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Last previous Paper.
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COMPULSORY SERVICE AMENDMENT ORDER
NO. V OF 1917

Three copies with legal report.

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~~W. R. ...~~
~~...~~

Mr. G. Fisher

Next
Am. 16-10-17

The Attorney-General's memo sets out fully the objects and reasons of this Ordinance. There are two main principles involved.

(1) European and Asiatic employees are forbidden to leave their employment and few employers are forbidden to employ them without the consent of their old employer or the overriding authority of the District Council or the War Council. The history of this piece of legislation is given on

Am. 767. 60473

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It is a temporary measure justified by local conditions, reserving the right to direct amendment or repeal of habeas corpus regulations.

(2) Compulsory service is extended to natives & Arabs. This was approved in 1912 in Palestine have not hitherto been mentioned, but there is no objection to their inclusion.

I have only one comment on a point of detail. The last sentence of Sec. 3(2) is rather startling. It will be difficult to determine satisfactorily when work or supervision has been negligently performed. Such a provision might result in acts of tyranny if it were not very carefully & wisely administered. As it is not to be a permanent feature of the law, perhaps we may let it go.

Signify non-disallowance (13)

Pass

29.9.17

With regard to the last para of the Bulletin which states "breaches of the provisions of this Order" will be brought before the ordinary Civil Courts of the P.O., which may be treated to summary proceedings, they should discharge of their best work or

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EAST AFRICA PROTECTORATE
No. 414

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

47071

July 18th, 1917.

Recd
Ref: 24617

Sir,

I have the honour to transmit herewith two authenticated and ten printed copies of "The Compulsory Service Amendment Ordinance, 1917" as passed by the Legislative Council on the 31st of May, together with an explanatory Memorandum by the Attorney-General.

Ordinance
Memorandum

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

I have the honour to be,

Sir,

Yours obedient servant,

ACTING GOVERNOR.

THE RIGHT HONOURABLE
WALTER LONG, P.C., M.P.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, E.C.

THE COMPULSORY SERVICE AMENDMENT ORDINANCE, 1917.STATEMENT OF OBJECTS AND REASONS.

The chief purposes of the Bill amending the Compulsory Service Ordinance, 1915, are firstly to maintain as far as possible the existing position in the industrial, agricultural and commercial undertakings in the Protectorate and secondly to extend the principle of compulsory service to the Baluchis and Natives for the King's African Rifles. The provisions of the Compulsory Service Ordinance, 1915, have been applied to the European population with the result that every European male of military age who in the opinion of the War Council appointed under the Ordinance could be spared from civil life without unduly jeopardising the economic condition of the Protectorate has been selected for military service. The effect of the general adoption of compulsory service and the demand for artificers, mechanics and clerks by the military and civil authorities in German East Africa has, in view of the limited non-native civil population of the Protectorate rendered it essential that employees of non-native origin should be restricted from leaving their employers for no object other than to obtain higher pay elsewhere. This practice was becoming an evil which seriously affected several necessary industries. The Bill provides that no employee, which is defined to include any person of European or Asiatic origin, shall leave his employment without the consent of his employer. The Bill also provides that there shall be an appeal to a District Committee formed under the Compulsory Service Ordinance, 1915, from a refusal of an employer to give such consent.

with a further appeal to the War Council. The Bill thus affords ample protection to the employee against unreasonable conduct on the part of his master.

3. The Bill further adopts the provisions of the Munitions of War Acts, 1916, and 1916, regarding the issue of certificates that they are free to accept employments in discharge of or dismissed employees^{to} and employees who otherwise lawfully leave their employment and provides for the issue of such certificates by District Commissioners in the case of persons who have not before been employed or who have been out of employment since the 2nd May, 1917, when Martial Law Regulations similar to the provisions of the Ordinance were issued. It further makes it an offence to employ any person without such a certificate.

4. To conserve the man-power of the Protectorate for its use locally a clause has been inserted prohibiting British European males of military age from leaving the Protectorate without the leave of the President of the War Council.

5. Owing to representations that valuable material for the King's African Rifles existed in the Arab and Baluchi Communities at the coast and that it was desirable to make provision for their selection for military service power has been taken under the Bill to compel such men to serve. Many of the men of military age belonging to these communities are the descendants of Arabs and Baluchis who have been settled on the coast for some considerable time, ^{and} many of the Baluchis are the descendants of askaris enlisted by former Sultans of Zanzibar.

6. The opportunity has been taken to extend the principle of compulsory service to natives for service in the King's African Rifles. The principle has already been adopted for

other local arms with the Compulsory Service Ordinance, 1915, and it is felt that there can be no objection to applying it for the purposes of the King's African Rifles.

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7. In view of the sanction of the Secretary of State already given to matters dealt with in the Bill and in view of its urgency I am of opinion that it may be enacted without further reference to the Colonial Office.

8. A Comparative Table is annexed hereto.

ST. J. B. R. G.
ATTORNEY-GENERAL.

Nairobi,

...day of... July... 1919.

THE COMPULSORY SERVICE AMENDMENT ORDINANCE, 1917.

COMPARATIVE TABLE.

Section.	Remarks.
1.	Short Title.
2.	Citation.
3.	(1) Non-British employees not to leave their employment without the consent of their employers. (2) Amendment to the Compulsory Service Ordinance, 1915, Section 14 (1).
4.	(1) Compare the Munitions of War Amendment Act, 1916, Section 5 (2). (2) Provision for the issue of certificates to persons who have not been in employment.
5.	Compare the Munitions of War Act, 1915, Section 7, (1) and (3). <i>K. 12/1/17</i>
6.	Saving of the power to select employees as defined in Section 3 of the Ordinance for Military service under the Compulsory Service Ordinance, 1915, Section 5.
7.	No British subject of European origin to leave the Protectorate without leave.

Section.	Remarks.
9.	Extension of the principle of compulsory service to Arabs, Baluchis and Malays for service in the King's African Rifles.
10.	Penalties.
11.	Duration of the Ordinance.

Wairoa,

1st day of July 1917.

ATTORNEY GENERAL.

P.