

1935

1935

CO 533/461

KENYA

38220

38220

SECRET

Colonists Vigilance Committee

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Subsequent

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11
November

1. Sir J. Byrnes Esq. 22 Oct 1955

In copy of Police Report on meeting of the National Council on 17th October 1955 and a copy of a circular letter issued by the Post of Enroll

2. Sir Byrnes Esq. 20 Oct 1955

In copy of Police Report on further meetings & activities of the Committee

It seems that Lord Enroll's recent letter to the Hon. Secretaries of Associations, startled the more serious minded members of the Left Club organisations. It became necessary for Lord Enroll and Major Townsend to explain that perhaps the letter had been liquidatorily worded & that the vigilance committee would not resort to forcible measures, (presumably this ~~means~~ refers to the use of arms) but to measures such as picketing of farms.

It is clear however that the vigilance committee has not the unanimous support of the Left Club organisations.

It can be left to the local authorities to deal with offenders under

Under Section 94A of the Penal Code.
(Unauthorized administration of oaths.)

Put by:
C. J. G. [unclear]
13/11/35

Old Mr. Malone (ex Mayor of Nairobi & father of the
Laird's office) called to say he had heard of all this
from a friend who was very annoyed about it all.

The point is the Vigilance Society is a very big
and strong body. But they will soon lose it.

D. J. G. [unclear]

(See 38001)

Sr J. Keatinge

For information

"Will" Evans has a letter
reparation than might be expected
from his speech & so on
think that the general of
the soldiers will be content
to be led by the "C" +

Lord & Mrs.

All the same, some of them
are in desperate straits.

W.D.S.
15.11.35

As above to [unclear]

See
[unclear]

Edw. [unclear]
(S. J. G. [unclear])
Edw.

3

Sr Byrne To 30 Oct 1935

For further police reports of meetings at
Ngara + Mumbasa

The last paragraph of Sr Byrne's
letter may be extracted to the
appropriate pp. (extract herewith)

This has
been done.
(See 38128/35 Kenya)

(Let [unclear] letter to the [unclear]
be [unclear] to assume [unclear]
of the [unclear] [unclear])

It is [unclear] with all
3 letters to be [unclear].
(Mr. [unclear])

C. J. G. [unclear]
27/11/35

Including a copy of D. Malone's letter to get be
added to this file

22.10.35

Have examined the letter -
they contained with a [unclear]
copy to go on the [unclear] [unclear]
pp. with the [unclear] stamp
[unclear]

See 38128/35

W.D.S.
21.11.35

4 Dr C. J. Wilson to the [unclear] [unclear] 27 Oct 35
Gives view on Vigilance Committee & describes
meeting at Narivasha

5 To Sr Byrne To 21 Nov 1935

Journal of the
1935

Interesting. Lord Francis Scott's letter seems to imply that the settlers may feel themselves in some way bound by Sir Alan Pim's Report so far as it affects the first part of his terms of reference. So we may score something there.

W.M.

24.11.35

lt

Downing Street.

21st November, 1935.

My dear Sir,

I write to acknowledge the receipt of the three letters which you have sent me enclosing reports on the activities of the Vigilance Committee. The reports make good reading and I think that there can be little doubt that before long there will be a great change either in the direction of moderates dropping off or wild men becoming more moderate.

This sort of thing does not help very much towards constructive discussion but I suppose that your various Committees are carrying on undisturbed.

I note what you say about the Land Bank. As a matter of fact, the chief attraction to me of the proposal to increase the capital of the Land Bank was that it ought to have the precise effect

which

BRIGADIER-GENERAL SIR JOHN BYRNE, G.C.B., K.B.E., C.B.

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which you have in view of helping some of the good farmers to carry on. We shall look forward to your new proposals but I am afraid that to the purists they may not look as suitable as the Land Bank as subjects for a loan.

You will before long have a call from Sir Sydney Henn who, in recuperation from a dangerous illness, is going out to East Africa for the winter. He is as keen as ever on all sorts of subjects and he will probably pursue with his friends in East Africa the questions of Railway amalgamation and complete Customs freedom. I have, I hope, headed him off the general question of Closer Union, and I have warned him that in Kenya the atmosphere is not very appropriate for quiet talks.

Yours sincerely,



Memorandum
P. J. ...
...
... t. 1955.

Dear Juxon,

This being a wet Sunday afternoon it would seem a good opportunity to write you a bit of our Kenya news. What I don't know is whether you are seeing the E.A. Standard - presumably you are. If so, or perhaps from the C.O., you know about our bright lads and their precious "Vigilance Committee". It was born from the Convention of Association, and I should say that roughly speaking its object is "to keep the farmer on the land". Unfortunately the only reason that they themselves can give for their posing and peering is that they are "determined that something must be done". Kenya could be the country where something must be done: it can be done, and it has been done that some time ago. They do seem to have produced one scheme - "to liquidate frozen capital". Not being a financier, I don't know whether it is workable and desirable or not. You may have heard all about it long ago, but at present all letters are being circulated to discover the total amount of agricultural debt which might be converted as a long term Government guaranteed loan.

The world had little to say about it, but the people of Kenya are interested. I have been told that the Government would not be able to ...

done, but that now the Trustees of the office was going to insist on Government doing something. In the Chair, said that questions could be asked. Mr. Brookes said I only asked one question "What will be told the terms of the oath?" That, of course, fixed them, and at last Francis Scott mutters "it is an oath of secrecy". And at the end of the meeting everyone (or nearly everyone) voted entire and absolute confidence in this secret clique: I was solo against. Next we saw Andrew McCrae, who had just read to me a very sensible letter from Jimmy McCrae, praising the C.O. and the help he had had there, and deploring Kenya politics - yet the damned fool proposes the vote of confidence in the Vigilanters. When I said "why do you do it?" all he could say was "they asked me to". I've never seen such a brainless lot of sheep. I don't think fifty per cent are really interested in this latest move, and quite a few settlers seriously distrust it - but they won't say so, and all one reads is that "the country is unanimously behind them".

Rupert Hemsley has resigned, and I have been asked whether I will accept it nominated: I believe the deed is done, but I didn't know whether there has to be another "instrument": I suppose you are really responsible for all this trouble coming on my old age. I'm trying to make up my mind whether I ought to tour my constituency and try to discover from P.C.s., D.C.s., and such like, what can be done to help the African. I have not yet reached a conviction that "something must be done" more than is being done. I hope that I can trust Montgomery to take care to curb all problems, so that I can take an intelligent interest without necessarily following blindly behind.

You will have heard all about Sir Alan Pim and his visit. I wished that you were still here to give me his life history. Already the Elected members are grouching that

His terms of reference include taxation and the 1936 Budget. Their most amusing complaint is that it is "an act of discourtesy" to propose that this Commissioner should be asked to do more than the Elected Members wished that he should do - i.e. cut down Government expenditure. I don't see how the fellow can fail to recommend income tax again.

Montgomery suggests that Legislative Council is meeting on 20th November, but I've not heard for certain. So I can look forward to a prolonged period of strife then until Christmas I suppose - unless the Elected Members all walk out early on - but that would be too much to hope for.

The Caledonian Society have so far forgiven me for my lapse from traditional Scottish courtesy at the last St. Andrew's Dinner as to ask me to speak again this year - to propose "The Land o' Gakes - anglic Scotland. It is a pity that you will not be there to hold my hand again - but this year there will be no controversy as far as I'm concerned - merely sentimental platitudes.

You will have heard of Robertson Eustace's death. He always used to be afraid of sudden death. Grogan and Lily White are standing for the vacancy - I most sincerely trust that Grogan will be shown just where he gets off. It only needs him to make Legislative Council too offensive for any respectable citizen to endure.

Pilling is away in South Africa, recovering from his pneumonia. We had expected the Wades to come up here for a spell soon after H.E. got back - but of course he has not been able to get away, and they have asked if they can come here for Christmas.

H.E.

... Northern Frontiers and ...
... such as ... and troops ... I think
... that ... the only outward ... sign of the Abyssinian
war. I believe that people in Nairobi were expecting to
be bombed into eternity at any moment: I don't know
whether the panic persists.

Our Airedale "Robbie" died suddenly about a month
ago - I was completely puzzled to imagine what could be
the matter - just watched him die with all the signs of
bleeding to death - as he was, for the post mortem showed
a ruptured spleen. I had no idea that dogs suffered from
such an accident as that, but the Vets. say it is not
so uncommon, as a late result of tick fever. We were most
awfully sorry to lose him, as he was wonderful dog. Now
we are left with the bitch and her four puppies, all bitches.
It looks as though we might not find it hard to get rid
of them.

Now that finishes all the news. Farming
"Farming Flourishes - pyrethrum going strong: just
finishing planting up our other five acres. Fruit trees
all looking like a very heavy crop. The short rains are
already here, and well here: I think they are fairly
general all over the country.

I wonder how you are filling in your time at home -
in London, I presume. Our love to Cicely and the kiddies
and write any news when you have a minute to spare.

Yours
(Sgt) C.J. ...

... were glad to see your letter ...
... sixth ... don't know how the South will take

to the idea of naming it after Princess St. in Edinburgh.
Personally I incline to Prince's Avenue, after all there
are some trees. But I wonder what induced you to suggest
anything - was it to prevent the change to "Delamere Avenue"?

C.J.W.

BY AIR MAIL.
PRIVATE AND PERSONAL.

Sup in Sec... 3

GOVERNMENT HOUSE,
KENYA,
EAST AFRICA

7th November 1935.

My dear Bottomley,

Herewith two further Police reports which may interest you. There is a good deal of play acting going on so I should not be unduly alarmed at the attitude of some of the actors. Things are really much quieter and I shall be interested to see what line the responsible leaders will take over the Budget which I propose to introduce on the 20th.

I have just finished another tour on the frontier west of Lake Rudolf where I held State barazas with the chiefs. This does a lot of good and the Air Force escort adds to the impressiveness.

On my return journey I met, dined and lunched the farmers at Kitale, Eldoret, Nakuru and Naivasha. I had frank and friendly talks with them and so had the Attorney General who accompanied me. Apart from low range proposals for relief which will in due course be submitted by the various Committees, I am of opinion that it will be necessary to find some immediate relief if we are to help

some.....

Whacker, to James Burrell

some of the good farmers through the next difficult seven or eight months. This is a matter which I am now dealing with and I merely mention it so that caution may be exercised over any Land Bank announcement. It may be that some of the loan would be better used in this direction.

Yours sincerely,



SIR W. C. BOTTOMLEY, K.C.M.G., C.B., O.B.E.,
COLONIAL OFFICE,
DOWNING STREET, S. W. 1,
LONDON.

I enclose a copy of a letter I have
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also of interest



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received from Francis Scott this is
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SECRET.Lakuru,
5th November 1939.

NJORO SETTLERS' ASSOCIATION MEETING,
NJORO, 4TH NOVEMBER 1935.

I attended this meeting held in the Njoro Country Club last night. There was really very little of interest.

Capt. E. H. Wright, Ngata, was in the chair.

Lord Francis Scott addressed the meeting on the Vigilance Committee. Said that the Vigilance Committee has received recognition, at least in England and asked the meeting for their whole-hearted support. Several things had been accomplished which, he said, he could not make known at present.

Capt. E. H. Wright said that the Vigilance Committee was not recognised by Government. Lord Francis Scott remarked that they could not state that at present as he had addressed Government on the question of recognition and had received no reply; he expected a reply when His Excellency returned to the Capital.

Lord Francis impressed on the meeting the need for absolute secrecy. He added that he was disappointed to hear that matters of a most confidential nature were all over the countryside within twenty four hours after a secret meeting.

Then came the question of members of various committees taking the oath. Major Buxton said that he refused to take any oath; he considered himself perfectly capable of holding a secret some agreed with him.

They selected representatives to meet Sir Alan Pim. Lord Francis Scott told the meeting that he had met Sir Alan Pim and described him as "shrewd and very much all there". Lord Francis thought that they had an excellent opportunity of presenting their case.

The name 'Vigilance Committee' did not seem to go down very well. Some suggested 'The Unofficial Advisory Committee to Government'. They did not know quite what they ought to be called. Nothing was decided and at present they are thinking of a better name.

Other matters discussed had reference only to farming. About 40 people were present: as far as I could see these were all farmers of the district.

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Mombasa,
5th November 1909.

SECRET.

VIGILANCE COMMITTEE.

I beg to inform you that a meeting was held last night from 6.30 p.m. to 8.30 p.m. at the Manor Hotel for the purpose of explaining to the people of Mombasa the reasons for the Vigilance Committee.

2. Mr. Bemister, M.L.C. Mombasa, was in the chair and the speakers were Major Cavendish-Bentinck and Major Grogan.
3. Major Cavendish-Bentinck spoke first and outlined the political history of this Colony since the Bowring Commission caused the devaluation of the rupee.
4. He endeavoured to point out to his audience how Government had ridden rough shod over the unofficial members in an unsympathetic and spendthrift manner and that now the position was that the unofficial members could not however hard they tried get anything done in Council which he pointed out was only convened very occasionally and then only to pass Government measures.
5. The above he gave as his reasons for the forming of the Vigilance Committee which was formed at the largest attended and most representative meeting of the Convention of Associations ever held.
6. The Vigilance Committee he stated had been formed to bring continual pressure on Government which could not now be done in Legislative Council and that it was essential that the Vigilance Committee should have whole-hearted backing otherwise matters would drop and the people of this country would continue in the deplorable state which they already found themselves.
7. The speaker then impressed on all present that the idea of the Vigilance Committee using force which appeared to be prevalent was absurd and had never even been contemplated.
8. Major Grogan then spoke and by being very amusing to start with got his audience in a good humour.
9. Major Grogan mainly blamed the Colonial Office for what he called the deplorable condition of this country and pointed out that the official in this country is not a free agent but is bound to do his work in accordance with orders from home. He then went on to outline a scheme which a Committee consisting of Messrs. Tannahill, Schwartz and himself had contrived, by which the numerous farmers who are on the verge of bankruptcy might be saved.
10. After this Major Grogan talked far above his audience heads on devaluation of currency but what he made quite clear was that it was his opinion that the Imperial Government had extracted sacrifices from her colonies which no other country would have considered doing.

11. He then went on to talk of the high percentage loans of this country which he stated were all arranged by the Crown Agents with no reference to this country whatever.

12. He then advocated that the same action be taken in this country as was taken in Newfoundland, i.e., the loans be converted to 3% loans but to run for a much longer period than the present loans until maturity.

13. The main trend of Major Grogan's speech, interwoven with a lot of very technical financial talk, was to the effect that the Imperial Government's financial attitude towards this Colony was disgraceful and that unless it were altered the country would be ruined.

14. There were some three hundred people present but not, I am of the opinion, a very enthusiastic audience and it is very significant that no vote of confidence in the Vigilance Committee was called for.

15. It was a very quiet and orderly meeting and nothing approaching a sedition or trouble making statement can said to have been made.

Mithaiga Country Club,
Nairobi.

4/11/1935.

Your Excellency,

I am writing to you as Chairman of the Colonists' Vigilance Committee to point out that when Your Excellency agreed with the Deputation from the Convention of Associations to ask for Sir Alan Pim, the only terms of reference discussed were what now form the first part of Sir Alan Pim's terms of reference, i.e., to enquire into the re-organisation of Government services and to reduce the expense thereof, and the question of official salaries. As we never discussed the second terms of reference which brings in the question of taxation, we wish to make it quite clear that we feel ourselves in no way bound by any recommendations which he may make in this respect, and reserve to ourselves complete freedom of action as to what attitude we may take up to his report thereon.

Yours sincerely,

(Sgd.) FRANCIS SCOTT.

BY AIR MAIL.
PERSONAL & PRIVATE.

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GOVERNMENT HOUSE,
KENYA,
EAST AFRICA

30th October, 1935.

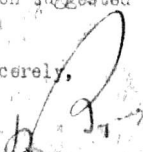
My dear Bottomley,

In continuation of my personal and private letter to you of the 22nd October I enclose herewith an extract from a secret Police report which I have just received.

Things are quietening down considerably. The wild men have talked themselves out and unless anything unexpected turns up to excite the settler I fancy the extremists will probably lose ground as the Country is sound at heart.

Pim and Milligan arrived on Monday. It was an excellent move getting them both out here especially the former as he is the very person suggested by the Convention.

Yours sincerely,


SIR W. C. BOTTOMLEY, K.C.S.I., C.B., O.B.E.,
COLONIAL OFFICE,
DOWLING STREET, S.W.1,
LONDON.

Colonial Vigilance Committee. (Ref. para. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000)

Further meetings have been held throughout the year and full support of the Vigilance Committee has now been nominally pledged by almost every District Association. In spite of this, however, the body is regarded with considerable doubt and even secret opposition in many quarters and individuals have in certain instances refrained from voting at meetings. At a meeting of the main committee held in Nairobi in September members were required to bind themselves to secrecy in accordance with the following form of oath which was read out by the Earl of Broll:-

"I do solemnly swear, I will at no time divulge in whole or in part any matter which has been committed to my secrecy during this committee's deliberations. So help me God."

This oath, which constitutes a contravention of section 94A of the Penal Code, was assented to by all present. Certain District Associations are opposed to this form of undertaking and it has been ascertained in the case of Kiambu that no member of that Association is prepared to take an oath of any sort. They reserve the right to call a general meeting to discuss any information which may be received from the Vigilance Committee, and nobody there is willing to act as diason representative to that body. Kiambu district is determined to act as it thinks best and the committee is aware of this.

The same attitude is also prevalent in Machakos district where at a meeting held on 17th October the Vigilance Committee was subjected to strong criticism. A circular letter which had been sent to all honorary secretaries of associations by the Earl of Broll on behalf of the Committee was questioned, in particular with regard to the concluding paragraph which reads:-

"We feel, in view of the precarious position in which a large proportion of the community find themselves to-day, that complete organization of the country is imperative, as action may be necessary at short notice."

It was then stated by Lord Cavendish Bentinck that action taken by the committee will not take the form of forcible measures and that the circular had perhaps been injudiciously worded. Another very prominent Kenya resident regards this paragraph as "a particularly bad break" and wishes to know that any local committee is not backed by extremists. He considers that the Vigilance Committee may act as a safety valve during an unsettled period in the colony and that good is done on orderly lines but will find itself in its own downfall if the extremists are in control. He is satisfied, however, that up to the present the more level-headed residents of districts, who would be opposed to any

violent.....

*Copy of
Bentley
document*

violent action, are being elected to local Committees and they will obtain the support of the public as a whole through a sense of loyalty to popular leaders, but that there will be a reaction if the extremists obtain executive power. The formation of a society in direct opposition to the Vigilance Committee appears to have been considered in certain quarters.

No action has as yet been taken by the Committee apart from obtaining an assurance of the tacit support of districts and nominating local representatives. Now that the press is giving less publicity to the subject its affairs are assuming smaller and more normal proportions.

Certain prominent members of the Committee continue to make allusions to their letters being opened in the post, the opinion generally being that this is done on an administrative order of the Government rather than as an executive act of the Police.

PRIVATE.

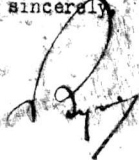
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

22nd October, 1955.

Dear Bottomley,

The enclosed police report may interest you, particularly Erroll's circular letter. Machakos is a fairly sensible district but the report indicates that already some people are getting a little nervous about the activities of the Vigilance Committee.

Yours sincerely,



SIR W. G. BOTTOMLEY, K.C.M.G., C.B., C.B.E.,
COLONIAL OFFICE,
DOWNING STREET, S. W. 1.
LONDON.

POLITICAL SECTION - MACHAKOS.

17.10.35. A public meeting was held at Machakos Sports Ground on 17.10.35. Speakers were Cavendish Bentinck, Sir W. A. Shaw, Commander Sherston, Mr. B. E. Wilson and Mr. H. E. Webber. Mr. B. E. Wilson sat outside the building in his car until the public meeting was over.

Cavendish Bentinck spoke of the events which led up to the interview with the Governor, which had clearly shown that Mr. H. E. Webber understood the settlers' case and this had led to the formation of the Vigilance Committee. Mr. B. E. Wilson and Mr. H. E. Webber said they wanted information about the so-called "Secret" letter sent out by Erroll.

Sir W. A. Shaw said that he would deal with that letter. The Crown Colony Government had been with the present system of land, now when money was scarce, it was without this agreement. He said that elected members were as useless as so many parrots on a perch, or else they would have to get another parrot to sit in his, Mr. Robert's, place. He then read Erroll's letter. Mr. B. E. Wilson said the letter sounded seditious, that people knowing what a hothead Erroll was naturally had the idea that the Vigilance Committee was also hotheaded. Mr. Webber asked what were the measures the Vigilance Committee thought perhaps would be necessary, and what was the secret information wanted from every one. C. Bentinck replied that Erroll's letter was perhaps worded injudiciously, but that the measures did not mean "arms and ammunition" but meant such measures as the picketing of farms to stop them being sold up and that the information asked for from the settlers was secret because perhaps some people did not want to disclose their private affairs, therefore the questionnaire would be sent in a blank envelope to the district committee with name attached. The district committee would check name and detach it, the blank sealed envelope containing the completed questionnaire would then be forwarded to Nairobi where it would be read by two well trusted gentlemen who would not know from whom each questionnaire came. C. Bentinck then said, and requested the Press reporter not to report this, that he hoped legislation would be shortly introduced that would make the picketing of farms unnecessary. Mr. Webber asked would not this be settler against settler in cases where a settler had advanced money to another farmer. C. Bentinck said that Mr. Evans would deal with that point. He then said that whenever the elected members really did something useful they were bitten in the back. Mr. B. E. Wilson jumped up and protested at this. Mr. Bentinck said he was not referring to them. Mr. Webber suggested that every letter sent out by the Vigilance Committee should be carefully considered by some responsible person, to prevent the sending out of letters liable to misconstruction as in the case of Erroll's "secret" letter.

Mr. H. E. Webber then spoke and cited a case in which an Indian had refused to give a farmer in his best time to recover. He said that was a case in which picketing would have been a good thing. He said that the interview with the Governor had shown him the futility of expecting any help from Government. He laid stress on the fact that Government had shown that they did not consider the sons of settlers fit to hold posts in the Administration.

Mr. B. E. Wilson, the Chair, urged the meeting unanimously to support the Vigilance Committee and urged those who could not do this to vote at all. In a show of hands, about half the meeting were for, half did not vote, with one against, a Government. This caused a sarcastic remark from the chair. As the unanimous vote for the Vigilance Committee had not been very enthusiastic the chairman.....

chairman then called for a further vote of confidence in Lord F. Scott; this was more cordially received.

About forty-five settlers were present at this meeting. Many settlers who I knew have voted against the Vigilance Committee avoided a difficult position by not attending, such as J. F. Manley, Langridge and A. B. Percival. People like Colonel Neave, W. B. Thompson and P. H. Percival did not vote. The only Maa Hills settler present was W. B. Thompson. Therefore although the vote in favour of the Vigilance Committee will be recorded as an unanimous one it was actually far from being so. F. O'B. Wilson and Clifford Hill were appointed local representatives of Vigilance Committee.

F. O'B. Wilson then spoke on the report of the Dairy Industry Committee. He asked the press reporter not to report his speech as the report was not yet in the hands of Government. The recommendations were a dairy pool for all produce except ghee and the abolition of the Butter Cess.

After lunch the District Association was held; it was poorly attended, about fifteen were present, press reporter not present. Commander Sherston was there as Hon. Secretary. He moved that "the Machakos Association did not approve of and would have nothing to do with the Vigilance Committee" and that a reply should be sent to Erroll accordingly. He said that the Vigilance Committee was seditious that it would lower white prestige, as the Wakamba knew all about it and would be letting down our friends in England. Webber and Johanson were inclined to support this. The resolution was actually passed was that the Machakos representative on the Vigilance Committee should inform the Committee that the Machakos District Association objected most strongly to the terms in which Erroll's "secret" letter was couched as it was liable to misconstruction.

Sherston resigned the Secretaryship as a result of Machakos appointing two members to the Vigilance Committee; he said it was like giving someone you did not know a blank cheque; he said he had written to Commander Ferguson at Kiambu a letter of warning and had received a reply that they at Kiambu were going to be most careful about the Vigilance Committee.

Sir R. Shaw proposed E. F. Button as new Secretary. This was passed and Button accepted. This means that Machakos District Association is now being run by two very pro-Vigilance Committee people, who will do what they can to make the District more excitable than it has been.

When discussing Licensing Board Members C. Hill suggested asking the District Commissioner if he approved of the proposed members. F. O'B. Wilson said he thought this was unnecessary, as it was up to the District Commissioner to come to them with anything in the way of suggestions.

Thus ended two of the stormiest meetings ever held at Machakos, which shows that at present Machakos settlers are by no means unanimous in their support of the Vigilance Committee.

COLONISTS' VIGILANCE COMMITTEE.

P. O. Box 825,
Nairobi.

26th September, 1935.

TO ALL LOCAL SECRETARIES OF ASSOCIATIONS.

Dear Sir,

Arising out of the discussions which have taken place recently at the meetings of the Colonists' Vigilance Committee, it has been decided to take immediate steps to form District Vigilance Committees throughout the Colony.

For this purpose, it will probably be advisable where separate associations exist within reasonable distance of each other, to endeavour to form joint District Vigilance Committees, composed of a personnel which is not too cumbersome. It is felt that for obvious reasons District Vigilance Committees should be as few in number as possible, composed of a fairly restricted personnel.

In view of the fact that very confidential matters will have to be confided to the members of these Committees, it would, in the opinion of this Executive, be advisable for members of such Local Vigilance Committees to bind themselves to secrecy as to matters committed to them, by some form of oath.

The main purpose of the Vigilance Committees will be firstly to collect statistical information which is required, and some of which may be of a personal nature; secondly, to organise the Districts for any action which at a later stage it may be required to take.

Members of the Vigilance Committees will also, it is hoped, make every endeavour to build up local Associations to full strength, as it will be appreciated that it is absolutely necessary in the present crisis to endeavour to secure the co-operation of every white settler in the Colony.

We feel, in view of the precarious position in which a large proportion of the community find themselves to-day, that complete organisation of the Country is imperative, as action may be necessary at short notice.

Yours faithfully,

(Sgd.) ERROLL.

Hon. Secretary

COLONISTS' VIGILANCE COMMITTEE.

Code, take effect immediately, and if of imprisonment shall take effect according to the following rules, that is to say:

- (i) If the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.
- (ii) When the new sentence is not severer in its kind than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

9. Paragraph (2) of section 38 of the Principal Ordinance is hereby amended by the deletion of the words "or a police officer" which occur in the third line thereof, and the substitution thereof of the words "District Officer, Magistrate, or officer in charge of a police station".

Amendment of section 38 of the Principal Ordinance.

10. Section 88 of the Principal Ordinance is hereby amended by the deletion of the comma after the word "asks" which occurs in the fourth line thereof, and the insertion of the words "for, solicits," between that word "asks" and the word "receives".

Amendment of section 88 of the Principal Ordinance.

11. The following section is hereby inserted in the Principal Ordinance as section 94A:

Addition of section 94A to the Principal Ordinance.

94A. Any person who administers an oath, or takes solemn declaration or affirmation or affidavit, touching any matter with respect to which he has not by law any authority to do so is guilty of a misdemeanour and is liable to imprisonment for one year. Provided that this section shall not apply to an oath, declaration, affirmation or affidavit administered by or taken before a magistrate or a justice of the peace in any matter relating to the preservation of the peace or the punishment of offences or relating to inquiries respecting sudden deaths, nor to an oath, declaration, affirmation, or affidavit administered or taken for some purpose which is lawful under the laws of another country, or for the purpose of giving validity to an instrument in writing which is intended to be used in another country.

Unauthorized administration of oaths.

Addition of section 96 to the Principal Ordinance.

Threat of injury to persons employed in public service.

Addition of section 97A to the Principal Ordinance.

False statements by interpreters.

Amendment of section 103 of the Principal Ordinance.

Amendment of section 108 of the Principal Ordinance.

15. The following section is hereby inserted in the Principal Ordinance as section 96A:—

96A. Whoever holds out any threat of injury to any person employed in the public service, or to any person whom he believes that person employed in the public service to be intended for the purpose of inducing that person employed in the public service to do any act, or to abstain or delay to do any act connected with the exercise of the public functions of such person employed in the public service, is guilty of a misdemeanour.

18. The following section is hereby inserted in the Principal Ordinance as section 97A:—

97A. If any person, lawfully sworn as an interpreter in a judicial proceeding, wilfully makes a statement material to the proceeding which he knows to be false, or does not believe to be true, he shall be guilty of perjury.

14. Section 103 of the Principal Ordinance is hereby amended by the deletion of the words "or other thing of any kind" which occur in the second line thereof, and the substitution thereof of the words "or thing of any kind whatsoever" and by the insertion of the words "removes or" between the word "wilfully" and the word "destroys" which occur in the third line thereof.

15. Section 108 of the Principal Ordinance is hereby amended by the insertion after sub-section (1) thereof of the following sub-section, to be numbered (2):—

(2) When any offence against paragraphs (a), (b), (c), (d), or (i) of sub-section (1) of this section is committed in view of the court, the court may cause the offender to be detained in custody, and at any time before the rising of the court on the same day may take cognizance of the offence and sentence the offender to a fine not exceeding twenty pounds or in default of payment to imprisonment without hard labour for a term not exceeding one month.

and by the renumbering as (3) of the present sub-section (2) of the said section.

16. Section 115A of the Principal Ordinance is hereby amended by the substitution of the words "person employed in the public service" for the words "public servant" wherever such words occur therein.

17. The following section is hereby inserted in the Principal Ordinance as section 120A:—

120A. Whoever unlawfully hinders the burial of the dead body of any person, or without lawful authority in that behalf disinters, dissects, or harms the dead body of any person, or, being under a duty to cause the dead body of any person to be buried, fails to perform such duty, is guilty of a misdemeanour.

18. Section 121 of the Principal Ordinance is hereby repealed and the following section substituted therefor:—

121. Any person who, with the deliberate intention of wounding the religious feelings of any other person, writes any word, or any person who, with the like intention, utters any word or makes any sound in the hearing of any other person or makes any gesture or places any object in the sight of any other person, is guilty of a misdemeanour and is liable to imprisonment for one year.

19. Sub-section (3) of section 127 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

(3) Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, is guilty of a misdemeanour, and is liable to imprisonment for one year.

20. Section 147 of the Principal Ordinance is hereby amended:—

(a) by the substitution of the word "illicit" for the word "unlawful" wherever it occurs in the section; and (b) by deleting the definition of "native" in sub-section (b) of the section and substituting therefor the following:—

"the term 'native' means any native of Africa not being of European or Asiatic origin or descent and includes a Somali but does not include an Arab."

Amendment of section 115A of the Principal Ordinance.

Addition of section 120A to the Principal Ordinance. Hindering burial of dead body, etc.

Amendment of section 121 of the Principal Ordinance.

Writing or uttering words with intention to wound religious feelings.

Repeal and replacement of sub-section (3) of section 127 of the Principal Ordinance.

Amendment of section 147 of the Principal Ordinance.

Repeal and
replacement of
section 165 of
the Principal
Ordinance.
Lotteries.

21. Section 163 of the Principal Ordinance is hereby repealed and the following section substituted therefor:

163. (1) Any person who opens, keeps, or uses any place for carrying on a lottery not authorized by the Commissioner of Police or by a police officer not below the rank of Assistant Superintendent to whom power has been delegated by the Commissioner of Police to give such authority, is guilty of a misdemeanour, and any person who in any way infringes or fails to comply with any of the conditions (if any) laid down when such authorization as above mentioned is given is guilty of a misdemeanour and is liable to imprisonment for a period not exceeding six months.

(2) Any person who prints or publishes, or causes to be printed or published, any advertisement or other notice of or relating to any lottery not so authorized or of relating to the sale of any ticket or chance or of any share in any ticket or chance in any lottery not so authorized, is liable to a fine of fifty pounds.

Provided that the provisions of this sub-section shall not apply to any advertisement or notice which is printed or published solely for the purpose of notifying to the public the results of any authorized lottery.

(3) In this section, "lottery" includes any scheme or device for the sale, gift, disposal or distribution of any property depending upon or determined by lot or chance, whether by the throwing or casting of dice, or by the drawing of tickets, cards, lots, numbers, or figures, or by means of a wheel or trained animal, or otherwise, howsoever.

(4) When any person is convicted of an offence under this section, the court may, in addition to or in lieu of any penalty which may be imposed, order the forfeiture to His Majesty of any instrument or thing used in connexion with the lottery concerning which the conviction has taken place.

22. Section 165 of the Principal Ordinance is hereby repealed and the following section substituted therefor:—

165. (1) Any person who—

- (a) for the purpose of or by way of trade or for the purpose of distribution or public exhibition,

Repeal and
replacement of
section 165 of
the Principal
Ordinance.
Traffic in
obscene
publications.

makes, produces, or has in his possession any one or more obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films, or any other obscene objects, or any other object tending to corrupt morals; or

(b) for any of the purposes above-mentioned imports, conveys or exports, or causes to be imported, conveyed or exported, any such matters or things, or in any manner whatsoever puts any of them in circulation; or

(c) carries on or takes part in any business, whether public or private, concerned with any such matters or things, or deals in any such matters or things in any manner whatsoever, or distributes any of them, or exhibits any of them publicly, or makes a business of lending any of them; or

(d) advertises or makes known by any means whatsoever with a view to assisting the circulation of, or traffic in, any such matters or things, that a person is engaged in any of the acts referred to in this section; or advertises or makes known, or from whom, any such matters or things can be procured either directly or indirectly; or

(e) publicly exhibits any indecent show or performance of any show or performance tending to corrupt morals,

is guilty of a misdemeanour and is liable to imprisonment for two years or to a fine of one hundred pounds.

(2) If, in respect of any of the offences specified in paragraphs (a), (b), (c) or (d) of sub-section (1), any constituent element thereof is committed in the Colony, such commission shall be sufficient to render the person accused of such offence triable therefor in the Colony.

(3) A court, on convicting any person of an offence against this section, may order to be destroyed any matter or thing made, possessed or used for the purpose of such offence.

(4) A court may, on the application of the Attorney General, Solicitor General, or a Crown Counsel or a Superintendent of Police, order the destruction of any obscene matter or thing to which this section relates.

whether any person may or may not have been convicted under the provisions of this section in respect of such obscene matter or thing.

Amendment of section 166 of the Principal Ordinance.

23. Section 166 of the Principal Ordinance is hereby amended as follows:—

(a) by the deletion of the word "and" which occurs at the end of paragraph (4) thereof;

(b) by the deletion of paragraph (5) thereof and the substitution therefor of the following paragraph:—

"(5) Every person who without lawful excuse publicly does any indecent act; and

(c) by the addition thereto of the following paragraph, to be numbered (5) and (7):—

(5) Every person who in any public place solicits for immoral purposes; and

(7) Every person wandering about and entreaty-
ing by the exposure of wounds or deformation to
obtain or gather alms."

Amendment of section 167 of the Principal Ordinance.

24. Section 167 of the Principal Ordinance is hereby amended by the deletion therefrom of sub-section (2) thereof, and by the renumbering of sub-sections (3), (4), and (5), as (2), (3), and (4), and by the deletion of the words "with or without corporal punishment" which occur in the last two lines thereof.

Amendment of section 181 of the Principal Ordinance.

25. Paragraph (c) of sub-section (3) of section 181 of the Principal Ordinance is hereby repealed and the following substituted therefor:—

"(c) if the matter is published in the course of any judicial proceeding by a person taking part therein as a judge, magistrate, commissioner, advocate, juror, assessor, witness or party thereto; or"

Addition of section 223A to the Principal Ordinance.
Dealing in poisonous substances in negligent manner.

26. The following section is hereby inserted in the Principal Ordinance as section 223A:—

223A. Whoever does with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, or negligently or recklessly omits to take such care with any poisonous substance in his possession as is sufficient to guard against probable

danger to human life from such poisonous substance, is guilty of a misdemeanour, and is liable to imprisonment for six months, or to a fine of one hundred pounds."

27. Section 229 of the Principal Ordinance is hereby amended (a) by the substitution of a comma for the full stop which occurs at the end thereof; and (b) by the addition immediately thereafter of the words "with or without corporal punishment."

28. The following section is hereby inserted in the Principal Ordinance as section 240A:—

240A. Whoever wrongfully confines any person is guilty of a misdemeanour, and is liable to imprisonment for one year or to a fine of two hundred pounds.

29. Section 247 of the Principal Ordinance is hereby amended by the deletion of the word "for" which occurs in the eleventh line thereof and the substitution therefor of the word "from"

30. The following section is hereby inserted in the Principal Ordinance as section 284A:—

284A. Any person who—

(1) enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property;

(2) having lawfully entered into or upon such property unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit any offence,

is guilty of the misdemeanour termed "criminal trespass" and is liable to imprisonment for three months.

If the property upon which the offence is committed is any building, tent or vessel used as a human dwelling or any building used as a place of worship or as a place for the custody of property, the offender is liable to imprisonment for one year."

31. Section 285 of the Principal Ordinance is hereby amended by the insertion of the words "dangerous or offensive weapon or" after the word "any" which occurs in the second line thereof; and by the insertion of the words "carried or" after the word "housebreaking" which occurs in the third line thereof.

Amendment of section 229 of the Principal Ordinance.

Addition of section 240A to the Principal Ordinance.
Punishment for wrongful confinement.

Amendment of section 247 of the Principal Ordinance.

Addition of section 284A to the Principal Ordinance.
Criminal trespass.

Amendment of section 285 of the Principal Ordinance.

Amendment of section 294 of the Principal Ordinance.

32. Section 294 of the Principal Ordinance is hereby amended by the deletion of the word "Ordinance" in the third line thereof, and the substitution thereof of the word "law".

Amendment of section 295 of the Principal Ordinance.

33. Section 295 of the Principal Ordinance is hereby amended by the insertion of the words "or having reason to believe" after the word "knowing" in the second line of sub-section (1) thereof, and by the addition thereto of the following sub-section: to be numbered (3):—

"(3) No person shall be convicted of an offence under this section unless it shall first be proved that the property which is the subject matter of the charge has in fact been stolen, or feloniously or unlawfully taken, obtained, obtained, converted or disposed of."

Amendment of section 296 of the Principal Ordinance.

34. Section 296 of the Principal Ordinance is hereby amended by the deletion of the words "brought before a court" which appear in the first line thereof, and by the deletion of the word "such" which occurs in the fifth line thereof and the substitution thereof of the word "the".

Addition of section 296A to the Principal Ordinance. Freshly printed.

35. The following section is hereby inserted in the Principal Ordinance as section 296A:—

296A. (1) If any person brought or appearing before a court under the provisions of the last preceding section declares that he received any such thing as therein mentioned from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, the court may cause every such other person, and also any other person through whose possession any such thing shall previously have passed, to be brought before it.

(2) Upon any such person as is in the last preceding sub-section mentioned being brought before it, it shall be lawful for the court to examine him as to whether he has been in possession of any such thing as aforesaid, and upon his admitting such possession, or upon it being proved to the satisfaction of the court that such person has been in possession of any such thing, the court may call upon such person to give an account to the satisfaction of the court by what lawful means such person came by such thing, and if such person fails, within a reasonable time to be assigned by such court, to give such

account, he shall be liable to a fine not exceeding twenty pounds, or to imprisonment for any term not exceeding six months.

(3) For the purposes of this section, the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who shall have entrusted such carrier, agent, or servant to convey the same.

36. Section 297 of the Principal Ordinance is hereby repealed and the following section substituted therefor:—

Repeal and replacement of section 297 of the Principal Ordinance. Receiving goods stolen outside Colony.

297. Any person who, without lawful excuse, knowing or having reason to believe the same to have been stolen or obtained in any way whatsoever under such circumstances that if the act had been committed in the Colony the person committing it would have been guilty of a felony or misdemeanour, receives or has in his possession any property so stolen or obtained outside the Colony, is guilty of an offence of the like degree (whether felony or misdemeanour) and is liable to imprisonment for seven years.

37. Section 306 of the Principal Ordinance is hereby amended by the deletion of the word "vegetable" which occurs in the third line thereof; and by the insertion of the word "packed" after the word "standing" which occurs in the third and fourth lines thereof.

Amendment of section 306 of the Principal Ordinance.

38. Section 314 of the Principal Ordinance is hereby amended by the deletion of paragraph (3) thereof, and the substitution thereof of the following paragraph:—

Amendment of section 314 of the Principal Ordinance.

"(3) wilfully removes, defaces, or injures any survey mark erected by or under the authority of any licensed surveyor or any mark erected by an intending applicant for any lease, licence or right under an Ordinance relating to mines or minerals.

39. Section 317 of the Principal Ordinance is hereby amended by the addition thereto at the end thereof of the words "or to deceive".

Amendment of section 317 of the Principal Ordinance.

40. Section 320 of the Principal Ordinance is hereby amended by the addition of the words "or to deceive" after the word "defraud" in the first line thereof.

Amendment of section 320 of the Principal Ordinance.

Amendment of section 343 of the Principal Ordinance.

Uttering metal or coin not current as coin.

41. Section 343 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

“343. (1) Any person who, with intent to defraud, utters as and for coin any medal or piece of metal is guilty of a misdemeanour and is liable to imprisonment for one year.

(2) Any person who, with intent to defraud, utters as and for coin lawfully current in the Colony by virtue of any Order in Council, Ordinance, Proclamation or otherwise, any coin not so lawfully current is guilty of a misdemeanour and is liable to imprisonment for one year.”

Amendment of section 346 of the Principal Ordinance.

42. Section 346 of the Principal Ordinance is hereby amended by the insertion of the word “or” at the end of paragraph (7) thereof, and by the addition after that paragraph of the following paragraph :—

“(8) fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue which he knows to have been before used.”

Passed in the Legislative Council the tenth day of May, in the year of Our Lord one thousand nine hundred and thirty-four.

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

J. F. G. TROUGHTON

Acting Clerk of the Legislative Council.

No. XXIII.

1934



Colonial and Protectorate of Straits.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

JOSEPH ALOYSIUS BYRNE, G.C.M.G., K.B.E., O.B.,
Governor.

Assented to in His Majesty's
name this 2nd day of June,
1934.

J. BYRNE.

Governor.

AN ORDINANCE TO AMEND THE PENAL CODE

ORDINANCE No. XXIII of 1934

An Ordinance to Amend the Penal Code.

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 Penal Code (Amendment) Ordinance, 1934, and shall be read as one with the Penal Code, hereinafter referred to as the Principal Ordinance. Short title
No. 10 of 1930.

2. Section 5 of the Principal Ordinance is hereby amended by the deletion of the words "or police" which occur in the first line of paragraph (iv) of the second part of the definition of "person employed in the public service", and by the substitution of a comma for the semi-colon after the word "waters" at the end of the definition of the word "vessel" and the addition thereafter of the words "and includes aircraft". Amendment of
section 5 of
the Principal
Ordinance.

3. Section 25 of the Principal Ordinance is hereby amended by the addition thereto of the following sub-section, to be numbered (3):— Amendment of
section 25 of
the Principal
Ordinance.

"(3) When a person has been sentenced to be detained during the Governor's pleasure under the last preceding sub-section, the presiding judge shall forward to the Governor a copy of the notes of evidence taken on the trial, with a report in writing signed by him containing any recommendation or observations on the case he may think fit to make."

4. Section 27 of the Principal Ordinance is hereby amended by the addition thereto of the following sub-sections, to be numbered (7) and (8):— Amendment of
section 27 of
the Principal
Ordinance.

"(7) If any person has been sentenced to corporal punishment in substitution for any other punishment to

which he might have been liable, and such sentence of corporal punishment is, wholly or partially, prevented from being carried out, such person shall be kept in custody and shall as soon as possible be taken before the court which passed the sentence of corporal punishment, and such court may, in its discretion, either remit such sentence or pass upon such person any sentence to which he might have been liable.

"(5) An offender sentenced to undergo corporal punishment may be detained in a prison or some other convenient place for such time as may be necessary for carrying the sentence into effect, or for ascertaining whether the same shall be carried into effect."

Amendment of section 29 of the Principal Ordinance.

5. Section 29 of the Principal Ordinance is hereby amended by the deletion of the expression "104 and 105" which occurs in the second and third lines thereof, and the substitution thereof of the expression "105, 106, and 107."

Amendment of section 31 of the Principal Ordinance. No. 11 of 1930.

6. Section 31 of the Principal Ordinance is hereby amended by the insertion at the beginning thereof of the words "Subject to the limitations imposed by section 186 of the Criminal Procedure Code."

Amendment of section 35 of the Principal Ordinance.

7. Section 35 of the Principal Ordinance is hereby amended by the deletion of the eighth and ninth lines thereof and the substitution thereof of the following:—

"It shall be executed concurrently with the former sentence or any part thereof."

and by the addition of the following proviso at the end thereof:—

"Provided that it shall not be lawful for a court to direct that a sentence of imprisonment in default of payment of a fine shall be executed concurrently with a former sentence under section 28 (iii) (a) of this Code or of any part thereof."

Addition of section 35A to the Principal Ordinance.

Escaped convicts to serve unexpired sentences when recaptured.

8. The following section is hereby inserted in the Principal Ordinance as section 35A:—

"35A. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or corporal punishment, shall, subject to the provisions of this

which he might have been liable, and such sentence of corporal punishment is, wholly or partially, prevented from being carried out, such person shall be kept in custody, and shall as soon as possible be taken before the court which passed the sentence of corporal punishment, and such court may, in its discretion, either remit such sentence or pass upon such person any sentence to which he might have been liable.

"(5) An offender sentenced to undergo corporal punishment may be detained in a prison or some other convenient place for such time as may be necessary for carrying the sentence into effect, or for ascertaining whether the same shall be carried into effect."

Amendment of section 29 of the Principal Ordinance.

5. Section 29 of the Principal Ordinance is hereby amended by the deletion of the expression "104 and 105" which occurs in the second and third lines thereof, and the substitution therefor of the expression "106, 106, and 107".

Amendment of section 31 of the Principal Ordinance. No 11 of 1930.

6. Section 31 of the Principal Ordinance is hereby amended by the insertion at the beginning thereof of the words "Subject to the limitations imposed by section 166 of the Criminal Procedure Code".

Amendment of section 35 of the Principal Ordinance.

7. Section 35 of the Principal Ordinance is hereby amended by the deletion of the eighth and ninth lines thereof and the substitution thereof of the following:—

it shall be executed concurrently with the former sentence or any part thereof

and by the addition of the following proviso at the end thereof:—

"Provided that it shall not be lawful for a court to direct that a sentence of imprisonment in default of payment of a fine shall be executed concurrently with a former sentence under section 28 (iii) (a) of this Code or of any part thereof."

Addition of section 35A to the Principal Ordinance.

Escaped convicts to serve unexpired sentences when recaptured.

8. The following section is hereby inserted in the Principal Ordinance as section 35A:—

35A. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or corporal punishment, shall, subject to the provisions of this