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KENYA LEGISLATIVE COUNCIL.

(Continued from page 7.)

I cannot help thinking that the feeding of 180,000 natives for five months could have been arranged without the introduction of this far-reaching bill. The action of Government has had the effect of appreciably increasing the prices of native foodstuffs. It has inflicted a certain amount of hardship on the native people. On the other hand, the fact that there are 180,000 natives in need of food does I am prepared to agree, justify strong action on the part of Government.

A Simpler Way.

It is an extraordinary thing that whereas this famine prevails only in a small proportion of native reserves, the whole export trade of the country should be held up to supply that very small area. I should like to know what has become of the maize which has been produced by the other sections of the native population. I find it is contemplated to set aside a sum in the neighbourhood of £200,000 for the administration of this measure. That would appear to cover the purchase of about 250,000 bags of maize. It seemed that there were already in the country organisations which could have provided that quantity of maize without the necessity of this Bill.

Mr O'Riada also questioned the provisions covering compensation for those persons who had to sell their maize at the order of the Board and who eventually had to dispose of their stocks in the overseas markets at a price very much lower than that at which they could have sold in the first place. He also asked for a definition of the word "foodstuffs," whether it meant that such articles as coffee and tea would come under the measure. He suggested that it would be better if the restrictions were confined to the small number of crops which would meet the situation. He also asked for information as to how it was proposed to recover the money spent in famine relief. "We are not dealing with destitute persons," he continued. "We are not called upon to provide food for people who are not in a position to pay for it. These people are sufficiently wealthy to pay for it in one form or another. I see no justification for any of the money being lost. If the organisation is an efficient one, the cost of it, added to the price per bag, will be negligible and I feel certain that no hardship will be in-

posed to be done for those who are being helped. It is not asked to pay the cost of distribution. The native population of the country will have to pay for any waste in this organisation just as the other communities will have to.

Captain the Hon. E. M. V. Kehealy (West Kenya) felt that Government had not given the Elected Members data of sufficient definiteness. They had not been told in what areas the famine had occurred and in what ratio to the normal food supplies of the districts in which it had occurred. He felt that Government should at the same time tell the Elected Members that there was to be no discrimination in feeding the native population, no matter where domiciled. It was necessary because unless the plantings were maintained if the situation developed on the lines they feared, they might find that the country would not be able to finance relief measures. He felt they should know the numbers which would require relief monthly. He regretted that Government had given no indication of their intention in regard to relief works. Here was an opportunity for the construction of the line to Nanyuki. He was not attempting to exploit the situation, but suggested that it might be instituted as a relief work for the natives in the North and South Nyeri districts.

Insurance.

Regarding the provision of seeds to natives, he thought that Government should consider the advisability of analysing the possibilities of an insurance scheme which would be a self-supporting one. Such a scheme would not be limited in its application. Native Councils would find that by paying contributions to the scheme they would be provided with seeds for the ensuing season. Captain Kehealy also raised the question of compensation, saying they could not always indulge in altruistic theories. They were bound by certain commercial and fundamental matters such as prices. He also asked for a full explanation of the provision regarding protection in cases of breach of contract.

Bill Depreciated.

Col. the Hon. J. O. Kirkwood (Plains N.) said he was astounded that Government had introduced this measure. He submitted that the Bill was not justified. He failed to see why the Council should delegate such powers to the Board. In his opinion the Council should simply fix the maximum price of foodstuffs.

(Continued on page 10.)

EMERGENCY MEETING OF KENYA LEGISLATIVE COUNCIL

(Continued from page 3)

The Board's proposals were given a hearty welcome. There was a strong feeling of leadership in the farming community. It had been stated by the Member for the Lake who rings had already been formed. That statement is very much doubted. It was certainly not true in regard to the largest maize-producing area in the Colony. There were no rings on the Plateau. He could not support the Bill and he deprecated very much the fact that it had been introduced.

"In general terms, I should say this bill legalises robbery," declared the speaker. "It is taking away the initiative of the producer to obtain the best advantage for his products. The Bill had been introduced to prevent profiteering. In certain quarters it has had the effect of creating panic which is most undesirable and could have been avoided. Supplies could have been secured from the K.P.A., Messrs. Balcorts and other people. There are large quantities of exportable maize still in the Colony."

The Two Maize

Lord, the Member (Ukamba) while agreeing that it was Government's duty to see that none of the people died of starvation, could not see the objection of his friends who were interested greatly with the security of the subject and the welfare of the country, was the only one who took the criticism of the bill with the situation that has been told whether the Government had or not obtained the quantities of exportable supplies from the K.P.A. in the Colony. Did they know the available supplies in the reserves? He understood that in the Kenya reserves there was considerable supplies. He should also like to hear more about the question of repayment. The measure, which upset the old rule regarding the regulation of prices in accordance with the needs and demands, would be depriving the maize and wheat producers who primarily had been the hardest hit in the past few years. He expressed the hope that one of the Board with its very special powers, came into existence that would take into consideration that not only was it to be considered but that it would also be a fair return to producers. The Member (Ukamba) thanked the members. He thought the Board would deal very fairly with all concerned in the situation. Producers themselves, in addition, came very near reaching the starvation point. They went to Government but received no satisfaction.

The Hon. J. A. Wood (Nairobi) said he had been sorry to hear the amount of opposition there had been to the bill. He wondered that the Board would

measure was the fact that prices started jumping up just about the time that the measure stopped, experts came in.

Lessons of History.

For the benefit of "our friends," The Manchester Guardian's Lays, MacGregor Ross and Company, continued Mr. Wood, he recalled a precious famine in the '90's, when he first came to the country. The natives were dying even in the Nairobi area in hundreds. He compared that state of affairs with the present situation and the steps being taken by the Europeans to meet it. He also asked for a full explanation of the Board's powers in regard to the fixing of prices, particularly in regard to the provision that the prices would be fixed on the basis of the London market price.

An Indian Argument.

The Hon. Mr. Malik, the Indian representative, returned to the appointment of the three unofficial members to the Board and expressed the hope that in nominating those members His Excellency would give due regard to Native and Indian interests. He would remind the Member for the Lake that if the European was able to relieve famine conditions it was nothing for him to best about. He was pleased at an advantage over everybody else in the matter of land holdings. "The member should know that the land which is at present in European holdings—and he was surprised of it in an underdeveloped area—in the present basis, having would not have threatened at this time to add."

The Natives' Position.

The Acting Chief Native Commissioner made a statement on the present position in the native reserves.

The statement is summarized as follows:

Kario—A certain number of natives being fed and are engaged on relief works. Apart from locusts there has been considerable drought.

The Masai—Have their cattle and are able to carry on.

Great—A certain amount of relief is required. Arrangements are being made for supplies and the money spent will be recovered from the natives.

Digo and Malindi—A small population. Local Native Council has voted money for famine relief. It is hoped that all the money spent here will be recovered.

Ukamba—The crops in Kitui have been saved. The danger to the crops was principally from locusts and the saving of the crops was a splendid effort on the part of all engaged in the work.

Machakos—Great damage caused by locusts. Locusts are being

very poor. Supplies food supplies to remain in the area so that local farmers may be able to draw on it for supplies for themselves without importing food from elsewhere.

Maize and Maize—The district suffering most from the results of the locusts. The locusts were in the maize fields north and westward of the main railway stations and transport difficulties are experienced. It is essential that 40,000 bags should be in the district before March 15. Expected that between 80,000 and 90,000 people will have to be fed for a period of five months.

"So far we can manage it, we do not want to feed the bodied men for nothing," continued the Acting Chief Native Commissioner. It was proposed to employ the males on railway work and on farms. They had also arranged for the supply of 50,000 worth of seeds to be supplied to natives. It was essential that the seeds should be planted before the rains.

Compensation.

The Attorney General, replying to the points raised in regard to compensation and that persons who refrained from disposing of stocks by order of the Board and whose stocks were subsequently required by the Board would be entitled to compensation. It would not be practicable for the Council to take upon itself the duty of fixing prices of food stuffs, considering the infrequency with which the Council met. In fixing those prices, the Board would take other factors into consideration along with the basis of the London market price. There was nothing to prevent the Board overruling the common law.

The Director of Agriculture, in his reply to the speaker, said that perhaps the impression on the official side of the Board had been organized their favour to their advantage. The Bill, in the opinion of Government was undoubtedly serious. There was ample opportunity to show that there had been attempts to secure maize supplies for the natives. The action already taken by the Government had had the effect of checking speculation and of bringing prices still further down. The possibility of the Government's action had been fully explained along with the representative of the Government's interests and the Government was expressed by all who were present that the position that the Government had been conferred upon the Board were the powers required to deal with the situation. It had been suggested that the quantities of maize required for relief purposes could be obtained from the large holders of stocks. That point had been discussed with representatives of such organizations and as far as he understood their opinion was that it would be unfair to expect them to supply large stocks of

(at) bottom stockpiles and an other traders to keep the market out of the situation. With regard to the availability of the "food stuffs" he expressed the hope that they would rely on the wisdom of the Board in applying the measure only where it was necessary. In regard to wheat and wheat flour, he stated that they had this in mind when drafting the provisions. That point could be considered in the committee stage. In regard to the point raised by Lord Francis Scott, he would say that the maize growers were fortunate that the London price on February 5, which was to be taken as a basis was so high. On or about February 5, maize was selling in London at a higher price than it had been sold at for some years. It was between Sh. 41/6 and Sh. 42/- per quarter.

Adjournment.

Council adjourned at 12.30 p.m. to enable the Elected Members to confer with representatives of the Maize Industry on the subject of price fixation etc.

On the resumption of Council in the afternoon, His Excellency announced that since the adjournment, attempts had been made to come to some agreement in regard to the questions of compensation and the fixing of prices. The negotiations between the various parties concerned had not yet been concluded, and as he thought it was advisable that there should be some agreement on the matter, he would adjourn Council until 10 a.m. to-day in order that the discussions may continue.

EMERGENCY MEETING OF KENYA LEGISLATIVE COUNCIL.

(Continued from page 9.)

The local situation was given by the Member for the Nairobi community. It had been stated by the Member for the Lake that maize had already been formed. That statement is very much doubted. It was certainly not true in regard to the largest maize-producing area in the Colony. There were no rings on the plateau. He could not support the Bill and he deprecated very much the fact that it had been introduced.

"In general terms I should say this bill legalises robbery," declared the speaker. "It is taking away the initiative of the producer to obtain the best advantage for his products. The Bill had been introduced to prevent profiteering. In certain quarters it has had the effect of creating panic which is most undesirable and could have been avoided. Supplies could have been secured from the K.F.A., Messrs. Belgatty and other people. There are large quantities of exportable maize still in the Colony."

The Two Sides.

Leadr. E. A. Wood (Ukamba) while stating that it was Government's duty to see that none of its subjects died of starvation, said they had been told whether the production of this drastic bill had interested greatly with the majority of the subject and the people of the country was the only way in which Government could deal with the situation. He stated that he had not been told whether Government had ascertained the quantity of available supplies of foodstuffs in the Colony. Did they know the available supplies in the reserves? He understood that in the Kikuyu reserves there were considerable supplies. He should also like to hear more about the question of repayments. The measure, which upset the old rule regarding the regulation of prices in accordance with supply and demand, would affect principally the maize and wheat producers who probably had been the hardest hit in the past few years. He expressed the hope that when the Board with its very powerful powers, came into existence, that would take into consideration that not only was it to be a controlling body but that it would also have to give a fair return to producers.

Col. G. G. Durham (Kikuyu) supported the measure. He thought the Board would deal very fairly with all concerned in the situation. He thought there was no reason to be alarmed at this emergency point. They went to Government but received no assistance.

The Hon. T. A. Wood (Nairobi South) said he had been sorry to hear the amount of opposition there had been to the bill. He expressed that the Board would

measure was the fact that prices started jumping up just about the time that the measure stopping exports came in.

Lessons of History.

For the benefit of "our friends," The Manchester Guardian, Leys, MacGregor Ross and company, continued Mr. Wood, "re-called a previous famine, in the 30's, when he first came to the country. The natives were dying even in the Nairobi area. In hundreds. He compared that state of affairs with the present situation and the steps being taken by the Europeans to meet it. He also asked for a full explanation of the Board's powers in regard to the fixing of prices, particularly in regard to the provision that the prices would be fixed on the basis of the London market price.

An Indian Argument.

The Hon. Mr. Malik, the Indian representative, referred to the appointment of the three unofficial members to the Board and expressed the hope that in nominating those members His Excellency would give due regard to Native and Indian interests. He would remind the Member for the Lake that if the European was able to relieve famine conditions it was nothing for him to boast about. He was placed at an advantage over everybody else in the matter of land holdings. "The member should know that if the land which is at present in European holdings—and the vast proportion of it is undeveloped—were not in the present hands, famine would not have threatened at this time," he added.

The Natives' Position.

The Acting Chief Native Commissioner made a statement on the present position in the native reserves.

The statement is summarized as follows:

Kerio—A certain number of natives being fed and are engaged on relief works. Apart from locusts there has been considerable drought.

The Masai—Have their cattle and are able to carry on.

Coast—A certain amount of relief is required. Arrangements are being made for supplies and the money spent will be recovered from the natives.

Digo and Malindi—A small population. Local Native Council has voted money for famine relief. It is hoped that all the money spent here will be recovered.

Ukamba—The crops in Kito have been good. The danger with the crops was principally from locusts and the saving of the crops was a splendid effort on the part of all engaged in the work.

Machakos—Great damage caused to grain locusts in some of

corn. Purple food supplies to remain in the area so that local farmers may be able to draw on it for supplies for labourers without exporting food from elsewhere.

Maize and Beans—The district subsists most on the results of the production of the two crops. It was estimated from the production of the crops that everything in the Districts up to their railway stations that transport difficulties are experienced. Essential that 50,000 bags should be in the district before March 15. Expected that between 60,000 and 90,000 people will have to be fed for a period of five months.

"So far we can manage it, we do not want to feed able-bodied men for nothing," continued the Acting Chief Native Commissioner. It was proposed to employ the males on railway work and on farms. They had also arranged for the supply of 50,000 worth of seeds to be supplied to natives. It was essential that the seeds should be planted before the rains.

Compensation.

The Attorney General, replying to the points raised in regard to compensation, said that persons who refrained from disposing of stocks by order of the Board and whose stocks were not subsequently required by the Board would be entitled to compensation. It would not be practicable for the Council to take upon itself the duty of fixing prices of foodstuffs, considering the infrequency with which the Council met. In fixing those prices the Board would take other factors into consideration along with the fixing of the London market price. There was nothing to prevent the Council over-riding the common law.

The Director of Agriculture, in his reply to the Council, said that perhaps the members of the official side of the Board had organized their forces to their advantage. The Bill, in the hands of Government was not such a serious proposition as it appeared. There was an opportunity to show that there had been no need to corner supplies of foodstuffs. The action already taken by Government had had the effect of checking speculation and preventing prices still further rising. The possibility of other measures had been suggested. The point had been fully explained to the representatives of the different interests and the Council was expressed by all who had taken part in the discussion that the Board were the powers required to deal with the situation. It had been suggested that the quantities of maize required for relief purposes could be obtained from the large holders of stocks. That point had been discussed with representatives of such organizations and as far as it was understood, their opinion was that it would be unwise to expect them to supply large quantities of

maize, bottom rock prices and as well as other traders to reap the benefit out of the situation. With regard to the definition of the term "foodstuffs" he expressed the hope that they would rely on the action of the Board in applying the measure, applying it to maize reserves, but not to wheat and wheat flour, he stated that they had in mind when defining the provisions. That point could be considered in the committee stage. In regard to the point made by Lord Francis Scott, he would say that the maize growers were fortunate that the London price on February 5, which was to be taken as a basis was so high. On or about February 5, maize was selling in London at a higher price than it had been sold at for some years. It was between Sh. 41/8 and Sh. 42/- per quarter.

Adjournment.

Council adjourned at 12.30 p.m. to enable the Elected Members to confer with representative of the Maize Industry on the subject of price fixation etc.

On the resumption of Council in the afternoon, His Excellency announced that since the adjournment, attempts had been made to come to some agreement in regard to the questions of compensation and the fixing of prices. The negotiations between the various parties concerned had not yet been concluded, and as he thought it was advisable that there should be some agreement on the matter, he would adjourn Council until 10 a.m. to-day in order that the discussions may continue.

...but received no assistance.

The Hon. T. A. Wood (Nairobi South) said he had been sorry to hear the amount of opposition there had been to the bill. He expressed that the Board would realize that the bill referred to certain food stuffs only. He did not think there would be any necessity to dislocate the trade in coffee or tea and other commodities which might be classed as drinks and not as food. He thought the justification for the

have been saved. The danger to the crops was principally from hoppers and the saving of the crops was a splendid effort on the part of all engaged in the work.

Machakos.—Great damage caused in certain locations in some of which only ten per cent of the crops have been saved. Probably in a very short time a considerable number of natives will require assistance. But the position is not so serious on account of the large numbers of native stock. The present situation expected to solve the problem of over-stocked locations.

Very small population. A certain number will require assistance. The local Native Council has raised a sum of money for relief. Kyambu, Fort Hall and South Nyari.—The natives are also in

EXTRACT FROM THE 'EAST AFRICA' STANDARD
FEBRUARY 23RD, 1919.

FOOD CONTROL BILL PASSED INTO LAW.

London Market Price as Buying
Basis Deleted.

DISCRETION LEFT TO THE FOOD BOARD.

£200,000 Voted by Legislature to
Finance the Organisation.

After the Elected Members and the Government had conferred with the maize interests on Thursday afternoon, an agreement was reached on the subject of the basis of price which formed an important part of the Food Control Measure.

The original Government proposal that the London market price of the month before be the basis, was deleted from the Bill and the power to fix the price at which they will buy will remain with the Board. Government believes that the Board will discharge its duty faithfully and without prejudice.

Compensation will also be paid for any loss suffered by compulsory holding of maize.

"SLAVERY" IN THE RESERVES.

When the Bill for the Conservation, Control and Distribution of Food to meet the present famine situation in native reserves, again came before the Kenya Legislative Council yesterday the Director of Agriculture said that in consultation with representatives of interests involved the previous day, it was thought that complications might arise in laying down a definite basis for the fixation of prices of food stuffs and that it would be preferable to leave the whole question of the fixation of prices in the hands of the Board of Food Control, the Board being trusted to act fairly to all interests concerned.

He accordingly moved the deletion from the Bill of the proviso in regard to accepting the market price in London as a basis for the fixation of prices.

Lt. Col. KIRWAN (Pitsoo North) moved an amendment for the London market price on February 5, plus a sum of the £, should be taken as the minimum price.

The Director of Agriculture said Government would be unable to accept that.

Replying to Lord Francis Scott, the Director of Agriculture said it was the desire of Government to interfere as little as possible with trade and trading interests.

The bill passed its third reading and was passed.

The Finance.

Later in the session, the Colonial Secretary moved the motion, authorising His Excellency the Governor to pay out of the Board a sum not exceeding £200,000 for the discharge of its functions. He said it was difficult to assess requirements but he had been estimated that 140,000 bushels of maize would have to be bought up at a cost of £190,000.

He did not think there was any need for alarm as to the effect of this on the Colony's finances. An estimate would be made to cover the cost as far as possible. Heads of Government Departments had been asked to lay special stress on economy in regard to current expenditure as far as was practicable. Government was fully alive to the fact that although the present situation was not so bad as was anticipated, the outlook was still uncertain, and any extraordinary measure had to be taken.

The Hon. T. J. O'SHEA (Pitsoo North) asked the Chief Native Commissioner whether he anticipated any real help from local Native Councils. He also asked for an assurance that slavery conditions would not be employed in the reserves in regard to the employment of women and children.

The Director of Agriculture and Government would be unable to accept the same.

Replying to Lord Francis Scott, the Director of Agriculture said it was the desire of Government to interfere as little as possible with trade and trading interests.

Compensation

An amendment was also made in the compensation clause, the following provision being added—

"Any person who is prohibited from exporting any foodstuff in consequence of the issue of any proclamation under the Ordinance may apply to the Board for compensation for any loss sustained by him in consequence of such prohibition and the Board may pay to such person compensation for any loss proved to the satisfaction of the Board to have been so sustained by him."

Col. Kirkwood moved the deletion from the Bill of the clause giving protection in cases of breach of faith, saying that it was legalising breach of faith.

The Director of Agriculture moved the following amendment to the original clause—"No person shall be liable for any breach of contract if such breach is caused by any proclamation under the Ordinance or any order made by or the exercise of any power conferred upon the Board under the Ordinance."

This amendment was adopted, Col. Kirkwood's proposal being lost.

The Hon. F. L. O'Shea (Opposition) asked the Chief Native Commissioner whether he had stated any real help from local Native Councils. He also asked for an assurance that slavery conditions would not be employed in the reserves in regard to the employment of women and children on work which ought to be done by males.

Women Cultivators

The Acting Chief Native Commissioner said he was sure the District Officers would do their best to work through the local Native Councils on which there were quite a number of men of intelligence. With regard to the alleged slavery, he replied that it was an old native custom for the women to undertake the cultivation after the breaking up of the ground and the clearing of brush had been done by men. Moreover, they wanted to get as many males as they could employed on works where they would be able to earn their food and wages to pay for the famine relief given to women and children in the reserves.

The Rev. Canon Leakey representing Native interests, also referred to the alleged slavery and said that native women were good cultivators. "I should be very sorry to see the Kikuyu woman thinking herself too grand to cultivate the soil," he added.

The resolution, in the following terms, was passed—

"This Council hereby authorises the Governor to pay to the Food Control Board, if and when duly constituted under the

Ordinance, out of the revenue and other funds of the Colony such sums not exceeding in the aggregate £200,000 as in the opinion of the Governor may be required to enable the Board to discharge its functions, it being understood that Government will make every endeavour to recover as far as possible from the persons to whom famine relief is granted the cost of foodstuffs supplied by the Board to such persons, and that a monies will be credited to the general revenue of the Colony.

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Colony and Protectorate of Kenya.

PROCLAMATION No. 38.

COLONY AND PROTECTORATE OF KENYA. MEETING OF LEGISLATIVE COUNCIL.

I, Jacob William Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, in exercise of the powers vested in me by Instructions under the Royal Sign Manual and Signet, dated the 11th day of September, 1929, do hereby direct that a Session of the Legislative Council be held at the Memorial Hall, Nairobi, on Thursday, the 21st day of February, 1929, at 10 a.m.

Given under my hand at Nairobi, on this the 15th day of February, 1929.

J. W. BARTH.

Acting Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 97.

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

G. R. SANDFORD,

Clerk to the Legislative Council.

A Bill to Provide for the Conservation, Control and Distribution of Foodstuffs in the Colony during the Present Year.

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 Food Control Ordinance, 1929.
2. In this Ordinance, the term "foodstuff" includes anything capable of being used as food for man or of being converted into food for man. Interpretation.
3. (1) Without prejudice to any other power of prohibiting or regulating the exportation of goods from the Colony, the Governor may from time to time, by proclamation, prohibit, restrict or regulate the exportation from the Colony or from any area or place therein of any foodstuff. Power to prohibit exportation of foodstuffs.
- (2) Every person concerned in the exportation or attempted exportation of any foodstuff in contravention of any proclamation issued under this section shall be guilty of an offence against this Ordinance, and shall be liable, on conviction by a magistrate, for every such offence, to a penalty not exceeding five hundred pounds or to imprisonment of either description for a period not exceeding two years, or to both.

Establishment
of Food
Control Board

4. (1) For the purposes of this Ordinance there shall be established a Food Control Board (hereinafter referred to as "the Board") which shall consist of—

- (a) The Director of Agriculture as Chairman;
 - (b) The Treasurer as Deputy Chairman;
 - (c) The Chief Native Commissioner,
- and three other persons, not being members of the public service, to be nominated by the Governor.

(2) The Chairman or Deputy Chairman and two other members shall form a quorum.

(3) Questions before the Board shall be decided by a majority of votes of those present and voting, and, in the case of equality of votes, the Chairman or Deputy Chairman, as the case may be, shall have a second or casting vote.

(4) Each member of the Board (not being a member of the public service) may, at the discretion of the Board, be paid out of the funds of the Board such reasonable out-of-pocket expenses as may from time to time be incurred by him in connection with attendance at meetings of the Board.

Appointment
of Secretary
and staff.

5. (1) The Board may, subject to the approval of the Governor, appoint a fit and proper person to act as Secretary to the Board, and may, subject to the like approval, appoint and assign to the Secretary such clerical staff as to the Board may appear necessary.

(2) The Secretary to the Board shall exercise such powers and perform such duties as may be assigned to him by the Board.

(3) The Secretary and clerical staff shall be remunerated out of the funds of the Board at such rates as the Governor in Council may, on the recommendation of the Board, prescribe.

Funds of the
Board.

6. The funds of the Board for the purpose of the exercise of its powers and the performance of its duties under this Ordinance shall consist of such moneys as the Governor may, with the sanction of the Legislative Council, from time to time authorise the Treasurer to pay to the Board.

Powers and
duties of
Board.

7. (1) The powers and duties of the Board shall be as follows:

- (a) To advise the Governor in regard to the issue, from time to time, of proclamations under section 3 of this Ordinance;
- (b) To order all persons holding or controlling stocks of any foodstuffs for the purpose of sale, whether by wholesale or retail, to make full and accurate returns in writing, at such periods or within such time as may be stated in the order, showing the quantity of any foodstuffs held or controlled by such persons;
- (c) To order any person holding or controlling stocks of any foodstuff to refrain from disposing, whether by sale or otherwise, of such stocks or any part thereof without the written permission of the Board;
- (d) To acquire, at such prices as may be fixed by the Board, such quantities of foodstuffs as may from time to time be required by the Board for purposes

of famine relief, and to require delivery of foodstuffs so acquired at such railway station as may be named by the Board;

(e) To dispose, in such manner and on such terms as the Board may think fit, of any foodstuffs acquired under the last preceding paragraph;

(f) To fix, by order, the maximum price at which any foodstuff may be sold or purchased, either by wholesale or retail. Any order under this paragraph may be of general application or may apply to any particular locality or localities;

(g) To purchase outside the Colony and to import such foodstuffs as in the opinion of the Board may from time to time be required to supplement local supplies;

(h) To arrange for the delivery of foodstuffs at convenient centres for the purpose of distribution in areas where, in the opinion of the Board, famine relief is required;

(i) To requisition, at such rates as may be determined by the Board, such means of transport as may from time to time be required by the Board;

(j) Subject to the approval of the Governor, to make Rules for the better carrying out of the powers and duties of the Board and of the provisions of this Ordinance;

(k) To draw up and promulgate such forms as the Board may consider necessary;

Provided that for the purpose of fixing prices under paragraphs (d) and (f) of this sub-section the export price ruling in London on the fifth day of February, 1929, for deliveries up to and including April, 1929, shall be taken as a basis in the case of foodstuffs marketable on or before the thirtieth day of April, 1929; and thereafter such prices shall be fixed on the basis of the export price ruling in London on the last day of the month preceding the date of acquisition under paragraph (d) or the date of the issue of an order under paragraph (f), as the case may be.

(2) Every order made under paragraphs (b) and (f) of the preceding sub-section shall be published in the Gazette and shall take effect as from the date of such publication.

8. Any person who, without reasonable excuse, the proof of which shall lie upon such person—

(a) fails or neglects to make any return ordered by the Board under sub-section (1) (b) of the last preceding section, or who makes any return which is false or inaccurate; or

(b) disposes or contracts or attempts to dispose of any stocks of foodstuffs or any part thereof contrary to an order made under sub-section (1) (c) of the last preceding section; or

(c) fails to deliver at such railway station as may be named by the Board any foodstuffs acquired by the Board under sub-section (1) (d) of the last preceding section; or

- (d) sells or purchases, or contracts or attempts to sell or purchase, whether for credit or for cash, any foodstuffs in respect of which a maximum price has been fixed by the Board under sub-section (1) (b) of the last preceding section, at a price exceeding the price so fixed; or
- (e) fails to provide such means of transport as may be in his possession or under his control when such means of transport has been requisitioned by the Board under sub-section (1) (c) of the last preceding section; or
- (f) contravenes or fails to comply with any Rule made by the Board under sub-section (1) (d) of the last preceding section; or
- (g) obstructs or hinders the Board or any member thereof or any person acting under the authority of the Board in the lawful exercise of any power or performance of any duty conferred or imposed upon the Board under this Ordinance.

shall be guilty of an offence against this Ordinance.

9. (1) The Board may, in its discretion, grant licences to fit and proper persons to deal in foodstuffs, and may, by order published in the Gazette, prohibit the sale to or purchase from any person other than a licensed dealer of any such foodstuff.

(2) Any person who, without reasonable excuse, the proof of which shall lie upon such person, contravenes any order made under this section shall be guilty of an offence against this Ordinance.

10. (1) Any person who is guilty of any offence against this Ordinance or against any Rule made thereunder for which no penalty is expressly provided shall be liable, on conviction before a magistrate, for every such offence, to a penalty not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding one year, or to both.

(2) Any person who aids, abets, counsels or procures the commission of any offence against this Ordinance shall be deemed to have committed such offence and shall be punishable accordingly.

11. Offences against this Ordinance shall be cognizable to the police.

12. Any person duly authorised in writing by the Board may, at all reasonable times, enter upon and into any land, house, shop, vessel or any premises within the Colony, for the purpose of ensuring the due carrying out of the provisions of this Ordinance or any orders or Rules made thereunder, and may examine and inspect the stock of foodstuffs therein, and such person may, in case of opposition or obstruction, use such force as may be necessary to effect such entry, and shall not be liable for any damage, direct or indirectly occasioned by such forcible entry.

13. If any person is ordered by the Board under section 7 (1) (e) of this Ordinance to refrain from disposing of any foodstuffs, and such foodstuffs are not subsequently acquired by the Board under section 7 (1) (d), the Board shall pay to such person compensation for any loss proved to the satisfaction of the Board to have been sustained by him in consequence of his compliance with the order of the Board.

Provision for compensation in certain cases.

53

14. No person shall be liable for any breach of contract if such breach is caused by any order made by, or the exercise of any power conferred upon, the Board under this Ordinance.

Protection in case of breach of contract.

15. This Ordinance shall continue in force until the thirty-first day of December, 1929, and shall then expire.

Duration of Ordinance.

OBJECTS AND REASONS

The losses of foodstuffs due to locust destruction and the threatening position arising from the present locust invasion necessitates the adoption of measures whereby foodstuffs for the use of man may be conserved, controlled and distributed.

This Bill provides for an emergency organisation calculated to achieve these purposes with the least disturbance of existing trade and trade connections.

RECEIVED
8 MAR 1929
COL. OFFIC

TELEPHONE
ROYAL 3250

1054
35, CRUTCHED FRIARS,
LONDON, E.C. 3.

March 6th., 1929

My dear Battenley,

(No. 8.)

Many thanks for your personal letter No. 15524/29 of the 4th. March, on the subject of Customs Duty on grain imported into East Africa during the present emergency. It is very good of you to have taken the trouble to cable out.

I am glad to read that the Acting Governor thinks that the stocks of grain in the country are ample, unless the Spring rains fail or locusts eat up the next crop, but there is no doubt about it that the local price in Kenya is now very excessive. Even at the beginning of February, according to the mail to hand yesterday, the price of Maize Meal delivered at Voi Station, had risen to £1 per bag of 200 lbs., i.e., a rise of about 5s/- per bag since the beginning of the year. If stocks in the country are really ample, then it looks as though someone seems to be profiteering pretty badly. What strikes me all through this matter is that every inducement is held out to maize growers to export their crop, such as the granting of a specially low export rail rate and so forth, with the result that they rush maize out of the country as quickly as they can in order to encash its value, and then on any shortage, or even a threatened shortage, local prices are put up heavily by the Maize Growers Association, and the whole country is held to ransom. The GO.

55

Import Duty, coupled with very high rail rates on imported grain for upward journey from the coast, give such great protection to the maize growers that they are able to repeat this manoeuvre with impunity, knowing that the public is powerless to import supplies. The development enterprises, such as sisal plantations, etc., find their cost of production increased by as much as £2 per ton, and the cost of living throughout the whole country is put up, including, of course, the cost of working such Government Departments as the Railways and Public Works which employ labour on a large scale which they have to ration.

Of course, I know that it can be said that this is the old question of Free Trade versus Protection, and so it is, but really, it does seem to be rather an extreme form.

Many thanks,

Yours sincerely,

W. C. Bottomley

W. C. Bottomley Esq., C.B., C.F.S.,
Colonial Office,
Downing Street,
S. W.

MHI/DA.

105/14 Kenya

8
56

- Mr. Eastmont 4/13
- Mr. Allan 4
- Mr. Parkinson 4/13
- Mr. Bottomley 4/13
- Sir E. Harding
- Sir J. Stuckburgh
- Sir G. Grenville
- Sir C. Davis
- Sir S. Wilson
- Mr. O'Rourke
- Lord Lodes
- Mr. Amery

To be sent

See for 10/10/1945 4 March 1945

O.D.
R 2-1148
D 1/11

DRAFT.

7/11/45 Sir Humphrey 4/13/45
D.S.O.

You will remember
 that in my letter of the
 25th Feb? I promised to
 write to you again when
 we had heard from
 the Kenya Govt whether
 it was their intention
 to admit imported grain
 duty free during the
 present emergency.

The Acting Governor
 has now telegraphed that
 there will be no...

to import grain in the state

held in large ^{will be} X ample

unless the rains which are

due in a few weeks fail

or unless locusts destroy the

next crop.

The British Govt. has any reserves of

this they do not at present and

the ~~Govt.~~ ^{Govt.} ~~has~~ ^{also} ~~stated~~ ^{stated}

(although he has not specifically said) the existing supply is to be maintained

steps are being taken to maintain

food supplies for labourers on

farms to prevent the food

return to the reserves of unbroken

harvest of supplies available

to feed them

W Bottomley
(Signed) W Bottomley

to import grain as the stock
held in large ^{will be} ample
unless the rains which are
due in a few weeks fail
or unless locusts destroy the

next crop. Presumably therefore ~~(although he has not~~
the Bureau ~~is~~ any ~~reference~~ to ~~specifically say so)~~
the day ~~ago~~ ~~at present~~ ~~and~~ ~~the~~ ~~existing~~ ~~day~~ ~~is~~
~~the~~ ~~Advis~~ ~~Committee~~ ~~has~~ ~~been~~ ~~asked~~
The Acting Sec. also states

steps are being taken to maintain
food supplies for laborers on
farms to prevent the forced
return to the reserves of workers
discharged by employers unable
to feed them.

For many
(Signed) W. C. Botkinley

RECEIVED
2 MAR 1929
COL. OFFICE

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

Dated 1st March, 1929.

57

(Received Colonial Office 3.4 p.m. 1st March, 1929.)

No. 5
and Tel. 5 March 1929
A

On 1st March your telegram of 25th February. Famine Relief measures for natives. There are no proposals at present covering private works. Senior Commissioners have been given authority to issue orders under Section 15 Chapter 129 revised Laws of Kenya but under that section my approval necessary for work other than public work irrigation work or relief work. No application for such approval has yet been made and do not consider ^{it} resourse to compulsory work for private employers at all probable. Steps are being taken however to maintain food supplies for labourers on farms to prevent forced return to the reserves of natives who would otherwise inevitably be discharged by employers unable to feed them.

No necessity to import grain as stocks held in Kenya are ample unless hindered for rains which are due in a few weeks fall or locusts destroy next crop.

Desire also to have following amendment to my telegram of 25th February Vol 51 for Chapter 129 Laws of Kenya read
Customs Management Ordinance 1928.

15/3/29
15/3/29
15/3/29

RECEIVED
2 MAR 1929
COL. OFFICE

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

Dated 1st March, 1929.

57

(Received Colonial Office 3.4 p.m. 1st March, 1929.)

No. 5
and to March

No. 58 - 1st March 1929 telegram of 26th February. Famine
Relief measures for natives. There are no proposals at present
covering private works. Senior Commissioners have been given
authority to issue orders under Section 15 Chapter 129 revised
laws of Kenya but under that section my approval necessary for
work other than public work irrigation work or relief work. No
application for such approval has yet been made and do not
consider recourse to compulsory work for private employers at
all probable. Steps are being taken however to maintain
food supplies for labourers on farms to prevent forced return
to the reserves of natives who would otherwise inevitably be
discharged by employers unable to feed them.

No necessity to import grain as stocks held in Kenya are
ample unless lowered for rains which are due in a few weeks
fall or losses destroy next crop.

Desire also to make following amendment to the provisions of
23rd February No. 51 of Chapter 129 revised laws of Kenya under
Contract Management Ordinance 1926.

K. H. M.
15324/29
C. 1007
in case

5

Mr. Acland

Mr.

Mr.

Mr. Bottomley

Sir E. Harding

Sir J. Sturtevant

Sir G. Grindal

Sir C. Davis

Sir S. Wilson

Mr. Osmby-Gore

Lord Lovat

Mr. Anson

C. D.
25 FEB
1754

58

In Mr. Sturtevant's opinion
to go on as usual 25 Feb 1754

CB
25 Feb 1754

DRAFT.

major

In Humphrey Leggett
D.S.O.

Thanks for your letter
of the 21st - we have
seen the papers in
this morning's "Times"
the matter certainly looks
serious. ~~But the~~
~~But the~~
on the particular
point which you mention
in your letter as to
the ~~importance~~ of
change & merger will
be put into effect

To send him the
of the 21st has been
sent & returned
all

Approved

During this emergency
the use of natives, we have
had no help from the Col.
Govt. but a few natives
have been in the district
at the emergency as they are
employed as to the natives
of the Govt. on this point
I will write to you again
when a reply is received.

(Signed) Yours sincerely

(Signed) W. G. LOTTUMLEY

Mr. ACCP 20.2.29

Mr.

Mr.

Mr. [unclear]

Sir M. Harding.

Sir J. Sturges

Sir G. Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ombud-Gate.

Lord Lovat.

Mr. [unclear]

DRAFT Code of

Governor
Nairobi

Reference

These are
the main
medical
work in
NANYUKI
but I do not
know if you
know

Reference regarding
the value of
proposals for
work in
Nanyuki

reported in TIMES
today that in
connection with famine
relief measures the
beliefs arrangements
are being made to
encourage able bodied
natives to seek
employment not only
in public work but
also in private work.

Coded mail
550 pm 25.2.29
68

and

is being imported for relatives of
as if it is imported primarily
by employees of labour
want proposed to admit it
duty free?

fees

Sunday Feb 24/1929

11, ELVASTON PLACE,
QUEEN'S GATE, S.W.7

60

My dear Bottomley

The Reuters cable from
Nairobi in today's newspaper reads seriously viz
130,000 natives of Kenya ~~supplying~~ without food
- exports of grains etc from the colony prohibited
by an emergency Ordinance, & maximum local
prices fixed by proclamation.

All this is precisely what my readers &
correspondents on these parts have been predicting
would occur. The Settlers were continuing to
export maize (I think what I believe) - on the
specially low export rail rates - long after it
was safe for the Colony food supply.

In the days, when ~~there~~ a large proportion of the
Kisumu population was in the native reserves and great
later on food supply, it was not difficult for the
administration officials to cheap to become the
very family or village retained (ie not 1/2) enough
grain to see them over the next 6 or 9 months.

Now and that is what is done in Uganda &
Tanganyika - Now the position whereby so
very large a proportion of the Kenya natives no
longer grow their own food at all, but are on
traps labour on white farms & plantations,
creates a special kind, known as the white
maize farmers' market, taken care of for the
export market, & there is no control or restriction
of cheap grain in the country.

Recd. 25 Feb 29

P 50

I am calling to Sir John Lubbock to
give quotations for shipments of maize meal
for Durban to Mombasa in order to
feed my labour ~~at~~ ^{on} my own small
plantations at Voi etc.

Could you very kindly let me know
whether maize & maize meal will now
be allowed to enter Kenya ports duty
free during this crisis. I am expecting
the meeting to be held as an emergency
meeting of Social & other plantation owners
London Chamber of Commerce, & am anxious
to be able to give them the official position.

Surely it would be quite absurd for
the Kenya Govt & Sub-Com to insist upon
the additional 30% ad valorem customs
duty (to say nothing of the prohibitive
high rail rates on imported grain) in
such a situation as this?

Please forgive me for troubling you.

Yours sincerely

Sturges Leonard

I am writing to London Agents to
get quotations for shipments of maize meal
from Durban to Mombasa in order to
feed my labour ~~at~~ free on our small
plantations at Voi etc.

Could you very kindly let us know
whether maize & maize meal will now
be allowed to enter Kenya ports duty
free during this crisis. I am expecting
the matter to be raised at an emergency
meeting of South African plantation owners
London Chamber of Commerce, & am anxious
to be able to give them the official position.

Surely it would be quite absurd for
the Kenya Govt & Settlers to insist upon
the ridiculous 30% ad valorem customs
duty (to say nothing of the prohibitive
high rail rates on imported grain) in
such a situation as this?

Please inform me of the result, etc.

Yours

Humphrey Leonard

Friday - 25 Feb 1944

64

FAMINE-STRICKEN KENYA NATIVES.

RELIEF MEASURES BEGUN. (FROM OUR CORRESPONDENT.)

NAIROBI, Feb. 23.

A special meeting of the Kenya Legislative Council has considered the famine conditions which have followed the drought and the plague of locusts, and has passed legislation to meet the emergency. The Acting Governor stated that there were at present 130,000 natives without food, mostly in the Embu, Meru, and Fort Hall districts, and there was a possibility that the number would increase. They would require to be fed for five months.

A Food Control Board, with wide powers, is being established, and the Legislature has voted a maximum of £200,000, in order to finance the Board's operations. The Government originally proposed that the London market price of maize should be the basis of the Board's purchases, but, on subsequent representations by the European elected members of the Council and the Maize Growers' Organization, the Government agreed to leave to the discretion of the Board the fixing of prices for locally-purchased maize.

The intention of the Government is that, so far as possible, the natives shall be encouraged to repay the relief provided, while, to relieve the pressure on the famine-stricken areas, arrangements are being made to encourage able-bodied people to seek employment in public and private works. It is not expected that there will be any interference with the normal export trade of the Colony. Though the "short-rain" wheat has been destroyed, the coffee crop has escaped serious damage from the locusts.



62

- Mr. [Name] 11/2
- Mr. [Name] 11/2
- Mr. [Name] 11/2
- Mr. [Name] 12/2
- Sir [Name]
- Sir [Name]
- Sir [Name]
- Sir [Name]
- Mr. [Name]
- Lord [Name]
- Mr. [Name]

Coded receipt
 12/20 pm 12/2/19
 [Signature]

12 Feb
 Your telegram of
 7th Feb? no 33

Robson appointment
 and salary approved
 no abatement of
 pension necessary

so long as emoluments
 plus pension do not
 exceed £800 a year

Sincer

DRAFT. Tel: for [Name]

Governor
 Nairobi

RECEIVED
-8 FEB 1929
COL. OFFICE

TELEGRAM: from the O.A.G. of Kenya to the Secretary
of State for the Colonies.

Dated 7th February.

(Received, Colonial Office, 5.29 p.m., 7th February, 1929).

in que
15524/29 no 11

No.33. 7th February. My telegram of 5th February No.29.
Request your permission to engage in temporary capacity
at £50 per-mensem without allowances and privileges as
Secretary to Authority to administer food control
measure(s) William John Robson formerly Auditor-General,
British Guiana. Person named is now in receipt of pension
from British Guiana which as a special case I recommend
should not be subject to abatement during the time of his
temporary employment by this Government.

Own
td.
12 Feb 1929

63
(2)