



I agree generally, but I do not  
see (see my answer on 45087)  
why a man should be detained

if ~~from~~ a ~~man~~ is apprehended &  
can be paid. That would help  
satisfy the ~~man's~~ intention and it is  
Coburn's ~~not~~ subject this change in the  
proposed Cal. Op.

Wm. M. Mowley  
B. J. J. J.

I expected we had hoped that this measure  
will have been generally approved as a real  
improvement in the method of dealing with a  
great class of offenders. Oct. 7 11 25

Er. J. Dudley

I agree that the Ordinance requires  
amendment as proposed by Mr  
Ingham and Mr. Bottemley. What  
is the best way of doing this? Will  
it be the easiest way to consent  
to Bill as proposed by Mr. Allen  
and at same time tell him to bring  
in amending bill, or to withhold consent  
& tell him to bring in entirely new  
measure?

12.11.25  
J.H.

Sir S. Wilson.

Where, as in Kenya, there is an official majority on the Legislative Council it is of course quite safe to assent to a Reserved Bill and direct the introduction of an amending Bill.

Whether that course should be taken in this case in preference to the other alternative mentioned by you appears to depend upon whether there is any objection to the Reserved Bill being brought into operation for a short time without the proposed amendments, and, if there is no such objection, upon the period in which an amending Bill can be introduced and passed.

If the Legislative Council is now in session this should of course be done at once. If the Legislative Council is not now sitting it would presumably be possible to have a special session if it is considered urgently necessary to pass the amending Bill with the minimum of delay. If, however, the amendments are not considered to be of such a pressing nature the amending Bill might wait until the next ordinary session.

The Reserved Bill could be assented to by despatch if that were preferred to an Order in Council. [See Letters Patent section 13.] But it would take longer to get an Order in Council through and that would diminish the interval between bringing the Reserved Bill into operation and the passing of the amending Bill.

one could of course  
Assent to as to  
the Reserved Bill  
in Amending order into  
operation with a very small interval  
between them. There must be some interval  
course business unless until the Reserved Bill  
is assented to there will be nothing for the  
Leg Council to amend JSA

J.S.R.

13/11/25

Assent to Bill, and instruct  
Speaker to introduce amending  
measure as prepared  
by Mr. Elkerdt and Mr  
Hastings.

*L. B. Howley*

Representations with regard to this Bill have been received from the Anti-slavery and Aborigines Protection Society, see 47136 and notes thereon. A copy of a note showing the nature of the sections of the Prisons Ordinance which by Section 12 are applied to this Bill.

2. Inform the Governor by telegram that His Majesty has been pleased to give assent to the Bill and request that steps may be taken to introduce an amending measure as suggested in Mr. King's minute, the essential part of which can be embodied in the following:

3. Explain to the Society that the Bill has been passed to give effect to the recommendation in paragraph 5 of the Native Punishment Commission Report, enclosing a copy explaining also the reasons for the measure as given in paragraphs 6-8 of 36047/24, also enclose (if there is no objection) a copy of the departmental circular of the 20th of May, 1924, referred to in paragraph 6 of 36047 (that circular <sup>of the</sup> reference to work for Government Department in paragraph 5 of the Commission's report indicates that there is no intention of using the labour of these detainees for private purposes); say that the Secretary of State sees no reason why the Bill should not be allowed to come into operation and that the Governor has been informed that His Majesty has been pleased to give his assent and ~~add~~ that the Governor has been asked to introduce an amending measure as proposed above; add that the

Secretary

Provisions of Prisons Ordinance applied to Detention <sup>104</sup> 9  
Camp Ordinance.

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Sections 15 - 17 deal with the duties of Superintendent.  
Part C relates to the appointment of Medical Officer  
and Sanitary Administration.

Sections 42, 46, 49 and 50 deal with the admission of  
prisoners, the removal of lunatic prisoners, the  
discharge of sick prisoners and the release of  
prisoners.

Section 76 prescribes an Enquiry in the event of the  
death of a prisoner.

Sections 91 - 94 specify prison offences and relate to  
the extra mural <sup>Custody of prisoners</sup> ~~subjects~~ ~~to~~ ~~be~~ ~~held~~ and punishment of  
prison offences.

Section 117 deals with the safe custody of prisoners.

Mr. Allen  
Baltimore

720

These Library have received a  
copy of the Circular required. There  
are no spare copies of the Ordinance  
yet, but the usual number may be  
expected when they are  
duly numbered.

Two Received

The Circular  
Ordinance for  
has been prepared  
Ordinance of when they arrive in due  
course.

CASEY

I think you should see.

12/24

When the Order is sent a George should  
also be told as in the case of the  
first that I have written to the  
Society in 1805.

Wm Allen

17th/1806

has now - in sending the circular. 78

to letter for his Antislavery's signature

Wm Allen

13.1.26

170

KENYA

No 183

CONFIDENTIAL



48015  
GOVERNMENT HOUSE,  
NAIROBI,  
KENYA  
29th September 1925.

721

Sir,

With reference to paragraph 6 and 7 of Sir Robert Coryndon's Confidential despatch No. 155 of June 10th 1924, and

paragraph 3 of Sir Robert's Confidential despatch of 19th December 1924, I have the honor to forward for your approval copies

of an Ordinance to provide for the establishment of Detention Camps which was passed unamended at the last session of the Legislative Council, together with a statement of Objects and Reasons prepared by the Attorney-General.

2. This Ordinance has been the subject of considerable deliberation by the Committee of which I was Chairman and Colonial Secretary. It has been the object of the Committee to make the draft Ordinance as wide as possible so as to allow Magistrates considerable latitude in sentencing natives to terms of detention in a Detention Camp.

The basis of inclusion of Ordinances in the Schedule has been the nature of the offence which breaches of the Ordinance involve. Where there is a likelihood of the offence being committed without any deliberate criminal intention by ignorant natives the Magistrates will have the opportunity of sentencing such offenders to a term of detention where hitherto conviction has necessarily meant imprisonment in one of the Colony's Prisons except in such cases where a fine may have been inflicted and paid.

As was pointed out in the despatch referred to a very large number of natives are annually sent to jail for offences which, while deserving of punishment, cannot be regarded as entirely...

THE RIGHT HONOURABLE,  
LIEUTENANT COLONEL L.C.M.S. AMERY, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.



entirely justifying detention with prisoners who belong to the criminal classes. The effect has been to deprive imprisonment of any moral stigma, to confuse the mind of the native as to the view taken by the European in regard to crime and possibly in some cases to suggest the idea of crime by persons who, if they had never come into contact with criminals, would have been unlikely ever to come under this category.


3. I feel sure that this Ordinance will have a very good effect throughout the country and would do much to prevent the increase in criminality amongst the natives.

4. Though you have approved in principle the introduction of the Ordinance I have deferred my assent pending your approval which I should be glad to receive by cable as the Ordinance affects the native population only and the draft was not previously submitted to you.

I have the honour to be,

Sir,

Your most obedient humble servant,



ACTING GOVERNOR.

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Your most obedient humble servant,

*W. J. ...*

ACTING GOVERNOR.

**PUBLIC RECORD OFFICE**

CONTINUED ON NEXT FILM

**C0533/333**

**TOTAL EXPOSURES →**

