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*By order of the Board of Directors  
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Mr. Hunt 107 fs  
Mr.  
Mr.  
Sir C. Parkinson  
Sir G. Tomkinson  
Sir C. Balfour  
Sir J. Skelton  
Presid. U.S. of S.  
Presy. U.S. of S.  
Secretary of State.

For my sig. 14 July 36

KS

Dear Genl

DRAFT

A de V Wale Ey C.H.G., O.B.E

You will get with this a wobbly sort of despatch about Matten's despatch, and I think I had better suggest reinforce it with my own with Thompson of the F.O. The S. of S. took an interest in it in view of the fact that the House of Commons raved over them for half a night but the thing was not mentioned in the C.O. Vote debate last night. He sees the difficulty as novel as any of us.

If, of course, they are willing to chance being shot and prepared to go over the frontier on their own all right. But would they ever get home? And I doubt if the Italians accuse us of having let a force of armed

NO 8  
NO 9

FURTHER ACTION.

Frank's. If we just turn them loose  
won't they either kill off our allies  
or be killed by same? If, again,  
we keep them, how long will it take to  
turn them into professional refugees? - a  
species of animal which I do not like?

The Italian - or some of him - might  
give a safe conduct but would it be worth  
anything? It seems dangerous to let a  
man desert on active service & then take him  
back. Anyway, I doubt the Italian agreeing  
certainly not just yet.

So we have asked you all to  
consider and advise us. In view of  
the bill, you have don't do anything  
without talking to S. of S.

Yours sincerely

(Signature)

C. O.

38066/11 Kenya

11

- Mr. Flood 18/7/18
- Mr. [unclear]
- Mr. [unclear]
- Sir C. Parkinson
- Sir G. Tomlinson
- Sir C. Wotton
- Sir J. Shackburgh
- Permit. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

Hurst

DRAFT.

Kenya  
Secret  
Gov.

18/7/18

18 May  
No 7

FURTHER ACTION.

I have the hon to refer to my letter  
Mr Thomas's  
con<sup>o</sup> ending with my Secret tel No  
118 of the 18<sup>th</sup> of May on the subject  
of the Italian deserters who have taken  
refuge in Kenya, and to state that in  
view of the altered situation the  
question of their disposal has been  
receiving further consideration.

A suggestion has been received  
the enclosed letter  
from the Foreign Office that any who  
wish to return to their homes may be  
allowed to do so though they should  
not be deported into Italian territory  
against their will. It appears however  
from your telegram of the 22<sup>nd</sup> of  
January that the men and Tigie  
from Eritrea with whom in the  
neighbourhood of Asmara so  
that they could scarcely be  
repatriated except by sea. In  
that case they would very probably

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Hand 18.7/8

- Sir C. Parkinson.
- Sir G. Tomlinson.
- Sir C. Belfrage.
- Sir J. Shackburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

Hand 11

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**DRAFT.**

Kenya  
Secret  
Gov.

18.7/8  
10.22

18 May

No 7

Sir

I have the hon to refer to my the  
 Mr Thomas's  
 corr<sup>s</sup> ending with my Secret let = No  
 118 of the 16<sup>th</sup> of May on the subject  
 of the Italian deserters who have taken  
 refuge in Kenya, and to state that in  
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~~referred~~ further considered.

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 not be deported into Italian territory  
 against their wish. It appears however  
 from your telegram of the 22<sup>nd</sup> of  
 January that the men are Tigre  
 from Eritrea with homes in the  
 neighbourhood of Asmara so  
 that they could scarcely be  
 repatriated except by sea. In  
 that case they would very probably

FURTHER ACTION.

be arrested and subjected to disciplinary measures  
by the Italian authorities as soon as they landed.  
Nevertheless it is scarcely likely that they would  
wish to face that possibility.

3. On the other hand it seems equally  
impossible to turn them loose over the  
frontier in the present state of the  
country. For their own sake they seem  
would have to be returned to them and  
awkward questions might easily arise if  
they came into collision with Italian  
troops or friendlies. Further, they  
can scarcely be allowed at large in  
Kenya as they have no homes and  
would in all probability come into  
conflict with the natives of any area  
where they might be placed, even if it  
were possible to find a suitable place  
for them.

4. In the circumstances I can only suggest  
that they be kept in detention for the  
present, but I request that you will  
consider whether anything can be done  
and advise me of your opinion.

(Signed) W. DUMSBY GORE.



10

THE  
OFFICIAL GAZETTE  
OF THE  
COLONY AND PROTECTORATE  
OF  
KENYA  
(SPECIAL ISSUE)

Published under the Authority of His Excellency the Governor of the  
Colony and Protectorate of Kenya

Vol. XXXVIII.—No. 25

NAIROBI, May 5, 1936

Price 50 Cents

Registered as a Newspaper at the G. P. O.

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The definition of "Conference" in section 3 of the Principal Ordinance which it is proposed to amend:

Interpretation. 2. In this Ordinance, unless the context otherwise requires—

"Conference" means any meeting of delegates, appointed by coffee planters licensed under the provisions of this Ordinance, convened for the purpose of the election of members of the Board as provided under section 3 of this Ordinance and for the consideration of any other matters affecting the coffee industry.

## Colony and Protectorate of Kenya

GOVERNMENT NOTICE No. 203

HIS Excellency the Governor-in-Council has approved of the following Bill being introduced into the Legislative Council.

R. W. BAKER-BEALL,  
Acting Clerk of the Legislative Council.

### A Bill to Amend the Coffee Industry Ordinance, 1934.

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

1. This Ordinance may be cited as the Coffee Industry (Amendment) Ordinance, 1936, and shall be read as one with the Coffee Industry Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

2. The definition of "Conference" which occurs in section 2 of the Principal Ordinance is hereby amended by the insertion in the third line thereof after the word "Ordinance" of the words "and by organizations representing trade interests".

#### OBJECTS AND REASONS.

This Bill, which has the support of the Coffee Board, is designed to amend the Principal Ordinance so as to allow delegates representing trade organizations to be present, to speak and to vote at the Coffee Conference convened for the purpose of election of the members of the Coffee Board and for the consideration of any other matters affecting the coffee industry.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

## GOVERNMENT NOTICE No. 293

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
Acting Clerk of the Legislative Council.

## A Bill to Amend the Education Ordinance, 1931.

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

1. This Ordinance may be cited as the Education (Amendment) Ordinance, 1933, and shall be read as one with the Education Ordinance, 1931, hereinafter referred to as the Principal Ordinance.

2. Sub-section (1) of section 34 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

34. (1) (a) The Director or an inspector or any person specially authorized by the Director may from time to time visit any private school.

(b) If it appears to the Director on the report of an inspector, or of a person specially authorized or from his own inspection that a private school is conducted in a manner which is in the opinion of the Director calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereat, he may order the premises on which such school is held to be closed for school purposes, or he may give notice to the manager ordering such alteration in the structure of the premises or the conduct of the school as he may think necessary to be made within a time fixed by such order and if the same be not made to his satisfaction within the time prescribed, he may order the premises to be closed, provided that the manager may appeal within seven days to the Governor in Council against such order to close a school. Pending the decision of the Governor in Council the school may remain open.

(c) If, in the case of any private school for the education of Africans, it appears to the Director on the report of an inspector, or of a person specially authorized or from his own inspection either that the curriculum approved as required by section 33 (1) (c) of this Ordinance is not being effectively applied or that the school is not being properly conducted, he may, after consulting the District Education Board appointed under the District Education Boards Ordinance, 1934, or if there be no such Board, after consulting the Advisory Council on African Education, order such school to be closed."

## OBJECTS AND REASONS

The object of this Bill is to enable the Director of Education to exercise more effectively the supervision of independent African schools, and, after consulting the District Education Board or, if there be no such Board, after consulting the Advisory Council on African Education, to close such schools which are not properly conducted and provided with a curriculum approved by an inspector.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

Sub-section (1) of section 34 of the Principal Ordinance which it is proposed to replace:—

34. (1) The Director or any person specially authorized by him may from time to time visit any private school and if it appears to the Director on the report of such person or from his own inspection that such school is conducted in a manner which is in the opinion of the Director calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereat he may order the premises on which such school is held to be closed for school purposes, or he may give notice to the manager ordering such alteration in the structure of the premises or the conduct of the school as he may think necessary to be made within a time fixed by such order and if the same be not made to his satisfaction within the time prescribed, he may order the premises to be closed, provided that the manager may appeal within seven days to the Governor in Council against such order to close a school. Pending the decision of the Governor in Council the school may remain open.

Repeal and replacement of section 34 (1) of the Principal Ordinance.

Inspection and closing of private schools.

No 58 of 1932.

Governor's Notice No. 294

HIS Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

R. W. BAKER-BEALL,  
Acting Clerk of the Legislative Council.

**A Bill to Amend the Sisal Industry Ordinance, 1934.**

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

1. This Ordinance may be cited as the Sisal Industry (Amendment) Ordinance, 1936, and shall be read as one with the Sisal Industry Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended by deleting therefrom the definition of "sisal fibre" and by substituting therefor the following definition:—

"sisal fibre" means the fibrous product derived from the plant *Agave rigida* var. *sisalana* and allied species, and includes any rope or cord manufactured in the Colony therefrom.

3. The Principal Ordinance is hereby amended by the insertion therein, between sections 8 and 9 thereof, of the following new section:—

8a. (1) Any sisal grower, who satisfies the Committee that he grades the sisal fibre produced by him in accordance with a standard of grading which may from time to time be prescribed by the Committee, may be granted a certificate to that effect by the Committee.

(2) Such certificate shall be in such form as may be prescribed by the Committee, and shall entitle any sisal grower to whom it is granted to use on any sisal fibre produced by him a mark in the form set out in the Schedule hereto.

(3) The Committee may, if it is satisfied that a sisal grower to whom a certificate has been granted under the

Section 2 of the Principal Ordinance which it is proposed to amend—

Interpretation.

2. In this Ordinance—

"committee" means the committee constituted by section 7 of this Ordinance;

"Director" means the Director of Agriculture;

"fund" means the fund established by section 6 of this Ordinance;

"sisal fibre" means the fibrous product derived from the plant *Agave rigida*, var. *sisalana* and allied species.

Section 9 of the Principal Ordinance which it is proposed to amend:—

Purposes to which funds may be devoted.

9. The fund shall be devoted to all or any of the following purposes:—

- (a) experiment, investigation and research in connexion with the sisal industry;
- (b) the study of the economics of the production of sisal;
- (c) experiments in connexion with the improvement of machinery or plant for the production of sisal fibre;
- (d) the employment of such staff as the committee may think fit for the purpose of carrying out its functions;
- (e) such contribution towards the maintenance of the Kona Sisal Growers' Association as the committee may from time to time determine;
- (f) the payment of travelling and out-of-pocket expenses to the members of the committee at rates to be approved by the Governor;
- (g) any other service which in the opinion of the committee is calculated to promote the welfare of the sisal industry and the more economic production of sisal fibre.

provisions of this Ordinance is not maintaining the standard of grading prescribed by the Committee, cancel such certificate.

(4) Any person who uses such mark on any sisal fibre without having first obtained a certificate in accordance with the provisions of this section, or any person who uses such mark on any sisal fibre after his certificate has been cancelled under the provisions of this section shall be guilty of an offence and shall, on conviction before a magistrate of the first or second class, be liable to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

4. Paragraph (9) of the Principal Ordinance is hereby amended by the deletion of the word "and" which occurs in the third line thereof, and the substitution thereof of the word "or".

Amendment of the Principal Ordinance.

5. The Principal Ordinance is hereby amended by the addition thereto of the following Schedule:—

"SCHEDULE

E. A.

SISAL

ASSOCIATION."

Addition of Schedule to the Principal Ordinance.

## OBJECTS AND REASONS

Clause 2 provides that the levy, which at present is paid only on exported sisal fibre, is to be paid also on exported sisal rope and cord. This amendment brings the Kenya legislation in line with that of Tanganyika Territory in this respect.

Clauses 3 and 5 provide for the grading of sisal to be brought under the aegis of the Sisal Industry Committee, which is given power to prescribe standards of grades and to control the issue of certificates entitling sisal growers to use a standard mark on sisal fibre which has been graded in accordance with these standards. Standard grading and marking are desirable in the interests of improved marketing, and control of the issue of certificates is necessary in order to reserve the use of the mark to those sisal growers who use the standard grades.

Clause 4 removes the anomaly under which the Sisal Industry Committee is unable to devote moneys from the fund for any service which in the opinion of the Committee is calculated to promote the welfare of the sisal industry, unless such service is calculated to promote the more economic production of sisal fibre.

The Bill has the support of the Kenya Sisal Growers' Association.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

Government Notice No. 295

HIS Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

R. W. BAKER-BEALL,  
Acting Clerk of the Legislative Council.

## A Bill Relating to Ferries.

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

1. This Ordinance may be cited as the Ferries Ordinance 1956, and shall come into operation upon such date as the Governor may by notice in the Gazette appoint.

Short title and commencement.

2. In this Ordinance, unless the context otherwise requires—

Interpretation.

"Director" means the Director of Public Works;

"ferry boat" means any floating vessel, propelled by any means whatsoever, plying for hire for the purpose of carrying passengers, animals, goods or vehicles between any two points from one side of a waterway to another;

Provided that the term "ferry boat" shall not include any such floating vessel which is not capable of carrying more than three passengers and/or 300 lb. of goods.

3. Notwithstanding anything in any other Ordinance or law containing the Director shall have power to do all or any of the following things, namely:—

Power of Director relating to ferries.

(1) subject to the approval of the Governor, to enter into an agreement with any person for the establishment, acquisition, construction, laying down, equipment, maintenance and carrying on of a service of ferry boats.

(2) Whenever any service of ferry boats is established, acquired, maintained, or carried on by any person under an agreement entered into between such person and the Director under the powers conferred upon the Director by this section, by order under his hand with the approval of the Governor, to prohibit any person, except with the consent of the

Director signified in writing under his hand, carrying on a ferry-boat service within such area or areas and for such period and within such hours as may be prescribed in such order.

Provided that the right of any person to ply for hire with any ferry-boat for the unexpired period of any licence granted under any law in force in the Colony and issued to him prior to the date of the coming into force of an order of prohibition made under this sub-section, and the right of any person to carry for hire or reward passengers departing to or arriving from any place outside the limits of any prohibited area, shall not be affected.

(3) (a) Before making an order of prohibition under the provisions of the last preceding sub-section, the Director shall cause notice of his intention to do so to be published in the Gazette and in at least one newspaper circulating within the district.

(b) Such notice shall be given once in each week for four succeeding weeks, and any objections received shall be laid before the Governor.

(4) If and when the Governor, after considering the objections, if any, approves of the making of the order, such order shall be made under the hand of the Director, shall be published in the Gazette and in at least one newspaper circulating within the district, and shall come into force on such date as may be specified in such order.

(5) The Director may, by order, revoke an order of prohibition made under the provisions of this Ordinance, and he may, in like manner, vary any such order by extending or reducing the period of the operation thereof or by extending or reducing the area to which the order of prohibition applies.

Provided that the making of any such order of revocation or variation shall be subject to the procedure described in sub-sections (3) and (4) of this section as if such order of revocation or variation were an order being made under sub-section (2) of this section.

(6) Save as is provided in sub-section (2) of this section, any person who, without the written consent of the Director, carries on within a prohibited area any service of ferry boats, or who plies for hire or reward any ferry boat within a prohibited area, shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months, and, in addition, to a fine not exceeding ten pounds in respect of each and every day upon which he contravenes the provisions of this section.

4. The Governor in Council may make rules, regulating ferry boats, for fixing the amount of the licence fees to be paid, the charges or fares whether by distance or by time, for regulating and controlling the conduct of persons using ferry boats, and the embarkation and disembarkation of persons, animals, goods and vehicles, and for regulating or prohibiting the use of the landing places, approaches and ramps maintained in connection with any service of ferry boats.

#### OBJECTS AND REASONS.

During the year 1935 an amendment was made to the Local Government (Municipalities) Ordinance, 1928, to provide that the Mombasa Board might acquire ferry services, and either run such services themselves or enter into an agreement with some other person or corporation to run them. Power was also given to the Board to make by-laws dealing with the regulation, etc., of the ferry services. The Board had declined to carry out the ferry services at Mombasa, the operation of which has been given up by the Harbours Administration.

This Bill empowers the Director of Public Works, subject to the approval of the Governor, to enter into an agreement with any person for the carrying on of a ferry-boat service, and to prohibit any person, without the consent of the Director of Public Works, carrying on a ferry-boat service within such area or areas as may be prescribed by the Director of Public Works.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

## Governance Notice No. 298

HIS Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

R. W. BAKER-BEALL,  
Acting Clerk of the Legislative Council.

**A Bill to Regulate the Control of Belligerents who during the Neutrality of the Colony have taken Refuge therein.**

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

Short title.

1. This Ordinance may be cited as the Control of Fugitive Belligerents Ordinance, 1925.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"belligerent" means any member of the Abyssinian or Italian troops who, during the period of hostilities between Abyssinia and Italy, crosses the neutral frontier and takes refuge in the Colony;

"Commandant" means the officer in charge of an internment camp;

"Commander" means the Commander of the Northern Brigade of the King's African Rifles;

"internee" means a belligerent who has been placed in an internment camp in accordance with the provisions of this Ordinance;

"officer" means any administrative officer, officer of the King's African Rifles, officer of the King's African Rifles Reserve of Officers or police officer of or above the rank of Assistant Inspector.

## GENERAL PROVISIONS.

Disarmament of belligerents in accordance with International Law. Belligerents not permitted to leave Colony to resume hostilities.

3. All belligerents shall, in accordance with the customs, practice and usage of International Law, be disarmed and their military equipment and papers shall be taken from them.

4. No belligerent shall be permitted to leave the Colony in order to resume hostilities.

5. Every belligerent shall, if interrogated by an officer, declare his true name, rank and regimental number.

Belligerents to declare their names, rank and regimental number.

## ESTABLISHMENT OF INTERNMENT CAMPS.

6. If in the opinion of the Governor it is necessary, in order to maintain law and order in the Colony or to prevent belligerents from resuming hostilities, to intern such belligerents, he may establish an internment camp or camps for that purpose.

Establishment of internment camps.

7. (1) The Commander shall be in charge of any internment camp established in accordance with the provisions of the last preceding section and shall be responsible for the discipline of internees.

Control of internment camps.

(2) The Commander may, with the approval of the Governor, appoint a Commandant to be in charge of an internment camp, and may detail such other persons as may be necessary to ensure proper control of internment camps to serve under such Commandant.

8. Save in the case of internees suffering from mental or physical disability, internees of the same rank shall be accorded equality of treatment.

Equal treatment of all internees.

9. An internment camp, whether consisting of buildings, huts, or tents, shall be established with due regard to hygiene, sanitation and cleanliness.

Standard of internment camp buildings.

## WELFARE OF INTERNEES.

10. All internees shall be supplied with an adequate amount of clothing, and with a ration of drinking water and food corresponding in quantity and quality to that supplied to regular troops of equivalent rank in the Colony.

Supply of clothing, water and food.

11. (1) All internees shall be provided with sufficient water for bodily cleanliness and shall have for their use day and night conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness.

Provision for bodily cleanliness, night conveniences and physical exercise.

(2) Adequate facilities for engaging in physical exercises shall be afforded to all internees.

12. A medical officer shall from time to time make a medical inspection of each camp and of all internees.

Medical inspection of internment camps.

Removal of  
internees to  
hospital in  
case of serious  
illness.

Freedom in  
performance  
of religious  
duties.

Internees may  
receive letters,  
presents,  
books, etc.

Employment  
of internees.

Internees not  
to be employed  
on unsuitable  
or dangerous  
work.

Internees to be  
subject to laws  
applicable to  
regular troops.

Offences  
against  
discipline.

Punishment  
for offences  
against  
discipline.

13. Any internee who, in the opinion of a medical officer, has contracted a serious malady or whose condition necessitates surgical treatment shall be removed as soon as possible to hospital.

14. Internees shall be permitted complete freedom in the performance of their religious duties in so far as it is consistent with the routine and regulations of the camp.

15. Internees shall be allowed to communicate with friends and to receive communications, presents, books, or other relief in accordance with the Rules made under this Ordinance.

#### WORK OF INTERNEES.

16. Internees other than officers may be employed according to their rank and ability, and shall be paid a rate of wages corresponding to that paid to ordinary persons in the Colony doing equivalent work.

Provided that they shall not receive pay for work in connection with the administration, internal arrangement and maintenance of the camp.

17. No internee shall be employed on work for which he is physically unsuited or on unhealthy or dangerous work.

#### DISCIPLINE.

18. Internees shall be subject to the laws, regulations and orders applicable to the regular troops in the Colony, and any act of insubordination shall render them liable to the punishment prescribed by section 20 of this Ordinance.

19. Any internee who—

- (a) attempts to escape;
- (b) disobeys the order of any person to whom charge is placed;
- (c) fails to declare his true name, rank, or number on interrogation;

shall be deemed to have committed an offence and discipline.

20. (1) The Commander or the Commandant may inquire into any act of insubordination or any offence against discipline and thereupon punish the offender by—

- (a) solitary confinement not exceeding thirty days; or
- (b) reduction of rations;
- or both.

(2) In awarding punishment the period during which an internee is under arrest awaiting trial or punishment shall be deducted from the sentence.

(3) A statement of the facts constituting the act of insubordination or the offence against discipline shall be drawn up in writing without delay by the officer inquiring into such offence.

21. Nothing in section 18 or section 19 contained shall be construed to exempt an internee from being proceeded against for any offence by the ordinary course of law.

22. (1) Any internee attempting to escape from an internment camp may be arrested.

(2) If such internee refuses to surrender when called upon it shall be lawful for an officer to use or to order any person or persons under his command to use such degree of force as may be necessary in the circumstances of each case to ensure his surrender.

Provided that resort shall not be had to the use of force unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape.

#### MISCELLANEOUS PROVISIONS.

23. The Governor may from time to time make Rules providing for all or any purposes, whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient for carrying out the objects or purposes of this Ordinance, and where there may be in this Ordinance no provision or no sufficient provision in respect of any matter or thing necessary or expedient for giving full effect to this Ordinance providing for or supplying such omission or insufficiency and, without prejudice to the foregoing powers, providing for all or any of the matters following—

- (1) the internal discipline of internment camps;
- (2) the relations of internees with the exterior;
- (3) the appointment by internees of representatives;
- (4) the liberation and repatriation of internees at the end of hostilities;
- (5) the establishment of information bureaux;
- (6) the burial of internees who have died during internment and any other matters arising out of the death of internees.

Internees may  
be proceeded  
against in the  
ordinary way.

Arrest and use  
of force when  
internees  
attempt to  
escape.

Power to make  
Rules.



Validation of  
acts previously  
done and  
indemnity  
therefor.

24. All acts heretofore done by the Governor or by any officer of the Government or by any person acting under the direction of the Governor or of any officer of the Government in regard to any matter relating to the treatment of internees are hereby made and declared to be lawful and are confirmed as such and from the time of the performance of such acts, and the Governor and every such officer or person as aforesaid are hereby freed, acquitted, discharged and indemnified as well against the King's Most Gracious Majesty his heirs and successors as against all and every person and persons whatever from all legal proceedings of any kind whatsoever, whether civil or criminal, in respect of any such acts as aforesaid.

#### OBJECTS AND REASONS.

In accordance with the custom and usage of international law, it is incumbent upon a neutral to receive fugitives of belligerent forces, but his duty to the other belligerent requires that they shall not again start from his soil in order to resume hostilities, and it has therefore been the invariable practice in late years to disarm troops crossing the neutral frontier and to intern them until the conclusion of peace.

In order to maintain law and order in the Colony and to give effect to international practice in this respect, it is necessary to establish an internment camp, and this Bill has been designed with that object in view.

Following the International Convention relative to the Treatment of Prisoners of War, signed at Geneva on 27th July, 1929, this Bill makes provision for the control of the camp by responsible persons, for proper sanitary arrangements therein for the general welfare of internees, their work and discipline, while furthermore it validates the action which has been taken to give effect to international practice up to the present time.

It is not possible to gauge the amount of expense which the Colony may have to meet if the provisions of this Bill become law; it is hoped, however, that the belligerent states will reimburse the Colony at the conclusion of hostilities in conformity with international practice in this respect or that the expense may be met from a special fund.

73  
9  
FOREIGN OFFICE; S.W.1.

3rd June, 1936.

(J 4719/50/1)

Dear Flood,

1168  
I submitted your letter No. 58066/6/36 of May 23rd about the Italian deserters in Kenya to higher authority here. As a result I am afraid that the only reply I can give you is that, as we cannot turn these men out, there only appears to be two alternatives: Kenya must either keep them under detention or allow them to go free. If these blacks are dangerous; Kenya will doubtless prefer the former alternative.

I am sorry to appear unhelpful. If it were left to me, I would ship the whole bunch back to Eritrea and forget about them: but this simple solution does not commend itself to my superiors.

J. E. V. Flood, Esq., C.M.G.

*Yours sincerely,*  


C. O.

Mr. Flood. 23. 6/36

Mr.

Mr.

Sir C. Parkinson

Sir G. Tomkinson

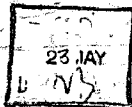
Sir C. Bellomley

Sir J. Shackburgh

Peru S.S. of S.

Parly. S.S. of S.

Secretary of State.



DOWNING STREET.

May, 1936.

DRAFT.

G. H. THOMPSON, ESQ., C.M.G.,  
FOREIGN OFFICE.

Dear Thompson,

Please see your letter  
No. J. 4203/50/1 of the 18th of May  
on the subject of the Italian  
deserters in Kenya.

The suggestion now is  
that if they wish to return home  
they should be allowed to do so,  
but they should not be deported  
against their will. Now this is  
pretty awkward. In the Governor's  
telegram of the 22nd of January, a  
copy of which I enclose for  
convenience of reference, we were  
informed that these deserters were  
Tigre from four different battalions  
who had expected to be discharged  
to their home neighbourhood of  
Asmara. Now, if they are to be

NO. 41  
38066/6/36

FURTHER ACTION.

returned

returned home, the only way to do it is to send them round by sea from Mombasa to Massawa. They could hardly be handed over to the Italian forces and they could hardly be turned loose and pushed across the Kenya frontier to make the best of their way back to Eritrea through Abyssinian territory with hostile forces still operating and brigandage rife. If we did <sup>by this</sup> turn them loose we should have to return to them their rifles and ammunition, in order to enable them to defend themselves, and that action might easily be misunderstood by the Italians.

Further, in view of the interest taken in them in Parliament here, somebody would be bound to enquire whether we had got an undertaking from the Italians that they would not be shot or otherwise dealt with on their return. I do not suppose that we need ask for such an assurance because, for all we

*This would call attention to them and the Italians would catch them on arrival so they would have no passports*

C. O.

- Mr.
- Mr.
- Mr.
- Sir C. Parkinson.
- Sir G. Tomlinson.
- Sir C. Hothamley.
- Sir J. Shackburgh.
- Perin, U.S. of S.
- Parly, U.S. of S.
- Secretary of State.

**DRAFT.**

**FURTHER ACTION.**

know, many of them may have committed crimes worthy of death several times over, apart from desertion, and I don't suppose for one moment that the Italians would give any undertaking whatever with regard to their treatment of them.

However, there are further awkwardnesses about it arising from the fact that we can't possibly go on keeping them for ever. Neither can we turn them loose for, if we do, there will be no peace in the district until the last of them is killed, having probably killed many deserving Kenya natives first. If we take them out of the Northern Frontier Province there is nowhere where they could be put, no land to settle them upon and no tribe to which they could be joined. Therefore we cannot very well turn them loose in Kenya. If we do <sup>at all</sup> turn them loose the only thing to do is to send them back home and I should be very much

- Mr.
- Mr.
- Mr.
- Sir C. Parkinson
- Sir G. Tomlinson
- Sir C. Baskinley
- Sir J. Shackburgh
- Permt. U.S. of S.
- Permt. U.S. of S.
- Secretary of State

DRAFT.

know, many of them may have committed crimes worthy of death several times over, apart from desertion, and I don't suppose for one moment that the Italians would give any undertaking whatever with regard to their treatment of them.

However, there are further awkwardnesses about it arising from the fact that we can't possibly go on keeping them <sup>in camp</sup> for ever. Neither can we turn them loose for, if we do, there will be no peace in the district until the last of them is killed having probably killed many deserving Kenya natives first. If we take them out of the Northern Frontier Province there is nowhere where they could be put, no land to settle them upon and no tribe to which they could be joined.

FURTHER ACTION

Therefore we cannot very well turn them loose in Kenya. If we do <sup>at all</sup> turn them loose the only thing to do is to send them back home and I should be very much

much afraid of the Italians treating  
them rather badly. So what do you think  
about all this?

Yours sincerely,

(Signed) J. E. W. FLOOD

76  
In any further communication  
on this subject please quote

No. J 4203/50/1

and address—

not to any person by name

but to—

The Under-Secretary of State,  
Foreign Office,  
London, S.W.1.

FOREIGN OFFICE.

S.W.1.

18th May, 1936.

RECEIVED  
18 MAY 1936

Sir,

4 351  
I am directed by Mr. Secretary Eden to refer to your  
letter No. 38066/6/36 of May 11th regarding the treatment of  
deserters from the Italian forces, who have crossed the boundary  
to Kenya.

2. In view of the occupation of Addis Ababa by the Italian  
forces, the flight of the Emperor of Ethiopia from the country  
and the consequent collapse of all effective opposition to the  
Italian forces, Mr. Eden is of the opinion that the position of  
the Italian deserters to Kenya should be reconsidered on the  
assumption that the Italo-Ethiopian war is ended. I am to  
suggest therefore, that should any of these deserters wish to  
return to their homes in Italian territory they should be permitted  
to do so. They should not however be deported into Italian  
territory against their wishes.

I am,

Sir,

Your obedient servant,

*Eden*

The Under-Secretary of State,  
Colonial Office.

Mr. Croasmith. 14/5/36.  
Mr. Pauline. 14/5/36.  
Mr. Duncan. 14/5/36.  
Mr. Flood. 14/5/36.

96

38066/6/36.

CYPHER TELEGRAM from the Secretary of State for the Colonies to the Governor of Kenya.

(Sent 8 p.m., 15th May, 1936.)

No. 118. Secret.

By telegram No. 113. Deserters. "Times" of 5th

May reports that in a statement accompanying the Bill hope is expressed that the Government will be reimbursed by the public funds. I am advised that we have no legal right under international law to reclaim from the Italian Government the expenses involved in maintaining Italian deserters in Kenya and you will realize that it would be impossible to present such a claim. It is advisable, therefore, that you should exercise considerable caution in any statement which you may make on this aspect should it be raised in Legislative Council or elsewhere.



C. O.

Mr. Grossmith. 14/5/36.  
Mr. P. Asher 14/5  
Mr. Duncan 14/5/36  
Mr. Frost 14/5/36

Sir C. Parkinson  
Sir G. Tomlinson  
Sir C. Bottomley  
Sir J. Stuckburgh  
Genl. U.S. of S.  
Vary. U.S. of S.  
Secretary of State.

3806A/5/36

15  
6  
Received & sealed  
14/5/36  
H.M.

No. 118

Secret

My telegram No. 113.

**DRAFT**

Telegram.

Re-cypher.

GOVERNOR.

NAIROBI.

legislation regarding deserters.

The "Times" of 9th May reports that

in a statement accompanying the

Bill the hope is expressed that the

Government will be reimbursed by

the belligerents. I am according to

advised <sup>by</sup> ~~which I have received from~~

~~Foreign Office it is not considered~~

that we have a legal right under

international law to reclaim from

the Italian Government the expenses

involved in maintaining the Italian

deserters in Kenya. It is advised

therefore, that you should exercise

considerable caution in any statement

which you may make on this aspect

should

(See Mrs. 212  
on 350 6/7/36)

and you will realize  
that it would be impossible  
to plead such a claim

FURTHER ACTION.

C. D.  
R 9 MAY  
B. 9. C. O.

3806/6736

150

Mr. Eversmith 7/5/36  
Mr. Parkin 9/5  
Mr. Dunham 9/5/38  
Mr. Flax 9 alone  
Sir O. Parkinson  
Sir G. Tomkinson  
Sir C. Bonmley  
Sir J. Shacklough  
ex officio Dep. of S.  
Parly. Dep. of S.  
Secretary of State.

Received 1st 3  
11:30p  
9/9/36  
H.A.

No 03

Secret

DRAFT.

Rec. (Ch. copy)

Income  
Navists

copy  
copy

Mr. despatch  
Secret (2)  
29.4.36  
Parliamentary approved

Secret

As to the proposed legislation  
being made retrospective and  
I assume that your legal  
advisors are satisfied that  
this will cover the military  
action referred to. If not  
special legislation may be  
necessary.

Secret

FURTHER ACTION.  
Copy sent to  
to  
L.H.

AER MAIL.  
KENYA.



GOVERNMENT HOUSE,  
NAIROBI  
KENYA

No.  
SECRET. (2)

29th April, 1956.

Sir,

With reference to your Secret despatch of the 4th April, 1956, regarding the employment and discipline of the Italian native deserters interned at Isiolo, I have the honour to inform you that after due consideration I have come to the conclusion that it is desirable to enact legislation on the lines suggested in the third paragraph of the letter from the War Office which formed the second enclosure in your despatch under reference.

2. I am advised that the escape and subsequent death of some of the deserters reported in my Secret telegram of the 24th April renders it desirable to make the proposed legislation retrospective so that the Military Authorities may be indemnified in respect of the action taken to apprehend the escapees. I should be grateful if your approval of this procedure may be communicated by telegram so that the necessary legislation may be enacted at the next sitting of the Legislative Council.

3. A full report of the escape and recapture of the fugitive deserters will be forwarded to you as soon as the details are known.

I have the honour to be,  
Sir,  
Your most obedient, humble servant.

Brigadier-General,  
GOVERNOR

THE RIGHT HONOURABLE  
J. H. THOMAS, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S.W. 1