

EAST AFRICA PROTECTORATE.

Minutes of the Proceedings
of the Legislative Council
of East Africa.

Third Session,
1917.

8th October, 1917.

Nairobi.

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British East Africa.

Minutes of the Proceedings of the Third Session of the Legislative Council, 1917.

Held at Nairobi on the 8th of October, 1917.

The Council assembled on the 8th of October, at 10 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.) presiding.

Present:—

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).
THE HON. THE ATTORNEY GENERAL (J. W. BARTH).
THE HON. THE TREASURER (H. P. ESPIE).
THE HON. THE MANAGER OF THE UGANDA RAILWAY (B. EASTWOOD).
THE HON. R. BARTON WRIGHT.
COLONEL THE HON. J. AINSWORTH, C.M.G.
THE HON. P. H. CLARKE.
THE HON. A. C. HOEY.
THE HON. W. C. HUNTER.
THE HON. W. MACLELLAN WILSON.

Absent:—

THE HON. F. W. MAJOR, C.M.G., I.S.O.
THE HON. A. C. MACDONALD
THE HON. C. W. HOBLEY, C.M.G.
THE RIGHT HON. LORD DELAMERE.

MINUTES OF MEETING.

THE HON. THE ACTING CHIEF SECRETARY moved that the Minutes of the Meeting of the Council held on the 21st, 22nd, 25th, and 31st May and 19th June, 1917, which had been circulated amongst Hon. Members, be taken as read and be confirmed.

THE HON. THE ATTORNEY GENERAL seconded.
The question was put and carried.

THE PRESIDENT'S ADDRESS.

THE PRESIDENT delivered the following Address:—

Honourable Members of the Legislative Council,

On the occasion of His Majesty's birthday I had the honour of offering on behalf of East Africa heartfelt and loyal congratulations and praying that a victorious issue might speedily be attained by the efforts of His Majesty's Forces. I have now been informed that the message was laid before His Majesty who was graciously pleased to express his gratitude for it and his sincere appreciation of the loyalty and goodwill by which it was inspired.

Copies of telegrams which passed between this Government and the Secretary of State for the Colonies and the General Officer Commanding the East Africa Expeditionary Force on the occasion of the third anniversary of the war have already been published in the local press.

It had been my intention to refrain from summoning you to another Session until further progress had been made with some of the bills which have been referred to Special Committees and until the Appropriation Bill and Estimates for the ensuing year were ready for consideration.

I am fully alive to the fact that Honourable Members, both official and unofficial, are working at very high pressure and that it is only with the greatest difficulty that they are able to find time to attend to the unusually heavy work in connection with the various Commissions and important pending enactments which are at present under consideration.

It has, however, been necessary for me to summon you to this special Session in order that certain war legislation, the nature of which will be explained in due course by the Attorney General, may be enacted with as little delay as possible. I have considered it desirable to limit the proceedings of this Session to that special legislation and to such formal business as can be transacted without encroaching on the time of Honourable Members. I hope that it will thus be possible to adjourn during the course of this morning.

At the same time I welcome this opportunity of being able to make a statement to Honourable Members on certain matters of general interest and of great importance to the community.

Honourable Members may recollect that at the commencement of the recent Session I endeavoured to explain the extent to which this Protectorate was being affected by the war. I alluded more particularly to the requirements of the General Officer Commanding-in-Chief of the East Africa Expeditionary Force both in respect of European personnel and of native labour, to the effect on local industries of the restrictions imposed by the Imperial authorities on imports into and exports out of the United Kingdom, and to the shipping difficulties with which we were faced.

Since then matters have moved rapidly, and the general position is undoubtedly very much more acute than it was when we last assembled. At the same time I am confident that we shall weather the storm and that, in spite of the very special conditions existing in East Africa as compared with the older established Dominions and Colonies, we shall emerge safely from the critical period through which we are passing with the proud sense of having done our best to assist the Great Cause and of having borne cheerfully our share of the burden and hardships to which the whole British Empire and its Allies are submitting.

I was able to announce on May 21st that the whole of the white personnel asked for by the General Officer Commanding had been recruited. Since then a few more have joined up, and the War Council and District Committees continue to watch carefully the local conditions and to recommend for military service any additional men who can be spared.

I referred to the question of separation allowances, and it may interest Honourable Members to know that relief is only being afforded in 20 cases and at an aggregate cost of Rs. 1,165 per month. The amount of the individual monthly allowances granted varies from Rs. 30 to Rs. 75, each application being dealt with on its merits.

Compulsory recruiting for the Military Labour department has now ceased, and on August 8th, I was able to issue a circular to the District Staffs requesting them to announce that fact to the natives and to thank the Chiefs and Headmen for their efforts and for the success with which those efforts were crowned. I am glad of this opportunity of expressing in public my very great appreciation of the excellent work performed by the staffs, both European and native, in connection with the enrolment of labourers. I am aware that the introduction of a system of compulsory recruitment which had unfortunately become necessary through the exigencies of war must have been most distasteful to them, besides being directly opposed to the Government policy with regard to labour. I am sure that Honourable Members will agree that the success which has attended the recruiting efforts is a proof of the excellent control and organization of the officers concerned and that the fact that there has been no breakdown in providing the men, and that no serious results have occurred from the unusual steps which were necessarily adopted to further that object, is a matter for congratulation to the whole of the administrative staff.

Although the general repatriation has not yet commenced, a considerable number of natives are being returned to their reserves. I have satisfied myself by personal inspection of the hospitals and repatriation camps at Nairobi, Thika River, the Saba Saba, Kisumu, and Machakos, that everything possible is being done for the comfort and welfare of the natives, and Government is at present giving its most careful consideration to proposals for providing medical assistance and supervision for the natives in the Reserves after they have been repatriated.

Turning now to trade restrictions, I will deal first with our exports. These are affected firstly by prohibited imports into the United Kingdom and secondly by shortage of shipping. In practice, however, we are at present only concerned with the latter for the reason that, although the Secretary of State for the Colonies has succeeded in obtaining a special concession that 500 tons of East African produce of any description, in addition to priority cargo, may be imported into the United Kingdom by any ship leaving East Africa, only 100 tons of space per month for non-priority cargo has been made available for the port of Kilindini. But for the shortage of shipping therefore the position of our export trade would be fairly satisfactory. There is, I think, some misunderstanding regarding the method by which cargo space is allotted to this Protectorate by the Controller of Shipping. The procedure is as follows. The whole of the trade between the East Coast of Africa and the United Kingdom is dealt with on behalf of the Shipping Controller by a main Committee at Cape Town. This Committee consists of representatives of the Shipping Lines engaged in the East Coast trade and of the Union Government. Under instructions from the Shipping Controller, a certain amount of cargo other than priority cargo is allowed to be shipped to England each month. The total of this privileged cargo is divided between the various ports of call, and 100 tons is allotted to the Ports of Kilindini and Mombasa for East African and Uganda cargo. At the port of Durban there is a local sub-committee consisting of the liners' agents and a Government representative, and at the other ports the Cape Town Committee is at present represented by the liners' agents only. The duties of these local representatives and sub-committees are to allot to exporters the cargo space made available in each ship for non-priority cargo and to keep the Cape Town Committee informed of priority cargo offering by each ship. On receipt of the latter information, the Cape Town Committee allots a certain amount of cargo space for priority cargo to each port, and the local representatives then divide the space so allotted amongst the would-be exporters.

I am not satisfied that this arrangement is suitable for British East Africa, and I have asked the Secretary of State to move the Shipping Controller to instruct the Cape Town Committee to appoint a special sub-committee for Mombasa and Kilindini on the lines of the Durban sub-committee. This sub-committee would be entrusted with the allotment of space in any ship loading at our ports and would keep the Cape Town Committee informed of our requirements. Such a local sub-committee would be in close touch with the local Government who again acting on the advice of the War Council would be able to indicate how the available space should be allocated to exporters. I have had no reply to this suggestion, but I may state for the information of Honourable Members that a previous recommendation which I had made that space should be allocated by the Government direct was not acceptable to the authorities. Still, if this modified proposal is approved, I believe that the organization provided by the War Council and the District Committees will be of the greatest value in deciding which particular exporter should be given preference, and I have no doubt that their wishes in the matter would be respected by the local shipping committee so far as they would not conflict with technical objections in connection with the stowage of cargo.

The special resolution on the subject of financing the local coffee industry, which was adopted by this Honourable Council on June 19th, was duly forwarded by me to the Secretary of State. I have received a telegraphic reply authorising me to advance up to the sum of £12,500 on the terms stated. This, Honourable Members will recollect, is the amount stated by the Special Committee which considered the question to be required at once. A special committee of the War Council has been appointed to draw up the details of the scheme for advances.

The question of the restrictions on imports into East Africa has been receiving the very serious attention of Government. Local industries including such as are of great present value to the Empire depend on the relaxation of restrictions placed on exports from the United Kingdom by the Minister of Munitions to such an extent that so long ago as on March 2nd the position was placed before the Secretary of State by the Governor. Special cases were referred to in which it appeared to Government that priority might reasonably be expected. After correspondence with the Ministry of Munitions, however, the Secretary of State was unable to secure priority. It is, of course, impossible for us locally to judge the relative importance of the requirements of the Imperial Government, and beyond placing our case before the Imperial authorities and keeping them informed of new developments it is difficult to see what more can be done to assist local industries in the matter. I am at present in telegraphic communication with the Colonial Office on the subject of extending the scope of recommendations by the local priority committee to new equipment for estates now arriving at the stage when new plant is essential for their development instead of practically limiting such recommendations to the maintenance of existing plant.

In August it became necessary to appoint a Food Controller to deal with the more essential foodstuffs imported from overseas. His duties are to fix prices, wholesale and retail, based on the cost of each consignment landed, and to issue permits for the despatch of controlled foodstuffs from Mombasa to other destinations. The reduction in available shipping space has from time to time caused some slight inconvenience before the arrival of the next steamer but so far we have been exceptionally fortunate in arranging for our supplies and we must always be prepared to face any hardships which may be necessary in order that our troops in the different theatres of the war may be adequately provided with all essential supplies.

I regret to have to announce that it has come to the knowledge of Government that certain commodities other than foodstuffs have now risen to preposterously high prices owing to the unpatriotic action of certain individuals in buying them up and holding them for a rise. I am considering the best method of dealing with this state of affairs, and it is probable that a bill for controlling prices of commodities other than foodstuffs will be presented to Council at no distant date. I hesitate to make use of my powers under martial law to deal with this matter but unless the position remedies itself it will be necessary for drastic action to be taken. In the meantime I appeal to the loyalty and patriotism of all classes of the community to refrain from gambling in commodities which are necessary for the development of the country and of which there is a temporary shortage. War profits thus secured, frequently at the expense of those who are fighting for us in the trenches, can surely never be enjoyed with an easy conscience by those who earn them.

The report of the Special Committee on electoral representation on the Legislative Council, which was presented during the last Session, has been duly forwarded to the Secretary of State and is no doubt receiving his consideration. I have also forwarded a petition from the Honourable Unofficial Members that they should be represented also on the Executive Council.

I understand that the Economic Commission and the Land Settlement Commission are making steady progress with their investigations and that their reports will be submitted before long. I hope also that the reports of the Special Committees on the various Lills referred to them will be presented at the next Session of this Honourable Council.

On August 24th on instructions from the Secretary of State I issued an appeal for every possible effort to be made to increase the production of foodstuffs required for local consumption and thus to render the Protectorate independent of assistance from other countries at a time when all available shipping is so urgently required for the prosecution of the war. I wish again to impress on everyone concerned the urgency of this question, though I am aware of the many practical difficulties with which the inhabitants of the Protectorate are faced at the present time.

Earlier in the year the Colonial Office approved the utilisation of a portion of the proceeds of the Government farm stock sale for the purpose of purchasing fresh stock for eventual sale to settlers. The Director of Agriculture has now proceeded to South Africa to undertake the purchases in person.

The arrangement whereby the Veterinary Department is subordinated to the Director of Agriculture, which formed the subject of discussion during the first Session of this year, has been approved by the Secretary of State and orders have been passed accordingly.

Honourable Members have doubtless observed with satisfaction the official communiques issued to the press on the progress of the local campaign. While naturally public interest in local military affairs has been focussed mainly on the East Africa Expeditionary Force now operating in what remains of German East Africa, Government has for some time been deeply engrossed with affairs in our Northern Territories. Members are no doubt aware that early last year a small post at Serenli on the Upper Juba was overwhelmed by a section of the Aulihan Somalis and that the British officer in command, the late Lieut. Elliott, lost his life. I am pleased to be able to announce that Serenli was re-occupied on September 25th by forces under the command of Lieutenant-Colonel Barrett, 5th K.A.R., operating both by land and by river. The re-occupation was effected with only 2 casualties, namely one British officer and one member of the crew of a river steamer slightly wounded. A feature of the re-occupation was Lieutenant-Colonel Barrett's march from Yonte to Serenli by a circuitous route during which he traversed over 850 miles of country and inflicted punishment on a section of the Aulihan who had been raiding friendly tribes.

This march was undertaken by a mounted patrol unencumbered with transport and stands out as a remarkable achievement because of the nature of the country covered and the great hardships and difficulties which had to be faced and overcome.

PRESENTATION OF PETITIONS AND MEMORIALS.

The following Papers were presented and laid on the Table:—

MAINDI COMMISSION REPORT.
UGANDA RAILWAY REPORT, 1916-17.

QUESTIONS AND ANSWERS.

THE HON. W. MACLELLAN WILSON put the following question:—

1. What was the total estimated number of native males of military age in the Protectorate in the month of August, 1914?
2. What is the total number of men recruited from the native districts from August, 1914, to July 31st, 1917, and supplied for military purposes?
3. What is the total number of men rejected, and what proportion does the number of rejections bear to
 - (a) the total number of military age;
 - (b) the number of men sent out?
4. What is the number and percentage of men rejected as totally unfit?
5. Is the Government in possession of any special reason on medical grounds to account for the percentage of totally unfit?
6. What is approximately the number of deaths amongst the natives of this Protectorate employed on military duties?
7. Is the Government considering the question of taking any immediate steps to safeguard the health and general well-being of the natives?

COLONEL THE HON. J. AINSWORTH replied:—

It is regretted that owing to military reasons only a very incomplete answer could be given to the first six questions put. Statistics are available and the figures will be announced as soon as the General Officer Commanding-in-Chief considers that the conduct of operations now in progress will not be prejudiced thereby.

As regards question 7, all that is possible with the present limited medical staff in the Protectorate is being done. Efforts have been made to obtain the services of additional Medical Officers, but owing to the war these men are difficult to obtain. The Military Authorities in German East Africa have been approached with a view to their allowing a number of Medical Officers on the conclusion of hostilities to volunteer for service in the Native Districts of British East Africa. Government is also considering the advisability of arranging a workable scheme under which the established Missions in the Native Districts will be able to take up medical work with the assistance of Government grants.

THE HON. W. C. HUNTER put the following question:—

1. In the opinion of the Medical Authorities what measures are essential in order to prevent the outbreak of epidemic plague in non-endemic areas.

2. What is the estimated cost of these measures, and to what extent have such measures been put in force.

THE HON. THE ACTING CHIEF SECRETARY replied:—

1. No guarantee can be given that the outbreak of epidemics of plague in non-endemic areas can be absolutely prevented. The risk can, however, be largely minimized by (a) the promulgation of a Public Health Ordinance (b) the observance of Sanitary principles (c) the exercise of vigorous sanitary control on lines similar to those enforced by the Government of the United States of America in Panama (d) the establishment and maintenance of an efficient sanitary organization.

As regards (a) a Bill will be introduced at the next Sessions; as regards (b) every effort is already being made in which the co-operation of the community as a whole is essential to success; as regards (c) the campaign is being prosecuted as vigorously as possible and will be rendered more effective by the promulgation of the Public Health Ordinance and by increasing the staff of the Sanitation Division; while as regards (d) Hon. Members will have the opportunity of considering the provision made when the draft Estimates are discussed.

2. As the proposals include the provision for the establishment of adequate Quarantine Stations for the treatment and segregation of patients and contacts, the erection of fumigating stations, medical surveillance, prophylactic inoculation, rat destruction, a large increase in the personnel of the Sanitation Division, the formation of a research bureau, and the prosecution of general sanitary propaganda in the Protectorate it is estimated that the capital expenditure involved would approximate £250,000, with an annual recurrent expenditure of not less than £30,000.

These measures are put in force to a limited extent.

THE ALIENATION OF IMMOVEABLE PROPERTY RESTRICTION ORDINANCE, 1917.

THE CLERK having read a Certificate of Emergency in regard to a Bill intituled "An Ordinance to restrict the Alienation of Immoveable Property during the present War,"

THE HON. THE ATTORNEY GENERAL moved the suspension of Standing Orders in order that the Bill might be proceeded with.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL introduced and moved the first reading of the Bill. He said that the Bill was a War measure, and, as Hon. Members would observe by its last clause, its application was limited to the duration of the War. Its object was to prevent as far as possible the acquisition of fixed interests in the Protectorate by alien enemies. Alien enemies, it was true, could not directly acquire such interests without an obvious breach of the law relating to trading with the Enemy, but it was possible that such interests might be indirectly acquired through the medium of subjects of Foreign Powers in such a way that it would be very difficult, if not impossible, to prove that it was a transaction which brought both the vendor and the purchaser within the penal clauses of the law relating to trading with the Enemy. Such difficulties were resolved if transfers of immoveable property were confined to British subjects, and the Imperial Government had advised that a measure such as this Bill should be enacted. From information which had reached the hands of the Imperial Government, it appeared that a real danger existed which could only be adequately met by a measure such as this. He need hardly say that the Government of the East Africa Protectorate was most anxious to assist in any necessary legislation to restrict the accumulation, by indirect means, of interests in His Majesty's Protectorates by enemies during the War.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

THE HON. THE ATTORNEY GENERAL moved that the Bill be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR presiding.

In Committee.

The Bill was read and considered clause by clause and was adopted with the following amendments:—

Clause 2, line 1.—After the word "shall" insert the words "without the consent of the Governor in Council."

Clause 3, line 4.—Add "unless such agreement or contract has received the consent of the Governor in Council."

Clause 4, line 1.—After the word "register" insert the words "or cause to be registered."

Clause 5, line 6.—Add "If the offence be committed by a Company then every director, manager, secretary, or officer of the Company who is knowingly a party to the offence shall on conviction be liable to the like fine or imprisonment or to both such fine and imprisonment."

The Council resumed its Sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that the Bill be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Bill was read a third time and passed.

ADJOURNMENT.

THE HON. THE ACTING CHIEF SECRETARY moved that the Council adjourn until the third Monday of November or such other date as might be duly notified.

THE HON. TREASURER seconded.

The question was put and carried.