

S. P. 111

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EAST AFR. PROT
50243

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REC'D
NOV 15

Governor
Belfield 688
1915
10th Sept
last previous Paper.

NATIVE FOLLOWERS RECRUITMENT ORDER
NO. XLII OF 1915

Two copies with Legal Report.

Copies to Librarian

W. H. ...
Mr. G. Fielder

This is, no doubt, the
Native Census Order referred
to in No. 115.

It is an emergency measure which
we must
Sanction? (P.D.)

J. R.
3/15/15

W. H. ...

Done in 1915/15. I have in hand
reference to the report that the

1915 838. 16/11/15

Next subject...

Court being jurisdiction to try offences
is not prevented by S. 7 (1). Compare
S. 17 of the Registration Ord. - 50257/15
- the point

10/10/10.

The above question as to the Court having
jurisdiction is answered by Sec. 17 of
the Criminal Procedure Code 1910 which
provides that Subordinate Courts of the
1st class shall have jurisdiction in
trying offences under the Penal Code
or any other law for the time being
in force and in respect of which
a fine of the 3rd class cannot
be levied or a fine of Rs 200 or
more.

A. proposed

210.

9/11/10

Rs. 11.15

Rs. 12.10

50243
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15

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

No. 885

September 10th, 1915.

SIR,

I have the honour to transmit here-
with two authenticated and ten printed copies
of "The Native Followers Recruitment Ordinance,
1915" as passed by the Legislative Council on
the 25th ultimo together with a memorandum by
the Attorney General.

Ordinance
Memorandum

2. I have assented to the Ordinance in
the name of His Majesty.

I have the honour to be,

Sir,

Your humble obedient servant,

Thomas Boydell

G. GOVERNOR.

THE RIGHT HONOURABLE
ANDREW BONAR LAW, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.

ENCLOSURE
No. 10THE NATIVE CARRIERS RECRUITMENT ORDINANCE, 1918.STATEMENT OF OBJECTS AND REASONS.

The reason underlying the Bill to make provision for the recruitment of native followers for the Military Forces now operating in the Protectorate is to be found in the large number of native followers required for the Army and the necessity for keeping up a constant supply of such men. Voluntary enlistment as carriers has very much decreased and to obtain recruits from certain tribes compulsion has had to be resorted to. Further civil officers have raised questions concerning their liability if in the course of compelling the recruitment of carriers resistance had been met and death had ensued. It was considered that such compulsion should be organised and lawful rather than haphazard and without legal authority.

2. The total number of East Africa natives known to have been employed with the Forces is 26,917 of these a considerable number have done six months or more service and have been discharged. The total number required to be constantly employed is 16,000 and the aim of the E.A.C.F., Carrier Section is to employ a follower for six months and then relieve him. By this means the health of the native is better maintained and there is less objection on the part of the native to serve. To attain this end and

to fill

to fill wastage arising from death, wounds, and sickness a monthly supply of 3,000 men is required. In the event of an epidemic, heavy casualties or an increase of troops the number required would very materially be increased. At present a monthly supply of 1,000 is obtained with difficulty.

3. The Bill is in fact an extension of the powers given to Native Authorities by the Native Authority Ordinance, 1912, and where they exist the duty of recruiting lies in the hands of the Native authorities on the instruction of the District Commissioner. In places where there are no native authorities powers are given to the District Commissioner to exercise similar powers to those given to native authorities by the Bill.

4. The Ordinance in my opinion comes within the provisions of Article XXVIII (a) of the Royal Instructions and should, ordinarily, be referred to the Secretary of State for the purpose of obtaining His Majesty's instructions before assent is given. The urgent necessity for keeping the Carrier Corps to its full strength is sufficient in my opinion to authorize the Governor assenting to the Bill in His Majesty's name before it has been referred home.

5. A Comparative Table is attached.

50 J.W. BATH
ATTORNEY GENERAL

Sd/-
Sudrajat,

The 7th day of September, 1943.

THE NATIVE SALES AND RECRUITMENT ORDINANCE, 1912.EXPLANATORY TABLE.

Section.	Remarks.
1.	Short title.
2.	Definitions. Compare The Native Authority Ordinance, 1912, Section 2 (1).
3.	Power to District Commissioner to instruct native magistrates and headmen to recruit natives.
4.	Power to Native magistrates and headmen to recruit able-bodied male natives apparently below the age of 50.
5.	Power to the Governor to prescribe by Rule the terms of service and pay of native followers.
6.	In areas where there are no headmen or native magistrates power to District Commissioner to exercise the powers of a headman, vide Section 4.
7.	Penalties. Compare The Native Authority Ordinance, 1912, Sections

Sections 9 and 12 (1) and (2).

8.

Revision of the Ordinances.
