE HON. G. W. HOBLEY, C.M.A.
THE HON. J. AINSWORTH, C.M.A.
THE HON. W. A. M. SIM.

MINUTES OF MEETING.

THE HON. CHIEF SECRETARY moved the suspension of Standing Orders in order that Council might proceed to the business notified in the Order of the Day without confirming the Minutes of the last Meeting.

THE HON. ATTORNEY GENERAL seconded.
The question was put and carried.

MOTION.

THE HON. CHIEF SECRETARY moved the Suspension of Standing Orders, a Certificate of Emergency having been laid on the table, in order that a Bill intitled "An Ordinance to make Provision for the Registration of Adult Persons within the Protectorate" might be passed through its various stages during the Session.

THE HON. ATTORNEY GENERAL seconded.
The question was put and carried.

THE PRESIDENT'S ADDRESS.

THE PRESIDENT delivered the following address:—

HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL,

This special meeting of the Council has been called at short notice in order to give legislative effect to a Bill which is to be enacted as a first step in reorganising the resources of the Protectorate with the view of establishing them on a wider and sounder basis so that we may be in a position to deal effectively with any contingencies which may arise in the future out of the present state of war.

The objects and reasons for the measure will be fully explained to you by the Hon. Chief Secretary; but I may say that its promulgation is a step necessarily precedent to the establishment of any scheme of general or local organisation, because before constructing the organising machinery it is essential that we should acquire adequate knowledge of the material with which we have to work and of the situations with which we have to deal.

I may with propriety take this opportunity of intimating to you how closely I associate the Government of the Protectorate and the people with the liberal and patriotic observations made by Captain Grogan at a meeting held on Tuesday last, and with the terms of the resolution, which was adopted by the universal acclamation. I have embodied the text of the resolution in the Secretary of State. The Imperial Government is therefore fully cognizant of the views which we have to the Secretary of State. The Imperial Government is therefore fully cognizant of the views which we have to the Secretary of State. The Imperial Government is therefore fully cognizant of the views which we have to the Secretary of State.

Captain Grogan also correctly stated that, when the value of the public mind expressed its views and wishes in no uncertain tone, the responsibility for giving effect to those wishes rests with myself.

I entirely coincide with that remark, and unhesitatingly accept the duty which has been imposed upon me, not only by a declaration of public opinion expressed with a unanimity which I believe is without precedent in the political history of the Protectorate, but also by the urgent and desirable that I should proceed to take action on my own initiative, without seeking the advice of those who are not competent than myself to formulate the lines of our future procedure. I have therefore arranged for the appointment of a committee of members, which I propose to include amongst its members some of those gentlemen who took a prominent part in last week's meeting.

The duty of that Committee will be to inquire into the existing conditions, regarding the necessities of registration which will be required in connection with the provisions of the Bill now about to be presented to you. The principal objects of the registration will be the possibility of raising loans and conducting business interests so that they may be properly secured and the doing of other things which are more strenuous than they are at present. It may also be necessary to provide a service, also in connection with the establishment of a Government Department, which I propose to include amongst its members some of those gentlemen who took a prominent part in last week's meeting. It is possible to suppose men by whom they are. It is possible to suppose men by whom they are. It is possible to suppose men by whom they are.

In commending the Bill which is about to be introduced to you, I would emphasise its importance and necessity by describing it as the recognition of the machinery which is to be assigned to put in due effect to the unanimous public determination to uphold in the future degree by individual and collective effort and sacrifice, the integrity of the Protectorate and the safety and welfare of its people.

THE REGISTRATION OF PERSONS (PROTECTORATE), 1915.

The Hon. Chief Secretary, in pursuance of notice given, introduced and moved the first reading of a Bill entitled "An Act to provide for the registration of Adult Persons within the Protectorate." He said that, in introducing the measure, he could not do better than repeat a few words which had occurred in a speech recently made by the Prime Minister, and which were quoted by the Secretary to the Local Government Board as the justification for the enactment in England of the National Register Act, 1914. Those words were as follows: "We have one paramount duty to perform, and that is to bring to the aid of the people the willing and organized help of every class of the community. That was the duty of the public in England, and it is the duty of the community in British East Africa. They, in East Africa, owe a great debt to the British public, because for nearly 20 years they had been a constant drain on the financial resources of the Empire. They had received, over 70 years, grants - not advances of money, but five shillings of money - for every £100 they had prepared a budget which they had to pay only during the last ten or twenty years that they in East

Africa had emerged into a state of being able to support themselves. In addition, they were indebted to the British Exchequer for the Uganda Railway, which had cost over 28,000,000, and on that sum the British taxpayer was at present being charged interest; and, finally, at the outbreak of the present war, when it had become obvious that, owing to the sparseness of the European community, they would be unable to rely entirely on their own resources for the defence of the country, they were furnished with reinforcements not only from England but from India and the Colonies. Nevertheless, in spite of these reinforcements they found themselves in the position of having their Southern border isolated by the enemy at many points between the Indian Ocean and Lake Victoria; native tribes, from whom they had been collecting taxes, and over whom they had exercised administration, and to whom they owed protection, had been rudely and harassed by the enemy, their stock driven off, and their crops destroyed; and, further, it was perhaps only owing to the topographical conditions which existed between the colonies and the Southern border that it had not been necessary in many cases to abandon the farms and concentrate the European population at various centres. He thought, therefore, that it could not be called that it was their duty in East Africa to bring to the service of the State the willing and organized help of every class of the community.

As regarded willingness to help, he thought there could be no doubt that the will had been forthcoming from the start and was now at the disposal of His Excellency. At the commencement of hostilities, a large number of settlers had joined the local forces. Then had come a period of comparative inactivity, when men, who were actually serving at the front, in what appeared to them to be comparatively idleness, began to think about their private interests, and others, who had not yet joined the local forces, but who were willing and anxious to do their bit for the Protectorate and for the State generally, had no one to turn to to tell them exactly how they could best be employed. At the Mass Meeting, to which His Excellency had referred, there had been passed unanimously and enthusiastically by what was probably the most representative gathering of local residents that had taken place in the capital, supported by letters and telegrams from members of outside organisations who had not had time to reach Nairobi and at the meeting, as they would have wished to do - a resolution to place at His Excellency's disposal the entire resources of the country. At that meeting the Indian community was fully represented and was fully in accord with the motion put and seconded by the promoters of the meeting. As regarded the African community, there had been numerous indications from the commencement of the war of the willingness of the native chiefs to take a part in helping the Government through the present crisis. They had offered the Government herds of native livestock, they had supplied cattle and sheep, both for the use of the troops and for the purpose of being sold and the proceeds placed to such relief funds as the Government might think fit, and it was only last week that a chief in the Kavirondo country tendered to His Excellency £100 with the request that it might be spent on cartridges for the purpose of shooting Germans.

But the value of help, however willing, was necessarily seriously discounted unless it were properly organised. A comprehensive system of registration was an essential preliminary to any form of organisation, and the object of the Bill was therefore the registration of the community with a view to its organisation to meet the present emergency - that was to say, its organisation on a war footing. In order to give effect to the intentions of the Government with regard to the Bill, and to provide for the proper organisation of the community, it would be necessary to secure the active and thorough co-operation of the military, civil, and administrative authorities. His Excellency had announced that he proposed to appoint what might perhaps be called a local War Council to analyse the register, when completed, and then to organise the community on a war footing, with due regard to the special ability, qualifications and usefulness of each individual, and to make such recommendations as might be necessary to bring such an organisation into operation for the general welfare of the country. It was not merely necessary to decide what men were to be placed at the disposal of the Government, but also to make a list of the minimum of dislocation, and also of the bare necessities at least of civil industry were interfered with to the least possible extent.

There was one other result which he (the Hon. Member) thought they could look forward to, after the Bill became law, and that was that it would be possible to adjust certain organisations which had been established in connection with the war. He referred mainly to the various East Africa Volunteer Corps, and to the Native Carrier Corps. As regarded the East Africa Volunteers, at the outbreak of hostilities, when the going was in doubt as to the duration of the war, at any rate how long it would be necessary for the local community to be in the field, the rates of pay were fixed as a figure which he believed to be far higher than any other forces fighting on the side of the Allies in any theatre. They in East Africa found themselves in the anomalous (not to speak of the absurd) position of finding their own volunteer soldiers fighting for the defence of their home side by side with volunteer settlers from fibrous and other lands the latter's pay! As regarded the Carrier Corps, it had been necessary to hold out inducements to the men in order to make them carry forward and bear in the very unpopular work of carriers for the Military. But when the whole community was organised on a war footing, he considered that it would be not only possible, but only right, to reduce the rates of pay, which had been, and were at present being, issued to the men, to a scale more compatible with the normal rates ruling throughout the Protectorate.

The Bill, as His Excellency had remarked, at present went no further than registration, but he (the Hon. Member) was authorised to state that, if the necessity became apparent, His Excellency would not hesitate to obtain from the Secretary of State authority to introduce further legislation providing for compulsory national service.

The Bill which he (the Hon. Member) had the honour to introduce was based upon the National Registration Act in England. It was modified in certain particulars in order to meet local requirements. Clause 3 of the Bill, for instance, provided that the Governor might by Proclamation apply the provisions of the Ordinance to any area and to any race in such area. The object of that was to save time. In the first instance it was proposed to organise only the European community, that being a matter which he believed could be carried out satisfactorily within a comparatively short time. The question of organising the Asiatic community, and possibly also the Native community, would then be considered. It was proposed to apply the measure throughout the Protectorate, excepting in the Northern Frontier District, to apply it to which would be a mere waste of time, as the Europeans residing in that area were so few and so scattered. In Clause 4 of the Bill it was specified that the Chief Secretary to Government was to be the Central Registration Authority and the District Commissioners in their respective districts were to be the local Registration Authorities. That was similar to the English Act with the exception that the Chief Secretary in East Africa took the place of the Registrar General, and District Commissioners took the place of the various local bodies, such as the London County Council, Councils of the Metropolitan districts, and Councils of boroughs and rural districts. It would be necessary, in addition merely to appointing local Registration Authorities, to decentralise the work as much as possible, and form local committees to deal with local conditions. It would be impossible for the Central Committee to have sufficient knowledge of local affairs in the Districts, and, as in the case of the English Act, it was essentially a local and not a Central matter of Registration. In Clause 5 of the Bill the Governor-in-Council assumed certain powers and duties vested in the Local Government Board in England. As regarded Clause 7, subsection 3, the English Act provided for the collection by the local English authority, within a prescribed time, of the registration forms filled up and signed. In the draft Bill before Council it was provided that the forms were required to be sent in to the local Registration Authorities. This was merely inserted as a safeguard, and he was able to announce that in rural districts the forms would be taken at the different houses and farms by the Police on their regular patrols. The forms would also be collected by the Police if they had not in the meantime been sent in to the local Registration Authority. The only other Clause which called for special comment and was different from the English Act was Clause 17, which was a necessary clause to meet the requirements of the local judicial system.

THE HON. ATTORNEY GENERAL seconded, and the Bill was read a first time.
THE HON. CHIEF SECRETARY moved that the Bill be read a second time.

THE HON. ATTORNEY GENERAL seconded.
The question was put and carried.

The Council resolved itself into a Committee of the whole Council, His Excellency THE GOVERNOR presiding.

In Committee.

The Bill was read clause by clause, and was adopted with the following amendments:—

Clause 7, sub-section (2)—In line 7 substitute the words "delivered at" for "left in."

Clause 12, line 1—After the words "Chief Secretary" add "(to the Government)."

The Council resumed its Sitting

THE HON. CHIEF SECRETARY moved that the Bill as amended be reported to Council.

THE HON. ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. CHIEF SECRETARY moved that the Bill be read a third time.

THE HON. ATTORNEY GENERAL seconded.

The question was put and carried, and the Bill was read a third time and passed.

ADJOURNMENT.

The Council adjourned until the third Monday in November, or such other date as might be duly notified.

INCLOSURE 2/3

1/2 of 1915

GOVERNMENT HOUSE,

Nairobi,

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September 20th, 1915.

Dear Mr.

You have no doubt studied the "Registration of Persons Ordinance, 1915", which was published in last week's issue of the Official Gazette and which I have applied, by Proclamation, to all persons of European origin throughout the Protectorate. As you were by the nature of your official duties debarred from being present at the Legislative Council Meeting when the purposes of the Ordinance were explained by myself in addressing the Council and by the Chief Secretary in introducing the Bill, it is necessary that you should be made acquainted with the reasons which induced me to cause the special legislation to be framed and the objects which I have in view as a result of the system of compulsory registration which has been enacted. I attach such great importance to the satisfactory carrying out of the provisions and intentions of the Ordinance, that I am adopting the somewhat unusual step of addressing a personal letter on the subject to each one of my District Commissioners with every hope that he will take the same interest in the movement which

is affect as I personally am taking.

You are doubtless aware, that, for some little time past, there has been a growing feeling among the Public generally that the European Community of East Africa, both official and non-official, has not been taking a sufficient part in the East African Campaign. It appears to have been aroused by a variety of circumstances among which I would mention the reported arrival of a storeship with large quantities of munitions of war in a German East African port, several recent partially successful raids by enemy dynamiting parties on the Uganda Railway and the continued delay in the arrival of reinforcements from home or elsewhere in sufficient strength to enable the general Officer Commanding the Forces in British East Africa and Uganda to adopt a more vigorous offensive.

This feeling culminated in a large and representative Public Meeting held in Nairobi on the 7th instant which unanimously and enthusiastically adopted the following resolution:-

"That this meeting believing that the administrative, professional, industrial, commercial, and military resources of this Protectorate should be organised in their entirety on a war footing, and realising that no sufficiently comprehensive system is possible without the extension to all citizens of the principle of universal service

service

service already initiated by the Native Carriers Ordinance, does hereby ask for such extension of the principle of universal service, and unreservedly places its members and their resources at the disposal of His Excellency the Governor and Commander-in-Chief the better to enable him to maintain the country's due part in the immense task which besets our King and people."

In the meantime I had already decided that it was very desirable to prepare an analysis of the European population of British East Africa as an essential preliminary to the organisation of the community on a war footing. I had accordingly directed the Attorney General to frame an Ordinance based on the Imperial National Registration Act.

The entirely spontaneous resolution which without any official suggestion was passed at the public meeting thus came at the most opportune moment. The speakers at that meeting drew attention to the necessity for complete co-operation between the Civil Administration, the Military authorities and the public generally if any scheme for organising the community on a war-footing were to be successful.

With this view I am in complete accord and to assist me in dealing with the situation I have appointed a representative central advisory War-Council constituted as follows:-

- The Hon. Charles Albert Bowring, C.S.G.
(President)
- The Hon. Benjamin Snowwood.
- The Hon. Archibald Campbell Macdonald.
- William Kilgater Wiley, Esquire.

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The Hon. Charles Calvert Baring, C.I.C.

The Hon. Benjamin Eastwood.

The Hon. Arthur Bala Consett Macdonald.

William K. de Saer Butler, M.A.

W. J. G.

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Colonel Seymour Hulbert Sheppard, D.S.O.
Lieut-Colonel Bertram Robert Graham.
Captain William Northrup McMillan.
Captain Ewart Scott Grogan.
John James Toogood, Esquire.

The terms of reference under which this Central Council is carrying out its duties are

1. To inquire into ways and means for best carrying out the purposes of "The Registration of Persons Ordinance, 1915" and to make recommendation as to the areas and races to which the Ordinance should be applied from time to time and as to the rules to be made and the forms to be prescribed thereunder.
2. To scrutinize the Register which will be compiled under the Ordinance and to make recommendations as to how best to organize the Community on a war footing and
3. To advise me as to what, if any, further legislation may become desirable for the purpose of introducing a policy of compulsory service having due regard to the requirements of civil administration and the bare necessities of civil industry.

You will observe that no system of conscription is contemplated in the commonly accepted meaning of the term.

It is neither my intention or desire that any system of National Service shall be adopted which would result in a general upheaval of the economic system

system of the Protectorate. But I am convinced that it is possible by means of an efficient organisation of the personal and material resources of the community to release an appreciable number of able-bodied citizens for active service with the local forces and for other duties connected with the military operations.

The extent to which this object can be achieved will naturally depend on the local conditions existing in the various centres. The success of the local application of any general principles which may be adopted must necessarily depend on complete co-operation between yourself and the unofficial community in your district and for this purpose it is my desire that you should shew this letter to some of the more prominent and discreet of your local European community and form from them a committee over which you will preside.

You are to let it be generally known throughout your district that Government will do all in its power to safe-guard the interests of farmers and planters who may join the forces or be deterred by other communal work from giving their full attention to their personal affairs, and for this purpose you are to use your best endeavours with the chiefs and headmen in your district for the supply of labour. You are, in consultation with your Committee, to suggest and settle the pay and conditions of service under which labourers will serve.

It

It has been suggested that in the case of plantations in close proximity to native reserves use could be made of native women and children for the lighter work such as coffee picking and weeding, and you are to ascertain and report to the Chief Secretary the extent to which this would be feasible in your district.

I have instructed my War-Council to go carefully into the question of reducing temporarily the establishment of the various Government Departments so as to release more civil servants for active service and I have caused a circular to be issued stopping all leave except on medical certificate.

It is believed that a grouping of farms and plantations could be effected under a system of co-operative supervision which would also release a certain number of men for other work.

You may further let it be generally known that the military authorities are preparing a scheme, the details of which will be made public at an early date, whereby leave will be granted in rotation to men who join the local forces. It is probable that the arrangements will admit of every man being absent on leave for two months out of each ten months service and it is hoped that the fact that the busy seasons vary in the different districts will make it possible to a great extent to suit the convenience of the men in the matter of the time of year at which this leave will be granted.

You will receive from the Chief Secretary a communication on the subject of the Registration Ordinance with instructions as to how you are to proceed in connection therewith and I now leave the matter in your hands with full confidence that with the assistance and advice of your local committee you will not only be able satisfactorily to carry out the purposes of the Ordinance but also to evolve a scheme which will enable any general policy which may be adopted subsequently to be applied to your district with a minimum dislocation of civil industry.

Yours faithfully,

M. C. Belfrage

THE SECRETARIAT,
Nairobi, 561

September 21st, 1915.

Circular

Sir,

I have the honour to forward a supply of registration forms for use by persons requiring to be registered in your district. At present the only persons who require to be registered are persons both male and female, of European origin between the ages of 15 and 65 (not being members of any of His Majesty's Naval Forces or of His Majesty's Regular or Colonial Forces). The forms are required to be completed and returned to you in the case of residences within townships on the Railway Line by September 30th and in the case of other residences by October 21st.

2. As regards the forms, you should note the beat-note printed on the forms and the distribution of the forms to the various beat-note holders for their respective areas. The forms should be returned to the District Office at Nairobi by the dates specified above.

THE DISTRICT COMMISSIONER,

.....

by Europeans and by keeping others for issue on demand at your office, the local police station and any other convenient centres.

3. With regard to residents in non-urban areas you should invoke the assistance of the police in the distribution and collection of the forms. The Commissioner of Police is issuing the necessary instructions to his staff.

4. On the return of the forms to you duly completed i.e. correctly filled in and signed by the person to be registered you should fill in a "Registration Certificate" and forward the same to the person concerned. It is essential that the forms should be correctly filled in before the certificates in respect of the same are issued and your attention is specially requested to Section 8 of the Ordinance which deals with this matter. The necessary counter-foil books containing these certificates will be forwarded to you in due course. You should then endorse the number of the certificate on both the original and duplicate copies of the forms forwarding the latter copy to me in cover marked "Registration" on the outside.

5. The original forms should afterwards be separated into those filled in by women and men respectively, these should again be divided into British subjects and aliens, each lot being finally

finally filed alphabetically and retained by you. It is probable that you will be supplied later on with special register books but in the meantime the original forms arranged as indicated above will be deemed to be your local register. The register will be kept up to date by adding to it the forms filled in by persons who may come into residence within your District after the dates mentioned in paragraph 1 and by removing from it the forms of persons who may leave your district. In this connection I enclose a copy of a letter I have addressed to the Principal Immigration Officer, and refer you to the printed letter under cover of which the registration certificates will be issued.

6. His Excellency the Governor has, in a circular letter which he has addressed personally to each District Commissioner, explained the purposes of the Ordinance and the reasons which have caused him to assent thereto. His Excellency has also referred to the desirability of the formation by you of a local committee composed of prominent and discreet residents in your District. It is of the utmost importance that you should secure the full co-operation of such a representative committee as the success of the whole scheme depends very largely on the whole hearted support of the entire European population.

You

You should therefore make use of the willing assistance of your local committee to the fullest possible extent in all matters connected with the carrying out of the purpose of the Ordinance such as the distribution of the forms, the removal of any difficulties which may present themselves to individuals in filling in the particulars required and the collection of the forms.

7. In view of the assistance and advice of your committee will be invaluable in the classification of the forms under such headings as may be prescribed and in settling such arrangements as may be possible in your district to give full effect to the purpose of the Ordinance and of any subsequent orders and notices which may be issued.

8. Should there be any matter in which you are in doubt in connection either with the forms which have been prescribed or with your duties under the Ordinance you will be so good as to communicate with me direct with as little delay as possible.

9. These instructions are being issued to you direct, instead of through your Provincial Commissioner, because of the extreme urgency of the matter and the inevitable delay which would occur were the usual procedure to be adopted. Copies

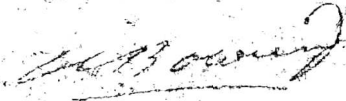
are

are of course being sent to all Provincial Commissioners with the request that they will do all they can to assist.

I have the honour to be,

Sir,

Your most obedient servant,



CHIEF SECRETARY to the GOVERNMENT
CENTRAL REGISTRATION
AUTHORITY.

THE SECRETARIAT,

Nairobi,

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September 21st, 1915.

Copy
Sir,

I have the honour to forward a supply of forms which are required to be filled in by all persons of European origin, male or female, between the ages of 15 or 65 (not being members of any of His Majesty's Naval Forces or of His Majesty's Regular or Colonial Forces) residing in the Protectorate elsewhere than in the North Frontier District.

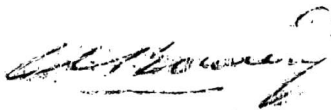
2. I have to request you to see that a sufficient number are taken on board every incoming ship and distributed to all persons concerned with the request, that on arrival at their destination in the Protectorate they will fill in a form and forward it, when completed and signed, to the District Commissioner of their district.

3. Any further information which may be desired by persons requiring to be registered can be obtained by them from their District Commissioner.

I have the honour to be,

Sir,

Your most obedient servant,



CHIEF SECRETARY to the GOVERNMENT.

CENTRAL REGISTRATION
AUTHORITY.

THE PRINCIPAL INDIGENOUS OFFICER,

MOMBASA.

Nov. 57911 EAP

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5 Jan. 1915

DRAFT

Earl Corp.
Care, Bedford.

Letter 9/12/14

Jan 3/15

in relation to...

Dear Sir,

I have etc to ack. rec
of your emp. desp. no
115 of Nov 18th in
which you report upon
the formation of a local
"War Council" and the
events which led up to
it.

I have heard with
much interest of the
formation of this
representative War
Council & I desire
to express my
appreciation of the
local co-operation

2/1/15

En. 52911 Cas

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[Handwritten signature]

5 Jan 1905

DRAFT.

With ref. to the letter

fr. the Dept. of 18

(47150)

Oct. I am etc. to

transmit to you the

be laid before the

copies of corresp.

with the Gen. of the

resounding the

formation of a local

'War Council' in the

Protectorate

[Handwritten signature]
me.

re Sec.

W.O.

[Handwritten notes]
2/1/05
re District of ...

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57911
Nov 10 1904

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57911
2/1/05