

EAST AFRICA  
LEGISLATIVE COUNCIL

026 Conf  
Amending 113

1917  
13 Aug

Last previous Paper.  
Govt  
10567

LEGISLATIVE COUNCIL  
ELECTIVE REPRESENTATION

The report of Committee asptd to inquire into legislative steps to be taken, qualifications of electors and candidates, electoral areas and representation of Asiatic Arab and native communities. Discusses recommendations.

Govt  
6489/18  
2922  
18  
Amend Conf 17 back 19  
8700/19  
Indians

Mr. Reed

The principle of elective representation of the European Unofficial Members of the Legislative Council was ~~stated~~<sup>incuded</sup> on Govt/45031/16. In our despatch on that paper we said that the Secretary of State would be prepared to approve of the adoption of the principle when a convenient time arrived for introducing such a system. We added that it would be impossible to decide before the conclusion of the war such questions as the qualifications of electors, electoral areas, and the representation of the interests of Indian, Arab, and native communities, but we asked for the observations and suggestions of the Governor on these questions at his convenience. The observations and suggestions have come rather earlier than one would have expected. This is, I suppose, the measure of the desire of the Acting Governor and of the Unofficial community to get the new system started. From that point of view it would be a good thing to examine and pronounce upon the recommendations now made as early as may be conveniently

Next subsequent Paper.  
Govt  
2922  
18

conveniently practicable.

I have therefore found time to go through the despatch and the Report of the Select Committee of the Legislative Council, and I append a memorandum taking up the various debatable points one by one. I also annex a brief memorandum by Sir Henry Belfield, who, on learning that this despatch had come in, asked if he might see it and express his views upon it.

In view of the terms of our despatch on 45031/16, there is no obligation on the Secretary of State to pronounce on these recommendations just yet, if he feels that he has not time to go into them or sees other reasons for delay. It will in any case, I imagine, be desirable to postpone the decision until a new Governor has been selected for the Protectorate and has had an opportunity of seeing what is proposed and of giving an opinion upon it. It would hardly be fair to confront a new Governor with the task of introducing this system without giving him any chance of expressing an opinion on it beforehand.

~~Subject to this, I think it would be well for us to be considering the recommendations at our leisure.~~  
If you agree, the paper might, as a preliminary, go to Mr. Risley for an expression of opinion on the paragraphs of the memorandum which I have marked with capital letters, and on any other points which may occur to him in looking through the papers. Even if it is decided to take no action at the present moment, the memorandum will perhaps spare someone else the trouble of going through the detailed recommendations with any minuteness.

JAB

29.10.17

Mr. Risley

would you kindly give us your  
views on the points referred to by Mr.  
Belfield?

JAB

## his head

A. I agree with Mr. Bowers, & Mr. Butler -  
 "Whole-blooded descent" w<sup>d</sup>. put upon a claimant  
 the onus of proving the European origin of  
 all his french <sup>or other</sup> ancestors - ? for how many  
 generations. To use an hereditary  
 analogy, for 4 generations he w<sup>d</sup>. have  
 to show his 5000 quarters, of  
 European strains, and if one were  
 lacking, presumably his claim would  
 fail.

Under the less reactive, requirement "a  
 person of European origin or descent",  
 and taking 4 generations again  
 as the limit, a man w<sup>d</sup>. have to  
 show only 4 paternal European  
 male ancestors of European origin -  
 which might be a sufficient  
 test.

Either definition is vague in not  
 prescribing the number of generations  
 involved in "descent" but I remember  
 that this point has been discussed  
 before here (in connection with definition  
 of "native" & its converse in S.A.P. records)  
 & the defn in the Civil Procedure Act  
 has been adopted as the least  
 unsatisfactory of those which have  
 been suggested.

B.

Para 3 of the Report has hit upon the  
precise ground (and the only one) on  
which, contrary to sound legal principle,  
the Naturalization Ordinance was passed  
for Southern Rhodesia - i.e. to enable  
foreigners resident in the territory to  
obtain the franchise [in anticipation  
of the constitution of an elective  
legislative council.]

X as in the previous  
case

I hope that precedent may not be followed  
here, or again. The whole question of  
naturalization in Rhodesia has recently been  
considered and the decision that no  
such legislation should be passed in or  
for Rhodesia in future ought to  
be maintained.

The solution for R.A.P. of this particular  
question - franchise for foreign settlers -  
has, as Mr. Butler says, an  
annexation.

C. & D

Bankruptcy as a disqualification  
for franchise, and also for  
candidates for election

I do not agree with Mr. Butler's  
proposed extension in either case -  
I have not time to examine all  
the colonial precedents we sent  
out to R.A.P. (5326/6), but

As regards the U.K. I may point out that an undischarged bankrupt is not disqualified to vote at Parliamentary elections here though he is disqualified for election as a member of the H of Commons.

What is proposed for E.A.P. therefore by the Govt & the Committee is already more stringent than the law here, since the disqualification is to apply to franchise as well as candidature.

To go still further to make bankruptcies stricter than in E.A.P. a disqualification would in my opinion be consistent with, certainly in the case of the franchise and also I think in the case of candidature.

If bankruptcies were an imperial matter, if there was an imperial bankruptcy law reaching into all parts of the Empire, the position wd be different, but as matters stand I see no reason why a man who has failed in some other part of the Empire is making a fresh start in E.A.P. shd be handicapped by the disqualification suggested by Mr Butler.

E: The Disc will require amendment as well as the A.I.

It is a matter for further consideration.

how much sh<sup>d</sup> be put into the amendment  
DNC how much into local ord<sup>s</sup>  
(see para 20 of the report). Presumably  
all the "electoral" details will go  
into local legislation.

Possibly, the best course w<sup>d</sup> be to have  
this prepared locally, and to discuss  
and settle them here

J.N.

3/11/17

F. I agree  
the amend  
the R. I. a  
Wor

Mr. G. Fiddes

I agree with what Mr. Butler  
says in the last para. but not of  
his minute of 29<sup>th</sup> Oct. & I w<sup>d</sup>  
wait at any rate until Mr. H. Milfield's  
successor has been appointed & has  
had an opportunity of making himself  
acquainted with the position in the  
Spot.

Mr. Butler means & Mr. Risley's  
minute will be very useful when we  
come to discuss questions with the question  
nevertheless wait - papers to be  
circulated in 2 months?

H - J.R.  
5/21/17

I reserve my opinion as we cannot  
clearly wait for a new Gov<sup>t</sup>.

Corrected with Col. at Stone P. 6/11  
Stonley Hill M.P. attached  
G.C. 18/12/17

MEMORANDUM

(The paragraphs of the report, are referred to in red and the paragraphs of the despatch are referred to in black).

Para. 2.  
Para. 8.

It is proposed to confer the franchise on every adult male British subject (whether British by birth or by naturalisation) of European origin who can show that he has resided continuously in the Protectorate for at least 12 months prior to registration. The Committee define "European origin" as "whole blooded descent from European ancestors". Mr. Bowring thinks that difficulties may arise in the interpretation of this definition. He prefers to follow the definition of the Criminal Procedure Ordinance, namely "a person of European origin or descent". In this way any claims for treatment as Europeans for franchise purposes can be determined on the lines adopted by the Protectorate Courts for the purposes of the Criminal Procedure Ordinance. Mr. Bowring's suggestion should clearly be adopted.

Para. 7.

Mr. Bowring agrees with the Committee that the franchise should not be extended to Asiatics and natives. The reasons which he gives, and our knowledge of the present stage of development of the Protectorate, are, in my opinion, conclusive on this point. It is clear that elective representation must for the present be confined to the European community, and that the interests of the Asiatics and natives must for an indefinite time to come be secured by nominated representation on the Legislative Council on the lines proposed

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Para. 2.  
Para. 3.

Para. 7.



proposed later in the report and set forth.

The naturalization of foreigners can be left to be settled by the erection of the Protectorate into a Colony. This is bound to come soon. We have recently asked the officer Administering the Government whether in his opinion the time has not already come to declare the whole of the Protectorate a Colony with the exception for the present of the Coast strip, which presents special difficulties as forming part of the mainland dominions of the Sultan of Zanzibar.

I have no comment to make on the proposed disqualifications for the exercise of the franchise except that disqualification (a) might be extended to apply to bankruptcy anywhere within the British Empire. I do not see why an undischarged bankrupt from the United Kingdom should be able to go out to the Protectorate and exercise a vote there.

The bankruptcy disqualification for a candidate should be extended as suggested above. Para. 5, 8 & 10, 11

Mr. Bowring does not agree with the Committee in thinking that a minister of religion should be debarred from standing for election to the Legislative Council. I agree with the opinion expressed by him (paragraph 11) that they should be allowed to do so.

In the present stage of the Protectorate's development I think it would unduly narrow the field of choice if contractors to the Government were disqualified from standing. The disclosure of all candidates' contracts should, however, be rigorously insisted on, as suggested by the Committee.

I agree with Mr. Bowring that it would be best to have a dissolution of the Council and a general election

every

Para. 7  
Para. 8

E

Para. 4  
Para. 9

Para. 5, 8 & 10, 11

Para. 6  
Para. 12

every three years instead of merely <sup>electing</sup> appointing members <sup>for</sup> every three years. Owing to resignations, deaths, etc., the latter system would result in a strung-out series of separate elections which would not really give the feeling of the unofficial community as a whole at any given time.

Plural voting is not admitted.

The Committee recommend the division of the Protectorate into ten electoral areas, electing one unofficial member each. The areas are suggested on the basis of interests rather than on that of population. In paragraphs 15, 16, and 17 of his despatch Mr. Bowring supports in a very interesting fashion the proposal to have ten areas marked out on this basis, and makes out a good prima facie case for the contemplated representation of interests on a geographical allocation. He is also in favour of so large a number of areas and unofficial members on the ground (stated in paragraph 18 of his despatch) that the candidates will be busy men engaged in trade, commerce, or agriculture, who will have to look after their own affairs besides discharging their duties to their constituents, and it is therefore desirable not to allot too large a range of interests to one area or one candidate. One interesting suggestion is that the Usir Gishu area should be divided into two electoral divisions, so as to separate the practically solid English community in the north from the practically solid Boer community in the south. This division also corresponds to a different use of their lands by the two communities. I think a very good case is made out for this particular division.

An examination of the figures of the electorate

Para. 10  
Para. 14  
Para. 11  
Para. 15 to 24

electorate, however, discloses some very uneven representation. It is calculated that there will be ~~on return~~ normal conditions about 3270 electors. On the division into electoral areas suggested the constituencies will range from 49 voters in the smallest (West Kenya) to 935 voters in the largest (Nairobi). In view of this fact and of the big jump from the present five unofficial members to the proposed ten, I think it would be wise to combine some of the areas, as tentatively suggested in paragraph 24 of Mr. Bowring's despatch. We might, as he suggests, combine areas 3 and 9, 6 and 4, 8 and 10. This would give a maximum electorate in a single division of 935, and a minimum of 280. At the same time the reduction of the number of unofficial European members to 7 will lessen the difficulty of maintaining an official majority, to which reference will be made later.

Mr. Bowring here raises the question whether Civil servants shall be allowed to vote. They number 624 out of the total estimated electorate of 3270. It is to be presumed that their interests will be very adequately represented on the Council by the official majority. The unofficial community might well say that the value of the privilege granted to them is seriously impaired if about one-fifth of the voting power is still left in the hands of officials. Mr. Bowring is comparatively indifferent on the point, although he inclines on the whole to think that they should be allowed to vote. Sir H. Belfield, however, a memorandum by whom I annex, is dead against it. On the whole I agree with him. If and when there is a

majority

majority of unofficial members on the Legislative Council, then I think that Civil servants should be admitted to the vote, so that they can have some say in the controlling factor in legislation.

Mr. Bowring is of the opinion that duly qualified Europeans in any part of the Protectorate should be allowed to vote, and that the privilege should not simply be confined to the "white areas" proposed under the scheme of administration (not yet approved) which contemplated the division of the whole Protectorate into native and non-native areas. I entirely agree with him. I can see no reason for disfranchising a missionary or a trader in a remote corner of the Protectorate such as <sup>the</sup> Northern Frontier District. This involves some ~~such division~~ <sup>division</sup> as the Committee suggests, for voting by post or in some other way than by personal attendance.

The Committee suggest that the Indian population (approximately 15000) should be represented by two Indian nominated members. Mr. Bowring agrees, and again refers to the objections to giving elective representation to the Indians at this stage. Sir H. Belfield in his memorandum deprecates ~~over~~ Indian nominated members, and would prefer to leave Indian interests in the hands of the official majority. It is true that the experiment of nominating an Indian (Mr. Jevanjee) to the Council was tried some years ago and was a comparative failure, so much so that at the termination of his appointment no further nomination was made. On the other hand, we are certain in any case to be faced with an outcry if the Europeans are given elective representation and the Indians are not. It would be a sufficient answer for the time

being

Para. 13.  
Para. 28.

Para. 2  
Paras. 2  
and 28

being if we could point to the nomination of two Indians to represent Indian interests. The outcry would be very much greater and very much more difficult to face if that concession were not made. I would, therefore, run the risk of the difficulty of finding suitable Indian representatives and make provision for two Indian nominated members in the new constitution. Even if they are not very helpful, they will be in such a hopeless minority that they cannot do any very great harm.

The Committee suggest that the Arab community should be represented by the Resident Magistrate at Mombasa. Mr. Bowring would prefer simply to have power to nominate a member to represent Arab interests. It would be possible at present to nominate an Arab, Sheik Ali Bin Salim, who is entirely suitable for the appointment. If he did not remain available and no other suitable Arab could be found, the Governor would still have power to nominate an official specifically to represent Arab interests.

The new scheme of native administration has not yet been approved. The appointment of Chief Native Commissioner, therefore, does not at present exist. Mr. Ainsworth is, however, available, and would no doubt be nominated by the Governor specifically to represent native interests. In his absence there should be no difficulty in nominating some other official who would discharge the duties effectively.

I see no objection to the official members having freedom of speech and vote in the Legislative Council, provided that, when directed by the Governor to do so they record their vote for the Government. In that event I agree that the Governor should state openly in Council that the official members should vote as he directs.

Para. 17.  
Para. 32.

Para. 18.  
Para. 33.

Para. 19.  
Para. 34.

directs, and the official members should not be allowed to speak in a sense contrary to their vote.

If the proposals made above are accepted, the unofficial members of the Legislative Council will consist at the outside of

- 7 elected European members
  - 2 nominated Indian members
  - 1 nominated Arab member
- 10 in all.

It is agreed that there must be a Government majority on the Council, and Mr. Bowring says that that majority should be at least two in addition to the President. He proposes that the following should be ex officio members:-

- { The Chief Secretary
- { The Attorney-General
- { The Treasurer
- { the Manager of the Railway
- { The Chief Native Commissioner
- { The Chief of Customs
- { The Director of Agriculture
- { The Land Officer
- { The Principal Medical Officer
- and The Director of Public Works.

The Chief Native Commissioner does not at present exist, but Mr. Ainsworth or someone in his stead would be appointed to represent native interests. This gives a total of 10 officials in addition to the President. Two more could be nominated by the Governor from time to time as official members, probably the senior Provincial Commissioners.

The question of elective representation has now been complicated by the demand of the women of

British

Para. 17.  
Para. 32.

Para. 18.  
Para. 33.

British East Africa for the vote. At present the demand is voiced by the recently formed East Africa Women's League, the membership of which at the 16th of July was ~~only 20~~ <sup>100</sup>. It ~~was~~ stated however by the League that the number was being increased almost daily. There were 1815 adult European females in the Protectorate at the end of 1916. I agree with Mr. BOWING that this question should be left to be dealt with by the newly constituted Legislative Council itself.

It is not unreasonable that unofficial members who do not live in Nairobi should have an allowance of 15 rupees a day for the time actually spent in Nairobi for the purpose of attending meetings of the Council, and the actual travelling expenses incurred.

Para. 19.  
Para. 34.

The changes suggested ~~thereby~~ necessitate amendments of the Royal Instructions of the 9th of November, 1906, as amended by the additional Instructions of the 13th of March, 1913. I do not know whether it would be desirable to amend also Article 7 of the Order in Council of 1906 providing for the establishment of a Legislative Council. When a decision has been given on the points raised in this memorandum, the local authorities will be in a position to start drafting the necessary local legislation.

Para. 26.  
Para. 35.

It now becomes necessary also to take up the suggestion made in Governor 39857 that two of the unofficial members of the Legislative Council should be appointed to the Executive Council. For the reasons given in the

minutes

F  
minutes on that paper I think that this proposal should be accepted. This would involve further alteration of the Royal Instructions referred to above.

2003  
26.10.17

E

Notes on P. A. Confidential despatches  
of August 14. 1917.  
'Elstet's Representation'

I find myself generally in complete agreement with the views expressed and the recommendations made by the Acting Governor upon this important question in those two points in respect of which I am unable to concur with the views which have been formally expressed.

2. I consider that the right of voting should not be extended to Government Officers. The exercise of such a right might not improbably clash with the discharge of their official duties. They have no interest in or claim on the country here than their representatives by their salaries and future pensions, and I consider it more undesirable than they should have any voice in the government of the Protectorate outside their respective departmental duties.

3. I adhere to the opinion which I have already expressed in despatches, that for the present in all events, it will be preferable to limit unofficial representation to European members, and to refrain from placing Indians upon the Council. The Indian Community of the Protectorate is drawn from a class which is unfitted to participate in legislative procedure. It would be almost impracticable to find a representative who would unselfishly study the interests of his people in preference to his personal advantages. I do not believe that the Indian community would regard any sort of benefit from the presence of one or more of their number upon the Council, and I remain of opinion that their interests will be sufficiently safeguarded by the official members.

H. Conway Proposed.

Oct. 20. 1917.

AFRICA PROTECTORATE

No. 133

CONFIDENTIAL

GOVERNMENT HOUSE,

NAIROBI,

BRITISH EAST AFRICA

14th August, 1917.

Sir,

I have the honour to refer to your predecessor's confidential despatch of September 29th<sup>1916</sup> in which he stated that he would be prepared to approve the adoption of the principle of elective representation for the European members of the Legislative Council when a convenient time arrived for introducing such a system.

2. The immediate result of the announcement of this decision, which had already been communicated in Mr. Boner Law's telegram of September 27th<sup>1916</sup>, was that the Governor felt able to recommend that certain gentlemen should be nominated as unofficial members of the Council. Lord Delamere and Messrs Hoey, Hunter, and MacLellan Wilson were in due course appointed, and the proceedings of the Legislative Council have greatly benefitted by this increase of personnel and the reintroduction into its debates of the expressed views of representatives of the non-official section of the community. Of the new members, Lord Delamere has, as you are aware, been closely

THE RIGHT HONOURABLE

WALTER LONG, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

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REPORT  
SCHEDULES  
MEMORANDUM

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closely associated with the Legislative Council in the past and was one of the original unofficial members appointed in 1907. He is undoubtedly the leading public man among the Rift Valley and Mau agriculturalists and pastoralists, and he would probably have been selected by those communities as their representative of the War Council if he had been actually resident in the country at the time the "election" to that body took place. He has since been appointed to the War Council in the place of Mr. A. A. Baillie, the "elected" member who had proceeded to German East Africa with the local forces. Messrs Hoey and MacLellan Wilson were the "elected" War Council members for the Uasin Gishu and Kiambu-Limuru-Ulu Areas respectively, and Mr Hunter was one of the members selected to represent the township of Nairobi on the Legislative Council in 1913 but who resigned before actually taking his seat.

3. Mr. Clarke, the member for Mombasa and the Coast who had been appointed to the Legislative Council in 1916 in succession to Mr W. A. M. Sim, at once asked that his appointment by nomination should continue only until such time as definite action would be taken to elect a representative Council and that his resignation would be accepted with effect from such date as the election of members came into being. He thus associated himself with the up-country community who have for so long pressed for the electoral system of representation.

4.

4. When therefore Council assembled on February 12th the unofficial members were probably not only as representative of the non-official community as was possible under a system of nomination but also more so as a whole than had ever previously been the case. By direction of the Governor the following proposition was moved by me, as Chief Secretary :-

" That a Special Committee of this Honourable Council be appointed to inquire into and report generally on the legislative steps to be taken to provide for the election by the public of the European Non-Official Members of this Honourable Council and specially on the qualifications of electors, the qualifications of candidates for membership, the division of the Protectorate into electoral areas and the representation of this Honourable Council of the interests of the Asiatic, Arab and Native Communities. "

The motion was seconded by Lord Delamere and carried unanimously. Sir Henry Belfield accordingly appointed a Special Committee, consisting of the Attorney General as Chairman, the Chief Secretary, Mr MacDonald (Director of Agriculture), Mr Major (Chief of Customs), and the five unofficial members, to report on the matter. Their report, a copy of which is enclosed, was duly presented to Council on the 19th of June.

5. In forwarding this report I must however point out that, since the petition enclosed in my confidential despatch No. 96 of 7th August 1913 was considered by you, fresh controversial matter has

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be



been introduced into the question of non-official representation on the Legislative Council in the shape of a female suffrage movement which has recently been initiated in Nairobi and is being pushed with some vigour by a local committee of women. I will deal with this aspect of the case later on in this despatch, but I trust that it will not be allowed to interfere with your decision on the main issue.

6. In paragraph 2 of its report the Committee recommends that the franchise be conferred on adult male British subjects of European origin, who have resided in the Protectorate continuously for a period of 12 months prior to registration as electors, subject to certain disqualifications as specified in paragraph 4. This recommendation is in effect identical with that suggested by the Convention of Associations in paragraph 14 of their letter of February 12th, 1914, which was enclosed in my confidential despatch No. 26 of February 16th, 1914. I am of opinion that franchise on these lines would be eminently suitable to British East Africa in its present stage of development when practically all the adult males possess one or more of any reasonable alternative qualifications which might be prescribed under a more elaborate system. It would of course only be satisfactory when confined to an European electorate. The Committee proceeds to define "European origin" as being "whole-blooded descent from European ancestors". It appears to me, however, that there

might

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9446  
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might be some difficulty in producing proof of "whole blooded descent from European ancestors", and the definition as worded may conceivably bring the racial question into undesirable prominence, especially when the claims of Eurasians and Anglo-Indians for registration as voters are considered. I am of opinion therefore that in any legislation on the subject reference to "whole blooded descent from European ancestors" should be omitted, and that a European should be defined, as in our Criminal Procedure Ordinance, as "a person of European origin or descent". It appears to me desirable that one and the same condition should apply both to franchise qualifications and to the procedure to which the individual is in certain cases subjected by reason of his nationality in the Criminal Courts. Provision will require to be made for the procedure in claiming admission to the voters' register, the rejection of claims by a duly authorised individual or body of individuals, appeals against such rejections, and the consideration of objections to any names included in the register. Claims by individuals for treatment as "Europeans" and objections by others to such treatment could then be dealt with in the same way as in the Courts of the Protectorate.

7. I am in entire agreement that it would be undesirable to extend the franchise to Asiatics and natives. In the special circumstances affecting this Protectorate it is in my opinion essential that

that each race shall be separately represented and that any general scheme of franchise embracing all British subjects would be most unsuitable because of the complete differences in the education, mental development, standard of living, local interests, and in fact the whole social fabric of the various races which constitute the local community of British subjects and British protected subjects.

8. Paragraph 3 deals with the question of providing facilities for foreigners to become British subjects by process of naturalization. This matter was, I believe, under consideration before the outbreak of war and will doubtless be considered at the conclusion of hostilities as a matter of Imperial policy. As you are aware, naturalization can at present only be effected in a British Protectorate by foreigners who have been in the service of the Crown for a period of years.

9. I have no comments to make on the recommendations concerning voters' disqualifications as detailed in paragraph 4 of the report. These disqualifications were, I understand, extracted from the various laws etcetera enclosed in Mr. Bonar Law's despatch No. 803 of November 11th and appear to cover all that is necessary in the case of this Protectorate.

*See*  
53836  
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1916

10. The necessary qualifications suggested for candidates for election are similar to those for voters

voters, except that residence for a period of 2 years instead of 12 months is to be required and that the candidate must be able to read, write, and speak English. Both of these qualifications appear reasonable. Two years is not too long as the minimum period during which a candidate can be expected to familiarise himself with local affairs and the requirements of the country. The necessity for possessing a knowledge of the English language is a wise precaution against the election of a member who would be unable to take an intelligent part in the work of the Council as might otherwise conceivably occur in the case of an electoral area where the Dutch vote predominated. It will be observed that no direct association between the candidate and the constituency for which he stands is proposed, nor does it appear necessary to make such a proviso.

11. The suggested disqualifications for candidates are dealt with in paragraphs 6 and 7. Unless there are general reasons, of which I am unaware, which make it desirable to bar ministers of religion from sitting as members of Legislative Assemblies, I recommend that disqualification (e) be omitted. I can think of no special circumstance in this Protectorate which necessitates such a prohibition. On the contrary, there are in East Africa several ministers of religion any of whose presence on the Legislative Council would in my opinion be of the greatest value, especially in the consideration of native affairs. I note that this disqualification exists in Malta, Mauritius, and British Guiana, but I understand that special racial

racial and social conditions appertain in those Colonies which do not, and under the limited franchise now suggested are not, likely to exist in this Protectorate.

I agree with the remarks in paragraph 7 of the report on the subject of Government Contractors.

12. With regard to paragraph 8, I recommend that instead of members being elected for a period of 3 years there should be a dissolution of the Council and a "general election" every 3 years, provision being made for bye-elections should a vacancy occur at any time before say 6 months from the date on which the next dissolution is due. Such a system would in my opinion be preferable, for the reason that more general interest in political affairs would be secured than would be the case under a system of separate elections at varying dates for the different electoral areas which would be the eventual result of the adoption of the Committee's suggestion.

13. The provisions suggested in paragraph 9 of the Committee's report for the nomination and backing of candidates appear suitable to the conditions of the East Africa Protectorate. I do not think it will be necessary at any rate in the first instance to guard against too numerous nominations by providing, as I understand is the case in the Commonwealth of Australia, a system of deposits which are forfeited if the candidate fails to secure a certain proportion of votes.

14. Under paragraph 10 which deals with registration of electors plural voting is not admitted. In the legislation to be enacted in connection with the introduction of the elective system it will be necessary to elaborate the procedure for the registration of electors in some detail but in the meantime the Committee's report appears to deal with the more important matters of principle.

15. In considering paragraph 11 of the Committee's report which deals with the number of members and the electoral areas it is of course necessary to give attention to the numbers and distribution of the European population. At the same time other factors than numbers come under consideration in the special circumstances of the East Africa Protectorate. The Committee lays stress on the desirability of representing interests, by which I gather they mean various occupations as specially affected in different areas by local conditions. Thus areas (1) and (2), Nairobi and Mombasa townships, represent the principal commercial centres, Mombasa again being different from Nairobi by reason of the special shipping and port interests affected. Area (3), Coast Lands exclusive of Mombasa, includes ventures in tropical agriculture. Areas (4) to (10) embrace the "up-country" settled areas but there is some special circumstance affecting each which renders their interests different and in some cases conflicting. Thus area (4), Londiani to Lake Victoria, is an area on or near the railway line

line where mixed farming and planting is carried on. The settled area is surrounded by native reserves from which labour can be obtained both for pastoral and agricultural pursuits. The Rift Valley and Escarpment area, No. (5), is also on the railway but nearer to the capital and the coast. The labour problems are different from those of the Lake area because it is not situated in the same relation to the native reserves. Stock-farming and maize-growing are at present the most important occupations.

The Uasin Gishu Plateau, areas (6) and (7), is also a mixed farming area. But owing to its situation at a distance from the railway line the question of communications is one of vital importance to the settlers in this area especially in connection with the production of the lower priced commodities. There is also the special circumstance of the Dutch settlement on the Plateau which has caused the Committee to recommend that it be divided into two electoral areas. The labour question on the Plateau is somewhat similar to that of the Rift Valley, but it is in a different position to other areas in that its Eastern and Northern boundaries border on tribes such as the Elgyo, Suk, and Turkana who have come but recently under effective administration and have shown but little inclination so far to take their part in the labour supply of the Protectorate.

Area (8), West Kenya, Nyeri, and Laikipia, is a district not yet closely settled but which includes a considerable number of surveyed farms ready for alienation. Like the Uasin Gishu Plateau it is situated at some distance from a railway.

It

It includes stock-farming and coffee planting. The labour position is not unlike that of the Lake area.

Area (9), Machakos, Fort Hall, and Magadi is conspicuous for its sisal plantations and is in addition a mixed farming area. It includes also the Magadi Company's works. It is contiguous to the railway system and adjacent to the Wakamba and Kikuyu Reserves.

Area (10), Kiambu and Limoru, is at present the principal coffee planting centre though other forms of agriculture and mixed farming are represented.

16. Conflicting interests between the different areas exist mainly in connection with the native policy and with the allocation of public expenditure. The labour supply in the various areas naturally depends to a great extent on their situation with regard to the native reserves and the extent to which the free movement of natives and their choice of residence is encouraged or restricted. It appears to me probable that, as the various areas become more closely settled, the labour policy of the Government will always be in the foreground and for that reason alone it would appear desirable to have as many different interests as possible represented from the first.

17. In the case of public expenditure, the settlers in the more outlying districts may naturally be expected to press for better communications while those more fortunately situated will probably prefer to see any surplus funds expended in a manner

more



more compatible with their own requirements. These requirements again will differ in accordance with the particular industry in which the individuals are engaged. Agricultural experiments, scientific research, State aid for certain industries, railway rates, protective tariffs, shipping facilities, and many other matters entailing public expenditure will appeal to the different groups of settlers in varying degrees according to how the particular industry in which they are interested can be carried on profitably.

18. But there is another factor which appears to me to be of considerable importance in dealing with the question of the number of electoral areas. Practically the whole of the community are workers and the unofficial members of the Council will therefore consist of busy men who have all to look after their own private concerns in addition to discharging their duties to their constituents on the Council. It appears to me likely that, if the electoral areas are made too large and the interests of each are too complex, many of these who would be the more acceptable and representative candidates will hesitate to stand for election because they will not be able to afford the time to devote to their duties as Councillors. For this reason I support the recommendation of the Committee that 10 unofficial members each representing one electoral area be approved, although at first sight the total European population would not appear to justify so many representatives. If this number is agreed upon, it should be made clear at the outset

outset that the factor of population in the different electoral areas has been disregarded in coming to a decision on the subject and that the same division of the Protectorate into areas with one representative for each will be considered suitable and sufficient for a very much larger population.

19. The map prepared by the Committee shows the effect of the proposed division of the Protectorate into electoral areas, each of which is outlined in red ink and marked with a number corresponding to that allotted to the different areas in paragraph 11 of the report. As the whole of the Protectorate is included in the 10 areas, the names selected are not in every instance actually descriptive, but indicate merely the more closely settled portions of the areas. This is most marked in the case of areas (3) and (9). The former includes the whole of the Seyidie, Tanaland, and Jubaland Provinces, and the latter the whole of the Northern Frontier District and Turkana, the large native reserves in Ukamba and the larger portion of the Masai Reserve.

20. In order to facilitate consideration of the distribution of the European population I have caused to be shown on the map the "White Areas" suggested in paragraph 12 of the report by the Chief Justice's Committee in connection with the proposed new scheme of administration which was dealt with last year in Sir H. Belfield's Confidential despatch No. 146 of November 4th. These "white areas" are shown in blue ink and each given a letter. The following table shows the electoral areas into

which

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16  
16

which the white areas fall:-

<u>White Area.</u>	<u>Electoral Area.</u>
A. Nyanza District	(4).
B. Uasin Gishu District	(6) and (7).
C. Rift Valley District	(5) except a small portion embracing the farms to the South of the railway between Londiani and Kedowa which comes within electoral area (4).
D. Nairobi District	The township of Nairobi constitutes area (1). The remainder partly into (10) but mostly into (9).
E. Kiambu District	(10).
F. Chania District	Partly into (9) and partly into (10).
G. Kenya District	(8).
H. Mombasa District	The township of Mombasa constitutes electoral area (2); the balance comes into area (3) except a small strip along the railway line which comes into area (9).
J. Lamu District	(3).

Thus:-

Electoral area (1) includes the Nairobi township portion of the Nairobi District, D.

Area (2) the Mombasa township portion of the Mombasa District, H.

Area (3) the Mombasa District excluding the township, H, and the Lamu District, J.

Area (4) the Nyanza District, A, and a small portion of the Rift Valley District, C.

Area (5) the greater part of the Rift Valley District, C.

Area (6) half of the Uasin Gishu District, B.

Area (7) the other half of the Uasin Gishu District, B.

Area (8) the Kenya District, G.

Area (9)

Area (9) most of the Nairobi District, D, apart from the township, a portion of the Chania District, F, and a small strip of the Mombasa District, H.

Area (10) the Kiambu District, E, a small portion of the Nairobi District, D, and the remainder of the Chania District, F.

21. From the above it is I think manifest that the European settled areas, which were based to a certain extent on density of population, are fairly well distributed throughout the suggested electoral areas and that due attention has been paid to the different interests involved. If it were considered desirable, the boundaries of some of the White Areas suggested in the Administration Report could doubtless be adjusted so as to fit in with the scheme of electoral districts now under consideration, and in any case it would appear advantageous so to amend the boundaries along the railway line between the Nyanza and Rift Valley Districts and between the Mombasa and Nairobi Districts respectively. I attach some importance to the proposal to divide the Uasin Gishu and Trans Nzoia Districts into two separate electoral areas and believe that the arrangement whereby the Dutch community will be in a large majority in one of those areas will be much appreciated by them and by their compatriots in the Union of South Africa. It would certainly be highly desirable to introduce the principle of elected representation without any prospect of discord

discord between the two races arising from a considerable unrepresented minority in any area.

22. I have already alluded to the total European population in its relation to the number of elected representatives suggested by the Committee. I attach three schedules giving certain statistical information on the subject of the European population for the last four years which will be of use in considering this aspect of the case. I must, however, make it clear that the figures are only approximate, there having been no regular or organised census during the period under review. The decrease since April 1914 is mainly due to the large number of men who have either joined the local forces or the armies in Europe and who therefore are not included in the later returns, though it also appears probable that the figures given for the Uasin Gishu Plateau on 1st April 1914 were an over-statement. Precise analysed statistics of the men who have joined up are not available, and, since the war has naturally checked the inflow of settlers and colonists which might otherwise have been expected, it will perhaps be sufficient to scrutinise the figures (concerning adult males) as on 1st April 1914.

23. The first of the three schedules referred to in the preceding paragraph shows, under Provinces, (a) the total European population since 1912, (b) the adult male population since 1913, distinguishing between officials and non-officials.

non-officials, and (c) the adult female population since 1914.

The second schedule, B, gives the adult male population as on 31st December 1916, under districts, showing separately officials, British non-officials, and Foreigners.

The third schedule, C, is a return, by districts, showing the adult male population on 31st December 1916 as compared with that on 31st March 1914- the latest available pre-war figures. It is this third schedule which I suggest be examined in connection with the elective representation proposals. The figures include foreigners who would be non-voters under the suggestions now being considered. Except for the alien enemy subjects who were deported on the outbreak of war the majority of whom were residents in Mombasa, I do not think that the number of foreign residents has materially varied during the past three years. The total number of foreigners as shown in schedule B on 31st December last was 224, and, if we bring this number up to 300 to include enemy aliens figuring in the first column of schedule C, there remain 3,270 voters as on 31st March 1914.

It is possible to make a rough summary of the distribution of these 3,270 voters throughout the 10 suggested electoral areas though, because the boundaries of the districts under which the population is classified do not coincide with those

those of the electoral areas, it is not possible to apportion the numbers accurately.

The following is the result thus arrived at:-

Area (1) Nairobi Township.

The bulk of Nairobi District	say	1,000	
less foreigners	"	65	
		<u>        </u>	935

Area (2), Mombasa Township.

The bulk of Mombasa District	say	280	
less foreigners	"	60	
		<u>        </u>	220

Area (3), Coast Lands.

The balance of Mombasa District	say	23	
Jubaland Province	"	56	
Tanaland	"	28	
Rabai District	"	9	
Taita	"	23	
Malindi	"	23	
Vanga	"	10	
		<u>        </u>	
less foreigners	say	21	
		<u>        </u>	151

Area (4), Londiani to Lake.

Kisumu District		126	
Nandi District		15	
Lumbwa		39	
North Kavirondo District		14	
South		24	
		<u>        </u>	
less foreigners	say	40	
		<u>        </u>	178

Area (5), Rift Valley.

Naivasha District		115	
Nakuru		240	
Ravine		45	
Masai Reserve		12	
		<u>        </u>	
less foreigners	say	13	
		<u>        </u>	399

Area (6), Uasin Gishu (British half)

Portion of Eldoret	say	382	
less foreigners	"	12	
		<u>        </u>	370

Area

Area (7), Uasin Gishu (Dutch half).

Balance of Eldoret say 500 500

Area (8), West Kenya, Nyeri,  
and Laikipia.

Nyeri District less foreigners say 60  
11 49

Area (9), Machakos, Fort Hall,  
and Magadi.

Balance of Nairobi District 77  
Fort Hall District 93  
Embu 5  
Meru 13  
Marakwet 1  
Turkana 3  
Baringo 1  
Machakos 77  
Kitui 9  
Northern Frontier District 10  
289  
less foreigners say 42 247

Area (10), Kiambu and Limoru.

Dagoretti District 74  
Kiambu 183  
257  
less foreigners say 36 221

Total Voters 3,270

SUMMARY

Electoral Area 1	935	voters
" " 2	220	"
" " 3	151	"
" " 4	178	"
" " 5	399	"
" " 6	370	"
" " 7	600	"
" " 8	49	"
" " 9	247	"
" " 10	<u>221</u>	"
Total	<u>3,270</u>	"



24. I have mentioned that I am in favour of the full number of 10 elected members as suggested by the Committee being approved. If, however, you consider that so large a number is not warranted by the population statistics, it would be possible to combine some of the electoral areas as a temporary measure until such time as the increase in the population justified the full number being recognised. Thus the Coast Lands, Area (3), could be combined with Machakos, Area (9); the British portion of the Uasin Gishu Plateau, Area (6), could form one electoral area with Londiani to Lake Victoria, Area (4); and West Kenya, &c., Area (8), could be joined with Kiambu, Area (10), or with the Rift Valley, Area (5). If you consider a reduction necessary I trust that the minimum number will not be less than 7. A strong case exists for separate representation for Mombasa, Nairobi, and the Dutch portion of the Uasin Gishu Plateau, and I do not think that 4 additional members to represent the very varied interests of the European rural districts can be considered excessive.

25. The suggestion in paragraph 12 of the Committee's report, that in certain cases voting should be permitted by letter, is no doubt prompted by the fact that the application of the principle of elected representation to the whole Protectorate necessitates the inclusion in the electoral areas of certain  
stations

stations very remotely situated from the closely settled districts. Thus residents in Turkana or the Northern Frontier District would vote for a representative for the "Machakos Area" and persons residing in Northern Jubaland for the member for the Coast. Practically all of such voters would be Civil Servants or Government employees and at this point it will be as well to consider (a) the extension of the franchise to civil servants and (b) the portions of the Protectorate to which the principle of elective representation should be applied.

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36. As stated above the Committee has proceeded on the broadest lines and has adopted the principle of one man one vote - whatever his occupation and wherever he may be domiciled in the Protectorate. Civil servants are in a different position to the remainder of the European population because of the limitation imposed on their local interests by the regulations for His Majesty's Colonial Service. They are not allowed to hold land, or to be directly or indirectly connected with any local enterprise and their stake in the country is therefore very much limited when compared with that of the non-official community. At the same time their prospects are intimately associated with the progress of the country, the nature of their work in many cases tends to their acquisition of expert and unbiassed views on a number of the

the local settlement problems and they are directly interested in many of the social and hygienic questions which are dealt with in the Legislative Council. Numerically they form a comparatively large proportion of the European population. On the whole, therefore, I am of opinion that they should enjoy the privilege of the vote though I have no strong views on the matter and it might be argued that they can leave their interests to be safeguarded by the local Government and the Colonial Office.

27. As regards the areas to which the principle of elective representation should be admitted there appear to be 2 alternatives. The first, which has been adopted by the Committee, is to extend the principle to the whole of the Protectorate. The second would be to limit it to the white areas and thus confine it to that portion of the European population which will come under the direct jurisdiction of the Resident Magistrates as distinct from the Native Commissioners. If the latter alternative were adopted a considerable number of civil servants would necessarily be excluded as would also certain missionaries and traders pursuing their avocations at mission stations and trading centres in the native reserves. It would, however, appear to be difficult to justify the withholding of the privilege of voting from individuals domiciled outside the White Areas while at the same time they are subject to

precisely

precisely the same laws as the rest of the European population of the Protectorate. I therefore recommend that the proposal of the Committee be adopted, and I have only alluded to the matter because it appears to me to be worthy of consideration. If the principle is admitted in full it is manifest that some sort of arrangement as is proposed in paragraph 13 of the report will be necessary unless a large number of polling stations are to be scattered throughout the Protectorate.

28. In paragraph 13 the Committee deals with the question of Indian representation on the Council and comes to the conclusion that their views would best be voiced by 2 Indian representatives nominated by Government. Since the publication of the Committee's report I have, however, received protests from both the Nairobi and Mombasa Indian Associations to whom the above suggestion does not commend itself and who demand that the principle of elective representation be extended to British Indians. While I fully recognise that, as soon as the European community is permitted to elect members to represent them specially on the Legislative Council, it will become necessary for the considerable Indian interests also to be directly represented, I regret that I cannot at present support the demand put forward by the Associations. I consider that the Committee's suggestion should be adopted at

least

least in the early stages of the reconstruction of the Council and that the Indian members should be selected by Government. I agree that the Coast and upcountry Indian communities should be separately represented and I consider that 1 member for each would be sufficient. With the exception of a small number of Indian farmers in the Nyanza Province and of a few market gardeners, Indian interests may be broadly classified as commercial and industrial. The majority of Indians are congregated in the larger towns though the petty Indian trader is to be found throughout the Protectorate at convenient centres for the native trade. Of the 10 European members suggested, only 2 directly represent urban interests and I do not consider that the Indian community can reasonably expect more than 2 representatives. It will in any event be quite difficult enough to select 2 suitable Indian members of Council and you are aware of the unsatisfactory circumstances which attended the appointment of one Indian gentleman a few years ago, since when the experiment has not been repeated. There are various objections which I see to granting the privilege of elective representation to the local Indian communities. There is the risk of a political agitator being imported from India who with the prestige of a seat on the Council at his back might do a vast amount of harm in sowing discontent and stirring up strife. Then again the Indian community,

though, generally referred to as a concrete body, is in fact composed of a large number of separate sects and religions the strongest of which would return one of their own particular class whose special interests would be his first (and possibly only) care. I also foresee the greatest difficulty in deciding upon any form of franchise which would be suitable to the Indian community generally.

29. In paragraph 14 of the report the Committee recommends that the Resident Magistrate for Mombasa (or, until the change in the system of administration takes place, presumably the Provincial Commissioner of the Seyidie Province) should be a member of the Legislative Council with the special duty of representing Arab interests. The Committee is not quite correct in stating that the Resident Magistrate at Mombasa will be in charge of the "Arab population at the Coast" as the new scheme provides for a separate Magistrate at Lamu who will be responsible for the Tanaland Arabs of whom there are an appreciable number. Nevertheless the Mombasa District will include the majority of the more influential Arabs, and the Resident Magistrate for that area would be their best official representative. Although not British subjects I should have liked to be able to recommend that the Arabs should be represented by one of their own community, and I believe that at the present time Sheikh Ali

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bin Salim, Assistant Liwali of Mombasa, would be a suitable candidate. I feel, however, that the range of selection is so small that it would be difficult, if not impossible, to replace him. I should prefer that the new Constitution should merely provide for a member nominated by Government to represent specially Arab interests in order that the appointment could be filled in the most satisfactory manner from time to time. The appointment of Sheikh Ali would be welcomed by his fellow Arabs and would be some recognition of the loyal assistance rendered to Government by them during the war.

30. The native population should certainly be directly represented by the Chief Native Commissioner, as suggested in paragraph 15 of the report. Their interests will naturally also be carefully watched by all the official members.

31. With regard to paragraph 16 of the report, it is I believe the case in some Colonies that the unanimous vote of the official members may not be recorded against the unanimous vote of the non-officials except by special direction of the Governor. I consider that some such provision in the new constitution would be most useful and would tend to more harmonious working. But it would, I think, be necessary, in cases where the Governor decided to exercise his prerogative of controlling the vote, for him

to

to control also freedom of speech. If this were not done, an impossible situation might arise through official members airing their personal views on matters of principle and then voting in the opposite direction. The Legislative Council does not appear to me to be the place where officials should raise objections to measures considered necessary by the executive Government. They have every opportunity of stating their opinions on matters which concern them officially in the course of ordinary official correspondence with the Secretariat.

32. In order to secure a Government majority on the Council it will be necessary, as indicated in paragraph 17 of the report, to increase the number of official members. At the present moment, in addition to the President, there are nine official members, viz:-

The Chief Secretary, the Attorney General, the Treasurer, and the Manager of the Railway ("ex officio members") and the Land Officer, Director of Agriculture, Chief of Customs, Provincial Commissioner, Seyidie, and Provincial Commissioner, Nyanza ("official members").

I would suggest the following arrangement when the number of non-official members is increased:-

"Ex Officio Members" - The present four, together with the Chief Native Commissioner, the Chief of Customs, the Director of Agriculture, the Land Officer, the Principal Medical Officer, and the Director of Public Works, or ten in all.



The Government majority would then be made up by nominated "official members". There should, I consider, be an official majority of at least two in addition to the President.

33. With regard to paragraph 18 of the report, which deals with the question of female suffrage, I understand that since the report was submitted the principle has been accepted in the Imperial Parliament. I am nevertheless strongly of opinion that it would be premature to admit it here for the present. The main argument for a simple form of adult male suffrage in East Africa does not apply in the case of women a large number of whom are neither wage-earners nor property owners. If women are to be given the vote it would, in my opinion, be essential to abandon any form of universal suffrage and to reconsider altogether the question of the qualification of voters. This would cause unnecessary and undesirable delay, and I entirely agree with the unanimous opinion of the Committee that the question should be dealt with later on by the reconstituted Council. It is unfortunate that the question should have been raised at the present time when so many of the male population are away on active service, and I am given to understand that this rather inopportune action by certain women has to a great extent alienated sympathy with the cause they advocate. It should be remembered that it is only quite recently that this question has arisen in East Africa, and that

there

there was no hint or suggestion of female suffrage in the petitions which have been addressed to you in the past. I enclose a memorandum on the aims, constitution, and membership of the "East Africa Women's League" which was furnished to Government, at my request, by their Honorary Secretary. The lady figuring as President for the year 1917-18, a recent arrival in the Protectorate who holds very strong views on the subject, is, I believe, entirely responsible for the movement, and I do not consider that her local experience is sufficient for her to have formed a sound opinion on the suitability of the extension of the franchise to women in this country.

34. It is, I think, proper that subsistence and travelling expenses should be paid to the unofficial members of Council who do not live in Nairobi. The amount of subsistence allowance suggested, viz. Rs.15 per diem, appears to me reasonable for the time actually spent in Nairobi, and the actual travelling expenses could be reimbursed in each case. The case of officials would be dealt with under the service regulations for the time being in force.

35. The matters referred to in the concluding paragraph of the Committee's report will require careful and detailed preparation and some considerable time must necessarily elapse before the newly constituted

Legislative

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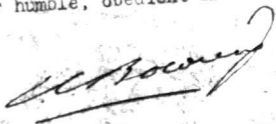
Legislative

Legislative Council can meet. I trust, however, that with the information and opinions now before you it will be possible for you to issue the necessary instructions, at no very distant date, for the preparation of such local legislation as will be necessary to supplement any Order in Council which may be promulgated to amend the East Africa Order in Council, 1906.

I have the honour to be,

Sir,

Your humble, obedient servant,



ACTING GOVERNOR.

In Despatch No. 123 of 14. 8. 1917

## REPORT

OF

THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO INQUIRE INTO AND REPORT GENERALLY ON THE LEGISLATIVE STEPS TO BE TAKEN TO PROVIDE FOR THE ELECTION BY THE PUBLIC OF THE EUROPEAN NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL AND SPECIALLY ON THE QUALIFICATIONS OF ELECTORS, THE QUALIFICATIONS OF CANDIDATES FOR MEMBERSHIP THE DIVISION OF THE PROTECTORATE INTO ELECTORAL AREAS AND THE REPRESENTATION ON THE LEGISLATIVE COUNCIL OF THE INTERESTS OF THE ASIATIC, ARAB AND NATIVE COMMUNITIES.

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The Special Committee appointed in pursuance of the motion passed in the Legislative Council on the 12th February, 1917, sat on the 19th, 20th, and 23rd February, 1917, and the 28th and 31st May, 1917, and on the 18th June, 1917.

2. The Committee is unanimously of opinion that the right to vote should not rest on any property or educational qualification but that every adult male British subject whether by birth or naturalisation of European origin should be eligible for the register of electors subject to proof of continuous residence in the Protectorate for at least twelve months prior to registration. By European origin is meant whole blooded descent from European ancestors. The Committee is of opinion that at this stage of the Protectorates development when the coloured races outnumber the white it is not desirable that the franchise should be extended to Asiatics or Natives.
3. If the right to vote is restricted to British Subjects it is felt that means should be provided whereby foreigners of European origin in the Protectorate may be

enabled to become naturalised British Subjects.

4. A person otherwise possessing the necessary qualifications to become an elector should be disqualified:-

- (a) if he is of unsound mind.
- (b) if he has been convicted of a criminal offence and has been sentenced to a term of imprisonment of either description of 12 months or longer and has not received a pardon provided that he should be admitted to the register after two years from the date of the expiration of his sentence.
- (c) if he has received relief from the public, including parochial, funds within 12 months of his application to be put on the register of voters.
- (d) if he has been declared a bankrupt in British East Africa and has not received his discharge.
- (e) if he is suffering from any disqualification provided for the time being by any enactment.

5. The Committee is of opinion that any person seeking to become a member of the Legislative Council by election should be qualified as an elector save that in lieu of 12 months continuous residence every member should have had at least 2 years continuous residence in the Protectorate before being nominated as a candidate for election. Every candidate should be capable of reading, writing and speaking English.

6. Any person otherwise qualified for standing for election should be disqualified:-

- (a) if he is suffering from any legal incapacity.
- (b) if he is a civil servant actually employed by the Government.
- (c) if he is a Municipal employee.

- (d) if he has been declared a bankrupt in British East Africa and has not received his discharge.
- (e) if he is a minister of religion.
- (f) if he is of unsound mind.
- (g) if he has been convicted of a criminal offence in British East Africa and has been sentenced to a term of imprisonment of either description of 6 months or more and has not received a pardon, provided that this disability may be removed by an order of the Governor in Council.
- (h) if he has received relief from any public, including parochial, funds within 12 months of his nomination as a candidate for election.

7. The Committee is agreed that in principle the fact that a candidate for election is a contractor to the Government should be a disqualification but in view of the present stage of development of the Protectorate when so many of its more prominent inhabitants derive part of their income from Government contracts it is considered that the Protectorate would be debarred from the services of some of its more useful citizens as members of the Legislative Council if the principle were enforced. The Committee, however, is of opinion that in the event of a contractor with the Government standing for election he should disclose all such contracts.

8. Every elected member should ordinarily serve for a period of three years but should have the power to resign his seat at any time.

9. Every candidate for election should be proposed and seconded and supported by not less than seven other persons before being regarded as duly nominated. The proposer, seconder and backers should all be qualified as voters in the constituency for which the candidate is proposed.

10. There should be a register of voters for each electoral area. Any person qualified to vote who has resided in the electoral area for three months should be entitled to be registered and should remain on the register until qualified for registration in another electoral area provided that any voter who has not resided in the electoral area in which he is registered for a period exceeding 12 months shall be struck off the register. The register should be revised annually when objections to any person registered can be disposed of. There should be an appeal from the revising authority to the High Court. Provision should be made that no person can be registered in more than one vote electoral area and therefore cannot record more than one vote.

11. The number of elected members the Committee suggests is 10 for 10 electoral areas. The areas suggested are:-

- (1) Nairobi.
- (2) Mombasa.
- (3) Coast lands exclusive of Mombasa.
- (4) Londiani to Lake Victoria.
- (5) Rift Valley and Escarpment.
- (6) Uasingishu to be divided into two electoral areas.
- (7)
- (8) West Kenya, Nyeri, Laikipia and Fort Hall.
- (9) Machakos, Fort Hall and Magadi.
- (10) Kianbu and Limoru.

The areas can more readily be ascertained by reference to the map annexed hereto. They have been delimited, as far as it reasonably can be done, with a view to obtaining areas in which similar interests predominate. The areas have been arrived at with the intention of having particular interests represented rather than on any other basis. Thus while the total white population of the coast area is very much below that of any other suggested electoral area it is felt that the interests peculiar to



to the rural area of the coast should be directly represented on the Council. The Committee is of opinion that in the present stage of the Protectorate's development it is more important that interests be represented rather than individuals. The Uasingishu Plateau stands on a different footing from the rest of the Protectorate owing to the fact that there is a fairly large colony of Dutch on a part of the Plateau. The Committee has carefully considered the best means of representing both the interests of the Dutch and the English races on the Plateau and, owing to the different uses to which each put the land, has arrived at the conclusion that it is desirable to divide the Plateau into two electoral areas so that the Dutch interests can be fully represented without at the same time handicapping the representation of the interests of the rest of the Plateau.

12. The Committee considers that every person qualified to vote and to be on a register should have an opportunity of registering and voting. For this purpose it is suggested that provision be made to enable voters at outstations far removed from voting centres to record their votes by post or by some method other than that of personal attendance.

13. The Committee is of opinion that the interests of the Indian Community should be represented by the nomination of two members by the Governor. The Committee had the advantage of hearing the depositions on the subject of Indian representation from the Indian Associations of Nairobi and Mombasa. The Nairobi Association were somewhat ambitious in their suggestions which included electoral representation. The Committee feel that any extension of the franchise to Indians for the election of their own representatives or otherwise should form the subject of consideration by the Council after it has been reconstituted by the addition of elected members.

The view taken by the Committee is that nominated Indian representatives, who should be able to read, write and speak English, would be a much more effective way of voicing the views of the large Indian population of the Protectorate than to have such views expressed probably at secondhand by a European member or members appointed to represent Indian interests. It is thought that two Indian members are necessary in order that both the interests of Indians at the coast and up country should be represented. The Committee considers that the effect of nominating Indians on the Council would be to bring the Indian Community more into line with European Community in bearing the responsibilities and burdens of Government the advantage of which they already enjoy.

13. The <sup>Arab</sup> ~~Arab~~ Community in the opinion of the Committee should, if the suggested reorganisation of the administration takes effect, be represented by the Resident Magistrate at Mombasa in whose care the administration of the Arab population at the coast will be placed. This proposal departs from the principles dealt with in the preceding paragraph but the language difficulty makes it almost impossible to afford any <sup>wide</sup> ~~white~~ selection of persons from whom a member representing the Arab Community could be chosen.

14. The native population should be represented on the Council by the Chief Native Commissioner whose appointment it is hoped will not be long deferred.

15. The Committee considers that all nominated Government members should have freedom of speech and vote but that there should be provision enabling the Governor to control their vote in urgent matters which the Government considers necessary and essential to carry through the Council; any instructions to that effect should be stated by the Governor publicly in Council before debate.

17. At the present stage of the Protectorate's history a Government majority in the Council will have to be maintained and additional Government nominees will have to be appointed for that purpose.

18. The Committee had the pleasure of receiving a deputation of the East Africa Women's League which urged the advisability and necessity of granting votes to women. The Committee is of opinion that this subject is one which should be dealt with by the Council itself after it has been reconstituted by the addition of elected members so that the country by the exercise of the franchise would be in a position to express its opinion on the question. So many people are away on military duty at the present time that it is impossible to discover what the real feeling of the country now is on the matter. Female suffrage is not an accepted principle in the United Kingdom and it cannot be taken for granted that it is a principle which will commend itself to the majority of the European population, both male and female, in the Protectorate whereas male suffrage is an accepted principle on which there can be no controversy.

19. The Committee is of opinion that provision should be made for a subsistence allowance of Rs.15/- per diem for all members who do not live in Nairobi and who attend during the period for which the Council is in session and that for the purpose of attending the Council free railway facilities and an allowance to cover journeys other than by rail should be given. It is undesirable in the Committee's opinion that any person should be at any actual financial loss through being a member of the Council and at the same time it is not suggested that there should be anything in the nature of payment of members for their services. It is considered that a daily allowance of Rs.15/- would cover the expenses

of living in Nairobi without leaving an appreciable margin.

20. The Committee has not thought it necessary at this stage to report on the details of the legislation which it will be necessary to enact dealing with the registration of voters, the conduct of elections and with corrupt practices but has confined itself to the main principles which must be considered before any legislation is drafted. The Committee's opinion is that the best method of providing the necessary legislation will be by an Order-in-Council amending the East Africa Order-in-Council, 1906, and establishing a Legislative Council composed of elected and nominated members. The details should be provided by local legislation.

Sd/- J. W. BARTH,  
CHAIRMAN.

Nairobi.

The 19th day of June 1917.

## EAST AFRICA B

## TOTAL EUROPEAN P

Men, Women, & Child  
Americans & For

	1912	1913	1914	1915
Jubaland	54	41	29	34
Tanaland	30	40	33	10
Seyidie	360	507	385	354
Ukamba	1819	2704	2860	2874
Kenya	215	257	272	374
Naivasha including Masai Reserve	1758	1521	1832	1496
Nyanza	350	358	396	444
N. F. D.	-	10	12	13
<b>Total.</b>	<b>4586</b>	<b>5438</b>	<b>5819</b>	<b>5604</b>

## ADULT MALE EU

	As at 31-12-15		As at 31-12-14
	Official	Non-official	Official
Jubaland	11	15	10
Tanaland	7	21	9
Seyidie	115	253	80
Ukamba	365	1045	340
Kenya	21	150	21
Naivasha including Masai Reserve.	49	1226	67
Nyanza	56	222	89
N. F. D.	-	-	15
<b>Total.</b>	<b>624</b>	<b>2932</b>	<b>631</b>

3557

6

## ADULT FEMALE EU

	As at 31-12-14.	As at 31-12-15.
Jubaland	5	6
Tanaland	7	8
Seyidie	83	77
Ukamba	580	839
Kenya	90	114
Naivasha including Masai Reserve.	328	461
Nyanza	88	104
N. F. D.	-	-
<b>Total.</b>	<b>1181</b>	<b>1704</b>

EAST AFRICA PROTECTORATE

454

TOTAL EUROPEAN POPULATION

Men, women, & children including  
Americans & Foreigners

1913	1914	1915	1916
41	29	34	33
40	33	16	14
507	385	355	366
2704	2860	2873	2837
257	272	370	271
1521	1832	1490	1582
358	396	444	360
10	12	13	17
5438	5819	5609	5485

ADULT MALE EUROPEAN POPULATION

12-13 Total	As at 31-12-14.		As at 31-12-15.		As at 31-12-16.	
	Non-official	Official	Non-official	Official	Official	Non-official
	15	10	7	11	8	24
	21	9	15	9	4	6
	253	80	177	73	169	69
	1045	340	821	412	879	407
	150	21	150	18	175	18
	1226	67	637	68	560	73
	222	89	167	95	144	60
	-	15	-	13	-	17
3557	2992	681	1974	699	1939	674
				2638		2501
						1827

ADULT FEMALE EUROPEAN POPULATION.

14	As at 31-12-15.	As at 31-12-16.
	6	6
	3	2
	77	84
	839	813
	114	92
	461	439
	104	89
	-	-
	1704	1515

## ADULT MALE EUROPEAN POPULATION

AS AT 31ST DECEMBER,

1916.

457

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		Officials	British Non- Officials.	Foreign Non- Officials.	Total Adult Ma European
TANALAND	Lama	5	5	-	10
	Tana River	1	1	-	2
NYANZA	Kisumu	48	47	19	114
	Nandi	1	2	3	6
	Lumbwa	4	47	4	55
	N. Kavirondo	4	3	6	13
	S. Kavirondo	3	6	3	12
KENYA	Nyeri	6	28	11	45
	Fort Hall	6	41	11	58
	Embu & Chuka	3	2	-	5
	Meru	3	-	6	9
JUBALAND	All districts	24	2	5	31
NAIVASHA	Naivasha	5	48	3	56
	Nakuru	29	105	3	137
	Eldoret	14	301	7	322
	Ravine	10	28	2	40
	Kabarnet	1	-	2	3
	Marakwet	1	-	-	1
	Turkana	7	-	-	7
MASAI RESERVE		6	6	-	12
UKAMBA	Nairobi	368	457	61	886
	Dagoretti Kyambu (Kikuyu)	18	276	36	330
	Machakos	18	52	11	81
	Kitui	3	-	1	4
SEYIDIE	Mombasa	60	129	29	218
	Rabai-Nyika	4	4	-	8
	Taita	2	4	-	6
	Malindi	2	6	-	8
	Vanga	1	3	1	5
N. F. D.	All Districts	17	-	-	17
	TOTAL	606	806	224	2601

COMPERATIVE RETURN PRE-WAR AND 1917 OF EUROPEAN ADULT  
MALE POPULATION BY DISTRICTS.

Province	District	April 1914 -	1917
		Adult Males	or as at 31. 12. 16 Adult Males
Nyanza	Kisumu	126	114
	Nandi	15	6
	Lumbwa	39	55
	North Kavirondo	14	13
	South Kavirondo	24	12
Kenya	Nyeri	60	45
	Fort Hall	93	58
	Embu & Chuka	5	5
	Meru	13	9
Jubaland	All districts	56	31
Naivasha	Naivasha	115	56
	Nakuru	240	137
	Eldoret	882	322
	Ravine	45	40
	Baringo	1	3
	Marakwet	1	1
	Turkana	3	7
Masai Reserve	All districts	12	12
Ukamba	Nairobi	1077	886
	Dagoretti	74	330
	Kyambu	183	
	Machakos	77	81
	Kitui	9	4
Tanaland	Lamu	28	10
	Tana River		2
Carried Forward		3192	2339



COMPARATIVE RETURN PRE-WAR AND 1917 OF EUROPEAN ADULT  
MALE POPULATION BY DISTRICTS.

Province	District	April 1914 -	1917
		Adult Males	or as at 31. 12. 16 Adult Males
Nyanza	Kisumu	126	114
	Nandi	15	6
	Lumbwa	39	55
	North Kavirondo	14	13
	South Kavirondo	24	12
Kenya	Nyeri	60	45
	Fort Hall	93	58
	Embu & Chuka	5	5
	Meru	13	9
Jubaland	All districts	56	31
Naivasha	Naivasha	115	56
	Nakuru	240	137
	Eldoret	882	322
	Ravine	45	40
	Baringo	1	3
	Marakwat	1	1
	Turkana	3	7
Masai Reserve	All districts	12	12
Ukamba	Nairobi	1077	886
	Dagoretti	74	330
	Kyambu	183	
	Machakos	77	81
	Kitui	9	4
Tanaland	Lamu	28	10
	Tana River		2
Carried Forward		3192	2239

April 1914

1917

Province

District

Adult Males

or as at  
31. 12. 16  
Adult Males

	Brought Forward	3192	2239
Seyidie	Mombasa	303	218
	Rabai	9	8
	Taita	23	6
	Malindi	23	8
	Vanga	10	5
Northern Frontier District	-	10	17
	Totals	3570	2501

457

The League was founded at a public meeting in Nairobi, on March 14th 1917, its aims being stated as follows:-

To voice white woman's demands in British East Africa, to watch their interests, and to see that privileges extended to white men should be at the same time extended to white women.

458  
E 110

The constitution which has been decided upon up to the present is as follows:-

1. The membership of the League shall be open to all white women resident in British East Africa.
2. There shall be a Committee of nine, elected annually by ballot at a meeting of members.
3. The offices bearers shall be -

President.

Two Vice-Presidents.

Honorary Secretary.

Honorary Treasurer

elected annually by ballot by the Committee.

4. The minimum annual subscription shall be Re.1.

The Committee for 1917-1918 consist of

Mrs. McGregor Ross, President

Mrs. Russel Bowker }  
Miss Saunders } Vice-President.

Mrs. Jordan, Honorary Secretary.

Mrs. C.C. Monckton, Honorary Treasurer.

Mrs. Bell

Mrs. Lamb

Mrs. McGrae

Mrs. Playfair.

Up to date (July 16th) the membership of the League has reached the figure of eighty two but the number is being increased almost daily, and this in spite of the fact, that there has been only one meeting of the League, and no deputation work to other towns than Nairobi has yet been undertaken.

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**C0533/183**

**END**

**TOTAL EXPOSURES → 508**

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C0533/184

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# East Africa Protectorate

1917

VOL. 7

ESP. NO.	DATE	SUBJECT
476	15	House Allowce for customs clerks taken over from Uganda.
Jul	16	Currency Reserve Fund
480	17	Death of Omer P. Bright Williams E.A. Res. Transport
Jul	18	Turtkana Unrest.
483	"	Pension for widow of late W. H. Owen.
Comp.	"	Financial Position
484	20	Uniforms for customs clerks
485	"	Liquidation of Enemy Funds
486	"	Asiatic medical Subordinate's conditions of employment.
487	"	Somali Unrest.
Jul	21	Recruitment of White Police in S. Africa
"	"	Pay of Gunboats
488	"	Nairobi High School.
489	"	Assistance for dependants of local residents serving in E.A. Forces.
491	22	Coffee Leaf disease Investigation
Jul	23	Arabic Rifles: Pension Regulations
Comp.	"	Financial Position
"	"	Turtkana Unrest.
494	24	Labour Recruiting in Kenya Province: Mr W. F. Parker's allegations
Comp.	"	Max Klein
Jul	25	Recruitment of Labour
496	"	Acquisition of Land by Govt. Officials
497	"	Debt due from German Govt. of East Africa
Jul	28	Military Accounts: Railway Expenditure
501	"	Jubaland F. N. Frontier District
Jul	29	Military Graves.
"	"	Currency Res. Reserve Fund
"	30	Lance Corporal C. K. Nelson
503	"	Priority Certificates
505	"	Lance Corporal A. S. Adams: Pension for mother
506	31	L. S. Pellay: Laboratory Assistant

1917

VOL. 7

DESP. NO.	DATE	SUBJECT
507	1 Sept.	Refunds of fees by Assistant Postmasters
513	"	White War Bonds
514	"	Vet. Officers' Permanent Personal Allowances
Comp	"	Tunkhama Unrest
516	3	" 1/2 War K.A.R.
518	5	Emergency War Expenditure Fund
519	"	"
520	6	Shipping Facilities
"	"	Govt. Officials in Masuma Meeting
"	"	Malindi Commission
"	9	Abolition in Jubaland
"	11	Coal for Railways
528	"	Lieutenant C.B. Warner: Overpayment of salary
Comp	"	Tunkhama Unrest
529	12	Removal of certain conscripts
"	"	Tunkhama Unrest
529	"	Local Militia Officers in Northern Somaliland
530	14	Coal for Railways
"	"	Local Militia Officers in Jubaland: Pay etc. in England
"	"	Abolition in Jubaland
531	"	Grant of Officers
532	16	Acquisition of land by Foreigners
532	17	P.W. Dept. Training Depot: Allowance for food
533	"	Masoma Branch, Company etc.
Comp	"	Anniversary Day Advertisement: Masoma
534	18	Col. Lieutenant & Mr. Williams
"	"	W. G. Anwarth: Appl. to Kenyan Council
535	"	Public Works: Extraordinary: Major Works
537	19	Railway locomotives
538	22	Church of All Saints, Nairobi
Jubaland	"	Chief Capt. Report 1915-16

DESP. NO.	DATE	SUBJECT
540	24 Sept.	Acquisition of land by Foreigners
546	"	Emergency Postoffices; Despatch Ordinance of 1917
547	"	Lieutenant Frederick Linnell: Removal to England
548	"	Abolition of Martial Law
549	25	Southern East Africa: War Diaries
550	26	Priority Certificates
"	28	Outbreak of Meningitis in Masoma Reserve
"	29	Acquisition of land by Aliens
562	"	Death of Captain R.L. Swinson: unattached list
563	"	Hon. Lieut. Hogan: Discharge Dept.