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COLONY AND PROTECTORATE

OF

KENYA.

REPORT

OF THE

LOCAL GOVERNMENT COMMISSION

1927.

VOL. II.

THE SETTLED AREAS.

GRANT OF MAGISTERIAL POWERS TO SELECTED JUSTICES OF THE PEACE.

CENTRAL AUTHORITY FOR LOCAL GOVERNMENT PURPOSES.

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SUMMARY OF RECOMMENDATIONS.

P. 64—66. There are three principal reasons in favour of establishing for Rural Areas Authorities which have real executive power of their own, viz. (1) Administrative—certain kinds of work which especially affect local residents will be better done, if left to local bodies with direct interests in getting them well done, than by the Central Government which often of necessity moves slowly; (2) Financial—districts as they develop all make increased demands on the common resources which cannot all be satisfied; local contributions would form a basis for fixing Government's contributions towards increased services; (3) Political—as a preparation for the acceptance of larger responsibilities in the sphere of national affairs. For these reasons, the Commission recommends that local bodies, to be called "District Councils," mainly composed of non-official elected members, and endowed with executive authority in some branches of local administration, should be established in certain of the Settled Areas. The system of

P. 67. Local Government in Rural Areas should be elastic and admit of the gradual development of responsibilities which, at the outset, will be limited and should be so framed as to enable a reduction to be made in establishment by the Central Government in proportion as functions are handed over to District

Roads. Councils. In the initial stages, District Councils will be concerned principally with Roads. The Commission proposes

P. 70. a classification of roads into (1) Main Trunk Roads, (2) District Roads, including Main and Minor District roads, and (3) Roads of Access. Main Trunk Roads are defined as "roads which are of importance as a means of through communication from one territory to another and roads which are primarily of importance for strategic or administrative purposes"; for these responsibility should rest with the Central Government, which may, however, employ a District Council to undertake work on such roads within its own area. All other

P. 70. public roads should be classed as district roads and controlled

P. 71. by District Councils, which, as regards Roads of Access, should be appointed Road Boards for purposes of the Public Travel and Access Roads Ordinance. Councils must employ

P. 71. qualified Engineers, whose appointments should be subject to Government approval, and foremen. At the outset, grants on the basis of the 1927 Estimates for the maintenance and improvement of roads and bridges (other than main trunk roads and bridges) should be made to Councils for road

P. 96. maintenance, plus 25 per cent. for overhead P.W.D. charges, which will be saved. Under the Commission's proposed

classification of Roads, the sum available for District Roads in 1927 estimates is £28,987, plus 25 per cent. for P.W.D.
P. 98. overhead charges saved, equals £36,234 ; and for Main Trunk Roads, £15,380, plus 25 per cent., equals £19,225, or a total of £55,459 if Councils are employed on the latter. The Nairobi and Uasin-Gishu District Councils would on this basis receive a total grant of £7,819, or £12,834 and £7,976 or £11,771 respectively, and the remaining 5 areas an average grant of £4,088 or £6,171.

Public Health, Hospitals, Education.

Public Health. P. 72. As regards other functions, recommendations are made as to Public Health, Hospitals and Education. It is proposed that District Councils should, at first, be advisory only and should not automatically become "local public health authorities" but should have power to raise money for public health purposes, more especially for the services of medical officers of health and sanitary inspectors; and that the Governor should be empowered to create them "local public health authorities" on their application; whereupon they would appoint their own staff, possibly in conjunction with one or more other Councils, subject to Government approval and payment by Government of half the salaries of Medical Officers of Health and Sanitary Inspectors.

Hospitals. P. 74. The need for increased hospital facilities is urgent and a change in Government policy is desirable. The Commission received evidence in some districts that local contributions would be willingly
P. 74—79. given, and in a memorandum quoted fully in the Report the Acting Director of Medical and Sanitary Services outlined a scheme under which Government and District Councils could co-operate in building and maintaining hospitals. The Com-
P. 79. mission proposes that District Councils should be legally empowered to carry out such schemes, which would be worked out in detail by them and the Medical Department in consultation with the Central Local Government organisation (see below), and should provide for the selection of a suitable site, erection of buildings, appointment of staff, financial contributions by Government and District Councils, for the levying of a local rate by the District Council, for hospital charges both to employed and unemployed natives and for arrangements (financial and other) to accommodate European and Asiatic patients. There must obviously be guarantees for the
P. 80. operation of such schemes for definite periods and the Commission proposes that these be taken by way of regulations with binding effect both on Government and on the District Council, which would become the Hospital Authority.

Education. In the sphere of Education there is little scope for District Councils beyond raising money to assist in the building and maintenance of primary schools and

in the cost of educating children of indigent parents in their areas. Powers to raise money for these purposes should be exercised subject to the sanction of the Governor in Council.

Areas. P. 82. Seven Local Government areas are proposed, viz.: Nairobi, Naivasha, Nakuru, Laikipia-North Nyeri, Uasin-Gishu, Trans-Nzoia and Kisumu-Londiani. Their boundaries are depicted on Plates 4—9, and the reasons for such modifications of existing administrative districts as are proposed are given in Chapter VIII. Kericho and Machakos Settled Areas are not considered at present to be suitable for Local Government. The question of the separate administration of P. 89. " White " and " Black " areas is discussed. Native Reserves are necessarily excluded from the proposed areas by the Commission's terms of reference and the future position of " Mixed " districts, upon the introduction of Local Government, is not dealt with; but a recommendation is made that Local Government areas should be grouped in Provinces with Native Reserves under Senior Commissioners, in order to provide a link between District and Native Councils and to ensure that questions of mutual interest to the Reserves and to the Local Government areas are dealt with satisfactorily, with due regard to all interests involved. In this event, the inter-relationship between Senior Commissioners and the Chief Native Commissioner P. 90. will require consideration.

Taxation.

Taxation. The question of local taxation was thoroughly discussed during the Commission's tour of the Settled Areas. Opposition was based on political and fiscal grounds and on inability to pay. The political ground of objection, viz., that no system of local taxation should be introduced until constitutional changes had been made giving an unofficial majority in the Legislative Council, was outside the Commission's scope and is therefore not discussed. The Commission considers that there is no reason why the introduction of local taxation should necessarily await a revision of the Colony's fiscal system. In several districts willingness to pay was evinced. The introduction of Local Government necessarily implies some provision for local taxation if irresponsibility and extravagance are to be avoided, and this point is emphasized by an extract taken from the Report of the South African Financial Relations Commission of 1912. It is recommended that revenue raising powers should be given to Councils, but, as a temporary expedient in the existing circumstances of the Colony at the initial stages and to enable the new system P. 93. to take root, it is proposed that annual grants should be made to District Councils by Government, so that works undertaken

P. 94. by these Councils can be carried out on the same basis as hitherto without recourse to local taxation. An annual varying allocation of money by Government for distribution or the payment of certain assigned revenues are methods for fixing such grants which the Commission discards in favour of the proposal already recorded of fixing road grants. A
P. 99. District Council may establish a claim to additional grants in any year for the construction of new roads to new railways or to open up new areas for development, for survey and re-alignment of existing roads, and for new permanent bridges or other special works; but it is recommended that
P. 100. increased sums for "maintenance and improvement," as distinct from new construction, should only be given if a proportion of the cost is raised by local taxation. Alternative
P. 101—103. methods of land taxation are discussed, and the Commission recommends the use of any of the following:—(1) A rate on
P. 104—105. the unimproved value of land, with a maximum of ½ per cent.; (2) a flat rate per acre with a maximum of 10 cents per acre; (3) a rate per acre graduated according to the character of the land; land to be classified as pastoral and agricultural, and agricultural land to be further classified according to the nature of the crops for which it is suitable; the maximum to be 20 cents per acre; (4) a flat rate per month per head of African labour employed—this would be a suitable form of taxation for hospital purposes, and the limit would vary in each district subject to the approval of the Governor-in-
P. 104. Council; (5) a vehicle tax. The Commission prefers an unimproved site value tax to the other two alternative methods of land taxation and discards altogether a penal undeveloped
P. 102. land tax. It recommends that Government should give generous assistance in the making of valuation rolls of
P. 104. unimproved site values. The following safeguards are proposed to ensure that taxation is not levied against the
P. 105—106. wishes of the district:—(1) A notice of a resolution to impose a rate is to be given at a meeting of the District Council; (2) this notice is to be advertised through the district for a period of two months; (3) the resolution must be carried by not less than a two-thirds majority of elected members, nominated and official members not being entitled to a vote. The same procedure should be followed if a different form of taxation is proposed. Where no special purpose is mentioned in the resolution the proceeds of the tax should be available for road, public health and general administration expenses. If the Council wishes to levy taxation for other purposes, these purposes must be stated in the original resolution or in a subsequent resolution with respect to which the above safeguards must also be observed, though only for the first time expenditure for the special purpose is proposed.

Advisory Functions.

Advisory Functions. P. 110.

Besides executive powers and responsibilities, the District Councils should exercise advisory functions in connection with such matters as District Committees advise on at present. Thus they would be consulted as to the granting of water permits, land alienation, stock routes, quarantine regulations, permit issues for stock movement. In regard to Fencing and Dipping, which might be subjects for applied legislation, and generally speaking where legislation provides for the exercise of local option on questions affecting rural areas, District Councils should, in the Commission's opinion, be the bodies through which such option should be exercised. In regard to Squatters' cattle, the Commission considers that this question could not be dealt with apart from other questions involved in the application of the Resident Natives Ordinance, cap. 132; but that, if that Ordinance is revised, consideration should be given to the question of conferring on District Councils powers to make byelaws either regulating the number of squatters' cattle to be permitted or providing that no squatters' cattle be allowed in its district. The Commission also suggests that legal provision in the law constituting District Councils might be made enabling a Council to assume responsibility for the control and maintenance of outspans in its district if it wishes to do so.

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P. 113—114.
P. 114.

Constitution of District Councils.

Constitution. P. 115.

District Councils should consist of elected and nominated members and one official member. Elected members should number from 10 to 15 and will all be Europeans, except in the Kisumu-Londiani district where the Indian agriculturists should have one elected member. The Governor should have power to nominate, at his discretion according to circumstances, either one or two Indian members to any District Council. This recommendation is designed to secure co-operation in the general interests of the areas since (1) Indian traders in townships have an interest in the condition of rural roads; (2) District Councils will have general advisory powers regarding such questions as the administration and sale of lands in townships which have no executive municipal authority of their own; (3) District Councils will have powers to initiate hospital schemes in which Indian needs should be considered; (4) Indian traders in townships may possibly be liable to payment of vehicle taxes imposed by District Councils. Other nominated members will be one member nominated by the Municipal Board of a Municipality in the midst of a District Council's area though not under its jurisdiction, and an Administrative Officer, *i.e.*, the Senior Commissioner or Resident Commissioner according as the Council's area is

Committee System.

within or outside a Province. District Councils should elect annually their own Chairmen. They should be empowered to entrust some measure of authority to Standing Committees and normally should not themselves meet more than once a quarter. In some districts which are not compact, power should be given, subject to the approval of the Governor-in-Council, to appoint Area Committees empowered to deal with road questions; this would involve the keeping at District Headquarters of separate accounts for road purposes in each area and the levying of rates of different amounts in different areas according to expenditure incurred: in such cases the District Council would remain the responsible authority and the plan should only be adopted in order to prevent an unfair burden being cast upon any considerable section of a district in respect of expenditure from which such section itself received no direct benefit.

Electoral qualifications.

Voters' qualifications should be adult suffrage subject to ownership in the area of £100 worth of land or to residence (12 months out of 24 preceding registration) plus either occupation of premises of £36 annual value for Europeans, and £12 for Indians or earnings of £10 per month for Europeans, and £5 per month for Indians. Aliens should be admitted as voters but not as candidates. Candidates' qualifications should be the same as for voters, subject to the same disqualifications as have been proposed for Municipalities in the Report on Nairobi and its environs. The term of office should be three years with annual retirement of one-third, or as near as may be, of elected members.

Township Proposals.

Townships. P. 123.

All townships should be excluded from the area of jurisdiction of District Councils, which would thus have no executive powers, or powers to levy rates on property, in townships. There should be four stages in the development of a township. (A) In the first stage, it should be administered by the District Commissioner, but the District Council should be recognized as an advisory authority as regards the establishment of new townships and the management of townships in this stage. (B) In the second stage, the District Commissioner should be assisted by a special Township Advisory Committee regarding matters of detailed administration, but the District Council would still retain advisory authority, generally confining itself to matters of general policy. (C) In the third stage the township should become a Municipality with a Municipal Board; and (D) in the fourth stage, the Municipal Board should become a Municipal Council. In each of the last two stages, liaison between District Council and the Municipal Board or Council should be preserved by enabling each to

P. 125.

nominate one member to the other. Of the 20 existing
P. 126. townships in the " Settled Areas," 10 are placed in Grade " A,"
P. 128—133. 6 in Grade " B," 3 in Grade " C," viz., Nakuru, Eldoret and
P. 133—135. Kitale, and the special character of Kisumu is recognized by allotting it a special place in the scheme.

Constitution of Municipal Boards.
P. 136. The Constitution proposed for Municipal Boards is a minimum of 11 and a maximum of 14 consisting of elected, nominated and official members. On the minimum basis, there should be 2 official members, 1 District Council representative, 1 European nominated member, 5 elected European and 2 elected Indian members. On the maximum basis, there would be, in addition to the above, 1 European elected, 1 European nominated and 1 Indian nominated member. The official members should be the District or
P. 137. Resident Commissioner and a Railway representative. The Chairman of the Board should be nominated by the Governor. Electoral qualifications and term of office should be the same, *mutatis mutandis*, as for District Councils.

P. 137. The difference between Municipal Boards and Councils is explained in the Report on Mombasa and its environs.
P. 138—139. The Commission proposes that the same Rating System as is recommended for Nairobi and Mombasa should apply to all Municipalities and that, in Grade " B " townships also, steps should be taken, as soon as possible, to grant long term leases so that rates on the same basis may be levied in them, rates in the meantime being imposed on annual rental values.
P. 139. The contributions of Government to Municipal Boards should be decided in accordance with the principles laid down for Nairobi and Mombasa and, where these, together with local
P. 140. rates, are insufficient, special assistance should be given by Government as occasion arises to enable the carrying out of permanent works which are essential for the public health and general welfare of the towns, it being recognized that they have not benefited in the past as Nairobi and Mombasa have done.

P. 141. The Commission was not prepared, on the information before it, to make any recommendations as to the future of townships, in " Mixed " districts, which are actually in Native Reserves. At present all land revenue derived from these townships goes into the Native Trust Fund and, while they present a problem which will increase in difficulty as they develop, the provision to be made for their development forms part of a larger question affecting generally the future control of land in Native Reserves. It appears to the Commission that the creation of an independent body of trustees, which would have general authority to deal with questions affecting the control and development of land in Native Reserves, would open the path to a settlement of these township difficulties.

Central Roads Boards. P. 146.

Central Organization for Road Work Supervision.—The establishment of a Central Roads Board is recommended, composed of :—

The Colonial Secretary, *Chairman,*
The Commissioner of Lands, *Deputy Chairman,*
The Chief Native Commissioner,
The Director of Public Works,
The Commissioner for Local Government,
Three unofficial members,

P. 147—148. whose functions would be (1) to advise as to the classification of roads; (2) to supervise the work of District Councils in connection with the location and survey of roads and the construction and maintenance of roads; (3) to advise as to approval by the Governor of appointments of engineers made by District Councils; (4) to advise as to grants from central funds to be made to District Councils and to Municipal Authorities for road purposes; and (5) to control any plant which may be placed at the Board's disposal for the purpose of hire to District Councils or Municipal Authorities. Members of the Staff of the Public Works Department should be available to carry out inspections on behalf of the Board.

Central Authority for Local Government.

Supervising Authority.

As regards general supervision of Local Government Authorities, the adoption of the Transvaal system of control and audit is recommended both for rural and urban authorities. Supervising authority will be vested in (1) the Governor-in-Council and (2) the Governor. The Governor-in-Council's sanction should be required for the more important financial proposals, *i.e.*, loans, special rates, rates exceeding the maximum limits; for making any special grants not provided for by legislation and any grants for road purposes. Supervision of the financial policy of Municipal Boards and the powers of reducing or withdrawing the proposed statutory Government contributions in lieu of rates should also be vested in the Governor-in-Council. It is important, however, to relieve the Governor-in-Council as far as possible, and it is therefore recommended that the Governor should be empowered to approve bye-laws, appointments, charges for municipal services and certain works and services.

Departmental machinery. P. 173—176.

The departmental machinery proposed is a Local Government Branch of the Secretariat whose administrative head would be a Commissioner for Local Government who would, under the Colonial Secretary, be responsible for corresponding with all Local Government bodies and dealing with all matters which have to be referred by them to the Central Government. He would undertake in his office all the secretarial work both

of the Standing Departmental Committee (see below) and of the Central Roads Board, would administer road grants to Municipal bodies and District Councils and maintain a close touch with all local authorities. There should be attached to the Branch (1) a Local Government Inspector who would
P. 173. be responsible for the audit of the accounts of all local authorities, for the inspection of the financial side of their administrative work, and for advising from the financial point of view on proposals which they submit for Government sanction ; and (2) a Municipal and Town Planning Engineer who would
P. 174. be qualified to advise as to the exercise of powers of supervision over the technical side of municipal engineering activities, inspect engineering work carried out by local authorities and assist and advise municipal authorities in the preparation of town planning schemes and schemes for important municipal works such as sewerage, drainage and water supply schemes. The Commission considers that the appointment of these three officers is necessary in order to establish a Local Government system on sound lines and to enable it to work efficiently.
P. 178.

P. 175. Standing Departmental Committee.

The Commission also recommends the establishment of a Standing Departmental Committee on Local Government to advise the Governor and Governor-in-Council on all matters which require their sanction. This Committee would consist of :—

The Colonial Secretary, *Chairman.*
The Commissioner of Lands, *Deputy Chairman.*
The Director of Medical and Sanitary Services.
The Deputy Director of Sanitary Services.
The Commissioner for Local Government.
The Municipal and Town Planning Engineer.

P. 174. The existence of this body should ensure that questions raised by local authorities which require consultation with other departments are promptly dealt with and that the representatives of the Departments concerned have regular opportunities of consulting together so as to assist Government in preserving a far-seeing and consistent policy in matters generally affecting Local Government. This Committee should also take over from the Central Board of
P. 176. Health its present responsibilities for the sanctioning of Public Health Bye-laws ; it should take over the functions of the
P. 176. present Townships Board of advising Government regarding the layout and use of Crown land for township purposes ; and should be created as the Board of Health under the
P. 177. Public Health (Building) Ordinance, Cap. 125 (for this purpose it might have one or more unofficial members added to it). In this latter connection the Municipal and Town Plan-
P. 178. ning Engineer should act as its adviser. The Commission also proposes that the Ordinance (Cap. 125) should be amended
P. 177. (1) so as to be of general application outside municipal areas

and existing townships, (2) so as to make 20 acres (instead of 3 acres) the limit for sub-divisions over which control should be exercised (3) so as to give wider powers as to conditions to be imposed, and (4) so as to enable the Board to
P. 178. prohibit sub-division where it thinks further residential development is not required.

P. 179. The Commission considers that the creation of a Local Loans Fund on the lines of that provided for in a recent Local Loans Act in the Union of South Africa would be of great assistance in enabling Government to finance the capital expenditure of local authorities on a satisfactory basis. Attention is drawn to certain points in which the present Municipal Corporations Ordinance requires amplification and
P. 172. revision in order to provide a satisfactory municipal code for Kenya.

The Grant of Magisterial Powers to selected Justices of the Peace.

P. 152. The Commission recommends that jurisdiction to deal with minor criminal offences and also with matters of a criminal and civil character arising under the Employment of Natives Ordinance should be conferred on selected Justices of the Peace to be exercised at such outstations as circumstances require. It suggests that the powers of punishment should be limited in the first instance, at any rate, to (1) a fine not exceeding £10; (2) imprisonment of either description for a period not exceeding one month, or confinement in a detention camp where the law allows it for a corresponding period; (3) whipping in the case of juveniles for offences under the Employment of Natives Ordinance (that Ordinance authorizes corporal punishment of up to 16 stripes with a light cane for
P. 149. male persons under 16 instead of any other punishment). It bases its recommendation on the fact that at present for reasons of distance and intervals between the holding of a Court, many minor cases, especially of theft, are never brought to Court and also that it is desirable to secure the association of the non-official residents of the Colony with the administration of justice to a greater extent than at present.

P. 150. The Commission is satisfied that men will be found to do
P. 150. this work, that the language difficulty is not great and that if a wise selection is made the men appointed will preserve
P. 151. impartiality as successfully as men of the same type do elsewhere. The following further recommendations are made:—

P. 150. (1) Additional Native interpreters should be appointed to the local magistrate's Court who would be available for attendance when required at the Courts of Justices of the Peace.

P. 151. (2) A short manual should be prepared for Special Justices and they should attend the local magistrate's Court for instruction occasionally.

P. 152. (3) Jurisdiction should be exercised by single justices and not by a bench.

P. 152. (4) Suitable inexpensive Court accommodation should be provided.

P. 152. (5) Courts should be established, as far as possible, in the vicinity of Police Posts and, where these do not exist, Courts should be held on days coinciding with visits of Police Patrols.

P. 153. (6) All judgments of Special Justices should be sent for revision to the District or Resident Commissioner—the orders of this magistrate to be subject to appeal to or revision by the Supreme Court as provided in the Criminal Procedure Ordinance.

P. 153. (7) Special Justices might be empowered to hold inquests.

P. 153. (8) Legislation should be introduced on the lines of the Special Justices of the Peace Act, 1918, of the Union of South Africa.

P. 153. The Commission also suggests, without making a specific recommendation, that a moderate allowance in return for time and services might be made to Special Justices of the Peace.

N.B.—This summary was prepared by the Secretary after the submission of the Commission's Reports.

THE COMMISSIONS OF INQUIRY ORDINANCE.

A COMMISSION.

I, EDWARD WILLIAM MACLEAY GRIGG, Knight Commander of the Royal Victorian Order, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross, Lieutenant-Colonel in His Majesty's Army (retired), Governor and Commander in Chief of the Colony and Protectorate of Kenya, do by virtue and in exercise of the powers conferred upon me by the Commissions of Inquiry Ordinance by this my Commission under my hand appoint :—

The Honourable Mr. Justice Feetham,

The Honourable W. C. Huggard, K.C., LL.D., Attorney General,

The Honourable H. T. Martin, Commissioner of Lands,

And such other person or persons as I may from time to time nominate,

to be Commissioners :

To make recommendations as to the establishment or extension of local Government for the following areas in the Colony :

1. Nairobi and its environs :
2. Mombasa and its environs :
3. Such settled areas as the Commissioners may consider to be suitable for the establishment of local Government ;

And in particular to advise upon the following matters :—

(i) The constitution of the local governing body or bodies most appropriate to each area ;

(ii) the duties and functions of such bodies ;

(iii) the powers, administrative and financial and otherwise, that should be bestowed upon such bodies ;

(iv) the desirability or otherwise of establishing a co-ordinating authority at the headquarters of the Government and the relations of any such body, if created, with the local governing bodies ;

(v) the basis of contribution from the Central Government's funds towards the expenses of the local governing bodies.

AND I DO HEREBY APPOINT the said Mr. Justice Feetham to be Chairman of the said Commissioners ;

AND I DO HEREBY DIRECT that three Commissioners shall form a quorum ;

AND I DO HEREBY APPOINT W. M. Logan, Esq., to be Secretary to the said Commissioners ;

AND I DO HEREBY DIRECT that the Oaths of the said Commissioners shall be made and subscribed before any Resident Magistrate of the Colony ;

AND I DO HEREBY DIRECT that the Inquiry shall be held at such places in the Colony as the Chairman may think fit ;

AND I DO HEREBY DIRECT that the said Inquiry may be held in public or in private, or partly in public and partly in private, at the discretion of the Commissioners ;

AND I DO HEREBY COMMAND all persons whom it may concern to take due notice hereof and give their obedience accordingly.

Given under my hand at Nairobi this 13th day of July, 1926.

(*Signed*) EDWARD GRIGG,
Governor.

THE COMMISSIONS OF INQUIRY ORDINANCE

(*Chapter 25 of the Revised Laws*).

With reference to the Local Government Commission (Government Notice No. 297 dated the 13th day of July, 1926) His Excellency the Governor is pleased to nominate

THE RT. HON. LORD DELAMERE,
THE HON. MR. J. O. W. HOPE, C.M.G.,
THE HON. MR. CONWAY HARVEY,
and
ABDUL WAHID, ESQ.,

to be Commissioners for the following area :—

"SETTLED AREAS."

(*Signed*) G. A. S. NORTHCOTE,
Acting Colonial Secretary

NAIROBI,
This 20th day of October, 1926

THE COMMISSIONS OF INQUIRY ORDINANCE.

Local Government Commission.

Whereas by a Commission under my hand dated the 13th day of July, 1926, Commissioners were appointed for the purpose of making recommendations, *inter alia*, as to the establishment or extension of local Government in such settled areas of the Colony as the Commissioners may consider to be suitable for the establishment of local Government, and of advising upon certain other matters in relation thereto :

And Whereas on the 20th day of October, 1926, certain persons were appointed to be additional Commissioners for the aforesaid purposes ;

And Whereas it is desirable that the said Commissioners should also make recommendations and advise in regard to the matter hereunder mentioned ;

Now, Therefore, I, Edward William Macleay Grigg, Knight Commander of the Royal Victorian Order, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross, Lieutenant-Colonel in His Majesty's Army (retired), Governor and Commander in Chief of the Colony and Protectorate of Kenya, by virtue and in exercise of the powers conferred upon me by the Commissions of Inquiry Ordinance, do hereby direct that the said Commissioners shall, in addition to the matters set out in the said Commission, inquire into and advise upon the desirability of granting magisterial powers to selected Justices of the Peace in the settled areas of the Colony and the extent of the powers (if any) which should be so granted.

Given under my hand at Nairobi this 8th day of November, 1926

(*Signed*) EDWARD GRIGG,
Governor.

REPORT

ON

SETTLED AREAS

AND

GRANT OF MAGISTERIAL POWERS TO SELECTED JUSTICES OF THE PEACE.

To—

EDWARD BRANDIS DENHAM, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander in Chief of the Colony and Protectorate of Kenya.

MAY IT PLEASE YOUR EXCELLENCY,

We beg to submit our report and recommendations as to the establishment of Local Government for the Settled Areas and as to the grant of Magisterial powers to selected Justices of the Peace.

We annex to our Report the record taken of the Evidence given to us, the Memoranda submitted, and the various Correspondence on these matters.

CHAPTER I.

INTRODUCTORY.

In the terms of our reference, we were directed to make recommendations as to the establishment or extension of Local Government for such Settled Areas as we might consider to be suitable.

For the purpose of hearing evidence relating to the districts in which they are situated, we visited Machakos, Thika, Nakuru, Eldama Ravine, Eldoret, Turbo, Kitale, Kisumu, Muhoroni, Lumbwa, Kericho, Naivasha, Gilgil, Nyeri and Nanyuki. Evidence relating to Kyambu District was heard at Nairobi, and representatives from Laikipia District met us at Nyeri. The tour of these areas occupied thirty-four days.

In September, we issued a Questionnaire to the District Administrative Officers of the Settled Areas, and also to the Secretary of the Convention of Associations, for distribution amongst the residents and Farmers' Associations. We also extended an invitation to all the elected Members of Legislative Council concerned to be present at our sittings in their constituencies, particularly for the purpose of eliciting evidence on points of special importance as affecting particular areas which their knowledge of local conditions enabled them to suggest. The Honourable Members of Legislative Council for the Rift Valley and Lake Constituencies were members of the Commission, and the Honourable Members for Kyambu, Ukamba, Kenya and Plateau South accepted our invitation.

Prepared evidence in the form of Memoranda based on the Questionnaire was received from various Farmers' Associations, District Committees, and individuals.

A complete list of Memoranda received and of witnesses who appeared before us to give evidence in either a representative or individual capacity is to be found in Appendix I. Appendix II contains the Questionnaire.

2. *Existing system of division of "Settled Areas."*—For the purpose of our enquiry we have taken the term "Settled Areas" as connoting administrative districts or parts of administrative districts in the Colony of Kenya in which land is held under individual title or in which there is Crown land available for alienation; and, further, as connoting townships in those districts or parts of districts, with the exception of Nairobi and its environs which are covered by a separate clause in our terms of reference.

In the above definition of the term "Settled Areas," we have used the term "Kenya Colony" as distinguished from the term "Colony and Protectorate of Kenya," in order to exclude those portions of the coast area included in the Protectorate in which land is held on

individual tenure, as we do not consider that the term " Settled Areas," used in our reference, was intended to include any portion of the coast districts.

We have not referred in the above definition to Forest Reserves. Portions of Forest Reserves are, in some cases, surrounded by alienated farms ; in other cases, Forest Reserves are situate on land intervening between Settled Areas and Native Reserves. The question whether the area of a Forest Reserve, not included in a Native Reserve, is to be treated as a portion of the adjoining settled area for the purpose of the exercise of jurisdiction by any Local Government authority will have to be decided in each case according to considerations of administrative convenience.

Article 6 (1) of the " East Africa Order in Council, 1902," empowered the Commissioner of the East Africa Protectorate to divide the Protectorate, with the approval of the Secretary of State, into provinces or districts for the purpose of administrative convenience. Various divisions were made between 1902 and 1914, and in the latter year the seven provinces of Seyyidie, Tanaland, Jubaland, Ukamba, Kenia, Naivasha and Nyanza were defined with their component districts. All districts came within one or other of these provinces, whether they were purely native, partly native and partly non-native, or wholly non-native areas. At the head of each Province was a Provincial Commissioner who corresponded direct with the Chief Secretary to the Government. The question of the extent to which Native and Non-native administration should be separated had exercised the mind of Government even prior to the War, and in 1919, with a view to the unification of native policy throughout the Provinces, a Chief Native Commissioner was appointed. This appointment led to the subordination to him of the Provincial Commissioners. Again, organizations of Farmers' Associations had been formed in each district which habitually communicated with Government, either directly, or through the Convention of Associations. These two factors, combined with the advent in 1919 of European settlers in large numbers, led to the initiation of the policy of separating purely farming areas from the Provincial system of administration. These areas were then removed from the supervision of Provincial Commissioners, and placed in charge of Resident Commissioners, instructed to correspond directly with Heads of Departments and with the Colonial Secretary, who thus became their immediate controller. The Province chiefly affected was Naivasha, which had extended from the German to the Sudan border. It had included the Masai Reserve, all the districts now known as Naivasha, Nakuru, Laikipia, Ravine, Baringo, Elgeyo, Marakwet, West Suk, Turkana, Trans-Nzoia and Uasin Gishu. The line of cleavage between native and non-native areas was clear in the five districts of Naivasha, Nakuru, Laikipia, Uasin Gishu and Trans-Nzoia, and these were placed each under a Resident Commissioner. The Ravine

District included an area occupied by the Uasin Gishu Masai Tribe, and had but a small non-native population ; it was thus not inconvenient to attach the southern end of it, including Londiani, to another non-native area, and to leave the group of farms around Eldama Ravine with the purely native areas of Baringo, Elgeyo, Marakwet and West Suk within a Province, viz., the new Kerio Province.

Nairobi and Mombasa Districts were similarly removed from the Ukamba and Seyyidie Provinces ; the Nyeri District was cut into two parts and the settled part of the Kisumu District was combined with the north end of the Kericho District, with the south part of the Ravine District and with the township of Kisumu, and was created as the Kisumu-Londiani District. In the remainder of the former Kericho District, as also in the districts of Kyambu, Fort Hall and Machakos, the geographical distribution of native and non-native occupation was such as to render complete separation of interests difficult, and these districts were consequently left untouched, and are generally known as " mixed districts." The process of defining boundaries on the new basis was not completed until 1924. On February 25th, 1924, Proclamation No. 54 was issued under the Kenya Colony and Protectorate (Boundaries) Order in Council 1921, dividing the Colony into eight Provinces, comprising twenty-six districts and ten Extra-Provincial districts of which nine represented the areas in which there were no Native Reserves (the tenth, Turkana, a purely Native area, had formed part of the old Naivasha Province, but at the time was under military administration, and could not be brought within any province). The other nine extra-provincial districts were :— Trans - Nzoia, Uasin - Gishu, Kisumu-Londiani, Nakuru, Naivasha, Laikipia, North Nyeri, Nairobi and Mombasa. Excluding Mombasa, which is in the Keyna Protectorate, the rural part of Nairobi District and the other seven districts, together with the farming areas incorporated in the "mixed" districts of Kericho, Ravine, Kyambu, Fort Hall and Machakos, constitute for the purpose of our enquiry the areas for which some form of local Government may be advisable, and form the "Settled Areas" within the meaning of our terms of reference.

It should be mentioned that since February, 1924, certain of the districts then designated as extra-provincial have for administrative reasons been brought within one or other of the Provinces, under a Senior Commissioner, but this inclusion has not affected the character of their occupation and development. The designation " Senior Commissioner " was substituted for that of " Provincial Commissioner " by virtue of Section 22 of the General Revision Ordinance, 1924.

CHAPTER II.

EXISTING CONDITIONS IN "SETTLED AREAS."

We propose now to describe the conditions existing in the "Settled Areas" at the time of our enquiry. This Chapter will deal in the main with the rural portion of the "Settled Areas." An examination of Township conditions will be reserved for a later Chapter.—*See* Chapter XII.

2. *Area and Population.*—There is a considerable variation both in the size and in the non-native population of these districts. Excluding the Nairobi District which, apart from the Municipality of Nairobi and its environs and a handful of farms, is Game Reserve and unoccupied Athi Plains, and which has no District organization, the smallest Settled Area is Ravine—498 square miles—and the largest is Laikipia—3,113 square miles From the point of view of Local Government, the areas of land already alienated for development, and the areas suitable and available for development which have still to be alienated, are factors to be taken into account. Attention is, therefore, drawn to Columns 8, 10 and 13 in Table I which follows. This table gives particulars regarding the land situation in each district and the revenues which are at present obtained from agricultural rents and which may be anticipated to accrue ultimately when all the available Crown land is alienated.

The most sparsely populated district both as regards Europeans and Indians is Ravine, with 95 Europeans and 153 Indians, 16 Arabs and 11 "Others," and the most populous is Kisumu-Londiani, but the township of Kisumu accounts for more than two-thirds of the non-native population of this district, which is closely followed by Uasin Gishu, Nakuru and Kyambu. Apart from the native residents in townships and domestic servants, the native population consists of squatters on farms, and other farm labourers. Table II records the total non-native population in the Settled Areas at the 1926 census, and the official estimate of the native population in 1925. The non-native rural population of some of the settled areas is given in Table III.

Table IV shows the adult non-native population of the areas as a whole, but we were unable to obtain separate figures of the adult population of urban and rural areas.

In Tables III—V the districts are listed in order of precedence, according to non-native population.

TABLE I.

STATEMENT OF LAND AREAS AND REVENUES FROM AGRICULTURAL LEASES—SETTLED AREAS.

(1) District.	(2) Total Area Sq miles.	(3) Township Reserves Sq. miles	GOVERNMENT RESERVES AND UNSURVEYED CROWN LAND. (4) Forest Sq miles	(5) Agric. Sq miles	(6) Veterinary. Sq miles.	(7) Other. Sq. miles.	(8) Unsurveyed Crown Land. Sq. miles.	(9) Total Sq miles.
Laikipia	3,113	3	308	—	28	22	1,230	1,588
Machakos	2,866·5	19·5	—	—	2	—	1,657	1,659
Nakuru	2,048	20	374	—	6	—	163	543
North Nyeri	2,019	12	449	—	11	10	422	892
Naivasha	1,693	9	152	9	2	—	258	421
Uasin Gishu	1,591	5	193	12	2	34	—	241
Trans-Nzoia	1,140	5	139	—	15	32	—	186
Kericho	784	4	55	—	—	—	424	479
Kisumu-Londiani ..	764	17	168	—	14	2	—	184
Kyambu	672	4	230	3	—	10	—	243
Fort Hall	625	—	133	—	3	18	—	154
Ravine	498	3	263	—	12	—	—	275
Nairobi	246	16	—	—	—	—	93	93

TABLE I (*continued*).

STATEMENT OF LAND AREAS AND REVENUES FROM AGRICULTURAL LEASES—SETTLED AREAS (*continued*).

District.	(10) Alienated Land. Sq miles.	(11) Rents from same. £	(12) Native occupation. Sq. miles.	(13) Farms surveyed and available for alienation. Sq. miles.	(14) Estimated Stand Premia on same. £	(15) Estimated rents on same. £	(16) Remarks.
Laikipia	799	4,850	—	723	115,000	2,900	—
Machakos	833	2,520	—	355	31,900	2,270	Exclusive of native reserves in this area.
Nakuru	1,350	3,314	—	122	6,800	777	
North Nyeri	768	3,500	—	329	52,000	2,100	—
Naivasha	1,203	3,050	10 (Masai Circumcision Area).	50	12,000	320	—
Uasin Gishu	1,308	4,200	—	35	22,000	224	—
Trans-Nzoia	881	5,600	—	50	32,000	320	—
Kericho	270	1,160	—	31	20,000	195	Exclusive of native reserves in this area.
Kisumu-Londiani ..	551	2,200	—	12	6,400	75	—
Kyambu	420	625	—	5	6,400	32	Exclusive of native reserves in this area.
Fort Hall	336	1,050	—	135	21,000	860	,,
Ravine	141	486	—	13	5,200	83	,,
Nairobi	137	430	—	—	—	—	—

TABLE II.

TOTAL POPULATION—SETTLED AREAS.

District.	Europeans.			Indians.			Arabs.			Others.			Total.			Africans
	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	T.
1. Kisumu-Londiani ..	354	190	544	1,420	610	2,030	61	24	85	150	55	205	1,985	879	2,864	20,474
2. Uasin Gishu ..	982	739	1,721	483	117	600	5	0	5	65	26	91	1,535	882	2,417	6,931
3. Nakuru	685	521	1,206	667	245	912	12	5	17	119	47	166	1,483	818	2,301	21,000
4. Kyambu	644	575	1,219	594	259	853	4	10	14	66	43	109	1,308	887	2,195	101,988*
5. Machakos	131	87	218	535	286	821	6	1	7	19	8	27	691	382	1,073	200,480*
6. Fort Hall	220	201	421	348	173	521	11	7	18	22	6	28	601	387	988	150,397*
7. Trans-Nzoia ..	440	298	738	135	19	154	1	1	2	34	13	47	610	331	941	14,943
8. Naivasha	271	157	428	164	60	224	4	0	4	42	19	61	481	236	717	15,447
9. North Nyeri ..	256	214	470	53	11	64	2	0	2	26	12	38	337	237	574	1,829
10 Kericho	66	39	105	137	75	212	1	0	1	4	2	6	208	116	324	63,130*
11. Laikipia	157	102	259	16	1	17	0	0	0	9	2	11	182	105	287	4,337
12. Ravine	62	33	95	114	39	153	12	4	16	11	0	11	199	76	275	21,838*
13. Nairobi (rural) ..	28	19	47	4	0	4	0	0	0	1	4	5	33	23	56	18,000†

* Mostly in Native Reserve.

† Including Nairobi Municipality.

TABLE III.

Rural Non-Native Population in Settled Areas.

District.	Europeans.			Indians.			Arabs.			Others.			Total.		
	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.
1. Kyambu	629	565	1,194	356	140	496	3	10	13	50	38	88	1,038	753	1,791
2. Uasin Gishu	718	547	1,265	170	33	203	1	0	1	26	13	39	915	593	1,508
3. Nakuru	562	435	997	261	92	353	1	0	1	36	18	54	860	545	1,405
4. Kisumu-Londiani ..	260	159	419	427	175	602	12	8	20	54	13	67	753	355	1,108
5. Machakos	116	68	184	314	129	443	6	1	7	16	5	21	452	203	655
6. Trans-Nzoia	358	245	603	20	0	20	0	0	0	6	5	11	384	250	634
7. Naivasha	230	124	354	13	4	17	0	0	0	28	12	40	271	140	411
8. Laikipia 9. Fort Hall 10. North Nyeri ..	No figures.														
11. Kericho															
12. Ravine	58	29	87	79	25	104	1	2	3	5	0	5	143	56	199

TABLE IV.

Adult Non-Native Population—Settled Areas.

District.	Europeans.			Indians.			Arabs.			Others.			Total.		
	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.
1. Kisumu-Londiani ..	299	142	441	945	239	1,184	41	8	49	132	27	159	1,417	416	1,806
2. Nakuru	506	347	853	481	88	569	7	1	8	93	24	117	1,087	460	1,547
3. Uasin Gishu	617	406	1,023	382	41	423	5	0	5	52	15	67	1,056	462	1,518
4. Kyambu	485	404	889	359	92	451	3	2	5	53	23	76	900	531	1,421
5. Trans-Nzoia	292	177	469	107	6	113	1	0	1	30	9	39	430	192	622
6. Machakos	106	66	172	302	100	402	4	0	4	18	4	22	430	170	600
7. Fort Hall	173	134	307	188	59	247	6	3	9	20	4	24	387	200	587
8. Naivasha	166	108	274	108	18	126	1	0	1	30	12	42	305	138	443
9. North Nyeri	178	141	319	37	6	43	2	0	2	21	6	27	238	153	391
10. Kericho	58	32	90	97	25	122	1	0	1	2	1	3	158	58	216
11. Laikipia	104	60	164	14	0	14	0	0	0	6	2	8	124	62	186
12. Ravine	No figures.														

3. *Present System of Administration.*—At present in the "Settled Areas" each district is in charge of an officer of the Administration, who is responsible for the general administration of his district, for the administration of justice in his Court as a Magistrate, and for the collection of revenue. If there is no Prisons Officer, the Administrative Officer discharges his duties also. Where a district is gazetted as "Extra-Provincial" this officer is styled "Resident Commissioner." Where, however, as in the case of Kisumu-Londiani and North Nyeri, a "Settled Area" is included within a Province, and also in the case of the mixed areas of Kericho, Ravine, Kyambu, Fort Hall and Machakos, which fall within provinces, the administrative officer is styled "District Commissioner," and comes under the same supervision and control by the officer in charge of the Province—the Senior Commissioner—as do District Commissioners of purely native districts. In these cases we understand that, as a matter of practice, the Senior Commissioner communicates direct with Heads of Departments and the Colonial Secretary in all matters which concern the non-native interests.

4. *Existing Local Bodies constituted for District Purposes.*—One of the first steps taken by Government, when the re-grouping of administrative districts had been effected in 1919, was to set up advisory Committees of local residents to assist the administrative officer in charge of each district. The experiment, made during the War, of appointing advisory committees of residents to co-operate with the district officers in the administration of the Registration of Persons Ordinance, 1915, had proved a success, and it was decided to create similar bodies with wider scope to embrace all matters of interest to the district. The advisory bodies were called District Committees. Appointments to them are by nomination of the Governor, though the power of nomination has now been delegated to the District Administrative Officers. In practice, the local European Community is invited to suggest names. In some districts the Farmers' Association holds a meeting and chooses representatives by a show of hands, or ballot; in others a public meeting is called and is held usually under the auspices of the Farmers' Association as the only organized body; in one district we were informed that wards had been formed, each to choose one representative but, as these semi-elections were not supervised adequately, the experiment was not successful. The District Officer appoints the representatives so recommended to him.

District Committees are composed of a number of members varying from six to eighteen. Generally speaking, they have no fixed date or number of meetings, but are called when sufficient business is forthcoming. In the more populous districts the meetings are naturally more frequent. They conduct their business in full Committee, only

appointing sub-committees when some question requires examination on the spot, *e.g.*, water applications. In some districts, where communications are at the mercy of the weather, attendance is often impossible for members from outlying parts. There was an inclination in some witnesses, who advocated the granting of more powers to District Committees, to speak as though local recommendations were frequently rejected by the Central Government, but we were unable to obtain from them many instances in support of their statements. In the case of some of the illustrations which were given, it appeared that the subjects were either such as would fall outside the scope of a body charged with Local Government, as for instance questions of land alienation, control of stock movements, or were matters which entailed considerable capital expenditure from the Central Government's funds, *e.g.*, water supply schemes.

District Committees possess no statutory or executive functions, but their advice is sought on such particular questions as the issue of water permits, alienation or exchanges of land, and generally on all matters which affect the administration and development of the districts.

5. *Roads.*—The care of Public Works and Roads is the business of the Director of Public Works, who has under him Executive Engineers in charge of divisions. These divisions have been arranged departmentally. They comprise groups of districts, and sometimes parts of districts, and form a system of boundaries entirely independent of the division into administrative provinces and districts to which we have already referred. A Public Works Department "division" approximates to an administrative province and the "Settled Areas" are divided between five divisions.

The Nairobi Public Works Department Division contains the Settled Areas in the Nairobi, Kyambu, Machakos and Fort Hall Districts. The Naivasha Division includes Nakuru and Naivasha Districts, and the Settled Area of Ravine District ; it also extends into the Kisumu-Londiani District as far as Kedowa, and retains a part of the Londiani-Eldoret Road which is now in that District. Kisumu Division takes in the Kisumu-Londiani District, with the foregoing modifications—the Kaimosi area in the North Kavirondo District, and the Settled Area of the Kericho District. Eldoret Division covers both Uasin Gishu and Trans-Nzoia districts and Nyeri Division both North Nyeri and Laikipia Districts. Each division also contains native reserves and it is, therefore, obviously difficult to ascertain precisely the sums of money spent on roads in any administrative district. We were unable, in the time at our disposal, to obtain from the Director of Public Works a statement of expenditure incurred in the Settled Areas of each administrative district.

In the Colony's Estimates provision is made specifically for " District Roads " in some areas, and in each division we found that the Executive Engineer had worked out a classification of roads into " main " and " district " roads. This distinction has at present no statutory authority. Declarations of " public " roads have from time to time been made under the Crown Lands Ordinance, 1902, and under the Public Travel and Access Roads Ordinance, Chapter 113. In the latter Ordinance a distinction is made between " public " roads and " roads of access." No authoritative division of " public " roads into " main " and " district " roads has, however, been made since 1908, when Government published an Order dividing them into three categories :—

I. P.W.D. Cart Roads—
   (*a*) Bridged and metalled throughout ;
   (*b*) Partially bridged and metalled ;
   (*c*) Partially bridged and surfaced with murram or sand.

II. District Cart Roads—unmetalled.

III. Bridle paths.

We shall have occasion at a later point to refer further to the question of classification of public roads—*see* Chapter IX.

6. The Public Travel and Access Roads Ordinance, enacted in 1920, marked a second step towards devolution. The allotment of a large number of farms under the Ex-soldier Settlement Scheme and the consequent numerous demands from individual farmers for access through other farms on to a public road, or to a railway station or halt, made it essential to establish some local machinery for the settlement of applications. The Ordinance, therefore, provided for District Road Boards, and by subsequent proclamation a Board's area of jurisdiction was declared to be the administrative district. Boards were given two functions in relation to public roads and roads of access. The original provision in regard to public roads was revised in 1926, and now, in brief, requires that the Governor, before dedicating a line of public travel in response to representations that such a course is necessary either in the way of establishing one or altering an existing line or converting a road of access into a line of public travel, " shall call upon the District Road Board to investigate and report upon the necessity for, or desirability of, such line of public travel, and the best alignment in the general direction required." This is the sole statutory function of Road Boards in relation to public roads. In the matter of roads of access, however, the Boards have very extensive powers. Their decisions on the alignment of such roads was, in the original law, final—it has now been made liable to an appeal to a subordinate Court of the first class.

They may require a road to be fenced, should it pass through an already existing fenced enclosure, and apportion the cost of fencing. They may order the cancellation or alteration of the alignment of roads

of access. They may, in the public interest, prohibit any particular class of traffic on a road of access.

In addition to these statutory functions, Road Boards in some areas have, to some extent, taken over the responsibility for maintaining what are called " district roads." This practice originated owing to the retrenchment of Staff of the Public Works Department in 1922 and 1923. It became impossible for a reduced Staff adequately to control the maintenance of all public roads, and the assistance of Road Boards was invoked for the maintenance of district roads. The practice is not universal. It is observed in the Uasin Gishu, Trans-Nzoia, Kisumu-Londiani, Kyambu and Fort Hall settled areas. It was tried, but abandoned, in the Nakuru district, and is to be abandoned in the Trans-Nzoia District in 1927. It is hoped shortly to bring it into force in the North Nyeri District.

Generally speaking, two methods are employed—either the Executive Engineer of the division appoints as Departmental Representative a member of the Road Board, and that person, with the assistance of a small committee of neighbours, not necessarily also members of the Road Board, arranges, on specifications supplied by the Executive Engineer, the preliminaries of contracts for signature by that officer. In other divisions members of the Road Board form themselves into sub-committees for various areas, and do jointly what the Departmental Representative does. The contractor is in some districts a local farmer who agrees to charge only for labour and plant, but supervises the work free. In other districts, it has been found more satisfactory to employ a professional contractor. In all districts inspection of the contractor's work is carried out by the Departmental Representative or Road Board Sub-Committee and, at the end of the work, payment is made by the Executive Engineer on their certificate.

Road Boards are also freely consulted when the annual road estimates are under preparation by the Executive Engineer in each division, and they advise him in detail on the sums required, in their opinion, for individual main, district and township roads. These sums are seldom granted, and the reduced amount approved in Estimates is again distributed in consultation between them and the Executive Engineer. It is thus the case that public service has been willingly given, notwithstanding the expense in time and often in money involved, and that some Road Boards have, in fact, already taken on themselves some responsibilities for executive work. It is important, however, to realise that those responsibilities have not amounted hitherto to very much, and that the sums with which Road Boards have had to deal have not been large.

7. The advisory District Committee and the statutory Road Board are, of course, distinct bodies, but it was noticeable that in nearly every district the actual membership is the same. Meetings of each

body are commonly held on the same day, and there was a generally expressed opinion by witnesses that, if no other change was made, it would at least be advisable to unite these bodies into one Board.

It is therefore of interest to record the constitution of Road Boards. The Ordinance provided for appointment of members by the Governor, but also for election, according to such rules as the Governor was empowered to make, where in his opinion election was practicable. This alternative provision has never been used and Road Board membership has been effected by the same method as we have already described for District Committees. The maximum term of office prescribed in the Ordinance for Road Boards is two years, but in fact Boards have been appointed annually and this has made it easier to combine membership of Road Board and District Committee.

An important point of difference between the two bodies lies in the appointment of Chairman. The District Committee, being advisory to the District Officer sits, of course, under his Chairmanship. The Road Board, however, is required to elect one of its members as Chairman. In two Districts the District Officer has not been elected Chairman.

8. *Hospitals.*—It has been, and is, the policy of Government to provide medical facilities only for its own servants and for Africans in Native Reserves. In the Settled Areas, therefore, Government recognises no responsibility towards the non-official population, whether European, Asiatic or African, and has, in fact, placed on the employer the responsibility for providing medical attention for Africans in his service. In practice, this policy has not been consistently followed and medical facilities have to some extent been provided.

Hospitals built for the reception of officials are open also to private individuals on payment. Unemployed Africans are, in fact, provided with free hospital treatment. Medical Officers appointed to attend Government servants are allowed private practice, and the part-time District Surgeon serves the unofficial community's needs in his private capacity. In rural areas one feature of the Ex-soldier Settlement Scheme was the allotment of farms to medical men who covenanted to carry on private practice as well as farming operations.

These expedients have done something to meet the medical needs of the Settled Areas, but the position is far from satisfactory. A brief record of the facilities existing will indicate how much remains to be done. There is no system at present of combined General Hospitals for all races so that it is convenient to examine the position as it affects each community. We quote now from the Memorandum prepared for us by Dr. C. J. Wilson, the Acting Director of Medical and Sanitary Services :—

"EUROPEANS."

"Non-official patients have always been admitted to the Government Hospitals at Mombasa, Nairobi and Kisumu on payment of

hospital fees. In such cases the patient comes under the treatment of the Medical Officer in charge of the Hospital, no private practitioner being allowed to treat patients in Hospital. Where the patient is unable to afford the full fees a reduction or remission is made by Government. The responsibility for deciding cases which are deserving of relief is now placed on the Medical Department; there is no almoner.

"Besides the three hospitals already mentioned, there was previously a Government Hospital at Eldoret. At the time of retrenchment, 1922, it was decided that the number of Official patients in that district did not justify Government in continuing to carry on the Hospital which was being run at a large annual loss. The Hospital was eventually handed over to a local board of management, Government making a gift of the buildings on condition that they were maintained for the sole purpose of a Hospital to the satisfaction of the Medical Department.

"The only other European Hospital in the Colony is the War Memorial Hospital at Nakuru; this was built by local voluntary contribution, Government assisting to the extent of £1 for every £2 raised locally and also by an annual grant for the first two or three years towards the cost of maintenance.

"The only assistance which these two hospitals now receive from Government is a contribution towards the cost of the maintenance of indigent patients; the contribution is calculated at bare cost of maintenance of one patient and two-thirds of a proportionate part of general overhead charges.

"Official patients are admitted to these two hospitals, Government paying to the Hospital the difference between the amount for which the Official is liable when treated in a Government Hospital and the standard charge of the local hospital.

"In Nairobi there is now under consideration a proposal to hand over the existing Government European Hospital to a board of management in which case conditions in Nairobi in respect of treatment of European patients both Official and un-official would be the same as those in Nakuru or Eldoret.

"With regard to medical attendance apart from hospital treatment, Government endeavours to provide this for all its Officials and allows its Medical Officers to undertake private practice for the benefit of the non-official members of the community. Since Medical Officers are stated principally to meet the needs of the Native reserves it follows that there are few available for the settled districts; this has been a constant source of complaint by the European Settlers, who express the opinion that Government should provide doctors throughout

the Settled Areas, an obligation which, as previously stated, Government does not recognise.

" But in order to alleviate the position two methods have been adopted :—

" 1. District Surgeons have been appointed.—Their duties would be best explained by taking the District Surgeon, Nakuru, as an example.

" At this station there was previously a Government Medical Officer ; since his work was almost entirely amongst non-officials he was removed and a District Surgeon appointed whose duties consist of supervision of the Native Hospital, care of the Government officials of the Nakuru District and such other duties as would be performed by a Government Medical Officer of that district, *e.g.*, inspection of prisons, duties of a police surgeon, vaccination, advice on the question of sanitation, investigation of epidemics, submission of returns, etc.

" Besides Nakuru there is a District Surgeon at Eldoret and another at Kericho for the performance of similar duties for the administrative districts of the Uasin Gishu and Trans-Nzoia, and the Kericho District.

" 2. Allotment of ' Medical Farms.'—Under the soldier settlement scheme, subsequent to the War, certain farms were ear-marked for allotment to Doctors with the idea of attracting medical practitioners to the Settled Areas where no other medical provision was made. The farms were originally allotted on the condition of occupation for three out of five years, during which period the doctor was to carry out the practice of his profession to the satisfaction of the Principal Medical Officer within a radius of twelve miles from his farm. After this period the farm became unconditionally the property of the doctor. This condition was recently revised, the period of occupation being extended to seven years.

" Under this scheme several farms have been allotted throughout the country. In three cases, Nanyuki, Rumuruti and near Kitale, the terms of occupation have been fulfilled and Government has no further hold on the medical practitioners. Other medical farms which have been allotted and are now in occupation are two near Kitale, one near Thompson's Falls, and one near Nyeri. In one other case it is understood that the conditions will not be fulfilled and the farm will revert to Government.

" The scheme generally has not proved satisfactory."

AFRICANS.

9. There are Native Civil Hospitals at Nakuru and Eldoret, a small hospital at Nyeri under the charge of an Indian sub-assistant surgeon, and for the purposes of our report we must also include Kisumu, where there is a Native Civil Hospital to which natives in employment are admitted. None of these three hospitals is large enough for the demands made on it.

As regards provision of hospital treatment to Africans, the Acting Director of Medical and Sanitary Services stated :—

" At the present time natives are treated free in Government hospitals, except those in private employment, for whom one shilling a day is charged to the employer for the period during which the native has remained in the employer's service or for thirty days, whichever is the less. The fee of one shilling has always been considered to represent not much more than the cost of the native's food while in hospital ; it has never been considered enough to cover the cost of drugs, dressings, or actual medical attendance or nursing. As instances of the cost of maintaining a Native Hospital, the figures for the hospitals at Nakuru and Eldoret may be quoted. These figures for 1926 were as follows :—

" Nakuru—Daily average	cost of Hospital	.. ..	99·19 Sh.
,, ,,	number of patients	..	47
,, ,,	cost per patient	.. ..	2·11 Sh.
" Eldoret— ,, ,,	cost of Hospital	.. ..	59·39 Sh.
,, ,,	number of patients	...	35·04
,, ,,	cost per patient	.. ..	1·70 Sh.

" With regard to these figures it should be pointed out that the whole salary of the District Surgeon has been debited to the hospital, although he actually performs other duties. On the other hand, such items as the value of the land on which the hospital stands, interest on the capital required for the buildings, depreciation and up-keep of buildings, have not been included or allowed for in any way. The cost of the hospitals as given above includes the expenses, chiefly drugs and dressings, which are incurred by the treatment of out-patients, of which Nakuru treated an average of 266 and Eldoret 311 per month for the first eleven months of 1926."

10. At Nakuru, the District Surgeon stated in evidence that :—

" The number of Indians and Natives coming to the Native Hospital was about 55 per day—in 1922 the number was about 25. That hospital was not adequate to meet the needs of the district. There was no nursing, and he considered that there should be a European Matron in charge of every Native Hospital ; one had been promised for Nakuru, but no matron had been appointed.

" There was not proper accommodation for 55 patients—some slept in old and dirty tents, and others in wattle huts. £5,000 had been promised for this year, but had not materialized ; it was quite a futile figure.

" The hospital had been built 25 years ago, and the district had outgrown it. Originally it had been built as a railway hospital. The Women's and Indian Wards had originally been used for Europeans.

" A bigger and better equipped hospital was needed for Natives in the district. There was actual accommodation for 40 patients only, but patients were taken in excess of that number and at present they slept on the floor. Cases were not rejected, but some were treated as out-patients when normally they would have been given beds. Emergency cases had to be taken in.

" The extra accommodation required for Natives would be for a daily average of 150 patients. A temporary, well-ventilated structure would be quite sufficient for the purpose."

He went on to say that " until quite recently there had been a dispensary at Rongai, with a European dispenser. It would be a very good thing to have dispensers at Rongai, Solai and in parts of Subukia. The difficulty was the lack of trained Native dispensers ; they could be trusted to treat simple ailments and soon learnt the work in Native Hospitals. They would of course be limited to very simple drugging."

11. The African population in Nakuru district numbers 21,000. At Eldoret the accommodation is for from 18 to 24 patients, but at times there are over 50 patients. This Hospital serves the Trans-Nzoia and Uasin Gishu Districts, of which the African population in 1925 was 21,874.

At Kitale, we were informed by the Acting Director of Medical and Sanitary Services, " a proposal has been put up by the local community to erect a building and it is understood to contribute towards its support, the Medical Department assisting to a considerable extent. The Department has agreed provisionally to co-operate, as what may be described as an experiment, in the institution of a ' Native Cottage Hospital.' The details have not been worked out and it is difficult to say whether arrangements can be made which will be mutually satisfactory. It was felt that, where local initiative had been taken, it would be most regrettable for the Department to hold back, for the question of adequate medical attention to employed labour is undoubtedly of the very greatest importance for the economic future of the Country."

At Kisumu, the Native Hospital has 110-118 beds. The Medical Officer in charge informed us that the hospital was always full, and tends to be a Native Hospital for the Settled Areas. Up to the end of October the number of patients admitted in 1926 was 1602, of whom 158 were Government employees, 128 were in private employment, the remainder being natives from the township and reserves. In the Kisumu-Londiani district a scheme is afoot for the opening of a Mission Hospital near Muhoroni. Mr. Thomas Allen, a farmer in this neighbourhood, stated that a suggestion was under local consideration that a certain area of land should be offered by a local farmer to the Church Missionary Society on condition that they erected a hospital.

The hospital would be about 15 miles from Kisumu and would be for natives, with a European ward. The details of the scheme had not been worked out, pending evidence of general willingness on the part of the farmers in this neighbourhood to support it.

ASIATICS.

12. The same policy regarding Government responsibility for the unofficial community is observed towards Asiatics. At Nakuru one Asiatic ward, with four beds, is reserved in the Native Hospital, but we were informed by the District Surgeon that " very few Indians go into the Native Hospital ; their habits and customs, especially those of the women, are against going to a hospital. Caste and religious prejudice make it difficult, and also there are no women nurses. I have had Goanese women as patients."

At Kisumu four beds are available for Asiatic patients. Dr. Wilkinson, who was temporarily in charge of the Native Civil Hospital during our visit, made the following statement in regard to accommodation for Asiatic patients :—

" There has never been an Indian Ward actually so-called, but there was part of a ward walled off, containing four beds ; during the three months I have been here this special ward has had only one patient in it, a Seychellois, so it is now used as a women's typhoid ward owing to the present outbreak of typhoid ; prior to that it had been decided to use it for Infant Welfare. I know of no reason why we had no Indian patients while the ward was set aside for them—at the present moment we have two. One Indian woman is in the typhoid ward with two native women, and her mother is with her, and we have screens between her and the natives ; we have also an Indian man with a broken leg, who is in the ordinary ward, and is not screened off in any way."

In reply to questions by Mr. ABDUL WAHID.—" The Indians and natives are kept in the same ward, because there is no special ward for Indians ; the question of putting Europeans with them does not arise."

13. Before closing this part of our description of existing provision for medical services, we would mention two points which seem to us of importance. The question of distances was emphasized by witnesses. Some districts are fortunate in having railway and good road communications, but in others it is a far cry to the nearest hospital over indifferent roads, and attention was drawn to the need for local casualty clearing stations and dispensaries.

The second point is the apparent anxiety in the Settled Areas to obtain, by some plan of co-operation with the Medical Department, improved hospital facilities. We return to this question in a later Chapter.—*See* Chapter VII.

14. *Public Health.*—The Deputy Director of Sanitary Services furnished a Memorandum *re* "Sanitary Conditions and Administration in the Settled Areas." This section consists of extracts from that Memorandum.

"Throughout the settled districts there are numerous small collections of shops and stores situated as a rule on the railway line and in most cases occupied chiefly by Asiatics. Some of these trading centres have been created Townships. As a rule the buildings are of a temporary construction and erected on plots which are held on a temporary occupation licence. Sanitary conditions in the majority of these trading centres are unsatisfactory. Recently, improved plans for the layout of a number of these trading centres have been prepared by the Survey Department and arrangements are in hand for the alienation of plots on 99 years leases.

"One of the terms of all Crown leases for building plots is to the effect that plans must be submitted to the Commissioner of Lands for general approval, and by departmental arrangement such approval is not given until the plans have been passed either by the Medical Officer of Health of the District, or, where there is no Medical Officer of Health, by the Deputy Director of Sanitary Services. By this means an effort is being made to secure improved designs for all new buildings in outlying stations. Where possible, visits will be paid to these stations from time to time by a Senior Sanitary Inspector now available at Medical Headquarters. As, however, only one Inspector is available for this work, it would be unwise to push on with the re-design of all trading centres too rapidly, as once security of tenure has been offered, supervision of building operations becomes particularly essential.

"At present no sanitary services are rendered. As regards the sanitary conditions and administration in the rural areas of the settled districts, under the Public Health Ordinance, Chapter 124, the local Public Health Authority in any district is the District Commissioner and the Medical Officer (or Medical Officer of Health) if any. The duties of the local authority are set out in Sections 14 and 37, 116, 117 and 129 of the Ordinance which deal in a general manner with infectious diseases, nuisances, housing and the protection of water supplies respectively.

"In the Kyambu and Nairobi Districts an attempt has been made to assist the District Commissioner by appointing the Medical Officer of Health, Nairobi, Medical Officer of Health of these districts. The arrangement is convenient in one respect, as the only Infectious Diseases Hospital in the neighbourhood and the only transport for cases of infectious diseases are under the charge of the Medical Officer of Health, Nairobi, and the disposal of the infectious sick is thereby facilitated. Unfortunately the Medical Officer of Health, Nairobi,

can devote but little time for the consideration of the numerous public health problems presented by these districts. If the Medical Officer of Health, Nairobi, were to become a municipal servant, other arrangements would require to be made.

" In the Kisumu-Londiani District the Medical Officer of Health, Kisumu, has been appointed Medical Officer of Health. The arrangement is fairly satisfactory, and one under which it should be possible at a later date to develop public health work in the rural areas.

" The Machakos and Fort Hall Districts comprise both Settled Areas and Native Reserves. There is a Medical Officer in each district, but as these officers are more than fully occupied with clinical and other work in the Native Reserves, and are unprovided with Sanitary Inspectors, they are unable to undertake routine investigation or preventive work in the Settled Areas. When required, they deal so far as opportunity permits with outbreaks of infectious diseases.

" The occurrence of infectious diseases on farms in the Nakuru, Naivasha, Uasin Gishu, Trans-Nzoia and Kericho Districts is reported to the District Surgeons at Nakuru, Eldoret and Kericho, who make such arrangements as may be possible with the means at their command for the disposal of the sick, and advise settlers as to the emergency measures which should be taken. Full investigation or complete action is seldom possible.

" A Sub-Assistant Surgeon at Nyeri ' investigates ' outbreaks of infectious diseases and advises with regard to the action to be taken in the North Nyeri District.

" The position with regard to infectious diseases in the rural areas is, therefore, that in some cases there is fairly adequate provision for the disposal and treatment of the infectious sick, and in other cases only inadequate provision or no provision. Any action taken is carried out by an Officer of the Medical Department and not by the local authority.

" Nuisances (*i.e.*, nuisances likely to be injurious to health) in the rural Settled Areas arise chiefly in connection with the housing of native labour, the storage of produce (grain), the disposal of trade waste (sisal and coffee), and brick making and road construction (borrow pits). No district authority retains any inspection Staff and the Medical Department is not yet in a position to post Sanitary Inspectors to the rural areas, in consequence, neither local authorities nor the Medical Department are in a position to carry out any definite programme of work for the removal or abatement of nuisances. A certain amount of work is carried out by the labour inspectors of the Native Affairs Department with regard to nuisances arising in connection with the employment of natives and by officers of the Medical Department with regard to specific nuisances which may have been the subject of complaint or which have come to notice in connection with some outbreak of infectious disease.

" So far, problems of outstanding importance in connection with housing in the rural areas arise chiefly in connection with housing occupied by native employees, and Local Authorities (District Commissioners) have not as a rule taken any active interest in the matter, which up to the present has been the concern chiefly of the labour inspection division of the Native Affairs Department. Active propaganda aimed at securing improved conditions has recently been carried out by the Medical Department.

" In many parts of the rural areas serious nuisance is occasioned by the pollution of streams and rivers by trade wastes and more particularly by those wastes resulting from the preparation of coffee and sisal. District Commissioners and private persons have on numerous occasions complained to Government with regard to such pollutions, and a certain amount of investigation has been carried out with regard to the general question by the Medical and Public Works Departments. In a few cases, action has been taken by the Public Works Department to secure the abatement of the nuisance. The whole question is one which requires further and very careful investigation by the technical departments of Government. As large economic issues are involved, the matter is not one which can well be dealt with either by isolated departments or authorities until a general policy has been laid down by Government and a programme prepared.

" From the above account of the organization which exists for dealing with insanitary conditions in the rural areas, and for the promotion of the public health, it appears that but little routine work is at present being undertaken, that such work as is done is largely confined to the disposal of the infectious sick, or the abatement of such nuisances as are complained of, and that the work in all cases is carried out not by the local authorities but by Government Officers instructed by their departmental headquarters.

" Up till very recently, no great interest in matters of rural sanitation has been taken either by District Officers or District Committees. That such should have been the case is not surprising. The rural areas of what are now the settled districts were until lately but very sparsely inhabited, and it is only with the increase of population, and the development of industry and communications, that sanitary problems have come into existence. To-day, however, problems of some magnitude are presented by the occurrence of malaria and plague in many parts of the settled districts which previously were free from these diseases. With continued and closer settlement, conditions may become favourable for the propagation of other diseases both among Natives and Europeans, and ankylostomiasis, dysentery, enteric and relapsing fever may in the future become serious factors militating against development. Whether these diseases may not, even at the present time, be the cause of much invalidity and loss of efficiency is unknown, what is known is that these diseases are

preventible, but that the average farmer or manager is either unacquainted with the methods of prevention or is unlikely to realize the importance of prevention until too late.

" With regard to many diseases and conditions, however, though individual action is required, success in prevention is unlikely to be achieved unless all individuals in the country are interested, and unless means exist to ensure that certain standards and precautions are generally observed not only by all individuals but by public bodies and departments—malaria is a case in point. Unfortunately but little exact information with regard to sanitary conditions in the Settled Areas is as yet available, and both local authorities and central departments are handicapped by ignorance of existing conditions, and of the measures which should be adopted with a view to securing the abatement of nuisances or assuring that development is not accompanied by the creation of insanitary conditions."

15. *Education.*—The Education Ordinance, 1924, enacted that " the education of all races in the Colony shall be supervised by the Director with the advice of such central Committee as the Governor shall appoint to advise upon the education of the various races throughout the Colony "—*vide* Section 3. It further provided for the division of the Colony into School areas, and for the constitution of a Committee or Committees for each of those areas. In accordance with these provisions the Colony has been divided into School areas for each race. There are 4 European and 4 Indian School areas.

16. Education for *European* boys and girls is provided at present in four Government Schools; six " Farm Schools " in the Uasin Gishu District, to which Government nominally contributes, but which it really conducts; two Schools aided; and four Schools unaided by Government. In certain centres (*e.g.*, Thika and Nanyuki), where the need for establishing small primary schools for European children was recognized as urgent, funds have recently been raised by voluntary subscription, in order to meet the cost of providing premises for Schools to be conducted by teachers supplied by the Education Department.

Table V, furnished by the Acting Director of Education, shows the existing educational position as it is at present, and the number of children for whom provision will be required 6 years hence.

17. The functions of the Central Committee are purely advisory. School area Committees are almost entirely advisory, and have hardly begun to function. The principal schools have Committees or Boards of Governors, and, though these have no status under the Education Ordinance, it has been found convenient to retain them as being more in touch with the central schools and easier and less expensive to summon and consult than the widely scattered members of the School Area Committees.

18. Table VI shows the distribution of the *Indian* child population by School areas in the districts with which we are concerned.

A Government School was opened at Kisumu in 1926. There are also Schools at Machakos, Thika and Fort Hall in the Settled Areas. In all, these Schools have 213 pupils. There are also a number of small Schools which enjoy a fluctuating existence, but, concerning these, details are unobtainable.

19. Apart from the Native Industrial Training Depot, and the Jeanes School, which serve higher branches of native educational work for the whole Colony, there are no Government Schools for *Africans* in the Settled Areas. Numerous small Schools have been started by settlers on their farms for their labourers, and for the children of natives living in the neighbourhood.

Taxation.

20. A suggestion was made in some districts that certain Colonial revenues should be assigned to local bodies. The suggestion is examined later.

The taxes, licences and fees collected locally in the Settled Areas, and the revenue from these sources as estimated for 1927, are as follows :—

		£
1.	Native Registration..	1,500
2.	Game Licences	12,425
3.	Explosives, Gun and Ammunition Licences	1,195
4.	Liquor Licences	7,674
5.	Coffee Licences	831
6.	Licences under Motor Ordinance	19,000
7.	Cattle Traders' Licences	4,492
8.	Traders' Licences	15,199
9.	Market and Cattle Pound Fees	2,292
10.	Hospital Fees	8,000
11.	Conservancy, Water Rates..	4,213
12.	Miscellaneous Licences	2,533
13.	Non-Native Poll Tax	32,005
14.	Education Poll Tax, European	7,000
	,, ,, Indian	12,000

TABLE V.

EUROPEAN EDUCATION CENSUS, 1926.

District	Under 6.	6–16 inclusive.	At School.	Under private tuition	6–16, no education	In 6 years' time, 6–16	Increase in 6 years' time requiring education	To be provided for.
Trans-Nzoia	111	53	24	21	8	146	93	101
Uasin Gishu	230	349	245	34	70	387	38	108
Kisumu-Londiani	54	31	1	30	—	71	40	40
Kericho	6	3	—	4	—	8	5	4
Ravine	7	4	—	4	—	11	7	7
Nakuru	157	160	93	47	20	238	78	98
Naivasha	51	82	62	17	3	99	17	20
Laikipia	48	32	5	15	12	67	35	47
North Nyeri	66	62	9	47	6	99	37	43
Fort Hall	70	28	4	14	10	88	60	70
Kyambu	161	112	58	47	7	232	120	127
Machakos	28	10	1	12	—	35	25	22

N.B.—Small discrepancies as between totals are explained by the fact that a few children under 6 years of age are receiving education.

TABLE VI.

INDIAN EDUCATION CENSUS, 1926.

District	Under 6	6–16 inclusive	At School.	Under private tuition	6–16, no education.	In 6 years' time, 6–16	Increase in 6 years' time requiring education	To be provided for
Trans-Nzoia	10	6	—	1	5	12	6	11
Uasin Gishu	62	49	—	13	36	86	37	73
Kisumu-Londiani	306	298	103	23	172	469	171	343
Kericho	36	35	—	8	27	56	21	48*
Ravine	24	10	—	4	6	28	18	24
Nakuru	139	94	5	27	62	184	90	152
Naivasha	38	27	2	7	18	48	21	39
Laikipia	—	2	—	—	2	—	—	—
North Nyeri	6	4	—	1	3	7	3	6
Fort Hall	111	115	37	3	75	154	39	114*
Kyambu	164	149	53	13	83	244	95	178*
Machakos	163	183	80	11	92	251	68	160

* The majority of the parents of Indian children in these "mixed" districts, who do not live in Townships, live in the Native Reserves within these districts.

N.B.—Small discrepancies as between totals are explained by the fact that a few children under 6 years of age are receiving education.

Chapter III.

EVIDENCE SHOWING THE ATTITUDE OF DISTRICT REPRESENTATIVES TOWARDS LOCAL GOVERNMENT.

This Chapter will consist of a series of extracts from the evidence, both written and oral, received during our tour. Our aim has been to make such selections from the evidence given in each district as will convey some idea of the attitude taken in that district on the general question of the introduction of some form of Local Government, and to include also some selections from evidence given on the subject of particular services.

Our plan in hearing evidence was to hold our meetings in public, so that those who wished to present their views might hear the examination of previous witnesses and avoid covering the same ground again in detail. Memoranda were usually submitted on behalf of representative bodies summarizing the views of the district, or a section of it. The first representative witness called upon at each centre to support the views expressed in such a Memorandum usually ranged over the whole field, succeeding witnesses dealing particularly with points in that evidence which seemed to them to require emphasis or qualification. This plan explains why, in the selections which follow, the views of certain witnesses appear perhaps to have been given undue prominence —the fact being that the selections made from their evidence are taken as representing the general view of that district.

TRANS-NZOIA DISTRICT.

The District Committee called public meetings in each sub-area of this District to discuss the question of Local Government, and at these meetings delegates were appointed to meet and submit the views of the District in a Memorandum.

Functions.

"1. It is agreed that some form of Local Government should be provided in the Trans-Nzoia :—

(*a*) The Local Authority should control all communications, water supply, public health, education, hospitals ;

(*b*) And should be advisory on Veterinary Services and Land Alienation.

2. The Delegates consider that the local authority should have full executive and financial control on the subjects above mentioned under 1 (*a*).

There should be inspection by the Government when funds are contributed for particular purposes, as, *e.g.*, Trunk Roads.

"Memorandum by Delegates of the Sub-Areas of the Trans-Nzoia."

FINANCIAL RESPONSIBILITY.

" The local authority should have no power to borrow money without Government sanction. It should have full financial authority subject to the usual audit. It should have power to raise revenue by rates. The cost of Local Government should be shared by the Central Government, but the Delegates make no suggestion as to the basis of contribution.

" MEMORANDUM BY DELEGATES."

In evidence on this point, Mr. Weller appeared to agree that the question of local financial control was linked up with that of raising revenue by rates, and that, so long as the local authority relied upon Government grants, Government would have to retain control of estimates and expenditure.

ROADS.

" The most pressing question in the Trans-Nzoia District, as in others, was the problem of communications. The general opinion was that the functions of the P.W.D. should be superseded. The new authority should deal with trunk roads as well as district roads. The trunk roads would be subject to some special arrangement in regard to finances, but they did not want divided control. There might have to be a special arrangement in the case of each District between Central Government and the Local Road Board, but they did not want supervision, except in the case of special monies granted by Government for special purposes, from the P.W.D. The actual work should be done by the Local Authority.

" MR. F. H. WELLER,
President, Farmers' Association."

" I think we could handle things much more economically than at present, as we should get more efficient supervision. The Executive Engineer has too large an area, with one foreman for district and one for trunk roads.

" ADMIRAL CRAMPTON,
" *Member, District Committee; Member, Road Board.*"

HOSPITALS.

" He thought that Eldoret was too remote for a Native Hospital; it must be in Kitale, which was a centre for the district.

" The feeling generally as regards finance was that they would probably have subscribers and charge a fee of so much a day for attendance; subscribers would pay a reduced fee of, say, 1s. against 2s. for non-subscribers. It was difficult to say exactly how the finance could be managed—if the normal daily number was 100 there was no reason why the hospital should not be self-supporting.

" MR. F. H. WELLER."

UASIN GISHU DISTRICT.

The first resolutions received from the Uasin Gishu District Committee were—" That in the opinion of this Committee the successful application of any system of Local Government involving local taxation is impossible until the constitution of the country is altered to allow of complete control of the country's finances and services."

And " that in the event of such constitutional change being made as would make the application of Local Government acceptable, this Committee would favour the inclusion of the following services :— District Roads, Water Supply, Public Health, Outspans, Primary Schools, Hospitals."

A public discussion ensued and Mr. O'Shea stated in evidence :—

" A meeting was held about six weeks ago, at which the question of this Commission was discussed, and, in consequence of the Committee misunderstanding Government's intention in respect of this Commission, we passed two resolutions, which have been placed before you ; those resolutions were based on the belief that, if any system of Local Government were adopted at the present time, it would result in very much increased taxation on the European population. Since then we have been given to understand that Government has no such intention and there will be no question of forcing taxation on the district without the approval of the district, and we therefore held another meeting last Friday and passed some resolutions, which are embodied in the Minutes. We worked from the idea that any scheme of Local Government would have to be of an evolutionary nature in three stages :—

1. Revenue for financing local services would be entirely contributed by Government.

2. There would be local taxation and the balance contributed by the Central Government.

3. There would be Local Government and the majority of the funds would be found by a local rate, with such contributions from the Central Government as might be given for special purposes.

ROADS.

" The first service included in Local Government should be roads. Trunk Roads should be controlled by a Central Road Board.

" MINUTES OF A JOINT MEETING OF THE DISTRICT COMMITTEE AND ROAD BOARD."

" I am of opinion that there should be a distinction between district and trunk roads. Efficiency should be combined with economy and, if two bodies are doing the same work, it must be more expensive than one body doing both. Therefore the whole of the work done on district roads should be under the jurisdiction of the Road Board, and there should be a Central Road Board in Nairobi with official and non-official members who would keep a continuous policy on the main trunk roads ; and the money allotted for trunk roads in this district, although it should actually be spent by the Local Authority, should be earmarked and kept in a separate account ; there should be a different degree of responsibility as regards trunk and district roads. I think it would be an advantage if all the work were done by the district organization, as the people in the district are the people who will use the roads and their interest in the work will be greater than that of a Central Body in Nairobi. My idea is to reduce overhead charges by having one executive authority spending money instead of two.

" COL. C. G. GRIFFITHS, C.M.G."

" We did not mean in our Memorandum to exclude the local body carrying out certain work on main roads, our idea was that the great bulk of the cost would be borne by central revenue and consequently the local

body could not have the control; the district could not for many years afford to bear the very high cost of maintaining a good main road, and we regard it as a national rather than a district affair. We are decidedly of the opinion that, if we could spend the money available ourselves, we should get better value.

" THE HON. MR. T. J. O'SHEA, M.L.C.,
Member, District Committee and Road Board."

" It is true that as trunk roads were a national concern they could not be left entirely to the care of local bodies, but he thought that in the Uasin Gishu District the local bodies might have control.

" MAJOR PARDOE,
Chairman, Sergoit Farmers' Association."

" He would make no distinction as far as control was concerned between trunk roads and district roads. He thought there was no doubt as to whether the local body could carry out its duty efficiently.

" Main roads were after all of great importance to the district. The local body should take over the whole thing. It would have the spending of a considerable sum of money, and would have its own Staff. He thought that in that way the roads would receive more attention for less expenditure.

" MR. A. C. HOEY,
" *Member, District Committee.*"

HOSPITALS.

" That the local body should have power to contribute to local hospitals; the responsibility for maintenance of Native Hospitals remaining with the Central Government.

" MINUTES OF A JOINT MEETING OF THE
DISTRICT COMMITTEE AND ROAD BOARD."

" The question of Native Health is of such vital importance to the country, that no matter who is responsible, the settlers or the Government, something should have been done long ago.

" MR. A. C. HOEY."

" If the settlers ask for a native hospital for their labour, then they should provide the necessary funds, but if Government require the hospital for natives, then they should provide the money. I do not like the idea of separate institutions under separate authorities, and think that hospitals should be in close contact so as to lead to economy and facilitate difficulties of Staff, etc.

" COL. GRIFFITHS, C.M.G."

EDUCATION.

" The joint meeting of the District Committee and Road Board was very emphatic that there should be no question of weakening central control over education; there should be no question of increasing local control beyond that of an advisory capacity, and that entirely in matters of local School management.

" THE HON. MR. T. J. O'SHEA, M.L.C."

PUBLIC HEALTH.

" The Public Health Officer should be subject to the control of the local Township Authority, though the township may not be able to pay for him directly for some time to come.

" THE HON. MR. T. J. O'SHEA, M.L.C."

OUTSPANS.

" Outspans were essential in the district because of the scarcity of water, but the question could not be settled because the roads had not been surveyed. Outspans should be decided during the survey. There was at present very little fencing in the district, and nobody knew the law in regard to outspans. His impression was that owners would have to provide access to water, and give sufficient space for grazing. He hoped that, within the next two or three years, the law as to outspans would be settled, and that there would be more fencing—something would have to be done about outspans where a farmer's boundaries came down to a public road. The question would have to be handled with the general problem of roads.

" MAJOR PARDOE."

WATER RIGHTS.

" That the legislation controlling water rights be administered through the local body.

" MINUTES OF A JOINT MEETING OF THE
DISTRICT COMMITTEE AND ROAD BOARD."

This Minute was further explained by Mr. O'Shea.

" Water permits are dealt with by the District Committee in consultation with the Executive Engineer, and it is eminently desirable that that should be continued ; the department representing the Crown should continue to consult the local body with regard to the granting of water permits.

" THE HON. MR. T. J. O'SHEA, M.L.C."

KISUMU-LONDIANI DISTRICT.

In this District there are two District Committees, of which one, for the Western part of the District, meets at Muhoroni ; and the other, for the Eastern portion of the District (Londiani and Lumbwa) meets at Lumbwa.

No Memorandum was presented on behalf of the Muhoroni District Committee, but certain Farmers' Associations for the area concerned submitted statements of their views.

The Songhor Farmers' Association stated that they were in favour of some form of Local Government, and considered that a district body should have control of district roads, and become the local authority under the Public Health Ordinance and the Education Ordinance.

They considered that main or trunk roads should remain under the Public Works Department, but that the District Body should possibly assist the P.W.D. in maintenance of main roads, and certainly advise thereon.

They further said that there should be " no system of rating, but a tax on undeveloped land."

Major Struan Robertson, President of the above Association, in giving evidence in support of their statement, said :—

" They were in favour of some form of Local Self-Government for the District, provided there was no extra taxation at the present time. They thought they might have control of the road system—and form a sort of

District Council and Road Board combined. The present Board should be enlarged, be made more representative, and have greater powers. It should be an elected body."

The Koru Farmers' Association also stated that they were in favour of some form of Local Government and made similar suggestions as to the powers to be conferred on the District Body. They dealt with the question of finance as follows :—

" Full financial responsibility subject to the general control of the Local Government Board. Powers to impose whatever form of rating may be deemed most suitable to the District concerned. Services of a purely local nature should be a local charge, but Government contributions should be made for services which are of general benefit.

" Rating on unimproved site values.

" MEMORANDUM FROM KORU FARMERS' ASSOCIATION."

The following is an extract from evidence given :—

FINANCE.

" He thought the district as a whole desired to have control of roads, provided it did not involve additional taxation. If further taxes were essential, he thought they would remain content with the present funds—there were eighteen farmers in the Fort Ternan district.

" His personal view was that the time had come for the District Committee and the Road Board to be given additional powers, and more direct control of funds.

" SIR CHARLES LISTON FOULIS,
Member, District Committee ; Member, Road Board."

The Lumbwa District Committee passed a resolution " That the time is not yet ripe for Local Government."

The subject was further dealt with as follows, in a Memorandum prepared and submitted on behalf of the Committee by Mr. J. H. Carlisle, Captain W. W. Mackinlay, and Mr. J. Stanning :—

" It is the considered opinion in this district that no form of Local Self-Government whatsoever should be introduced until such time as the control of our whole fiscal system shall be in the hands of an elected European majority, and further that, until such control is assured, we cannot but regard the proposals for Local Self-Government as premature and detrimental to the true interests of the community."

" In support of this contention we beg to submit the following observations :—

" 1. The whole suggested system presupposes additional local taxation, with no guarantee of any corresponding economies in the Colony's budget. The country is admittedly not in a position to bear further burdens of this nature, especially when it is borne in mind that apparently no concrete advantages to the people of the country are even contemplated by the originators of the scheme. Rather it would appear that the glamour of ' Local Self-Government ' is the only bait offered.

" 2. But even supposing that economics in the Colony's Budget may, in the first instance, result from the adoption of the proposals, there remains the very real danger that, when the necessity for additional capital expenditure arises, the onus of raising such monies would be wrongly thrust on the

local bodies, thus forcing them to provide common facilities such as Hospitals, Schools, Trunk Roads, etc., etc., which are essentially and rightly a charge on the Central Government, and should in no circumstances become the responsibilities of a purely local body.

* * * * *

" 5. We are of the opinion that as an initial step towards Local Self-Government, the wise expedient would be to grant extended executive powers to the existing District Committees, and at the same time to incorporate these with the present Road Boards. While not recommending any revenue raising functions, we would advocate the granting of powers of expenditure on purely local matters to these bodies, such expenditure to be met from central funds already allocated to the various Government Departments for the purposes in question, such as local roads, the maintenance of communal dips, first-aid stations, and the like.

" MEMORANDUM FROM LUMBWA DISTRICT COMMITTEE."

The following are extracts from evidence given in support of the Memorandum :—

" Our main argument against Self-Government is based on general political grounds. The whole of the questionnaire points to a definite scheme and outlines an embryo scheme on which the views of the public are desired ; we were of opinion that no such scheme should be founded on principles of valuation owing to the great difficulties of starting any scheme of this nature in a cut and dried form. Our idea was that most of the District Committees and Road Boards would gradually gain sufficient experience to be able to evolve themselves into some form of Local Government ; I suggest that the existing Committees should be developed, and extended powers should be granted chiefly of a financial nature."

* * * * *

" It was our opinion that first-aid stations should be established at practically every police station ; the nearest doctor is at Kericho, 21 miles away ; natives when sick are sent to Kisumu ; they are sent down by train. The question of medical facilities was discussed at a recent meeting of the Farmers' Association, but no request was made to the Government.

" We want the administration of purely local affairs ; our idea was that more money would be available from Central Government than at present. We did not contemplate an elected body ; to-day the members of the District Committee and Road Board are chosen by the Farmers' Association. If these extended powers were granted, I take it that each Local Body would submit its budget to headquarters before any expenditure could be incurred, showing the money that it required. It would be up to the Government to co-ordinate all demands and cut out those that were unnecessary. The system of evolution comes in there, because we should be learning how things should be done before starting on any big cut and dried scheme.

" MR. J. H. CARLISLE."

" Most of the farms are stock farms and cover a large area ; that is why I do not think we should work in with Muhoroni, as our interests are entirely different ; this is a mixed farming area, there might be 2,500 acres under cultivation North of the line, but most of the farms keep cattle.

" CAPTAIN W. W. MACKINLAY,
" *Member District Committee ; Member Road Board.*"

"The impression here has been that talking of Self-Government was tempting people into a trap, we are frightened of the whole scheme, as it involves the question of taxation. We do our best not to be extravagant and we have very good services.

"MR. J. STANNING,
"*Lumbwa Representative.*"

The following are other extracts from evidence given :—

"I agree with the views which I have just heard expressed that there is no necessity for a separate Body to deal with local matters, but if the District Committee and Road Board were given greater powers to make recommendations which would be carried out, on such matters as the sale of plots in the Township, water rights and roads, I think that is all that is required.

"MR. ATKINSON,
"*Londiani Representative, Member District Committee; Member Road Board.*"

HOSPITALS.

"There was a suggestion that a certain area of land should be offered by Mr. Smythe to the C.M.S. on condition that they erected a hospital. It would be situated about fifteen miles from Kisumu. Support was required in the form of names from the District, and then probably the C.M.S. would be able to act. It would be for natives, with a European ward. A need was felt for a European hospital, and people had to go to Kisumu at present. Native employees often preferred the C.M S. Hospital to the Government establishment at Kisumu. Both hospitals were much too far away.

"Anyone who wished to use the hospital would pay so much per head, or per score of labourers, and in return he would receive free medical attention for his employees. If he did not do that, he would pay for each case he sent in.

"A compulsory levy might be a good thing, but the service might be cheaper if his suggestion were carried out. If a hospital were built it would be for the individual farmer to insure himself, or to chance increased expense by payments for individual cases. He agreed that a hospital would need some permanent source of revenue.

"MR. ALLEN,
"*Muhoroni Representative.*"

NAKURU DISTRICT.

At Nakuru, Memoranda were received from the Subukia, Solai, Rongai and Lower Molo, and Nakuru District Farmers' Associations.

Subukia, Solai, Rongai and Lower Molo favoured the institution of Local Government.

"In order to meet the needs of this District, immediate and in the near future, it is deemed sufficient to grant extended executive powers to the Local Road Board, and executive powers to the Local District Committee (which as yet they do not possess), providing such necessary additions to the staff at present used by these bodies as may from time to time be required.

"RESOLUTION PASSED BY NAKURU
DISTRICT FARMERS' ASSOCIATION."

" Local Government should be provided in the District to deal with Roads, Schools, Public Health, Water Rights, and Supplies, Outspans, and Stock-routes.

" MEMORANDUM BY RONGAI AND
LOWER MOLO FARMERS' ASSOCIATION."

FINANCE.

" It must be clearly realised at the outset that the aim of the local body is the disbursing to the greatest possible advantage of such public moneys as come within its cognisance for the services enumerated and for the spending such moneys it should assume entire responsibility. It is deemed that until the scheme of Local Government has been given adequate trial, it should not endeavour to raise taxation locally. It is believed that if the Local Body at its inception content itself with acquiring experience, organizing its services compatible with funds available, it will then be in a position to realise the requirements of the area and where, if after fullest scrutiny and investigation sufficient funds were not forthcoming, a scheme of local taxation might be judiciously launched, based on (*a*) Township or Urban Areas—rateable value of property, (*b*) Rural Districts—flat rate on acreage

" MEMORANDUM BY RONGAI AND
LOWER MOLO FARMERS' ASSOCIATION."

" Government should make a grant of a lump sum and the local body should have such powers of raising revenue as its electors grant.

" LETTER FROM SUBUKIA FARMERS' ASSOCIATION."

" There should be no increased taxation whatever. The whole of our resolutions being subject to this.

" MEMORANDUM FROM SOLAI ASSOCIATION."

" All revenue derived from Stand Premia (including Stand Premia paid in respect of sales during the past three years), rents, water fees, conservancy fees, traders' licences and car licences, should be handed over to the local authority to spend on non-trunk and non-main roads, sanitation and drains (excluding trunk and main road drains).

" Unimproved values should be taxed as being the most equitable form of taxation and being less likely to prejudice local enterprise

" MEMORANDUM FROM THE
NAKURU TOWNSHIP ASSOCIATION."

These views on the financial question were amplified in oral evidence, from which the following extracts are quoted :—

" We look forward to levying rates, for we recognise that must come sooner or later, in all townships—a rate on property owners, on land values only, unimproved values.

" MR. F. WATKINS, JNR."

" The door should be left open for a form of local taxation where money does not meet the needs of the district.

" MR. LAURIE,

" *Representative Rongai and*
Lower Molo Farmers' Association;
Member District Committee."

"The great bugbear which has frightened people is the question of taxation, and therefore the Njoro Association said they did not see any need for local authority. My own view is that the Local Government should receive from the Central Government whatever money is at present being spent on services over which they would have control. That should be the datum line and at the beginning there should be no extra taxation if it could possibly be avoided; if the scheme is coupled with extra taxation it would be unpopular and not a success, but I do consider that a Local Authority must have power of raising rates if and when they are required. These rates should be raised for objects of particular local interest.

"LT.-COL. LORD FRANCIS SCOTT, D.S.O., M.L.C.,
"*Member District Committee; Member Road Board; Chairman Njoro Farmers' Association.*"

"In suggesting a Local Authority, consisting of elected members entrusted with the expenditure of Government money, he had no intention that it should be a permanent arrangement. And eventually, he thought, money would have to be raised by the local bodies themselves.

"MR. D. FAWCUS,
"*Representative Solai Association.*"

ROADS.

"The Local Authority should be responsible for Trunk as well as District roads.

"The scheme is that there should be a Local Body to see what is done and to be responsible; there would be better supervision because the present Executive Engineer has a very big area to cover and it is not possible to get round all the work, whereas the Local Body is never very far away.

"We should get better value for the money expended and should be able to do more on the money available.

"MR. LAURIE."

"I think we ought to have control of all roads—even main roads; a Local Body could give them better attention than they get now.

"I want local people to have the power of criticism of main trunk roads.

"LT.-COL. LORD FRANCIS SCOTT, D.S.O., M.L.C."

"As regards roads, a distinction must be made between trunk roads and district roads—the construction of trunk roads should be left to the Central Government. As, however, it would not tend towards economy to have two sets of road plant, the upkeep of trunk roads and the construction and maintenance of district roads should be under the local body.

"COL. A. L. LEAN, D.S.O.,
"*President Upper Solai and Subukia Farmers' Association.*"

"A local body might be able to get better value for money than was being obtained to-day. It would help the P.W.D., as that Department would not have to work long stretches of road with a small Staff and little plant. If it worked with the local authority better results might be obtained than if either worked alone.

"MR. J. A. MACDONALD,
"*Vice-Chairman Nakuru District Farmers' Association; Member District Committee; Member Road Board.*"

" The Association were in favour of the Local Body controlling both trunk and district roads, while the money should be supplied by the Central Government.

" MR. D. FAWCUS."

HOSPITALS AND PUBLIC HEALTH.

" The Association were in favour of the proposed local body having powers in respect to hospitals. The question as to whether the new body should take over the hospitals was not fully discussed ; the Medical Officer should be a member of the Local Authority.

" MR. D. FAWCUS."

" In the case of Public Health, the local body should control its own sanitation and general services, Central Government contributing that portion of cost which has been up to the present paid directly for these services.

" MEMORANDUM BY RONGAI AND
LOWER MOLO FARMERS' ASSOCIATION."

" Public Health in our Memorandum excludes hospital questions. I think the Public Health work would be mostly sanitation in the township, but not much more can be done outside at present as it is not in a bad state outside the township. We look forward to receiving advice on matters of sanitation from the Sanitary Inspectors and the M.O.H., who is to come next May.

" We do not contemplate any Body taking on the hospital, as the European hospital is supported voluntarily. I have sent natives to the Native hospital and have had no difficulty in getting them admitted, though they were very reluctant to go ; I paid 1s. a day for them, but natives are generally treated by their employers, and I have only sent two boys to hospital up to the present. So far as I know there has been no demand for dispensaries in the district.

" MR. LAURIE."

" In speaking of Public Health the Association really had the question of hospitals in mind. It considered that the hospital should be run on the present lines. The duties of the Sanitary Inspector should be confined to the townships. Farmers resented inspection as they feared it might lead to exaggerated demands in the way of building construction, and so on. Plague prevention was another thing.

" The Hospital Board should be a sub-committee of the local authority, and should act for both European and native hospitals. If the present system of the payment of fees and subscriptions failed to bring in enough money, funds should be provided by local taxation.

" The Native hospital must be adequate for district needs and should be controlled by the local authority.

" COLONEL A. I. LEAN, D.S.O."

ELDAMA RAVINE DISTRICT.

The following are extracts from a Memorandum submitted by the District Committee :—

GENERAL.

" Some form of Local Government would be welcome, but, in view of the few people permanently resident in the district, it is doubtful whether

sufficient revenue could be obtained locally to support anything but a very modified form without assistance from the Central Government.

"The special needs of the district which could be met by some form of Local Government are roads, outspans, water supply, public health, hospitals, and eventually schools.

"1. (*a*) Trunk roads should continue to be supervised by the Central Government.

"(*b*) The control of what funds are available for expenditure on district roads should be a matter of local concern.

"MEMORANDUM FROM DISTRICT COMMITTEE."

FINANCE.

"The local body should have absolute control of all funds available for expenditure locally. It will probably not be able, for some time to come, to bear the total cost of local services, but will require to be subsidized by the Central Government. Until detailed estimates are available it is impossible to state on what basis extraneous assistance will be necessary.

"It should have legal powers to raise revenue; and the following sources of revenue are suggested:—

"(1) Flat rate of, say, 10 cents on acreage.

"(2) Capitalised value of improvements.

"(3) Bag tax (on bags of produce consigned on the Railway).

"(4) Wheel tax.

"Of these, (1) (3) and (4) would affect farmers, (2) and (4) would affect tradesmen in the township of Ravine. Any variety of these rates could be imposed.

"MEMORANDUM FROM DISTRICT COMMITTEE."

After the District Committee had adopted the Memorandum from which the above quotations are given, a meeting of the Eldama Ravine Farmers' Association was held to consider the questionnaire issued by the Commission.

This Meeting decided (by a majority of 9 to 4) that the answer to the first question: "Do you consider that some form of Local Government should be provided in your district?"—should be in the negative, and that the various local services (roads, public health, hospitals, etc.), were best carried on as at present, "provided that greater consideration be given to the recommendations of the Road Board."

They also came to the conclusion that, if any form of Local Government was introduced, the local body should not bear the whole cost of any service, but that the cost should be shared with the Government. They further considered that a local body, if established, "should have power to raise revenue by rates on unimproved site values, plus wheel tax on waggons and carts. The question of concessions, *i.e.*, the timber concession, to be dealt with separately."

The following are extracts from Evidence given:—

"The Farmers' Association think there should not be Local Government, while the District Committee are inclined to take the opposite view. I, personally, still think some form of Local Government is necessary; in fact, we have it already as we have the District Committee and the Road Board. I hold by the view of the District Committee, although in one or

two cases I agree with the Farmers' Association; I think that a flat rate on acreage should be changed for a tax on unimproved site values and that a Wheel tax would be better than a Bag tax.

"I think the time has come to make some step in advance and to do something for ourselves about Local Government.

"MR. W. H. GUNSON,
"*Member District Committee;*
Member Road Board."

"He was against any form of Local Self-Government as the district was too small and too detached; the district had not sufficient financial resources, and the time was not yet ripe.

"He was not now on the Road Board, nor the District Committee, which was at present a purely advisory body. He thought it was all the district needed at present. The Road Board should have more extended powers, so that they could submit their financial requirements and obtain some definite allocation towards roads. At present they never knew what funds would be available.

"MR. BLUNT,
"*Member, Farmers' Association.*"

LAIKIPIA DISTRICT.

A Public Meeting held at Rumuruti on October 2nd, 1926, passed the following unanimous resolution:—

"This Public Meeting is strongly in favour of full executive powers being vested in an elected body which shall be known as a District Council, such Council to sit with the District Administrator as *ex officio* member and as liaison officer with Government. The Council shall have full control of the disbursement of all funds as are at present allocated to the district. As regards local taxation, this meeting does not favour any form of local taxation until such time as an unofficial majority on the Legislative Council has full control of the Colony's finances."

FINANCE.

"We consider further that taxation is already too high and has a tendency to increase. As the powers suggested do not contain any proposals which would incur new expenditure, the present contribution from the Central Government should be sufficient. But we consider power should be vested in the Local Body to have funds allocated to it and to control the expenditure in respect of those services detailed in para. 1. Further, we consider that fees collected from the township should be allocated to the Local Body to meet small and unforeseen district expenses.

"DELEGATES' MEMORANDUM."

ROADS.

"As regards the special needs of the district, the control of which could be carried out by Local Government, *although we do not favour a* LIMITATION *of the power on the control of the affairs of one's own district.* We consider that while in its initial stages Local Government should deal with:—

"Roads .. Both main and district—the making and maintenance thereof and control of the finances pertaining thereto.

"Veterinary .. Permit issuing and the control of quarantines and outbreaks of disease.

"DELEGATES' MEMORANDUM."

VETERINARY SERVICE.

" We are largely a stock-raising district. A Local Body would consist practically entirely of stock farmers, and they would be competent to judge whether quarantines should be placed or not in the event of the outbreak of disease. There might be no Veterinary Officer in the District available and the D.C. might be new to the district and know nothing of such matters, and would therefore not be so competent to deal with such things as the members of a Local Body; they should also deal with such things as the issue of permits—they would nominate their own people who would be permit issuers. Our district is 3,000 square miles and there is only one Veterinary Officer."

" Our idea is that we shall act in co-operation with Government Officers.

" We could not expect to pass bye-laws unless they were subject to veto and, if the Veterinary Officer did not agree with us, he would have the power of veto.

" CAPTAIN N. P. TUCKER,
" *Laikipia Delegate.*"

" If other districts want to send cattle through our District and spread disease to our cattle, as nearly happened the other day, we want to be able to oppose it.

" We contemplate that the present Squatters Ordinance will be altered, as it is unworkable, and we should like to see the Council substituted for the District Commissioner in the Administration of the Squatters Ordinance.

" MR. F. T. BAMBER,
" *Laikipia Delegate.*"

" If we had Local Government we should want some control over the Squatters.

" MR. F. T. BAMBER."

" The Laikipia Farmers' Association have recently passed a resolution that there shall be no native cattle in Laikipia at all, and I think it is being supported all over the country, because we consider that the disease coming into a district is mostly spread by Squatter cattle, and we can only stop the disease by preventing their having cattle at all. We suggested that this should be an amendment to the Diseases of Animals Ordinance. The Local Body should have powers, as they would be an elected body and would represent the European interests concerned.

" CAPTAIN TUCKER."

NAIVASHA DISTRICT.

No views were submitted by the District Committee. A Memorandum by Mr. C. B. Anderson was adopted with certain amendments by the Naivasha Farmers' Association, and the Gilgil Farmers' Association sent us their comments on our Questionnaire.

The Naivasha Farmers' Association did not favour any advance.

" The present system of having a District Committee is adequate for the needs of Naivasha District for the time being ; but it should be clearly understood that, as need arises and development becomes greater, there should be given every encouragement to change the function of the Committee to a body that shall have executive authority.

" MR. C. B. ANDERSON,
" *Answers to Questionnaire.*"

" We prefer to have things done for us rather than to do things for ourselves at the present moment in this District.

" MR. C. B. ANDERSON,
" *Member, District Committee ; Member, Road Board ; Member, Farmers' Association.*"

The Gilgil Association asked for wider powers.

" We do not consider any form of Local Government necessary at present, and recommend that the existing state of affairs be continued, with wider powers to the Road Board and District Committee.

" MEMORANDUM BY GILGIL ASSOCIATION."

Some residents did not, however, agree with this view :—

" My opinion is that Local Self-Government is to be desired provided :—
" (*a*) That the cost is not prohibitive.
" (*b*) That the opportunity is not taken by the Central Government to escape the present contributions it makes towards the local services.

" MR. W. JESSE,
" *Headmaster, Kenton College, Kijabe.*"

" Some form of Local Government should be established not only in this district, but throughout Kenya. It is, in my opinion, the first and most necessary step in the education of the Settler to manage his own affairs and to gradually train him to take his share in responsible Government in the future. In the first instance Local Government should be of an almost elementary nature, but capable of expansion as the population and needs of the District grow.

" COLONEL PATTERSON,
" *Gilgil.*"

" I should like to see the powers of the District Committee and the Road Board extended and am in favour of Local Government, but this district is very much spread out and therefore very difficult

" MR. ALLEN TURNER,
" *Naivasha Representative.*"

FINANCE.

" The District Committee shall have no more financial responsibility than it has at present and until it acquires executive functions. Since no assets can be vested in a purely advisory body, it cannot raise money.

" Until both the district and the town grow in importance and are able to afford amenities other than bare essentials, the conditions of a pioneer district have to be accepted. The bare essentials must be maintained out of the common revenue of the country.

" MR. C. B. ANDERSON."

"The financial powers should be the proper allocation of funds allotted by Central Government with no power to raise funds locally.

"MEMORANDUM BY GILGIL FARMERS' ASSOCIATION."

"The Board should be empowered to draw up its own Budget. This should be submitted for sanction to one higher authority, *e.g.*, Provincial Commissioner.

"Within that Budget, when sanctioned, the Board should have full power of expenditure.

"Government should, in the form of Grants in Aid, make contributions on the income side of the same amount as the sums allotted at present to the various localities (Administrative Districts).

"These Grants should not remain fixed, but should be increased as the resources of the Central Government are developed.

"In addition to these Grants, the Local Board should be empowered to raise funds by rates.

"MR. JESSE."

"I most strongly urge that Districts should not be permitted to assess their own rates, but that Government should fix a maximum (and if necessary a minimum) rate which must not be exceeded.

"COL. PATTERSON."

FUNCTIONS—ROADS.

"We are not satisfied with our roads, but I think we cannot make the change to executive powers as we should like to do, as we cannot afford to, in the sense that we cannot take on any executive work in connection with roads, because the distance at which we live makes it difficult to attend meetings of the Road Board or Local Body. We must allow things to go on and help as best we can, though recognising that things are not quite as we should like them.

"I am content to allow the Executive Engineer to do the roads as best he can and, if they are not satisfactory, I am prepared to criticise his efforts, but not to take any executive authority.

"MR. C. B. ANDERSON."

"Local Roads to Boards.
Dispensaries to Boards.
Elementary Schools Boards.
Trunk Roads to Central Government.
Main Hospitals, Central Government.
Secondary Schools, Central Government.

"MR. JESSE."

"Powers and Duties should be :—

Maintenance of District roads.
Selection and upkeep of stock routes and outspans.
Regulation of water supply.
Supervision of small Townships.

"COLONEL PATTERSON."

Some further powers in regard to control of Resident Labour were, however, desired by those who advocated no change.

Squatters.

"We are all stock farmers here and cannot control the movement of cattle from the Nyeri side of the Forest Reserve, or natives moving their stock over into our area, and, if there is an outbreak of disease, there is no possible check in the Forest Area. Certain farmers have Squatters owning cattle in the area, and there is nothing to prevent the movement of these cattle illicitly, and we wish, if possible, to have power to control Squatters in this area so that no cattle whatever can be grazed there.

"Mr. C. B. Anderson."

"We are asking for powers whereby the District Committee should be able to state that Farmers in this District shall not be allowed to have Squatters with cattle, and we want to be able to say the same to the Squatters in the Forest Reserve.

* * * * *

"There is no power in the Squatters Ordinance to prohibit Squatters having cattle, but we want power to introduce a bye-law.

"Mr. C. B. Anderson."

"We have no control and nothing results from our recommendations; we ought to be in a position to stop Squatters going in and out of the district, and, if they are fined, we should have the fines for the district.

"Mr. Hopcraft,
"*Naivasha Representative.*"

Hospital.

There is no hospital in this district, nor dispensary. "Longonot Limited," a sisal plantation, employ an average of 600 boys a month. The Manager, Mr. James Macrae, said :—

"We have a hospital ourselves but, in the event of serious accident, we have to send to Nakuru or send for a doctor to render first aid. We have a native dresser under our own supervision: he has had a slight training. Most of the people in the district are very anxious for the re-opening of the hospital.

"I think that everybody in the district would agree to contribute to a hospital.

"Mr. James Macrae."

"Nakuru hospital was used as there was nothing at Gilgil. The present arrangements were not satisfactory in that they were the only medical facilities for the district. People wanted a hospital nearer to them, if they could support it, but it had not been suggested so far.

"Mr. Hall,
"*President, Gilgil Farmers' Association.*"

NORTH NYERI DISTRICT.

We were unfortunate in this district in not receiving an expression of the views of either the Mt. Kenya or the Nanyuki Farmers' Associations. The former appointed a sub-Committee to prepare a Memorandum, but there was not time for that Memorandum to be considered by the Association as a whole. The Memorandum was put in by the Sub-Committee, but represents only the individual opinions of its members. They favoured the establishment of a "modified form of Local Government, as compared with more advanced and settled areas."

As to services, which a Local Government body should take over, we quote extracts from the evidence of various witnesses.

FINANCE.

"It is felt that the suggested methods of rating are too technical to be replied to with confidence, as we consider the district too backward to bear the inconvenience and burden of the application of any one of these.

"We are of the opinion that the financing of the local authority, in our case, should be undertaken by the Central Government for one year on an experimental basis.

"If taxation is essential, however, we think the introduction of a wheel tax, toll gates, and the endowment of the local authority with lands of communal significance, such as clubs, outspans, townships, etc., and a rate on land that is obviously not undergoing *bona fide* development should be considered.

MEMORANDUM BY SUB-COMMITTEE OF
MT. KENYA FARMERS' ASSOCIATION."

"He was in favour of Local Bodies being launched with powers of their own, and able to increase any Government grant by a cess.

"GENERAL WHEATLEY,
"*President, Nanyuki Farmers' Association.*"

"He could not see that they could have Self-Government without paying for it; he thought the district could not continue in the haphazard methods followed hitherto.

"MAJOR HOLFORD WALKER."

"So far as I can see, this proposed Local Government is merely a method of raising further taxation, or increasing it. Government know quite well that, if they propose further taxation in the Legislative Council, it is going to be vetoed very strongly by elected members, and this suggestion is that Local Communities should take over certain services which are at present maintained by Central Government and should finance or partially finance them from local rates. I have also heard the hope held out that, if this were done, central taxation might be reduced, but I think that is merely a pious hope.

"I consider that the country gets along very nicely as it is at present, and it is a mistake to impose further taxation as local taxation.

"MR. CHATER,
"*Secretary, Nanyuki Farmers' Association.*"

ROADS.

" The district authority should have power and authority over district roads. But the Government organization should be used for main roads, making full use, at the same time, of local knowledge of conditions ; the P.W.D. would carry out the necessary work.

" He did not think there were sufficient Settlers to justify their taking over all the roads. He agreed that the problem was to choose the right alternative—a division of authority might be produced which would render the working impossible.

" He thought the local body should have more control than it had at present, but how much, it was difficult to say.

" CAPTAIN O'HAGAN,

" *Member, District Committee ; Member, Road Board ; Member, Sub-Committee Mt. Kenya Farmers' Association.*"

" I suggest that the main roads should be left under P.W.D. control with advice from the Road Board to the extent that, if they see anything wrong, they can call the attention of the Executive Engineer to it and thus save his time.

" MAJOR GASCOIGNE, J.P."

" He would like to go the whole hog, and have all roads under local control ; then, if they wanted a new road, they could make it.

" GENERAL WHEATLEY."

HOSPITALS.

" Government accepted responsibility for the hospital treatment of natives in the Reserves ; but it held it was not responsible for natives employed on a shamba. He maintained that labour, even Squatters, were only temporarily living on shambas, and natives employed by Settlers should be as much the children of the Government as those who stayed in the Reserves.

" CAPTAIN O'HAGAN."

" Medical farms had been given out by Government and a doctor came out to work among both the native and the European population. After a certain period the doctor sold up his farm and went home again, and as a result, if the Settlers wanted medical advice there was nobody to whom to go. There was no doctor nearer than Nyeri.

" MAJOR HOLFORD WALKER."

" He wanted a medical service both from the point of view of Europeans and natives. The hospital at Nyeri did serve the area to some extent, but in the rains it was impossible to get a boy there, because of the condition of the roads. He thought there should be a cottage hospital with a resident nurse. He did not know whether people would be prepared to pay for it ; he himself thought it should be a Government show.

" MR. J. B. SOAMES."

" Settlers were perfectly willing to pay for treatment for their boys.

" CAPTAIN O'HAGAN."

KERICHO DISTRICT.

Memoranda were submitted on behalf of the District Committee and of the Kericho and Buret Farmers' Association. The two Memoranda were in practically identical terms.

The following are extracts from the Memorandum submitted by the District Committee. The Committee stated that they considered that some form of local government should be provided in the district, " provided always that those moneys already allocated by the various Departments to the District are not discontinued or curtailed and full benefit be given to the Board for normal increases. ' *Note.*—The reason for making the above proviso is that the Committee fear that the formation of a Local Government Council might lead to a form of additional taxation, to the benefit of the general finances of the country only. The special needs are—Outspans, Stockroutes, Veterinary matters, including the movement of stock and quarantine, Roads, Public Health, Control of letting sites for road-side shops within the limits of the Settled Areas and main roads, Control of European Primary Schools and all Education of Africans, whether aided or unaided, within the Settled Areas, Pounds and Markets. Nomination of J.P.'s for consideration by Government.

ROADS.

" The control of roads, trunk and local, should come directly under the local Council, who shall have the power to appoint the requisite Staff and spend the moneys allotted. Any existing road plant to be made over to the various Councils.

" The Council should draw up its own Budget, which it should submit to the Provincial Commissioner for sanction. It should not be submitted to the Central Government at all. The Budget should be prepared annually and should be returned sanctioned before the year begins.

" Until such time as there is an Unofficial Majority in the Legislative Council, this Committee considers that the Local Council should not accept the responsibility of levying rates. All services which the Council controls shall be paid for wholly from the Council's Budget.

" When there is an unofficial majority the Committee would consider the following means of raising funds :—

" (*a*) Wheel tax, other than Motor Cars and Lorries which are already taxed.

" (*b*) Flat rate cess per acre on all land with a refund on all acreages developed or improved.

" (*c*) A Per Capita cess on all Voters who are not eligible for land cess.

" MEMORANDUM FROM THE
KERICHO DISTRICT COMMITTEE."

The following are extracts from Evidence given :—

ROADS.

" The provision of roads is the most vital need of the district.

" In the Memorandum we have suggested the aims and objects to which we should grow up, but we do contemplate dealing with roads at once, and that both trunk and district roads should be dealt with by a local body.

" MR. S. KAUFMAN,
" *Chairman, Road Board ; Member, District Committee ; Chairman, Kericho and Buret Farmers' Association.*"

HOSPITALS.

" There is a very small and inefficient surgery for natives, but there are no medical facilities for Europeans at all, and they have to be got to Lumbwa Station and to go to Nakuru, Nairobi, or Kisumu for treatment. We applied for a hospital for Europeans, Asiatics and Natives and the P.M.O. was sympathetic and seemed to think that a hospital might be put up somewhere near Lutein ; that was some eighteen months ago. We have some funds which we suggested we could give for the maintenance of a European ward, but the P.M.O. did not approve of the idea and thought the hospital should be either Government or voluntary and not hybrid.

" MR. S. KAUFMAN."

REVENUE.

" We do not want to tax the district ourselves. The things that we have suggested the Local Body should take over are things that do not require much in the way of expenditure, other than would normally come here. We ask each year for a ' normal increase ' on our Road Vote, as the district is improving and increasing in size. Sometimes it is possible to get through Kericho to Kisumu when the road through Fort Ternan is impassable. Our main objection at present to the Local Body levying its own rates is based on political grounds practically entirely.

" MR. S. KAUFMAN."

A letter was submitted from Mr. R. M. Dunbar, President of the Sotik Farmers' Association, in which he stated that his Association were in full agreement with the Memorandum prepared by the Kericho and Buret Farmers' Association, subject to one or two amendments. The Sotik Association wished to make it clear that they were not prepared at this stage to consider any means of raising funds by local taxation.

KYAMBU DISTRICT.

The general attitude of the District was stated as follows in a Memorandum prepared on behalf of a meeting at which the District Committee met the representatives of the Kikuyu District Settlers' Association, the Ruiru Farmers' Association, and the Kabete Farmers' Association.

GENERAL.

" The outstanding feeling of the meeting was that a form of Local Government should be adopted, but that it should be distinctly understood that, in the initial stages, it should not entail any additional taxation. The

meeting went so far as to express the strong opinion that Local Government should effect substantial savings in the central administration.

"Some doubts were expressed as to the feasibility of introducing Local Government owing to the comparative smallness and sparseness of the European population. At the same time it was felt that by embracing a larger area it would be possible to make a more economic disposition; therefore it was decided to recommend the inclusion of areas which lie outside of the present Kyambu District.

"MEMORANDUM BY KYAMBU DISTRICT COMMITTEE."

In replies given to the Questionnaire which were forwarded with the above quoted Memorandum, it was stated that some form of Local Government should be provided, and that the local body should take over roads, outspans and stock routes, water supply, public health, schools, hospitals, and also traffic and vehicles, licensing (liquor, entertainment and trade), and control of markets, but that trunk or main roads should be excluded from the operation of the local governing body save as regards control of traffic.

FINANCE.

The question of finance was further dealt with in replies to the Questionnaire, as follows:—

"The Government should bear all costs in the early stages by way of Grant-in-Aid.

"Thereafter the usual methods of raising money by assessment on agricultural land to cover the expenditure over and above the Government Grant-in-Aid of a suggested proportion of 30s. to every pound raised locally.

"Later Government Grant-in-Aid would be on the pound to pound basis.

"KYAMBU DISTRICT COMMITTEE."

The following are extracts from Evidence given:—

"THE CHAIRMAN: I see in the Memorandum we are told that in the initial stages the plan of Local Government adopted should not entail additional taxation? The opinion is expressed that Local Government should effect substantial saving in administration; in what direction do you think this saving could be secured?

"*A.* Of course, at first it would simply be a District Board with executive powers, and I think our roads alone would show a saving to the Government, and we should get better roads for the same money.

"*Q.* You recognise that the needs of your district are bound to increase and you suggest that, in order to meet the inevitable increase, you should have power to raise money by some form of rate and that Government should make a contribution?

"*A.* We do not propose taxing ourselves to make these all-weather roads at present.

"*Q.* I do not know how long the initial stages are expected to last and whether you contemplate that the Local Body would be endowed with taxing powers?

" *A.* That is the idea ; we do not feel the time has come, but in two or three years we shall be well away with it and from the point of view of the population it would be time to start this idea ; we think that, for the present, Government should pay three-fifths and we should pay two-fifths of the sums required.

" COLONEL DURHAM,
" *Member, Road Board ; Member, District Committee ; President, Limuru Association.*"

" On the question of taxation, I wish to emphasize that we could not at present undertake any additional taxation. I think there is a wrong idea prevalent as regards the prosperity of the farmer, and also there is a great deal of uncertainty in connection with their future, especially as regards shortage of labour. I am speaking as a coffee planter and of the conditions I know about.

" MR. MONTAGUE,
" *President, Kikuyu Association.*"

HOSPITALS.

" THE CHAIRMAN : Has there been much demand for a hospital in the Kyambu District ?

" *A.* Oh, yes. I think we should have accommodation for natives.

" *Q.* For the natives on the farms ?

" *A.* Yes, one can get the Europeans into hospital.

" *Q.* I understand that the employer is supposed to provide for sick natives in his employ, but, apart from doing them himself, it is very difficult for him to do anything ?

" *A.* Yes, it is very difficult and one is always up against the native himself.

" *Q.* If you do send a native from some farm to the Nairobi Native Hospital, does the employer pay ?

" *A.* Yes, the native is on a 30 days' ticket and you pay for the number of days up to the end of the month ; 30 days is the extent of what you have to pay, 1s. a day for 30 days.

" *Q.* I see you think it would be possible to run the hospital on the basis of payment for services rendered ? Still the hospital would have a Staff and there would be certain running expenses, and Government would want to be sure that the revenue would come in to meet these expenses ; have the Settlers considered the question of providing the funds, based on a charge per head of natives employed ; which would mean, I presume, lower charges for natives actually sent in. If you have a general charge per head per annum the charges for individual patients would be on a lower basis ?

" *A.* I do not think that has been considered ; I think I should be safe in saying that we should be quite prepared to pay a certain charge per head towards the running of the hospital.

" *Q.* I suppose it would be a help to Settlers as well as natives, because you would have the advantage of a medical man being more readily available ?

" *A.* Yes, after all the majority of us are out of pocket. We treat a lot of natives ourselves—not merely our own, and I think we are quite prepared to put our hands in our pockets and hand over that money for a hospital.

" COLONEL DURHAM."

" I think dispensaries are far more important than hospitals in the area. The natives come to us constantly for treatment at the house, but we don't know how to treat them, and send them in to Nairobi, which is a long way, but it is more convenient to drive such cases into Nairobi than to go to Kyambu.

" MR. ROBSON,
" *Ruiru Representative.*"

MACHAKOS DISTRICT.

The District Committee, Ulu Farmers' Association, and Donyo Sabuk Farmers' Association submitted Memoranda to us.

The Machakos settled area covers a very large area, about 70 miles long and with an average width of 12 miles. A large portion of it is unoccupied, its non-native population is small, and the general view was that only a modified form of Local Government was possible.

" That in the special circumstances of this District, any development of Local Government should be based on the present District Committee system, by means of closer co-ordination of all other Committees dealing with non-Political subjects, as Sub-Committees of the District Committee (*e.g.*, the Road Board, Education Committee, Town-planning Committee).

" RESOLUTION BY DISTRICT COMMITTEE."

" We consider that the decentralisation of control of funds for certain public services would be advantageous and economic in cost and time.

" The functions of the District Committee might develop on lines similar to those of County Councils in England.

" MEMORANDUM FROM
ULU SETTLERS' ASSOCIATION."

" An extension of Local Government is inevitable. But it must come gradually and in accordance with the varying needs of individual districts.

" MEMORANDUM BY
DONYO SABUK DISTRICT ASSOCIATION."

FUNCTIONS.

Roads.

" In the near future it may be advisable that all roads should be in the hands of one Central Road Authority. But at present we have no doubt that, with certain obvious exceptions, all roads in a district should be handled locally by local Committees.

" But there should be nothing to prevent the handing back of any road to the P.W.D. if advisable.

" The P.W.D. should remain the unifying influence in all road matters, and should be the sole authority in dealing with such major works as bridges.

" MEMORANDUM FROM
DONYO SABUK DISTRICT ASSOCIATION."

" Regarding roads, under normal circumstances, upkeep of all roads in the District would be controlled by the local body, but in the event of any sudden development or need arising, *e.g.*, an improved form of

construction necessitated by increased and unforeseen traffic, such demand not having a local source, it would appear to be obvious that a corresponding contribution from the Central Government is indicated.

" MEMORANDUM FROM
ULU SETTLERS' ASSOCIATION."

FINANCE.

" We are of the opinion that any expenditure on roads, bridges, stock-routes and outspans could with advantage be controlled locally, *i.e.*, that a lump sum should be granted to the District and its detailed allocation be a matter of local decision.

" We suggest for the consideration of the Commission that powers to raise revenue over and above the ordinary contribution from the Central Authority should be vested in the Local Committee, but that the basis of any such contribution should be a datum line fixed on the present contribution by the Central Authority. Any excess required by the District for purely District needs over and above this amount, should be raised locally. In order to form a Central Fund a definite proportion of the upset price on all land sales in the District, exclusively of Township plots, should be handed to the District Committee. Any system of taxation would of necessity be based on holdings, plus such vehicle tax for road requirements as would be considered equitable, and this latter would suggest that a proportion of the income derived from the taxation of locally-owned motor cars and lorries should be handed over to the Committee.

" MEMORANDUM FROM
ULU SETTLERS' ASSOCIATION."

" Rating powers must be provided for, but rating is of doubtful advisability at the moment. Grants from the Central Government probably best suit the present position, and should always form a substantial part of the revenue of Local Government bodies.

" MEMORANDUM FROM
DONYO SABUK DISTRICT ASSOCIATION."

" I would like to make it quite clear that we welcome Local Self-Government, but we feel that it should not unduly increase taxation ; generally speaking, if the saving of Staff is such as to eventually reduce general taxation, then we would agree to the principle of local taxation.

" MAJOR F. DE V. JOYCE,
Member, District Committee."

PUBLIC HEALTH.

" The control of public health, schools (other than schools for European children which may be instituted in the future), hospitals, is better vested in qualified experts than would be the case if any local body exercised jurisdiction over them.

" MEMORANDUM FROM
ULU SETTLERS' ASSOCIATION."

FORT HALL DISTRICT.

The District Committee arrived at certain conclusions with regard to Local Government, which were subsequently submitted to a Public Meeting, which endorsed some of the Committee's proposals and modified others.

The following are extracts from the conclusions arrived at by the Committee :—

FUNCTIONS.

" The Committee considers that some form of Local Government should be provided in the district.

" Mr. Fochs was unable to accede to this recommendation, and desired to make record of the fact that he holds the opinion that the aim of the European Community should be to press for Self-Government for the whole country rather than for local bodies.

" In regard to certain public services which have been suggested as possible duties of Local Government, the Committee makes the following recommendations :—

" (*a*) Roads and Bridges.

" (*b*) Outspans and Stock Routes.

" (*c*) Water Diversion and Supply.

" (*d*) Liquor Licensing Laws.

" The Local Government might assume the above-named duties as a commencement, but probably it should concern itself with what may be termed subsidiary or feeder roads. That is to say, the main Nairobi-Thika-Fort Hall-Nyeri-Embu-Meru-Northern Frontier road should be the North Trunk road and controlled by the Central Government. All other roads might be under the control of the local body until such time as any of them become of such importance as to be termed a Trunk Road and pass under the control of the Central Body.

" (*e*) Power to assume responsibility for Public Health and medical work should be sought when the Local Body is strong enough to do so.

" (*f*) Education should not be undertaken by the Local Body.

" The District Committee considers that the community should be prepared to agree to the principle of local rating for local revenue.

" MINUTES OF A MEETING
OF THE DISTRICT COMMITTEE."

The Public Meeting to which the District Committee's conclusions were submitted was attended by 47 residents of the district.

The following were among the resolutions passed :—

" This Meeting is of the opinion that some form of Local Government should be provided in the District.

" This motion was carried by 27 votes to 5 ; 3 did not vote.

" This Meeting feels that, in view of the very unfair incidence of present central taxation, it cannot recommend local taxation, since units of the community are already so severely taxed in proportion to their means that they cannot afford to pay anything further, but, while hoping that such a necessity may not arise for some years, if a fair readjustment of central taxation is made, the Meeting believes that the community would be prepared to pay for its services and has investigated certain lines of possible future taxation.

" MINUTES OF A COMBINED MEETING OF THE
THIKA AND MAKUYU DISTRICT ASSOCIATIONS."

After an amendment had been proposed and rejected, this motion was carried by 18 votes to 3.

" FINANCE.

" When we read the questionnaire, we understood that self-government of any kind meant self-taxation of some kind too, but one is a little loth to give evidence, in case it should be accepted by you that we were willing to be taxed, but the Committee at the time, believing such to be the fact, did study the lines on which the community could pay for their own Self-Government.

" THE CHAIRMAN : They contemplated getting better services in some respects and contributing to improvements ?

" *A.* We contemplated getting better Government and therefore a higher-priced article which we should have to take a share in paying for.

" *Q.* If elected bodies were established in different districts of the Colony without any revenue of their own, would not the effect be immensely to stimulate Government expenditure without supplementing its resources ?

" *A.* I am afraid I agree with you.

" COMMANDER LAWFORD, R.N.,
" Member, District Committee."

" The first point is that on no account could we allow ourselves to refuse Local Government—the difficulties must be overcome.

" Next I think people were afraid of extra taxation and therefore were inclined to vote against it. I think the feeling of the country is at present against any extra taxation, as people realise their needs and elect members to the Local Government bodies there will be a spontaneous movement in favour of it, but it would be a mistake to force it.

" As a whole, the country is admirably suited for self-government, but conditions vary enormously, some communities being in a backwoods stage. They might be given a chance to improve their own conditions by taxing themselves. It is anomalous that the native races should have a Native Council and the European none ; they might levy their own taxation under our guidance.

" It is desirable to begin self-government by providing for the constitution of local bodies with powers to raise money to pay for their own services. People do feel that the time has come for that, but it is difficult to find people for public work, and you may get two schools—one for and the other against taxation.

" The people of this District would welcome administrative powers, but as regards taxation I am rather doubtful. I think money might be raised for special purposes, when the need was realised.

" MR. MUNRO,
" President, Makuyu Association ; Member, District Committee and Road Board."

The following evidence was given by Commander Lawford, in connection with a suggestion made by the District Committee as to payment of a local tax per head of native labourers employed, and to the possible application of the proceeds to the provision of medical services for native labourers :—

" I do not think it is very popular, but we found ourselves searching every form of avenue whereby we could satisfy the demands of Government. I thought it would be acceptable to a private employer or a big Company to pay for its labour in some form of Stamp Duty. If you look into the

figures, taking Stamp Duty at 3d. per month per boy, would cost in the case of the average one unit sisal farm about £4. 10s. per month and for a coffee plantation £1. 5s., I submit that neither the sisal nor the coffee plantations would mind paying if they had the labour.

" THE CHAIRMAN : Then there are the medical needs of the labourers ?

" *A.* The Community are not prepared to take over such large services as medical services ; the demand is enormous. In this particular district the hospital is 29 miles off in Fort Hall and 34 miles off in Nairobi.

" *Q.* Is there no provision for natives in the Settled Areas ?

' *A.* There is one hospital outside Fort Hall, which is the only one within touch of the native.

" *Q.* Are you entitled to send your natives to Fort Hall ?

" *A.* Yes, if they can take them, they will, but they are sometimes too full up ; we pay 1s. a day.

" *Q.* It would be a great advantage from the point of view of the employers of native labour if they had some hospital or dispensary near at hand ?

" *A.* The greatest possible advantage.

" *Q.* Do you think they would make a contribution towards the expenses involved ?

" *A.* I have wondered whether it would not be the fairest method if we adopted the insurance policy in England, and if both paid.

" *Q.* That is one additional service which is needed in this district for which no provision is at present made and for which people might be prepared to tax themselves, especially if they had some say as to the hospital or organization to be established ?

" *A.* Quite so.

" COMMANDER LAWFORD, R.N."

CHAPTER IV.

REVIEW OF SUGGESTIONS MADE FOR RURAL AREAS.

The preceding Chapter has given some indication of the varying opinions expressed on the subject of Local Government by representatives of different districts, and it has been shown that such variations are to some extent traceable to differences in local conditions. But, taking the evidence on the subject of Local Government for rural areas given in all the different centres as a whole, certain points of agreement may be noted :—

(1) All districts value the present system of District Committees and Road Boards, as conferring opportunities for regular consultation between Government officers and district representatives on questions of local interest, and thus enabling district representatives to influence local administration ;

(2) All districts agree that it is desirable to combine these two bodies into a single body, the non-official members of which should be chosen by some recognised method of election ;

(3) Almost all witnesses who appeared before us were agreed in wishing to see some increased authority given to the district bodies thus constituted, but there was considerable difference of opinion as to the nature and extent of such increased authority ;

(4) The great majority of witnesses were in favour of having separate bodies for developed townships, but some wished to make such township bodies subject to the control of district bodies, while others considered that the township body should be independent, but that there should be some form of liaison between the township body and the district body ;

(5) In every district fears were expressed that Local Government would involve heavy financial burdens, in the form of local rates and taxes. The majority of witnesses were against the immediate application to rural areas of any system of local taxation, and considered that any local bodies created for rural areas should be financed in the first instance entirely by Government grants. (For further summary of views on this question, *vide* Chapter IX, Part 1.).

2. In making proposals as to the increased powers which should be conferred on any new district Local Government bodies, witnesses were naturally influenced by their experience of the working of District Committees and Road Boards. It was apparent from the evidence given that there was a good deal of difference between districts so far as the activities of these bodies were concerned. In some districts the District Committees meet regularly once a month and discuss a

great variety of questions ; in other districts their meetings are much less frequent, and the number of questions on which they are consulted is not so great.

As regards Road Boards, in some districts Road Boards have, by arrangement with the local Executive Engineer, taken over responsibility for work on district roads ; in other districts their part in connection with the actual work done on the roads has not gone beyond occasional discussions with, and suggestions to, the Executive Engineer.

Generally speaking, the districts in which District Committees and Road Boards have hitherto been most active are the districts in which the strongest desire was shown for some definite advance in the development of Local Government.

3. With regard to the question of the powers to be exercised by the new elected bodies which were proposed, the principal suggestions made may be classified as follows :—

(1) It was suggested that these bodies should continue to be advisory bodies, without executive powers of their own, and that greater weight should be attached to their recommendations on matters of local interest ;

(2) It was suggested that certain executive powers should be conferred upon these district bodies, but that any work entrusted to them should be carried out by Government officers, and paid for entirely out of Government funds ;

(3) It was suggested that such bodies should be given full executive authority with regard to certain works and services ; that the work entrusted to them should be carried out by their own officers, and that, while they should be financed in the first instance by Government grants, certain taxation powers should be conferred upon them which they could exercise for the purpose of supplementing the sums placed at their disposal by Government.

4. If the proposed district bodies continue to be advisory bodies there will be no change in principle from the existing system.

Experience has shown that the District Committees and Road Boards have played a very useful part as advisory bodies. The Road Boards have also successfully performed the quasi-judicial functions with regard to Roads of Access assigned to them under the Public Travel and Access Roads Ordinance ; and in some areas have also taken so large a share in looking after district roads that they have almost come to be regarded as already possessing some executive authority, but it must be recognised that the work actually done by the Road Boards in supervising and seeing to the carrying out of work on roads has hitherto been based, not on definite powers entrusted to them, but on agreements made between them and

the Executive Engineer, as representing the Public Works Department in the district concerned, whereby the members of the Road Board have given their services to the Department as voluntary unpaid agents. These arrangements have been very valuable as showing what can be done by voluntary co-operation between Government officers and District representatives, but the actual power of control has always rested in the last resort with the Government officer, as the representative of the Government Department concerned. At the same time, experience has shown the limitations of such arrangements. In the Trans-Nzoia for instance, where for some two years the members of the District Road Board have, with the assistance of sub-committees in their respective areas, been carrying out on behalf of the Public Works Department work on district roads, we were told that they wished now to give up this system, and to hand back responsibility for the work to the Public Works Department. It was said that farmers found that they had not the time nor the labour to spare for road work ; and that members of the Road Board found the work of supervision too onerous, owing to the demands made upon their time, and the expense involved in travelling about their areas for the purpose of inspection.

Another difficulty which has been experienced in connection with this voluntary system has been the difficulty with regard to plant, as the rules with regard to expenditure of the money voted for district roads have not allowed Road Boards to acquire plant and animals for use in their respective districts.

While, therefore, the present advisory bodies have apparently developed in some districts beyond the stage of being merely advisory bodies, owing to their having by voluntary arrangement acted as the agents of the Public Works Department, and, while arrangements of this character made between Road Boards and Executive Engineers have in some cases proved to be of value, this development must not be allowed to obscure the real character of the existing bodies, which are, in fact, not more than advisory bodies, so far as concerns the actual carrying out of work on roads.

5. The second class of suggestion referred to above, namely, the suggestion that executive powers should be conferred on the new district bodies, but that such bodies should not have any Staff of their own, and should continue to rely on the services of Government Officers and to be financed entirely by Government grants, was put forward in many districts. The fact that the system of voluntary co-operation between Road Boards and officers of the Public Works Department has, in some districts, proved successful in dealing with district roads has no doubt tended to encourage the idea that all that is now needed is to go one step further, and give the Road Boards independent authority of their own to carry out works on roads, and

to use for that purpose the services of the Public Works Department so far as they may prove to be required ; but discussion of suggestions of this type showed that they are difficult to defend in principle, and would almost certainly be unworkable in practice. A Government officer cannot at the same time be the servant of his own Department and of a local body, and the difficulties of the situation would be increased if, as would be the case with Executive Engineers, he were required to work under the orders of more than one local body, as well as under the orders of his own Department. So long as the Department and the local bodies agreed as to what was to be done, things might work smoothly, but if they disagreed, and it would be inevitable that they should from time to time disagree, the question would arise—whom was the Government officer to obey ? So long as he remained a Government officer it would be inevitable that he should take the instructions of his Department, rather than those of district bodies. Further, if a district body were dissatisfied with the work of the Executive Engineer representing the Public Works Department in their district, they would have no power to dispense with his services, and could only make recommendations to Government. On the other hand, if they had an Executive Engineer with whom they found it easy to work, they could not retain him if Government wished to send him elsewhere ; and it has been apparent that difficulties have been caused in the past by the frequency with which changes have been made in the case of Executive Engineers as well as in the case of other Government officers appointed to different districts.

With regard to financial arrangements, so long as the Government is solely responsible for providing funds, the decision as to the amount of money available must obviously rest with the Government, and any proposals for work to be done made by a district body would, if they involved increased expenditure, necessarily be subject to Government veto.

Those who asked that executive powers should be conferred on district bodies urged that such powers must be real and effective. Any system which conferred executive powers on the district authority and at the same time made that authority entirely dependent on the services of Government officers, and on Government grants, would not fulfil this requirement, but would, in fact, be little more than a pretence and a sham. If real executive powers are to be granted to district authorities, it is necessary that those authorities should be able to employ their own Staff for carrying out their work.

Of the three types of suggestion made to us, it is therefore in our opinion necessary to rule out the second.

6. The importance of the distinction between bodies which are in essence purely advisory bodies, and bodies which are endowed with executive authority, must be recognised. A local advisory body

may find it can co-operate with a Government Department in the actual carrying out of work on which it is consulted, and such a development may be of great practical value, but under any such arrangement the real ultimate authority remains with the Government Department. If a local authority is to be given executive powers, then, in order to make such power a reality, it must have its own Staff, and its own plant, and definite resources of its own, so that it can carry out its work in its own way within the field assigned to it, subject to compliance with such general rules and conditions as may be laid down by Law. There is, of course, nothing to prevent a local body which has a measure of executive power in respect of certain works and services also acting as an advisory body to Government in respect of other matters where the full executive authority is retained by Government, but in that case it is necessary to maintain a clear distinction between those matters which are definitely handed over for local control, and those which remain under central control, and as to which the local body is only entitled to offer advice to the Central Government.

CHAPTER V.

GENERAL ARGUMENTS IN FAVOUR OF LOCAL GOVERNMENT.

The general arguments in favour of creating local authorities which are not merely advisory bodies, but which have real executive power of their own, may be summarized under three heads :—

1. *Administrative* :—There are certain classes of work which can be better done by a local authority than by a central authority. Local interest is stimulated in work which is entrusted to local control ; and the local authority, being in closer contact with the actual needs and conditions of its district, can, generally speaking, if it has an efficient organization, deal more promptly with questions as they arise, and secure more effective supervision of work done in its area, than a central authority operating from a distance, which has to consider and provide for the requirements not of one, but of many districts.

In the case of road work it was urged that better value could be obtained for the money spent to-day if local authorities had the spending of it, and the experience gained where members of Road Boards have acted as local agents of the Public Works Department goes, to some extent, to support this view. When, as under these arrangements, the advice and assistance of a local advisory body is available to the Government Department responsible for the work, some of the advantages of local control may be secured but, so long as a Government Department remains finally responsible both for financing and carrying out the work, it must retain the right to reject any advice given, and such a right will inevitably be exercised not infrequently when larger questions of development involving increased expenditure come up for decision. Even in minor matters, delay may often be caused by the necessity for referring to headquarters questions which, if a local body were in control, could be settled on the spot.

It must also be recognised that there is a tendency on the part of Government Departments to adhere to uniform methods, and to be slow to make changes to meet the views or needs of particular districts ; such a tendency is not peculiar to Government Departments, but is a natural feature of all undertakings whose operations cover large areas and are subject to centralised control. One of the advantages of a system of decentralisation and local control is that it gives freedom to local bodies to experiment with new methods in their own spheres, and such freedom for experiment within recognised limits, though it may lead to some failures, is one of the surest means of securing progress. Success by one district in solving a particular problem will result in another district following its lead.

Further, whatever success may hitherto have been obtained from the co-operation of advisory bodies in local administration, it is necessary to recognise the difficulty of securing continued support for such bodies if they are to remain purely advisory. In some areas it has been found difficult to secure men to serve as members of District Committees and Road Boards who will attend meetings regularly, and there has been a tendency to leave the work to a small minority. There are signs in other areas, where meetings have hitherto as a rule been well attended, that members of District Committees and Road Boards are beginning to feel that, unless they can be sure of their advice being taken on some of the subjects with which they deal, the sacrifice of time and trouble involved in attending meetings, and often travelling a great distance for the purpose, may cease to be worth while. There is good reason to think that the grant of some measure of executive authority to such bodies will have a valuable effect in stimulating the interest and activity of both voters and their representatives.

Recognition of the advantages which may result from the giving of executive authority to local bodies for certain purposes must not be held to imply that such bodies should be entirely independent of any central supervision or control. The question of the central authority required for road purposes, and the extent of its powers, will be dealt with at a later stage.

2. *Financial.*—As development proceeds in different districts there is increased demand for local services. If this demand is to be satisfied, increased expenditure will be required. The question therefore arises: How are the funds for this increased expenditure to be provided, and how are such additional amounts, as may be available from central funds for local services, to be fairly apportioned to meet the competing claims of different districts?

If a satisfactory system of local taxation can be devised, each district will be able to get increased money for its own development, and to obtain that money in an equitable way; *i.e.*, by contributions, towards the cost of the services given, levied from those who receive the most direct benefit from such services. So long as the cost of all local services has to be provided from general taxation, Government is always open to the charge that it is favouring one district at the expense of another, and it is extremely difficult to arrive at any satisfactory system of apportioning the total amount available, say, for road expenditure, between the different districts concerned. That difficulty is experienced to-day, but it will, of course, become much more acute as soon as local elected bodies are in a position to prepare programmes of work, and to formulate demands for their respective areas.

Witnesses in one area, who were opposed to any idea of local taxation, urged that local bodies should be allowed to expend such sums as Government already devoted in their respective areas to the services for which the local bodies are to become responsible, " subject to ' normal increases.' " But different districts vary very much both in present circumstances and in prospects of development, and no fixed rate of ' normal increase ' in the form, say, of a certain percentage to be added annually to previous grants, could therefore be reasonably adopted for general application to all districts ; the case of each district would have to be considered afresh every year on its merits in order to arrive at an equitable apportionment. If, however, local contributions were recognised, subject to definite rules and conditions, as providing a basis for the purpose of fixing the amounts of Government contributions to district services, one portion of the problem, with which Government and its advisers in Legislative Council are annually confronted in the preparation of the estimates, would be greatly simplified.

3. *Political.*—The development of some system of Local Government which involves the giving of real authority and responsibility to elected district bodies should, if any guidance can be obtained from the experience of other countries, have the effect of developing in electors the capacity of working together for common ends, and of accustoming their respresentatives both to deal with the practical problems of administration and to justify when called upon the policy which they see fit to adopt. Acceptance of a definite share of responsibility for local administration should thus serve as a preparation for the acceptance of larger responsibilities in the sphere of national as distinct from local affairs.

4. For the reasons above stated we consider it desirable that local bodies, mainly composed of non-official elected members, and endowed with executive authority in some branches of local administration, should be established in the Settled Areas wherever conditions as to population and development are such as to enable this course to be adopted with a reasonable prospect of success.

In most of the districts which we have visited, development is already so far advanced, or is now proceeding so rapidly, as to justify in our opinion the immediate grant of some measure of Local Govern ment ; the less advanced districts, where settlement is still sparse, distances great and communications difficult, and where Settlers still have exceptional difficulties to contend with, will require special consideration, and in some of these cases it may prove advisable to adhere for the time being to the present system of having purely advisory bodies, and to delay the grant of executive powers.

CHAPTER VI.

GENERAL FEATURES OF SYSTEM RECOMMENDED FOR RURAL AREAS.

Before attempting to sketch in outline the system of Local Government which we recommend for adoption in the case of rural areas, it is desirable to lay down certain general requirements to which such system should in our opinion conform.

(1) Local bodies should be given such powers and resources as will enable them to act effectively within their own sphere. Such sphere will, in the first instance, necessarily be limited, and their work must be subject to a reasonable measure of central supervision, but their responsibility within their own sphere should be made plain both to themselves and to their constituents, and a clear distinction should be drawn between those matters in which they are given executive authority of their own, and those as to which they remain advisory.

(2) The system, while not involving too heavy a responsibility at the start, should admit of gradual development, so that a local body may be enabled gradually to assume further powers, as it acquires experience, and as the needs of its district demand further advance.

(3) The system should be as elastic as possible, so as to make it readily adaptable to varying needs and conditions.

(4) The conditions under which a local authority takes over a service, at present provided by Government, should be so framed as to enable the Government to reduce its own establishment for the area concerned, in proportion as it is relieved of functions entrusted to local bodies. Every effort must be made to avoid creating a situation in which both the Government and local authorities will be obliged to maintain Staffs and establishments in the same area for the same purposes.

We propose now to consider the following questions :—

(1) What are the services over which the proposed local bodies (which we will term District Councils) should have control in rural areas ?

(2) What powers should be given to District Councils with respect to such services, and what Staff will they require for the exercise of such powers ?

(3) What should be the areas of jurisdiction of District Councils ?

(4) What should be their financial resources, and what powers should they have of raising local taxation ?

(5) Should District Councils, apart from their executive powers, also be recognised as advisory bodies for certain purposes ?

(6) What should be the constitution of District Councils ? Under this head, the following points arise for consideration :—

Qualifications of voters and candidates ;
Term of Office ;
Number of elected members ;
Number of official members ;
Number of nominated members.

We have placed last the question with regard to the constitution of the proposed Councils, because the answer to that question must largely depend on the nature of the functions entrusted to them, and the extent of the areas over which they exercise jurisdiction.

We propose to deal with these questions in the following Chapters.

CHAPTER VII.

EXECUTIVE FUNCTIONS OF DISTRICT COUNCILS.

The first two questions may conveniently be dealt with together :—

(1) What are the services over which the proposed District Councils should have control in rural areas ?

(2) What powers should be given to District Councils with respect to such services, and what Staff will they require for the exercise of such powers ?

The principal services discussed by the Commission with representatives of District Committees and Farmers' Associations and other witnesses, with reference to their suitability as subjects for local administration in rural areas, were :—

(1) Roads ;
(2) Public Health ;
(3) Hospitals ;
(4) Schools.

2. *Roads*—It was generally recognised by witnesses who appeared before us that the first duties to be undertaken by elected district bodies should be in connection with the construction and maintenance of roads. We propose that, in the first instance, the main functions of District Councils should be those of road authorities, and that all such bodies should become responsible for the construction and maintenance of roads in their areas.

The existing classification of public roads by the Public Works Department into " Main Roads," and " District Roads," is avowedly only of a provisional character. The question whether a particular road is to be classed as a " main road," or a " district road," is not a question of great importance, so long as both main and district roads are subject to the same control and the funds for expenditure on both classes of roads are drawn from the same source. It is true that this classification has become of some practical significance for purposes of administration in connection with the arrangements made in certain areas for Road Boards to assume responsibility for work on district roads, but, as already pointed out, such arrangements have been of a purely voluntary character, and have not involved the Road Boards in any responsibility for providing funds.

3. Proposals made by witnesses as to the responsibility to be assumed by district bodies for the care of roads have generally been to the effect that the district body should become responsible for district roads, and that the Public Works Department should continue to be responsible for main roads. When this suggestion is examined in relation to the figures available as to expenditure on roads, it appears that in some districts the responsibility of district bodies would, on this

suggested basis, if the present classification of roads into main and district roads were adhered to, be unduly restricted. There has hitherto been a tendency in some areas to give a wide interpretation to the term 'main road,' and to include under that heading roads which, though important as carrying a comparatively large volume of traffic, only serve the needs of a single district—in other words, to class important district roads as main roads. We do not propose that district bodies should become responsible for the care of all public roads within their area of jurisdiction ; we think it should be recognised that some roads are clearly of national importance, and that the control of those roads should remain with the Central Government. But we do not think that the class of roads thus excluded from district control should be expanded so as to include all the roads serving as main lines of communication. If district bodies are only given the less important roads to deal with, their work will not be on a sufficient scale to stimulate public interest, or to attract the energies of the men best qualified to serve as members of the district bodies, and it will be impossible for them to incur the expenditure on Staff and plant which will be necessary for the purpose of enabling them to do their work with efficiency.

We shall deal at a later stage with proposals for the establishment of a Central Roads Board, which will act as a central advisory authority, with certain powers of supervision over the work of District Councils in their capacity as road authorities—*see* Chapter XIII.

4. We propose that there should be a fresh classification of roads in the settled areas as follows :—

(1) Main Trunk Roads ;
(2) District Roads, including—
  (*a*) Main District Roads, and
  (*b*) Minor District Roads ;
(3) Roads of Access.

The first class—" Main Trunk Roads "—for which responsibility should remain with the Central Government, should only include roads which are of importance as a means of through communication from one territory to another, and roads which are primarily of importance for strategic or administrative purposes. All other public roads should be classed as district roads, which should be controlled and maintained by District Councils.

District roads should be divided into " main district roads " and " minor district roads." The " main district roads " will include the principal roads, other than main trunk roads, leading to the chief centres of population or to railway stations which are important as points of shipment for agricultural produce.

Sections of " main trunk roads," or of " main district roads," which lie within municipal areas should be controlled and maintained by municipal bodies, subject to financial arrangements which will be dealt with later.

5. In some regions, the position with regard to district roads is complicated by the way in which portions of " Settled Areas " are intermingled with portions of native reserves. Where a district road mainly required to serve the needs of the population of the Settled Area crosses an outlying portion of a native reserve, provision should be made enabling the District Council concerned to carry out any necessary work on the small section of the road situate within the reserve.

6. It will be open to the Central Government, while itself retaining control of and remaining responsible for all work done on main trunk roads outside municipal areas, to arrange with any District Council to undertake work on such portion of the road as may lie within its district, if such an arrangement is found expedient and can be made on satisfactory terms.

7. Roads of Access will, until they are declared public roads, continue to be maintained by the landowners concerned, subject to control and supervision by the District Council under Section 14 of the Public Travel and Access Roads Ordinance. In any district for which a District Council is established, such Council should perform all functions assigned to a Road Board under that Ordinance.

8. Streets within municipal areas should continue to be classified, as under the existing law, as " Public Streets " and " Private Streets." Certain public streets will also form sections of " Main Trunk Roads," and " Main District Roads," and the municipal authorities will, according to our proposals, be entitled to receive grants in respect thereof.

9. In order to enable District Councils to function efficiently as road authorities, it will be necessary for each Council to employ a qualified Civil Engineer, who will act as its technical adviser and have charge of its road work. He should be a man with experience of road construction, accustomed to operate road plant and capable of designing ordinary bridges and carrying out survey work where required. A man with the qualifications for the post of Assistant Engineer in the Public Works Department would, we are informed by the Director of Public Works, be equal to the duties of this post. According to the existing Government scale, his salary would be £480—£840 per annum, and house allowance, if no house is provided. He would also require the usual passage and travelling allowances, with the possible further addition of some provision for pension. Appointments of Engineers by District Councils should be subject to approval by the Governor. It would also be necessary for a District Council to employ one or more European Road Foremen, unless they found it possible to put their work out to contract, and also, if they owned mechanically-driven plant, drivers qualified to have charge of such plant. The Engineer would require some clerical assistance.

In the initial stages of District Councils, it will probably be advisable to arrange for the secretarial and accounting work to be done in the

District or Resident Commissioner's Office, but it should be open to the Council to engage, with the approval of the Government, a Secretary and Accountant of its own, on a part time basis. A local Solicitor or business man might be found who would be able to undertake such work in his own office for a moderate remuneration.

10. (2) *Public Health.*—There is, as indicated in Chapter II, at present very little provision made for public health administration in Settled Areas outside townships. The answers given by witnesses to questions on this subject showed that few appreciated the scope and importance of the work which will have to be undertaken for the purpose of securing satisfactory sanitary conditions, and promoting public health in rural areas. The need for this work will become greater and more apparent every year, as development continues, and settlement becomes closer, but the Extract from the Memorandum of the Deputy Director of Sanitary Services given in Chapter II, shows clearly that the need already exists. It would be premature at the present stage to require District Councils to assume responsibility as public health authorities for their areas, but provision should be made for their assuming this responsibility as soon as they are ready to do so, and we consider that, in the meantime, they should be empowered to make contributions from local taxation towards the cost of providing for public health administration in their areas, so that where, for instance, the need for the appointment of a District Sanitary Inspector is recognised, the district concerned may be able to press its claims on the Central Government for the services of such an official by offering to bear at least a share of the expense involved.

We propose, therefore,

(1) That District Councils should not, upon their first establishment, automatically become "local authorities" for the purpose of the Public Health Ordinance, but should, in the first instance, be advisory with regard to Public Health questions in their districts;

(2) That they should from the outset have power to raise money for Public Health purposes, including more especially payment for the services of Medical Officers of Health and Sanitary Inspectors;

(3) That the Governor should have power, on the application of a District Council, to create such Council as Public Health Authority for its District (*i.e.*, as local authority for purposes of the Public Health Ordinance), and that, upon a Council assuming these responsibilities, it should obtain control of the Public Health Staff for the district—*i.e.*, that it should appoint its own Staff, either separately, or in conjunction with other local Public Health authorities, subject to Government approval; Government to contribute half of the salaries of whole time officers.

11. (3) *Hospitals.*—In Chapter II we drew a picture of the present conditions in regard to hospital facilities in the Settled Areas. So far

as concerns the treatment of natives in those areas, we noted that Government accepts definite responsibility only for the medical treatment of its own servants and for Africans in the Native Reserves ; that, while it has placed on employers—*vide* Section 29 of the Employment of Natives Ordinance, Chapter 139—a legal liability to provide medical attention for their African employees, it does not in fact charge them the full cost of hospital treatment for patients whom they send into hospital ; and that in practice it provides in existing institutions free hospital treatment for unemployed Africans living outside their Reserves. It has further been shown that the present hospital accommodation is inadequate.

Government admits no responsibility for providing medical treatment for Europeans and Asiatics not in its employment, but has given certain assistance, as described in Chapter II. In several centres witnesses drew our attention to the urgent need of providing better facilities for obtaining medical advice and treatment for Europeans and Asiatics in Settled Areas. The importance attached by witnesses who gave evidence before us to the provision by some means of adequate hospital facilities for Africans in the Settled Areas has been indicated in the extracts from evidence collected in Chapter III.

In every district this question of better facilities was raised, and in most cases witnesses were of opinion that the local community would be willing to share in the cost of their provision. In some districts efforts have already been made to obtain hospitals by means of voluntary local co-operation with the Medical Department, but hitherto without success, except in the case of Kitale, where there is a prospect that a definite scheme of co-operation will shortly be introduced. In the Kericho District we were informed of an unsuccessful attempt to secure a hospital with the assistance of a grant made from charitable sources ; and in the Thika area of the Fort Hall District the subject has been under discussion for the last few years ; and at one time a certain sum of money was actually collected from the local residents. The Muhoroni farmers have also a plan under consideration for co-operation with a Missionary Society to establish a hospital in their area.

12. Evidence to the effect that local residents would be willing to contribute towards the cost of establishing and maintaining hospitals or dispensaries was given in a number of districts. In Fort Hall, Commander Lawford, President of the Thika District Association, agreed that " this is one additional service which is needed in this district for which no provision is at present made, and for which people might be prepared to tax themselves, expecially if they had some say as to the hospital or organization to be established."

In Naivasha a large employer of labour said, " Most of the people in the district are very anxious for the re-opening of the hospital . . . I think everybody in the district would agree to contribute to a

hospital." Similar expressions of opinion were heard elsewhere, and reference to Chapter III will show the general attitude of witnesses on this question.

13. On our return to Nairobi, Dr. C. J. Wilson, the Acting Director of Medical and Sanitary Services, was informed by the Chairman of the trend of the evidence given and of the general attitude of witnesses on this subject, and was invited to assist the Commission by submitting a further Memorandum dealing with the question, and outlining a basis on which Government and Local District Councils might co-operate for the purpose of providing hospitals and dispensaries. The following Memorandum was submitted by Dr. Wilson in response to this invitation :—

MEMORANDUM

ON THE

PROVISION OF MEDICAL SERVICES IN THE SETTLED AREAS.

"At the present stage of development of Kenya Colony, there is very urgent need for the closest attention to the health of that part of the native population which is associated with the European in the relation of servant to employer.

"It must be admitted that too little attention has been devoted to this object in the past. The Medical Department of Government in its evolution has passed through two stages : the first in which its activities were almost entirely devoted to the care of Government servants ; the second in which it has concentrated more particularly on the population of the Native Reserves. In the process of extending its activities from the special class of Government servants to the general native population, it would seem that the peculiar claim of a further special section of the native population has been overlooked or denied ; that section consists of natives who have left their natural environment to associate themselves with Europeans.

"There are reasons for considering this section of the population as particularly important in the economy of the Colony. In the first place it is, as a rule, the more intelligent and more enterprising native who seeks employment with the European master ; the individual who abandons tribal life for the adventure of European service has, as a rule, greater potentialities than his fellow who is content with things as they are. Secondly, the employed native is usually a man in the prime of life, at the height of his usefulness as a member of society. Thirdly, by contact with Europeans he is likely to benefit mentally and socially, acquiring knowledge, experience, ideas and habits which he would otherwise miss, and so becoming a still more useful member of society.

"Therefore it must be that the physical health of such an individual is of prime importance to the State.

" Moreover, effort expended on the health of the employed native is more likely to be profitable than corresponding effort in a Native Reserve. In a Native Reserve, curative efforts are too often counteracted by the insanitary habits and conditions to which the patients are exposed, and rendered abortive by ignorance, superstition and general fecklessness of the community. On farms and estates under European management, on the other hand, there is the possibility that the force of precept and example, or even of direct discipline, may assist curative measures and also prevent the patient from lapsing into that insanitary mode of life which immediately neutralises any temporary benefit received.

" That too little attention has been paid to the care of the health of employed labour is due, not so much to oversight, as to the definitely expressed policy of Government to make the health of the native servant the direct responsibility of his employer. The Medical Department has therefore not accepted direct responsibility, but has relied on advice and exhortation to employers to carry out their duty to their servants.

" It must be admitted that this policy has failed. While recognising that many employers are willing and anxious to care for the health of their labour ; while admitting the value of the almost pathetic faith of the native in the ability of the European to cure his physical ailments ; the conclusion must be reached that natives in European employment do not receive that medical attention which could and should be provided.

" Failure has been due to lack of knowledge and lack of organized effort on the part of the employers. In no instance in the Colony, with the exception of the Magadi Soda Company, has private enterprise succeeded in maintaining a hospital under fully qualified supervision for the treatment of sick labour. In spite of repeated admonitions from Government, and after many imperfect attempts on the part of individual employers, the fact remains that adequate measures have not been taken by European employers to ensure that their native servants receive proper medical treatment during sickness. Though the need is apparent, though the willingness to meet it is freely expressed, there would seem to be little hope, in the present condition of European settlement, that private enterprise will succeed in fulfilling an admitted obligation.

" It would, therefore, seem that the time has come for the State to intervene. And the time is opportune, for the European community has been awakened to the urgency of the need and is prepared to play its part in meeting it, if the way can be shown. Humanitarian sympathy between European and native has always been strong in Kenya. To this has now been added an appreciation of the economic importance of care of the health of native labour ; it is now widely realised that the individual African is an economic asset of the greatest value, and that physically he is not the robust animal that once he was imagined to be, but is on the contrary most susceptible to disease.

"To help in the solution of the problem facing us, we have certain factors. There is a wide-spread desire amongst employers that something should be done. There are financial resources available as a consequence of the greatly increased and still increasing prosperity of the European native-employing community. There is a Medical Department, well staffed and organized, quite capable of administering any system of medical relief which may be adopted.

"To entrust the Medical Department of Government with the organization of the necessary work would appear to be the best course, since co-operation amongst private employers is so ineffective, and private medical practitioners are so few and uncertain. There is no guarantee that public opinion or private enterprise can be relied on to secure such practical efficiency in medical services as is required. The Medical Department has the knowledge and the experience essential for the institution of a system of hospitals and accessory services adequate to meet the case, and nowhere else in the Colony does that knowledge or experience exist. All that is required is the financial means for enabling the Department to undertake this additional work.

"The lines on which a hospital service for the natives of the Settled Areas could be organized might be after this fashion: Selecting a district where the European community is large enough, and public-spirited enough, to be entrusted with a certain amount of governing powers, a local representative body (which we may call the local authority) will be asked to choose, in consultation with the Medical Department, a convenient site for a medical centre. The factors to be considered in determining the site will be accessibility by road or railway to a large proportion of the native inhabitants of the district, nearness to the chief social or commercial centre, healthiness, suitability for building purposes, and water supply.

"At the selected site will be erected a hospital with native Staff quarters, and houses for a Medical Officer and a European Nursing Sister. The hospital might include a room or rooms for a few European patients, a small ward for Asiatics if the number of Asiatics in the district warrants this, and native wards to accommodate a proportionate number of the native population of the district. There will also be an out-patient room and dispensary. Since building in stone or concrete is so expensive, it is probable that permanent buildings of this nature would be impracticable; moreover, immediately to erect a permanent hospital might be inadvisable, for altering conditions or opinions might indicate the desirability of a change of site. A semi-permanent structure of wood and iron would meet the case. The capital cost of buildings and equipment might be met by a local levy, with a proportionate contribution from Government, or by a loan. In the event of a semi-permanent structure, provision might be made in annual Estimates for the establishment of a fund for eventual replacement.

" The design, capacity and construction of the buildings will be decided by the local authority, with the advice and approval of the Medical Department.

" The hospital having been built and equipped, there will then be posted to it a Medical Officer and Nursing Sister from the Staff of the Medical Department, together with the necessary subordinate African Staff of hospital dressers, cook, sweepers, and porters. Their salaries, estimated in the case of the European staff on a consolidated basis to include pension and passages, will be charged up to annual maintenance costs. Other maintenance costs will be patients' rations, fuel and lighting, and medical and surgical stores , these latter will be supplied by the Medical Department at a valuation.

" The income necessary for the maintenance of the hospital will be derived from :—

(1) A local rate, imposed by the local authority, on all employers of labour within reach of the hospital, in proportion to the labour strength employed ;

(2) Patients' fees, as determined by the local authority ;

(3) A contribution from Government.

" Accessory services in the form of sub-dispensaries could be arranged at convenient spots throughout the district. Each dispensary would be in the charge of a native dresser, would be supplied with drugs from the central hospital, and would be visited periodically, and on emergency calls, by the Medical Officer.

" Motor transport, preferably in the form of a box body car fitted to carry one stretcher case, would be needed for the Medical Officer. The initial cost of the motor car might be borne by the local authority, but up-keep and repairs would be a charge to the Medical Officer, who would be allowed a fixed mileage rate for running, plus an allowance, varying with the state of depreciation of the car, for fair wear and tear. Or the Medical Officer might provide his own car, and be given a mileage allowance.

" Routine visits to sub-dispensaries would be charged to the local authority, emergency visits to the employer concerned.

" No fees would be charged by the Medical Officer for medical attendance on natives.

" In the case of attendance on Europeans and Asiatics, these, if rated on a separate basis for purposes of medical facilities for themselves (apart from the rate for medical treatment for their native employees) would pay a fee, to be fixed by the local authority, plus travelling charges, for medical visits. These fees might be collected not by the Medical Officer, but by the local authority, as an additional source of income—if such a practice can be reconciled with medical custom elsewhere and with the views of the British Medical Association.

" The internal economy and discipline of the hospital will be the concern of the local authority, to whom the Medical Officer will act as

expert adviser. But the management of the hospital must be open to inspection by, and subject to the approval of, the Director of Medical and Sanitary Services or his representative.

" There is a possible alternative to the proposal to appoint a Government Medical Officer to the charge of the hospital and district ; that alternative is to appoint a District Surgeon, a private practitioner of the neighbourhood, who would receive a retaining fee for duties in connection with the Native Medical Service. This method might be cheaper, but it is unlikely that the prospects of such an appointment would prove attractive to men of the type required ; whereas the Kenya Medical Service has no difficulty in obtaining them.

" However, where there is already established a practitioner able and willing to undertake the work, or whenever such a man should offer his services, the alternative might be given a trial. In this connection it should be remembered that in the two existing cases where native hospitals are supervised by District Surgeons, viz., Nakuru and Eldoret, the direct management of the hospital is in the charge of a Government-paid Asiatic Sub-Assistant Surgeon ; it is desirable that such a subordinate officer should be eliminated in any future scheme."

14. On the question of financial provision, Dr. Wilson, in a further Memorandum, stated :—

" With regard to finding the money necessary for operating such hospitals as these, where only a small part of the expense is recovered by fees, it would seem at first sight that the simplest and fairest method would be to increase the charges all round until they covered the expenses; in which case Government would pay for its dependents and presumably for unemployed natives, while the employer would pay for his servants.

" The difficulties in the way of this course are that it seems possible that the numbers of patients and therefore of the cost per patient may vary considerably from year to year, and it would be undesirable for the fees to fluctuate. There would also probably be much opposition from employers if the hospital charges were generally raised.

" Alternatively, a rate may be imposed, based either on land or on labour, or a combination of hospital fees and a rate might be found advisable. If land were made the basis of the rate, its incidence would impinge unfairly on the stock farmer, who, with a large acreage, employs only a small amount of labour, as against the crop farmer whose labour would be comparatively more numerous. It is probable that a rate on the number of labourers employed would be more satisfactory, although its application presents certain difficulties. Only adult male labour and squatters are registered and, therefore, able to be checked ; there is no means of ascertaining the amount of female or juvenile labour employed unless additional machinery for obtaining these figures is devised. The registered labourers and squatters

estimated to exist within a ten mile radius of Nakuru and Eldoret number, in the one case, 2,500 labourers and 454 squatters, and in the other, 2,000 labourers and 207 squatters."

15. We are in general agreement with the suggestion contained in the above Memorandum on the general question of medical services in Settled Areas, and we think that provision should be made enabling schemes for the provision of Hospitals and Dispensaries in Settled Areas, on the lines above suggested, to be carried out by District Councils with Government assistance and approval. Where a District Council is desirous of initiating and participating in a scheme for the provision of Hospitals or Dispensaries, or both, a detailed scheme should be drawn up by the Council and the Medical Department, acting in consultation, with the assistance of the Government Department responsible for the supervision of Local Government activities. Any such scheme should provide for the selection of a suitable site ; for the erection of buildings ; for the appointment of Staff ; for the financial contributions to be made by the Government and the District Council ; for the levying by the Council of any proposed local rate or tax the proceeds of which are to be devoted to paying the Council's contribution, and for the area in which such rate or tax is to be levied ; for the charges to be made for the treatment of patients, which, in the case of natives in the service of a private employer should be on a different scale according to whether or not the employer is a contributor to the tax or rate levied ; for meeting the cost incurred in the treatment of native patients other than those in the service of private employers ; for any provision to be made in the proposed hospital for European or Indian patients, and for financial arrangements in connection with such provision.

Such schemes cannot all be of one pattern ; in every case local conditions will have to be taken into account. Such conditions will affect the extent of the Settled Area to be served ; the question whether the proposed Hospital or Dispensary will serve the needs of any adjoining portion of Native Reserves ; the amount of the revenue to be obtained by means of any special form of taxation to be adopted, and the amount of the Government's contribution. We think the Government should be prepared to make some definite contribution in each case, on a fixed proportionate basis, towards meeting the cost of building, equipping and Staffing the institutions provided ; if the scheme is so designed as to serve the needs of natives in Reserves as well as natives in Settled Areas, this fact must be taken into account in assessing the Government's contribution. This contribution would probably have to be supplemented by an arrangement for payment by Government of charges at an agreed rate for treatment of natives in Government employment, and of unemployed natives, who were unable to pay their own fees.

16. It will be necessary that the responsibility to be assumed by the Government and the District Council respectively should be on a clearly defined basis, which should not be subject to sudden change at the will of either. Each side, Government and District Council, must be protected against any reversal of policy by the other which would involve a waste of initial expenditure incurred in providing buildings, equipment and Staff.

There must, therefore, be a guarantee that any scheme will be in operation for a certain minimum period. Such guarantee should, we think, be provided by conferring on the Governor-in-Council statutory power to make regulations sanctioning and giving binding effect to any scheme agreed upon between the Government and the District Council, so that the District Council may be assured of the continuance of the Government's contribution, and that the Government may be assured of the continuance of the District contribution. For the latter purpose it will be desirable that, where it is proposed to levy local taxation, either in the form of a labour tax or in any other form, for the purpose of raising the amount of the District Council's contribution, the regulations should provide that the proposed tax shall be levied and collected by the District Council at the rate agreed upon for the minimum period fixed. A District Council would, under any such scheme sanctioned by the Governor-in-Council, become the Hospital Authority for the area concerned, with powers and obligations as defined by the terms of the scheme.

17. (4) *Schools.*—There is already in existence under the Education Ordinance a system of School Area Committees for schools serving different races, the Colony being divided into " School Areas " for each of the races concerned. There are four school areas for Europeans, each of which includes several districts.

In view of the existence of this system of school areas, and of the necessity under existing conditions of organizing educational arrangements so as to provide central schools for large areas, there appears to be little scope for District Councils at present in the field of education, but we consider that, if powers of taxation are conferred upon District Councils, they should have power, subject to the sanction of the Governor-in-Council, to raise funds by such taxation for the purpose of assisting in the provision of buildings for primary schools in their districts, and of contributing towards the maintenance of such schools ; and also for the purpose of contributing to the education of children belonging to their districts whose parents are unable to afford payment of fees.

CHAPTER VIII.

AREAS OF JURISDICTION FOR DISTRICT COUNCILS.

There are at present four statutory divisions of the Colony into areas.

I.—For administrative and magisterial purposes—the division into provinces, districts, and extra provincial districts, which, as we have noted in Chapter I, was effected by Proclamation 54 of 1924, issued under the Kenya Colony and Protectorate (Boundaries) Order in Council, 1921.

II.—A division into electoral areas authorized by the Legislative Council Ordinance, Chapter 24, for the purpose of electing European members to the Legislative Council of the Colony. The present electoral areas are, we understand, not considered to be satisfactory, and certain alterations based on the distribution of voters, or on some community of interest among them, have been proposed by a Select Committee of Legislative Council. These proposals have not yet been adopted by Government. Leaving Nairobi and Mombasa out of account, the electoral areas at present number seven, and in no single case does an electoral area correspond with an administrative district. In the new proposals one area does so correspond, viz., Plateau South electoral area—with Uasin Gishu administrative district.

III.—A division, under the Education Ordinance, 1924, into school areas for each race which, in fact, either correspond with or are groups of administrative districts.

IV.—A division into Road Board districts under the Public Travel and Access Roads Ordinance, Chapter 113. Administrative districts have been declared to be Road Board Districts for the purpose of this Ordinance. In one district, however, two Road Board Districts have been declared: and a small area of one administrative district has been transferred to another for Road Board purposes—*see* page 86.

A fifth division which has no legal sanction is that of Public Works Department divisions, which, as we remarked in Chapter II, correspond with none of the other boundary systems, and sometimes cut across an administrative district.

2. District Councils will at first be primarily Road Authorities. Their areas of jurisdiction should therefore be large and populous enough to enable them to equip themselves with Staff. Community of interest is another factor of importance. Areas should on this account not be too large. Public Works Department divisions would not meet both these requirements, as they are too large and include Native Reserves. On the whole, we find that existing administrative

district divisions require for Local Government purposes no very drastic revision, but that it is advantageous here and there to adopt a modification in an administrative boundary which has been suggested in the new electoral area proposals. In only one area do we depart radically from existing boundaries.

We recommend that District Councils be established in the seven areas, excluding Townships, of :—

Nairobi,
Naivasha,
Nakuru,
Laikipia-North Nyeri,
Uasin Gishu,
Trans-Nzoia,
Kisumu-Londiani,

which are described below.

(1.) *Nairobi.*—This area, as shown in Plate 4, incorporates parts of five existing administrative Districts—

(*a*) The rural part of Nairobi District ;
(*b*) The settled area of Kyambu District ;
(*c*) The settled area of Fort Hall District ;
(*d*) The Donyo Sabuk area of Machakos District ;
(*e*) The unalienated Crown Land, viz., Yatta Plains, in Kitui District.

(*a*) The rural part of Nairobi District lies entirely to the east of Nairobi. It consists of 59 farms, many of which are unoccupied.

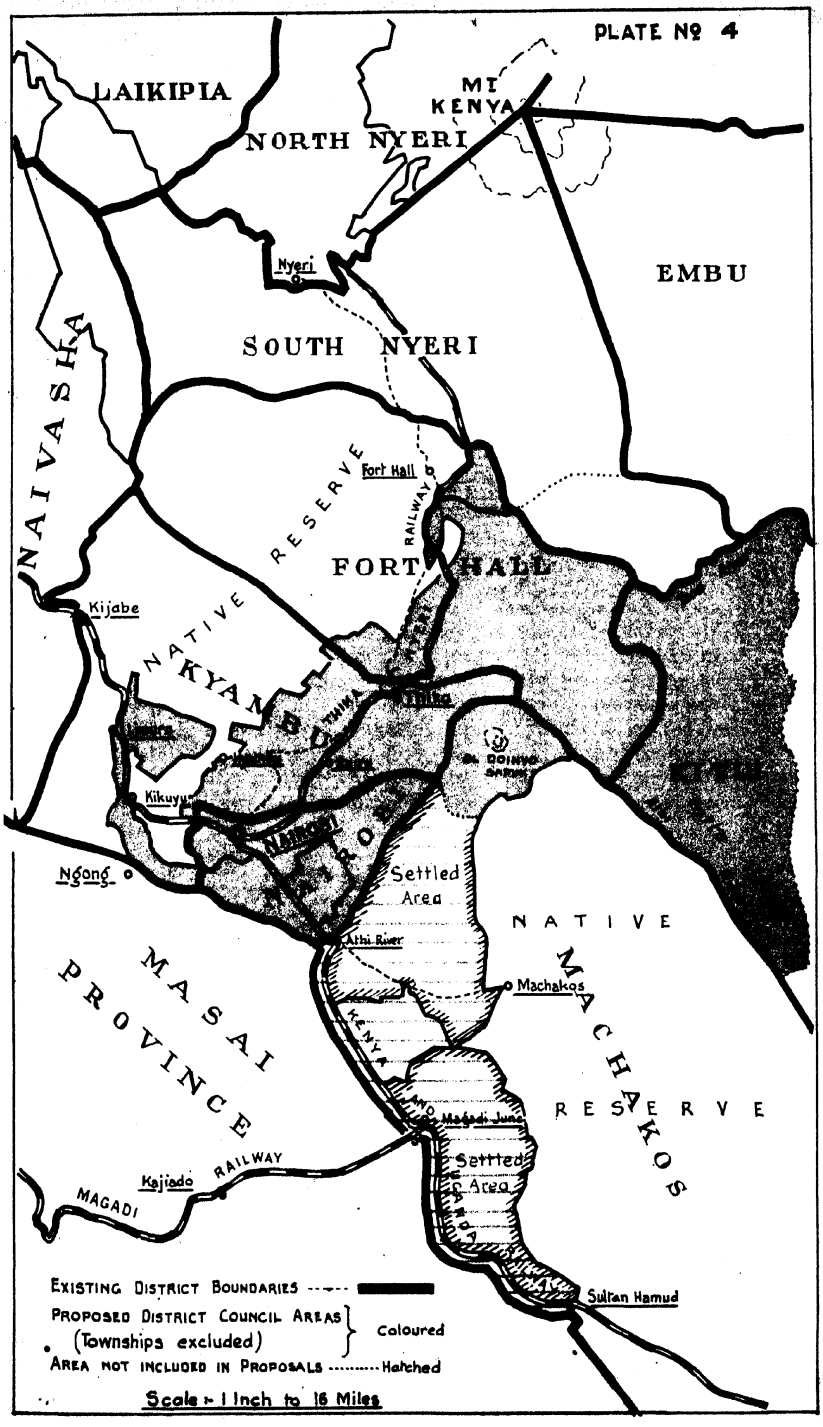
(*b*) The present Kyambu District is a patchwork of Native Reserves and groups of European farms. The " islands " of settled areas are the Limoru and Kikuyu Station farms.

(*c*) The considerable sisal and coffee estates in the vicinity of Thika, and in the Fort Hall District, have their business centre in Nairobi.

(*d*) The Donyo Sabuk area is connected with Machakos by an indifferent road passing for practically the whole of its length through Native Reserve. The Donyo Sabuk Association advocated its exclusion from Machakos. The attraction of business needs is towards Thika and Nairobi, and not to Machakos. This attraction will be intensified should the proposed branch Railway line from Thika to Donyo Sabuk be constructed, and we see no reason why the local wishes should not be followed.

(*e*) This area of Crown Land which adjoins the Donyo Sabuk area is, we understand, shortly to be thrown open for settlement. It is separated from the settled area of Machakos District by an intervening block of Native Reserve.

The Kyambu District Committee recommended the area we have proposed with the addition of the whole of the Machakos Settled Area,


PLATE Nº 4
LAIKIPIA
MT KENYA
NORTH NYERI
EMBU
Nyeri
SOUTH NYERI
NAIVASHA
RESERVE
Fort Hall
RAILWAY
FORT HALL
Kijabe
NATIVE
KIKUYU
Thika
Kikuyu
Ngong
Settled Area
NATIVE
MACHAKOS
RESERVE
Athi River
Machakos
MASAI PROVINCE
KENYA
Magadi Junc.
Settled Area
Kajiado
RAILWAY
MAGADI
Sultan Hamud
EXISTING DISTRICT BOUNDARIES
PROPOSED DISTRICT COUNCIL AREAS (Townships excluded) Coloured
AREA NOT INCLUDED IN PROPOSALS Hatched
Scale - 1 Inch to 16 Miles

but we have not included the Machakos District amongst the areas in which we recommend the establishment of Local Government, and shall discuss its position in due course.

We have, however, taken a larger area than was favoured by some of the witnesses we heard. The Fort Hall District Committee recommended, by a majority, the area we have proposed, without the addition of Donyo Sabuk area, or the Nairobi rural area, though they had—so they stated—no wish definitely to exclude the former. This recommendation was, however, not endorsed at a combined meeting of the Thika and Makuyu District Associations, which favoured an area termed " The suggested new Thika Settled Area." The question of area has for some little time been under discussion in this district, and a proposal has been submitted to Government for the establishment of an administrative post at Thika, and the definition of a new district or sub-district which would contain the present Fort Hall Settled Area, the Donyo Sabuk area, and take from the Kyambu District that part which lies between the Ndarugu and Chania Rivers. We were informed by the District Commissioner, Fort Hall, that the European population of this proposed Thika District was approximately 720. The objections to the large area were that farmers who managed their own farms would be unable to attend meetings of a body which sat in Nairobi; that, as many matters of purely local interest would arise, the time of a Council for the larger area would frequently be wasted; and that local roads could best be discussed by local bodies. It appeared from the evidence of their spokesman that the smaller area party did not desire any alteration of the existing Fort Hall District or any definite advance in the direction of Local Government.

We consider that areas with so close community of interests as these should be grouped together to form one district, so that they may be in a position to employ adequate Staff. The difficulties raised concerning the work of the Council can to some extent be obviated by the appointment of Sub-Committees for particular areas. The area proposed is not large compared with others, and Nairobi, being its common business centre, will be a convenient place for its meetings and administrative offices.

(2.) *Naivasha.*—Plate 5 shows that the proposed Naivasha area includes Kijabe Township Reserve from the Kyambu District, two areas taken from Nakuru, and one from Laikipia District. The Nakuru areas are West Thomson's Falls, and Elmenteita. The West Thomson's Falls area is separated by an escarpment from Nakuru, but is connected by road with Gilgil, its nearest railway station, and its inclusion in the Nakuru District is not geographically natural nor in accordance with economic interests. The construction of a Gilgil-Thomson's Falls branch railway will make the inclusion of this area in Naivasha inevitable. We

understand that the residents in this area would prefer to go in with Naivasha, but we heard no evidence from them on this point.

Elmenteita is purely pastoral. It is a " clean " area, like Naivasha, but unlike Nakuru. Its interests are more connected with Naivasha, with its creamery, than with Nakuru. Its inclusion with Naivasha was recommended by the Electoral Areas Select Committee.

Misgivings were expressed by the Naivasha witnesses, on the ground that the residents in this pastoral area are very sparsely distributed. Where, therefore, topographical or other factors suggest any addition of population, some modification of boundaries should be welcomed.

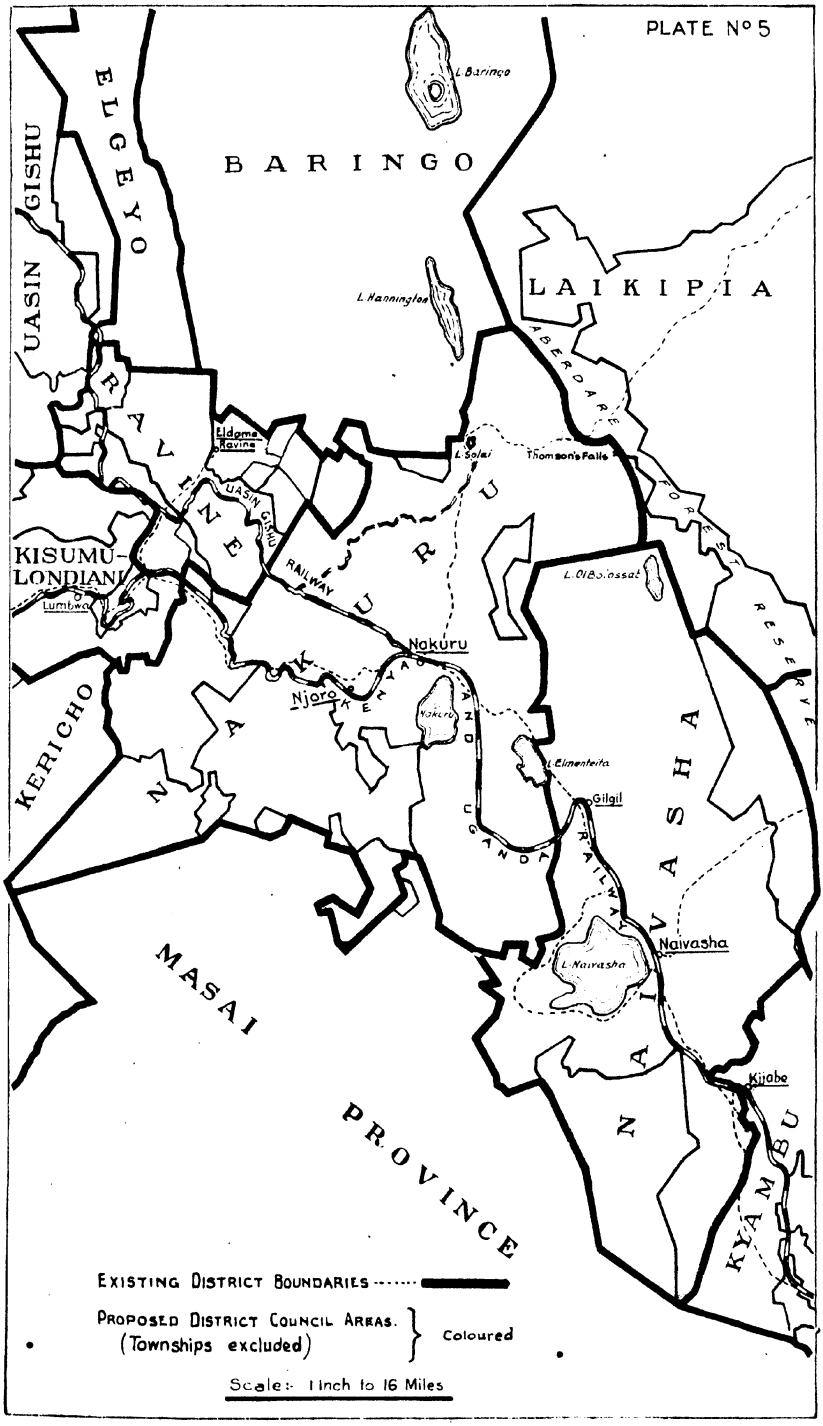
The dividing line between Naivasha and Laikipia can perhaps more conveniently be dealt with in discussing the latter unit.

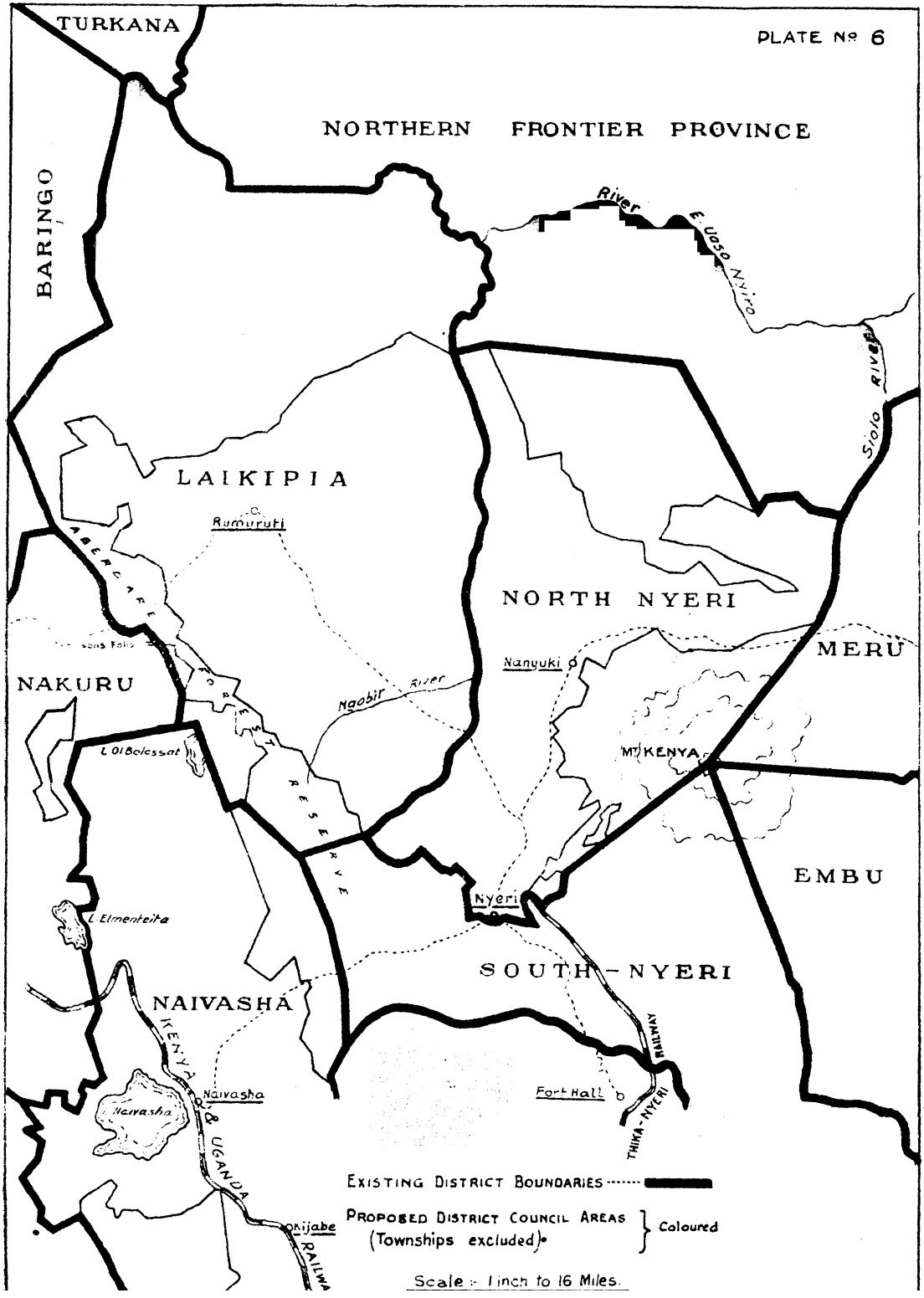
To the south a minor adjustment is suggested in the inclusion of Kijabe Township which has, in an intervening forest Reserve, some sort of natural separation from the Nairobi area.

(3.) *Nakuru.—See* Plate 5. With an allocation, already suggested, of the farms south of Nakuru Lake, and those near Thomson's Falls, there is not much difficulty presented by the Nakuru problem. The inclusion of the existing Ravine District is an obvious measure, and one which is supported both by the Land Rights still retained by the Government in the Forest Concessions on the Mau, and by the prospect of the balance of the Uasin Gishu Masai tribe being at some date distributed to their own Reserves.

(4.) *Laikipia-North Nyeri. — See* Plate 6. We were unable to obtain precise figures of rural population in these two Districts, but for practical purposes the whole population of Laikipia may be presumed to be rural. Rumuruti Township contains no doubt the whole of the Indian population and perhaps a dozen Europeans. In North Nyeri the figures supplied by the Assistant Resident Commissioner of the population of the Townships of Nyeri and Nanyuki showed a total of 86 Europeans and 85 Indian residents. We may, therefore, take the rural population of these districts as Laikipia, 250 Europeans ; North Nyeri, 384 Europeans. Laikipia, though 3,113 square miles in area, has thus a far smaller number of residents than any of our proposed districts ; and North Nyeri with an area of 2,019 square miles has but 384 Europeans. Owing to the smallness of population, neither of these areas is suited at present to be constituted as a separate Local Government unit.

In so large an area as is covered by these two Districts there must inevitably be a diversity of farming interests. There is the small group of coffee farms near Nyeri Township. From Nyeri northwards to Nanyuki there are pastoral farms and land suitable for wheat, and at the North Kenya end of North Nyeri District it is hoped that wheat culture will thrive. The Laikipia District has two comparatively


PLATE Nº 5
L. Baringo
BARINGO
GISHU
UASIN
ELGEYO
L. Hannington
LAIKIPIA
ABERDARE
FOREST RESERVE
RIFT VALLEY
Eldama Ravine
L. Solai
Thomson's Falls
UASIN GISHU
KISUMU-LONDIANI
Lumbwa
RAILWAY
NYANZA
Nakuru
L. Elmenteita
Gilgil
Njoro
KERICHO
NANDI
Nakuru
KAVIRONDO
GANDA
RAILWAY
NAIVASHA
L. Naivasha
Naivasha
MASAI
PROVINCE
Kijabe
KYAMBU
EXISTING DISTRICT BOUNDARIES
PROPOSED DISTRICT COUNCIL AREAS. (Townships excluded)
Coloured
Scale:- 1 inch to 16 Miles


PLATE No 6
TURKANA
NORTHERN FRONTIER PROVINCE
BARINGO
River E. Uaso Nyiro
Sio/o River
LAIKIPIA
Rumuruti
ABERDARE
NORTH NYERI
MERU
NAKURU
Nanyuki
Ngobit river
FOREST RESERVE
L. Ol Bolossat
Mt. KENYA
EMBU
Nyeri
L. Elmenteita
SOUTH-NYERI
NAIVASHA
KENYA & UGANDA RAILWAY
Naivasha
Naivasha
Fort Hall
THIKA-NYERI RAILWAY
Kijabe
EXISTING DISTRICT BOUNDARIES
PROPOSED DISTRICT COUNCIL AREAS (Townships excluded)
Coloured
Scale :- 1 inch to 16 Miles.

small areas, of agricultural farms at the south end, one on each side of the Aberdares, and a very large tract of sheep-ranching and cattle land stretching up to the Northern Frontier Province, across to the Laikipia Escarpment on the west, and towards Nanyuki eastwards.

We propose to combine these two districts to form the area of one District Council, subject to the inclusion of the agricultural farms on the west of the Aberdares known as the Thomson's Falls, and Ol' Bolossat group, which unite for the purpose of forming one Farmers' Association, with the neighbouring agricultural farms also known as the Thomson's Falls group, now situate in Nakuru District. Both these groups look to Gilgil as their railway centre, road communication thither exists and a branch railway line from Gilgil to Thomson's Falls is projected. We have already recommended the inclusion of the Nakuru group of farms near Thomson's Falls in the Naivasha area of Local Government, and it seems advisable to include both groups in that area ; more especially as the saddle of the Aberdares and the Forest Reserve form a good topographical and natural boundary. We have, therefore, drawn the boundary between Laikipia and Naivasha along that line. This leaves the group of agricultural farms on the east of the Aberdares in the proposed new area of Laikipia—North Nyeri. There is no natural boundary line to follow once the Aberdares are crossed, and we think this arrangement is unavoidable. The whole Laikipia plain between Mount Kenya and the Aberdare-Marmanet Escarpment is essentially a single unit for road purposes with two outlets, neither of which can be considered to serve any part of the whole area to the exclusion of the other outlet. It is possible, and indeed probable, that a properly managed system of dual roads would go far to keep both open all the year round, but it would hardly be practicable to treat the North-Nyeri-Fort Hall channel to Nairobi, or the direct road to Nanyuki on to the Northern Frontier, as of no vital interest to Rumuruti ; or cross-country communication with the main trunk road to Uganda as of little interest to Nanyuki. The unit delineated on the map has at least two possible centres on which roads from all other parts converge ; viz., Nanyuki and the junction of the Nyeri-Rumuruti Road with the Rumuruti-Nanyuki Road at the Ngobit River ; and, in our opinion, it is an area which geographical, not less than practical, administrative requirements unite.

The present northern boundary of North Nyeri has been pushed back to the Uaso Nyiro. The intervening land is at the moment part of a large Veterinary Quarantine Reserve, but we understand that Government has decided to render it available for alienation and we, therefore, include it in the area to which it naturally belongs.

(5.) *Uasin Gishu.—See* Plate 7. We have a small alteration to suggest in the present administrative boundary ; viz. : that the seven farms in the south-west corner adjoining Tinderet Forest which were placed within the Kisumu Road Board District by virtue of a

Proclamation issued on the 18th June, 1926, under the Public Travel and Access Roads Ordinance, Chapter 113, be excluded from the jurisdiction of the Uasin Gishu District and included within that of the Kisumu-Londiani District Council. It is to be noted that, on the east and north-west borders of this district, two small areas have recently been gazetted as Native Reserves and are shown as white patches between the district boundary line and the coloured area. We think however that such of these areas as are occupied by farms should be administered by the District Council.

(6.) *Trans-Nzoia.—See* Plate 7. The present administrative district should be the area of the District Council jurisdiction, subject to two minor rectifications between the district and adjoining Native Reserve boundaries.

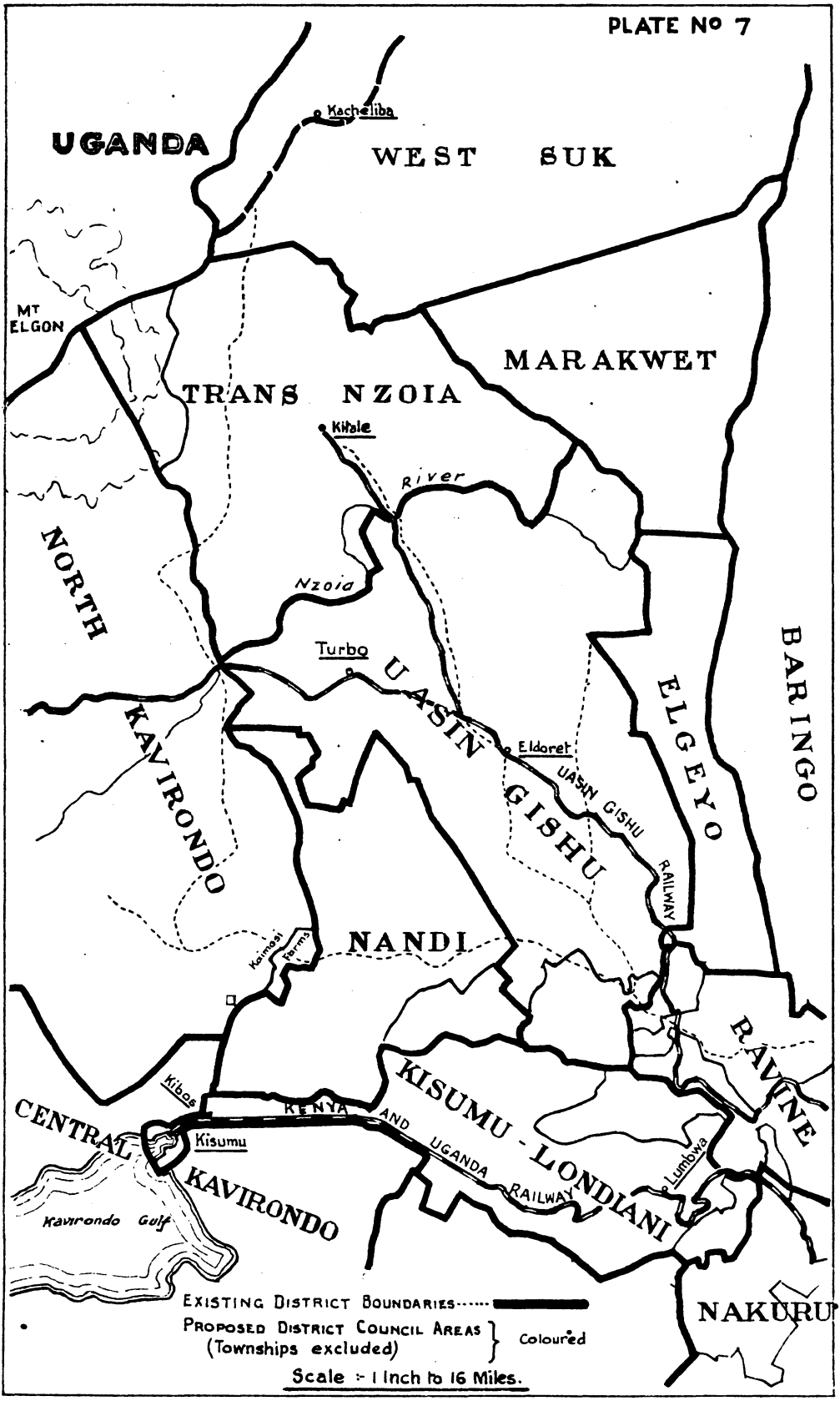
(7.) *Kisumu-Londiani.— See* Plate 8. From the present administrative district we propose elsewhere, in Chapter XII, that the Township of Kisumu should be detached. There is, therefore, no reason to include in a Local Government area the strip of Railway Line between Kisumu and Kibos. With this exception, we recommend that the District Council's area should be the present administrative district to which should be added the group of farms lying in the Nandi District between the Kamarya River and the south-western boundary of that district. This area has already been included for road purposes in the Kisumu Road Board District under the Proclamation of 18th June, 1926, referred to above.

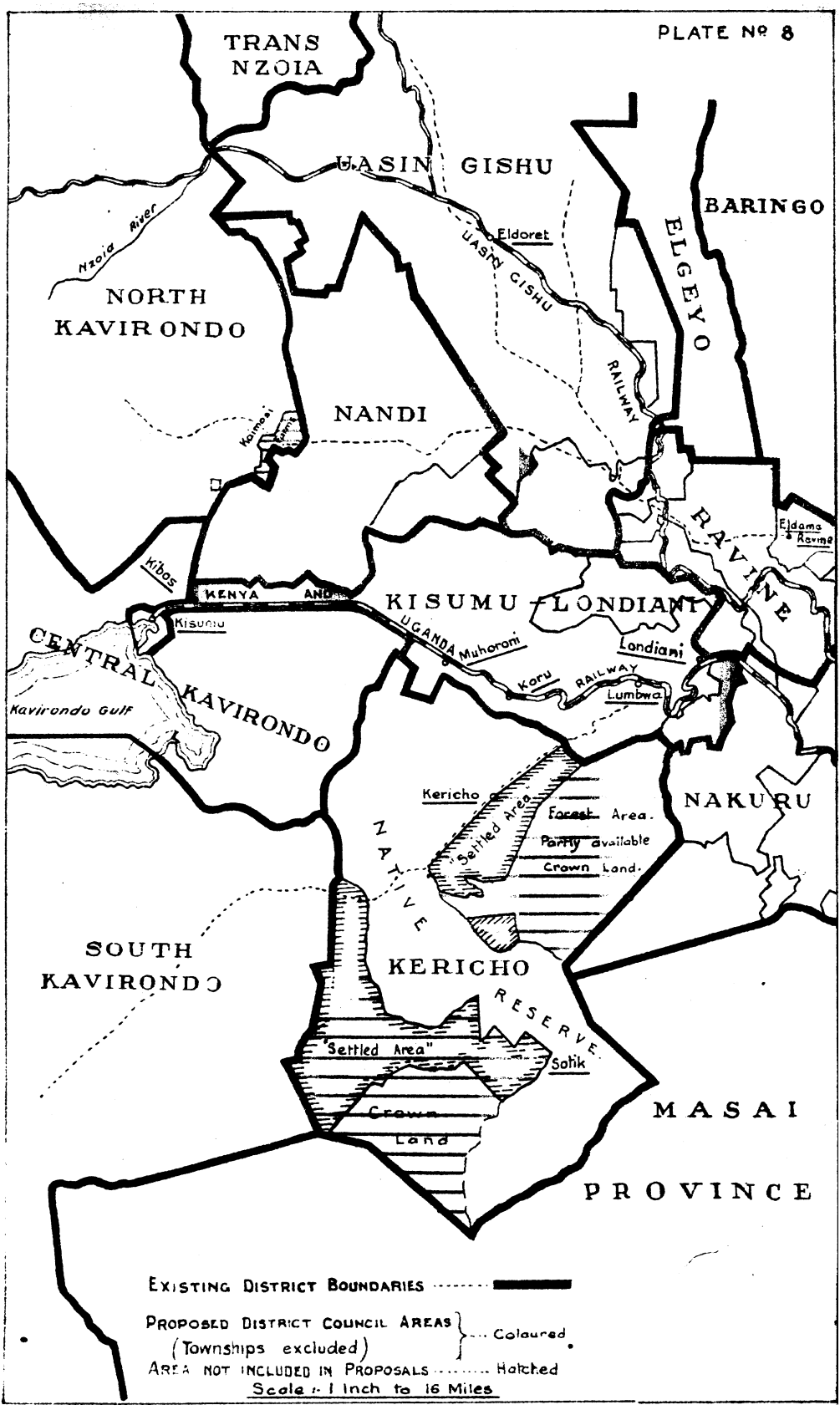
For the small and isolated group of farms at Kaimosi, in the north Kavirondo District, we have no recommendation to make. We were unable to visit this area, and have received no expression of opinion from the residents. Should they wish to attach themselves to the Kisumu-Londiani Local Government Area, it will be open for them to make application in due course. In the meantime, we do not include them.

An alternative suggestion was to make one Local Government area for the whole of the Settled Area in the present Nyanza Province. This would mean bringing in the Kericho-Sotik Settled Area. The area we propose however has continuity, and is served by the main Kenya and Uganda Railway Line, which passes through it. Many witnesses attached importance to the danger of extending the area to a distance from the railway, and objected to the inclusion of this additional area on the grounds that distances are great, and that the means of communication are often liable to interruption. Apart, however, from these factors, the progress of development in the Kericho-Sotik area has to be considered. We deal with this aspect below.

3. These are the areas in which we recommend the establishment of Local Government and the institution of District Councils.

It must, however, be recorded that opposition to any advance towards Local Government was expressed in the Naivasha District


PLATE No 7
UGANDA
Kacheliba
WEST SUK
MT ELGON
MARAKWET
TRANS NZOIA
Kitale
River
Nzoia
NORTH
Turbo
UASIN GISHU
ELGEYO
BARINGO
KAVIRONDO
Eldoret
UASIN GISHU
RAILWAY
NANDI
Kaimosi
Farms
RAVINE
Kibos
KISUMU - LONDIANI
CENTRAL
KAVIRONDO
KENYA AND UGANDA RAILWAY
Kisumu
Lumbwa
Kavirondo Gulf
NAKURU
EXISTING DISTRICT BOUNDARIES
PROPOSED DISTRICT COUNCIL AREAS (Townships excluded)
Coloured
Scale = 1 Inch to 16 Miles.


PLATE Nº 8
TRANS NZOIA
UASIN GISHU
BARINGO
ELGEYO
Nzoia River
NORTH KAVIRONDO
Eldoret
UASIN GISHU
RAILWAY
NANDI
Kaimosi
Kibos
KENYA AND UGANDA RAILWAY
KISUMU LONDIANI
RAVINE
Eldama Ravine
Kisumu
Muhoroni
Londiani
Koru
Lumbwa
CENTRAL KAVIRONDO
Kavirondo Gulf
Kericho
Settled Area
Forest Area.
Partly available
Crown Land.
NAKURU
NATIVE
SOUTH KAVIRONDO
KERICHO
RESERVE
"Settled Area"
Sotik
Crown Land
MASAI
PROVINCE
EXISTING DISTRICT BOUNDARIES
PROPOSED DISTRICT COUNCIL AREAS (Townships excluded) ... Coloured
AREA NOT INCLUDED IN PROPOSALS ... Hatched
Scale :- 1 Inch to 16 Miles

and in the Lumbwa portion of the Kisumu-Londiani District. In the North Nyeri District, opinion was divided; the chief opposition came from the north end of that district, but was based on the assumption that this district would by itself form a Local Government unit. It is noticeable that all of these areas are principally pastoral in the character of their development.

District Councils cannot, of course, be established at once in all these areas. The necessary Staff adjustments and appointments will take time. It might, therefore, be well to leave Naivasha and Laikipia-North Nyeri Districts to the last. It is, however, in our opinion, undesirable that these areas should be allowed to lag far behind, as the practicability of our scheme depends to some extent on its adoption as a whole. In the case of Lumbwa, we see no reason for its omission from the scheme as applied to the Kisumu-Londiani District. It is true that, prior to the formation of the district as a non-native area, the Lumbwa area and the Londiani-Kedowa area, which were incorporated in the newly formed district, were respectively in the Kericho and Eldama Ravine Districts, and that it was found convenient, after this change had been made, to maintain an organization of Road Board and District Committee for these two areas separate from that of the western area, which had formerly been part of the Kisumu District. At present, therefore, the Kisumu-Londiani District has two District Committees, both under the Chairmanship of the District Commissioner—and two Road Boards, one of which, the Kisumu Road Board, has from the beginning always elected an unofficial chairman, the District Commissioner being a member.

It is, however, obviously impossible to respect the wishes of each small section of a district, and we, therefore, advise the establishment of one District Council for the whole of this district.

4. Of the settled areas as defined in Chapter I, two remain for discussion, viz.: the Kericho and the Machakos areas.

(*a*) *Kericho.*—Plate 8 indicates the elongated nature of settlement in this administrative district. The Kericho Settled Area is a thin strip running south-westwards for some 30 miles from Lumbwa through Kericho Township. It is bounded on the west by the Lumbwa Native Reserve, and on the east by Forest Reserve and unalienated and vacant Crown Land, which are all included in the Kericho District. The Sotik area is cut off from the Kericho Settled Area by the Buret and Sotik Native Reserves and its nearest approach to the railway line at Lumbwa as the crow flies is 38 miles, while the farms furthest south are 60 miles from that station. The European farming population numbers only 105. There are possibilities of considerable development in tea-growing, and the construction of a branch railway is under consideration by Government. At present we do not consider that the conditions of this area justify the establishment of a District Council.

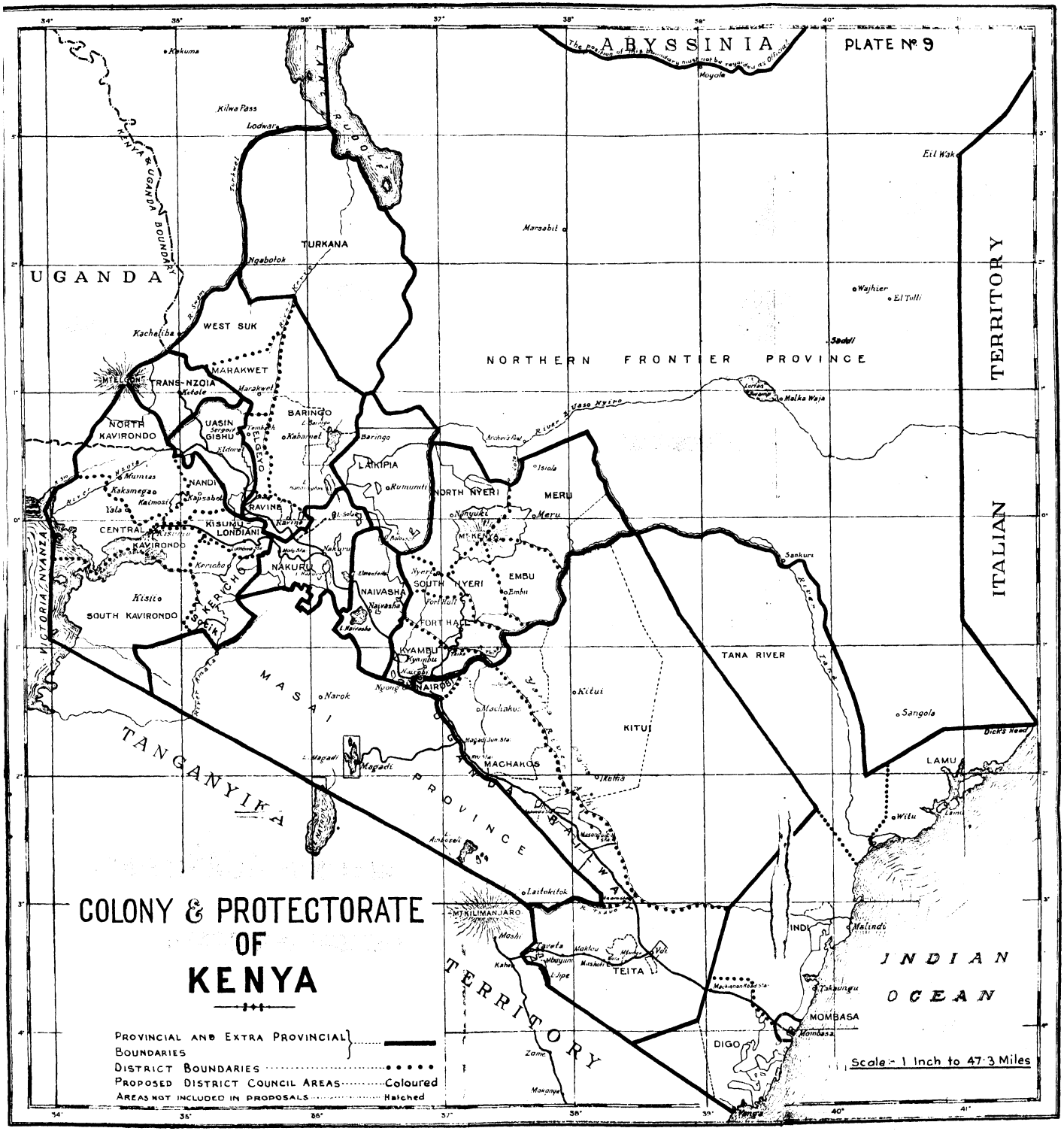
(*b*) *Machakos.—See* Plates 4 and 9. Apart from the Donyo Sabuk area of this district to which we have already referred in discussing the proposed Nairobi area, the settled community in Machakos District is not numerous. Inclusion of the whole district in the proposed Nairobi area presents difficulties in the shape of distance and communications. The district covers a very large area of oblong shape, some 70 miles long, and 12 miles in width, in which development has not proceeded far, and we do not consider that it is sufficiently settled or otherwise ready for Local Government.

Plate 9 illustrates the areas in which we recommend District Councils should be established, and shows them in their relation to present Provincial and District Administrative Areas.

5. The question whether the adoption for Local Government purposes of the areas proposed above will involve changes in administrative areas as at present defined for other purposes, and, if so, what those changes should be, is not a question on which this Commission is called upon to submit detailed recommendations. But there is one important problem affecting the basis of existing divisions to which we must refer, and on one aspect of which we think it necessary to make a recommendation. This is the problem of the relation between "White" and "Black" areas.

The general position with regard to the division of the Colony into Provinces and Districts for administrative purposes has been described in Chapter I. As appears from that Chapter, while in principle the system of separate administration of White and Black areas has been adopted, and while there are certain districts consisting solely of Settled Areas which are excluded from the Provincial organization, there are to-day a number of mixed districts, *i.e.*, Districts which include both Settled Areas and Native Reserves, and also "mixed Provinces" which include both "mixed" districts and districts consisting solely of Native Reserves, or both districts which consist solely of Settled Areas and districts which consist solely of Native Reserves. The question of the desirability, or otherwise, of making what is called a "clean cut" between White and Black areas was raised in several of the centres which we visited, and the subject appeared to arouse special interest in the Machakos, Kyambu and Fort Hall Districts, which are "mixed" districts. The question was discussed by witnesses, both official and non-official, from the general administrative point of view, and from the point of view of the relation between Settled Areas and adjoining Native Reserves on which such areas depend for labour.

6. In making our proposals as to areas of jurisdiction for District Councils we have necessarily excluded Native Reserves. Our Reference confines us to dealing with Local Government for "Settled Areas." The question whether, in view of the creation of such Local


PLATE Nº 9
ABYSSINIA
UGANDA
KENYA & UGANDA BOUNDARY
TURKANA
WEST SUK
MARAKWET
TRANS-NZOIA
NORTH KAVIRONDO
UASIN GISHU
BARINGO
NANDI
LAIKIPIA
NORTH NYERI
MERU
CENTRAL KAVIRONDO
KISUMU LONDIANI
NAKURU
NAIVASHA
SOUTH NYERI
EMBU
SOUTH KAVIRONDO
KERICHO
FORT HALL
KYAMBU
NAIROBI
MASAI
TANGANYIKA
KITUI
MACHAKOS
TANA RIVER
NORTHERN FRONTIER PROVINCE
ITALIAN TERRITORY
TANGANYIKA TERRITORY
MT. KILIMANJARO
TEITA
LAMU
INDI
MOMBASA
DIGO
INDIAN OCEAN
Kakuma
Kilwa Pass
Lodwar
Lake Rudolf
Moyale
Marsabit
Ngaboloh
Kacheliba
Eil Wak
Wajhier
El Tulli
Sadal
Malka Waja
Isiolo
Meru
Nanyuki
Mt. Kenya
Sankuru
Kitui
Machakos
Narok
Magadi
Sangola
Dick's Head
Wilu
Malindi
Takaungu
Mombasa
Moshi
Taveta
Zame
Lake Victoria Nyanza
Scale:- 1 Inch to 47·3 Miles
COLONY & PROTECTORATE OF KENYA
PROVINCIAL AND EXTRA PROVINCIAL BOUNDARIES
DISTRICT BOUNDARIES
PROPOSED DISTRICT COUNCIL AREAS ..... Coloured
AREAS NOT INCLUDED IN PROPOSALS ..... Hatched

Government divisions, the "mixed" District for administrative purposes should now cease to exist, is not a question with which we feel called upon to deal. We do feel, however, that it is necessary to express our views on the question of the "Mixed Province"—*i.e.*, on the question whether districts consisting solely of Settled Areas should be "extra-provincial" and independent of the authority of any Senior Commissioner, or whether they should be included in the provincial system of organization. This question is important from a general point of view as affecting the relations between the proposed Local Government Authorities and the adjoining Native Reserves with regard to matters of common interest; and it also involves a special question as to the constitution of District Councils—namely, the question whether provision should be made for the Senior Commissioner of a Province, or for a District or Resident Commissioner, to act as the official member of a District Council.

It is necessary to recognize that there are certain points with regard to which the activities of Local Government authorities in Settled Areas will affect the interests of Native Reserves. So far as their administrative activities are concerned, the District Councils, in dealing with Roads, Public Health and Medical Services, will be brought into contact from time to time with questions affecting the interests of natives in Reserves, and in their advisory capacity they will also be brought into contact with such questions, more especially in dealing with the granting of water-permits, and certain questions affecting the control and movements of stock. In order to ensure that questions arising under any of these heads, which affect the interests both of Settled Areas and Native Reserves, are dealt with in a satisfactory way with due regard to all interests involved, and for the more general purpose of providing a link between the District Councils in Settled Areas and the administrative authorities and Native Councils in the Native Reserves, we consider it desirable that there should be a Senior Local Administrative Officer, who has to do with the affairs of both Settled Areas and Native Reserves. We consider that such an officer will find that he can do much to establish relations of mutual understanding and co-operation between the District Council as representing the Settled Areas and the adjoining Native Reserves. As a general principle, therefore, we think it desirable that the districts forming the areas of jurisdiction of District Councils should be included in the provincial organization and should thus be in official contact with the Senior Commissioner of a Province.

Whether it is practicable to give effect to this principle in all cases, involves an examination of detailed geographical considerations in relation to Provincial boundaries which we are not able to undertake.

7. There is one administrative difficulty which application of the above principle involves to which it is necessary to refer. The

provinces being regarded primarily as groups of districts consisting of Native Reserves, the Senior Commissioners are regarded as under the administrative control of the Chief Native Commissioner, and the theory has been that the Senior Commissioner, in forwarding communications from District Officers, should address himself to the Chief Native Commissioner, by whom those communications which affect Settled Areas are forwarded to the Colonial Secretary. But in the case of " Mixed " Provinces, it has been found difficult to maintain in practice a consistent application of this arrangement, without involving undue delay in dealing with matters in which European interests are solely, or mainly, concerned. The result has been that, in some cases, at any rate, Senior Commissioners have exercised their discretion, and have addressed their communications to the Chief Native Commissioner or to the Colonial Secretary according to the nature of the subject dealt with. Approval of the principle that Settled Areas should, whenever practicable, be included in the Provincial organization will necessitate further consideration of the position with regard to these administrative arrangements.

The following passages from evidence given by Mr. R. Hemsted, Senior Commissioner of the Kikuyu Province, have a direct bearing on the questions discussed in the preceding paragraphs :—

" As Senior Commissioner I have control of the whole of the Province—both Settled Area and Native Reserve ; a Senior Commissioner has officers in each district to whom he can give orders and he is the channel through which communications go to the Central Government. In my opinion it is better to have Native Reserves and Settled Areas both under a Senior Commissioner and not make the latter extra-provincial. I think the policy should be to decentralise and to give the Senior Commissioner greater powers in his own province than he has to-day . . . . I think the requirements of the White Areas and of the Native Reserves are so intermingled that it is better to have them under one control ; in Native Reserves there are very often small groups of farms, and I think it tends to better administration if there is one local authority to deal with both. . . . . Representations to Government which I make are sent either to the Secretariat or the Chief Native Commissioner, as occasion demands."

CHAPTER IX.

FINANCE OF DISTRICT COUNCILS.

PART I.—GENERAL CONSIDERATIONS.

We propose in this Chapter to deal with Question 4 as stated in Chapter VI, viz. :—"What should be the financial resources of District Councils and what powers should they have of raising local taxation?"

The attitude adopted by witnesses in various districts with regard to this question is indicated in the quotations given in Chapter III.

It will be observed that there was practical unanimity in favour of the view that Councils must in the first instance be entirely financed by Government grants, but, while some witnesses were opposed to the idea of local taxation in any form, most of those who favoured the establishment of Local Government bodies with executive powers looked forward to Councils having some power of supplementing Government grants by the proceeds of local taxation.

Witnesses, who wished to see local bodies endowed with powers of local taxation, urged that the question of the time when those powers were to be exercised should be left entirely to the decision of the local body in the district concerned.

Witnesses who were opposed to any form of local taxation based their objections either :—

(1) On general political grounds, *i.e.*, on the ground that no system of local taxation should be introduced until constitutional changes had been made, giving increased power to electors, *e.g.*, until there was an unofficial majority in the Legislative Council ;

(2) On fiscal grounds, *i.e.*, on the ground that it would be inequitable to introduce any system of local taxation until the Colony's existing system of general taxation had been completely overhauled ;

(3) On the ground that in existing circumstances people were not prepared for, and could not afford to pay, any further taxation.

2. The first of these objections raises political questions which are beyond the scope of this Commission.

With regard to the second objection, we recognize that the adoption of any proposal which involved applying the proceeds of local taxation to meet charges which are at present met out of central funds would afford *prima facie* justification for the claim that existing methods of taxation should be revised, with a view to giving some relief from central taxation proportionate to the burden to be imposed on the

local taxpayers. But it does not appear to us that proposals for raising, by means of local taxation, additional sums for the improvement of local services, should necessarily be deferred until there has been a revision of the existing system of general taxation.

As to the third objection, which raises the question of the willingness and ability of people to pay local taxation, there is evidence before us which shows that there are residents in some areas who favour the idea of contributing, by some form of local taxation, in order to secure new or improved local services of which the need is felt. If the question of imposing local taxation is left in each case to the decision of the district concerned, and there is no compulsion on any district to raise money by such taxation until it chooses to do so, this third objection will be met.

3. In our opinion the introduction of a system of Local Government necessarily implies some provision for the levying of local taxation. An elected local body, entrusted with authority to carry out local services, ought to have power to raise money as well as to spend it. Where such a body is merely a spending authority, entirely dependent on grants made by Government from year to year, it is not itself in a position of real financial responsibility, and cannot, therefore, be expected to bring home a sense of such responsibility to its electors. Under such conditions, local representatives are encouraged to justify themselves by putting forward ambitious programmes of work to be paid for out of central funds, and are enabled, when their demands are cut down or rejected, to shift the blame for any failure to provide adequate services by pointing to the insufficiency of the funds which Government has placed at their disposal. The creation of local bodies of this type would inevitably increase the demands made upon the Central Government for local services, and would thus tend to stimulate expenditure on such services without either supplementing the resources available or providing the same guarantees for good administration as can be relied upon when a local authority is engaged in spending money raised directly from its own constituents. If, however, a local authority has power itself to raise money by means of local taxation, and part of any increased expenditure has to be met from the proceeds of such taxation, then its programme of work will be prepared and carried out with a fuller sense of responsibility, because its members will feel that they must be ready to justify every item of expenditure to the electors, who will eventually be called upon to pay at least a part of the bill. The knowledge on the part of the electors themselves that they will be called upon to pay at least some share of the expenditure incurred in local services, will give them also a sense of responsibility which they cannot be expected to feel so long as their demands for such expenditure can only be met out of general taxation, and will not, therefore, if granted, necessarily and directly increase their own personal contributions to public funds.

In view of the considerations stated in the preceding paragraphs, the following passage from the Report of the South African Financial Relations Commission of 1911, which was appointed under the South Africa Act to consider the financial relations which should exist between the Union of South Africa and the four Provinces of which it was composed, and of which Sir George Murray, formerly Permanent Secretary to the British Treasury, was Chairman, may be quoted on the general question of financial responsibility of local authorities, which has been discussed in the preceding paragraphs :—

" One of the most salutary principles for the creation of a sound system of public finance is that any authority which is entrusted with the expenditure of public money should also be charged with the direct liability for raising either the whole or a substantial portion of the revenue required to meet such expenditure When funds are raised by one authority and disposed of by another, the sense of responsibility by which the latter should be guided, and which constitutes a most valuable protection for the taxpayer, is almost invariably weakened. It is only when the power to spend is controlled by the liability to provide the necessary funds that efficient and economical administration can be secured. The reciprocal action of these two influences tends to discourage extravagances and to ensure that good value is obtained for all the expenditure incurred."

4. In view of the above considerations, we do not feel justified in recommending that District Councils should be established and given executive authority without also being given power of raising revenue by local taxation. At the same time we consider that, for the purpose of bringing into operation the proposed system of Local Government in rural areas, annual grants should, in the first instance, be made to District Councils on such a basis as to enable these proposed bodies to carry on the work entrusted to them upon the same scale as that on which such work is carried on to-day, without their being obliged, in the case of any district, to have recourse to the exercise of their powers of local taxation until the representatives of the district concerned themselves decide that the time has come to exercise their powers for the purpose of the improvement or extension of local services. Such an arrangement can, we think, under the existing circumstances of the Colony, be justified as a temporary measure at the initial stages of Local Government, for the purpose of enabling the new system to take root.

Part II.—Basis of Government Grants.

Various suggestions have been made to us as to the way in which Government grants to local bodies might be fixed. These suggestions may be summarized as follows :—

(1) That Government should, at its discretion, with the concurrence of the Legislative Council, annually allocate the money

available for different local services between the bodies concerned ;

(2) That certain Government revenues, derived from existing taxation, should be definitely assigned to local bodies ;

(3) That grants should be made to local bodies on the basis of the expenditure at present incurred by Government in their respective districts on the services which they take over.

(1) The proposal that grants to local bodies should be made on no definite basis, but should be fixed each year at the discretion of the Government and the Legislative Council, would clearly be unsatisfactory. It is essential that local bodies should have some idea of the amounts upon which they can rely as amounts which will be available from year to year for their purposes, and that the Government should have some definite rule which can be applied for the purpose of apportioning between local bodies the total sum available for the services for which they become responsible.

(2) The suggestion that the revenue from certain taxes which are collected locally should be assigned to local bodies does not prove, on examination, to have much to commend it. The mere fact that a tax happens to be locally collected does not in itself make that tax suitable for assignment to local as distinct from national purposes. No general scheme for the assignment to local authorities of certain taxes which are at present paid into colonial revenue could safely be adopted, except as part of a wider plan for the revision of the whole of the existing system of taxation. Apart from any such general scheme, a case can only be made for the assignment to a local authority of the proceeds of a particular tax collected in its area where some definite connection can be shown to exist between such tax and a service for which the authority becomes responsible. In the case of certain fees levied in townships for municipal services, such a connection clearly exists. No such connection exists between the poll tax and the fees for liquor, trading, game and gun licences, which are collected in rural areas, and any service for which it is proposed that District Councils should become responsible. Motor taxation stands on a different footing, as the fees levied for motor licences have an obvious connection with the wear and tear of roads. and, therefore, with expenditure on road maintenance. The question whether District Authorities should not share, on some recognized basis, in the revenues obtained from motor taxation, will eventually require consideration, but we are not prepared at this stage to make any proposal on this subject.

(3) The third suggestion, that grants should be made to District Councils on the basis of the expenditure at present incurred by Government in the districts concerned on the services which are to be taken over, is, we think, the one which under present conditions should in principle be adopted.

2. We propose now to explain our views as to how the actual annual grant to be made to any particular local body should be arrived at in relation to the expenditure hitherto incurred by Government on the services for which that body becomes responsible. It should, however, be clearly understood that we do not put this forward as a permanent plan ; it will obviously become out of date as time goes on. When the opportunity comes for a general revision of the taxation system of the country, it will be desirable to reconsider the whole question of the extent to which financial responsibility for local services in rural areas should be accepted by local taxpayers, and the basis of future Government contributions to those services.

Under the head of " Public Works Recurrent," provision is made annually in the Colonial Estimates for " Maintenance and Improvement of Roads and Bridges." The total sum provided under this head for the year 1927 is £93,100, as compared with a total of £100,300 provided in estimates and supplementary estimates for 1926. The detailed allocation to different divisions, and to the main and district roads in such divisions, is given in an Appendix to the 1927 Estimates. The reduction of £7,000 in the amount provided for 1927 as compared with the total amount voted for the previous year is, we understand, accounted for in part by the additional provision of £2,000 made in 1927, under the head of Temporary Works Staff, and in part by the fact that the vote for recurrent expenditure in 1926 included a sum of £2,000 for Kyambu District which should, strictly speaking, have appeared under " Public Works Extraordinary."

The amounts expended under the head of " Maintenance and Improvement of Roads and Bridges " for the years 1921 to 1925 are shown as follows in a statement furnished by the Director of Public Works :—

1921 (9 months only)	£59,494
1922	36,211
1923	54,322
1924	54,864
1925	63,660

There was, therefore, a sharp drop in 1922 below the amount expended in the previous year. The figures for 1926 and 1927 show a substantial increase in the amounts expended or proposed to be expended, as compared with the four preceding years ; but we are informed by the Director of Public Works that the total mileage (exclusive of Native Reserve Roads) is more than double now what it was in 1921, and that the average rate of expenditure per mile provided for in the current estimates is considerably less than the amount expended per mile in 1921.

The term " maintenance and improvement " is, we understand, used to cover all work on roads and bridges other than what may be styled " major works of construction." " Works of new construction "

may be either entirely new roads and bridges, or re-construction or improvements ot existing roads and bridges. Such works, it individually of financial importance, and, therefore, ranking as " major works," are provided for under the head " Public Works Extraordinary." New construction, that is, works which from their nature might be classed as " works of new construction," but which are works of a minor character, on which only small expenditure is involved, are provided for under the head of " Maintenance and Improvement," sums for such work being found under general headings in the Appendix to the Estimates, such as " District Roads," " Miscellaneous Tracks," and " Railway Feeder Roads."

The suggestion that we have to make is that the amount actually provided in the estimates for the current year (1927) for the maintenance and improvement of roads and bridges (other than main trunk roads or bridges on such roads) within the area of jurisdiction of a District Council should be taken as the basis of the future annual grant to be made to such Council, in its capacity as road authority, but that this amount should be increased by an allowance on a percentage basis for the overhead charges of the Public Works Department in relation to the road work in the district concerned.

We propose, on the basis of information supplied by the Director of Public Works, that this percentage should be fixed at 25 per cent.

3. We append a statement, Table VII, prepared at our request by the Director of Public Works, showing the approximate cost of maintenance and improvement (Estimates 1927) of Main, District and Township Roads in the seven areas proposed as Local Government areas in Chapter VIII.

It should be noted that the Statement is prepared on the basis of a classification of Main and District Roads slightly different from that hitherto adopted by the Public Works Department, as the Director suggested that certain roads should be transferred from the class of Main Roads to the class of District Roads. The following list gives short particulars of the roads in question :—

	Provision in 1927 Estimates.
	£
Eldoret—Cherangani	750
Eldoret—Sergoit	650
Eldoret—Turbo—Kipkarren	250
Eldama Ravine — Londiani— Kedowa— Lumbwa—Kericho	1,000
Gilgil West Road	460
	£3,110

TABLE VII.

STATEMENT GIVING APPROXIMATE COST OF MAINTENANCE AND IMPROVEMENT (ESTIMATES 1927) OF MAIN, DISTRICT AND TOWNSHIP ROADS IN NON-NATIVE AREAS.

District.	Main Roads.		District Roads.		Township Roads. Cost £	
	Miles.	Cost £	Miles.	Cost £		
1. Settled areas of Kyambu, Fort Hall, Donyo Sabuk, Extra Municipal land on east and south of Nairobi ..	120	4,819	256	5,448	—	
2. Naivasha-Thomson's Falls. Ol' Bolossat Area	91	1,496	173	2,123	100	Naivasha and Gilgil.
3. Nakuru and Ravine	149	4,148	178	3,114	900	Nakuru.
4. Laikipia-North Nyeri	175	2,997	280	2.600	200	Nyeri, Nanyuki and Rumuruti.
5. Uasin Gishu	87	3,336	387	6,081	1,500	Eldoret.
6. Trans-Nzoia	62	1,546	236	1,859	350	Kitale.
7. Kisumu-Londiani	62	2,378	123	2,422	1,000	Kisumu.
					200	Lumbwa.
	746	20,720	1,633	23,647	4,250	
Similar figures are quoted for information in the case of Kericho and Machakos areas, for which, however, we have not recommended the introduction of Local Government.						
Kericho	—	—	44	1,154		
Machakos	48	670	93	672		

TABLE VIII.

COMPARATIVE STATEMENT OF APPROXIMATE ROAD MAINTENANCE COSTS (1927 ESTIMATES) ON CLASSIFICATION OF ROADS PROPOSED BY COMMISSION AND ON CLASSIFICATION OF ROADS MADE BY D.P.W.

Proposed District Council Areas.	On Classification made by the Director of Public Works.				On Classification proposed by Commission.				Township Roads.	
	Main Roads		District Roads.		Main Trunk Roads		District Roads including "Main" and "Minor" Roads.			
	Miles.	Cost £	Miles.	Cost £	Miles.	Cost £	Miles.	Cost £	Cost in £.	
1. Nairobi	120	4,819	256	5,448	88	4,012	288	6,255	—	
2. Naivasha	91	1,496	173	2,123	49	506	215	3,113	100	Naivasha & Gilgil.
3. Nakuru	149	4,148	178	3,114	138	3,623	189	3,639	900	Nakuru.
4. Laikipia-North Nyeri	175	2,997	280	2,600	85	1,412	370	4,185	200	Nyeri, Nanyuki & Rumuruti.
5. Uasin Gishu ..	87	3,336	387	6,081	77	3,036	397	6,381	1,500	Eldoret.
6. Trans-Nzoia ..	62	1,546	236	1,859	36	1,016	262	2,389	350	Kitale.
7. Kisumu-Londiani	62	2,378	123	2,422	51	1,775	134	3,025	1,000	Kisumu.
									200	Lumbwa.
	746	20,720	1,633	23,647	524	15,380	1,855	28,987	4,250	
N.B.—The Figures for Machakos and Kericho are :—										
Kericho	—	—	44	1,154	—	—	44	1,154		
Machakos	48	670	93	612	43	544	98	738		

N.B.—According to the tentative suggestions on the basis of which the above figures were prepared the only roads to be recognised as Main Trunk Roads are :—

1. Mombasa—Nairobi—Kisumu—Uganda.
2. Nairobi—Mongalla—Sudan.
3. Nairobi—Kacheliba—Sudan.
4. Nairobi—Nyeri—Abyssinia.
5. Nairobi—Kajiado—Tanganyika Territory.

4. Further figures were supplied by the Director of Public Works at our request in accordance with tentative suggestions made by us showing, on the basis of the principles of classification set out in Chapter VII, a division of the roads, recognized in his statement (Table VII) as Main Roads, into Main Trunk and Main District Roads. The foregoing Statement (Table VIII) has been prepared so as to show the figures supplied by the Director of Public Works on this new basis as compared with figures given in Table VII.

5. If the figures in Table VIII are taken as they stand, with the addition of the amount of 25 per cent. for overhead charges, it will be seen that there is a very considerable variation in the figures for the different districts.

In the case of some districts, the grant arrived at on the basis above explained should, we believe, be sufficient to enable the District Council to employ an Engineer of its own, to meet his office and depot charges, and to carry on the ordinary work of road maintenance in its District on the same scale as hitherto. In the case of other districts, the amount available on the proposed basis, is not likely to prove sufficient, especially if the District Council does not undertake the work on main trunk roads as well as on district roads.

The financial position of a District Council, in relation to its ability to meet the salary and establishment charges referred to, will also be affected by any additional grant made for the purpose of meeting capital expenditure under the heads set out below, as a proportion of the Engineer's salary and establishment charges will be fairly debited to works provided for by such grants.

6. Where the annual grant on the proposed basis will, taking all circumstances into account, be too low to allow of the necessary expenditure on Staff and establishment, it will have to be increased by the necessary figure in order to enable the Council concerned to function. A District Council may establish a claim to additional grants in any year :—

(*a*) For the purpose of construction of new roads, *e.g.*, roads required in connection with new railways or the opening up of new areas for development ;

(*b*) For the purpose of survey and re-alignment of existing roads ;

(*c*) For new permanent bridges or other special works ; but it will always be open to the Government, which will be advised on this question by the Central Roads Board, either to reject any proposal made or to lay down that it will not provide money for any of the works proposed except on condition that a proportionate contribution to the proposed works is made by the Council itself from the proceeds of local taxation.

When the District Council wishes to spend an increased sum on " maintenance or improvement," as distinct from new construction, the general rule will be that it is only entitled to obtain an increased Government grant for this purpose if it undertakes to raise by local taxation a certain proportion of the increased amount required.

It will be advisable that the Government should lay down a rule as to the proportion which additional Government contributions will normally bear to sums raised for the purpose by District Councils, but any such rule will necessarily be subject to variation in any year in the event of the total amount, made available in the Colonial Estimates for the purpose of making such contributions during that year, not being sufficient to meet the total claims of which notice is given by District Councils.

7. A District Council will require certain plant, and premises for storage, etc. The question whether any existing Public Works Department plant or premises can be placed at the disposal of District Councils in the first instance, or whether special grants should be made for the purpose, will require consideration. A District Council should be entitled, subject to Government sanction, to spend a portion of its annual grant on the purchase of plant or animals.

It may also be found advisable to make arrangements whereby mechanical plant purchased by Government is hired out to District Councils. Any such arrangements should be subject to the supervision of the Central Roads Board.

8. With regard to Main Trunk Roads which will remain in charge of the Public Works Department, it should be open to the Public Works Department to arrange with a District Council to undertake work on such roads on agreed terms, and every effort should be made to make such arrangements in order to reduce the work for which the Public Works Department itself will remain responsible, and enable a corresponding reduction to be made in the Public Works Department Staff and organization. Such an arrangement will normally be to the advantage of the District Council concerned, as any work undertaken on Main Trunk Roads will bear some proportion of the Council's overhead charges. It has, however, to be remembered that the Public Works Department will necessarily remain responsible for carrying out work on main trunk roads in Native Reserves, and this may in certain areas affect the question of handing over to the District Council the work on those sections of Main Trunk Roads which lie within the district boundaries.

9. We propose that, on the question of the classification of roads and on all questions of grants to District Councils for road purposes, the Government should be advised by a Central Roads Board, the constitution and functions of which are dealt with in Chapter XIII. Our object in this Chapter has been to make recommendations as to the

principles on which Government grants to District Councils for road purposes should be based, but the detailed application of those principles must necessarily be left to a body constituted for the special purpose of dealing with this subject.

10. We append an extract—Appendix III.—from a Memorandum furnished by the Director of Public Works in which he states his views as to the savings which might be effected in the expenditure of his Department as the result of the transfer of responsibility (*a*) for District Roads, (*b*) for Main Roads, to local bodies on the basis of certain assumptions which he explains. It will be noted that the figure of 25 per cent. proposed as an allowance for overhead charges is slightly less than the percentage which would be arrived at on the basis of these figures. But if allowance is made for such expenses as will necessarily be incurred in connection with the Central Roads Board and provision for inspection and supervision, there will be a substantial reduction in the amount of the saving estimated.

Part III.—Powers of Raising Local Taxation.

It follows from the foregoing paragraphs that we consider it advisable to include in legislation for the establishment of District Councils powers to levy taxation in their areas of jurisdiction. In this Part we propose to set out the various possible modes of taxation with our views on each, and to make recommendations on the conditions which should be fulfilled before powers of taxation are exercised by District Councils.

2. Subject to very limited exceptions, land in rural areas is held on agricultural lease ; that is to say, it is available only for purposes of cultivation and grazing. There are isolated cases where the user of a small piece of a farm held on agricultural lease has been converted, with Government's approval, into a user with amended title for a mill or other industrial plot. Four possible methods of taxing agricultural land have been discussed in the course of our enquiry, viz. :—

(1) A rate on the unimproved value of the land ;

(2) A flat rate on acreage ;

(3) A varying rate per acre according to classification ; land to be classified as pastoral and agricultural, and agricultural to be further classified according to the nature of the crops for which it is suitable ;

(4) A penal tax on undeveloped land.

(1) *A rate on the unimproved value of land.*—This is, of course, the common method of taxing town lands and there is no reason why it should not be applied to agricultural land. It has been so applied

elsewhere, for Local Government purposes, and the Kenya Crown Lands Ordinance, Chapter 140, provides that assessment of unimproved land values is to be the basis of rents for agricultural lands after 1945. In 1920, a Kenya Land Tax Bill providing for a tax of this nature was introduced into Legislative Council. It included provisions for the valuation of all agricultural land at its unimproved value, and for the imposition of a sliding scale of tax, ranging from 5 per cent. on the first Rs. 7,500 of value, to 2·5 per cent. on all values exceeding Rs. 150,000. This Bill emerged from Select Committee, and was finally passed, with an important amendment which changed its character into that of an undeveloped land tax. We found that the majority of witnesses who expressed views on this subject favoured in principle a tax on unimproved value, but thought that the cost of valuation would be prohibitive. We are inclined to think that this expense was overestimated. We refer to this point again in paragraph 5 below.

(2) *A flat rate on acreage.*—This form of taxing land was also discussed in 1920. The unequal incidence, for the purposes of a Colonial tax, of a flat rate per acre on extensive low-priced pastoral lands, and small high-priced coffee-farms, is obvious. Such a tax would only be suitable in areas where land was, generally speaking, uniform in character and value. The simplicity of the tax commended it to many witnesses.

(3) *Varying Rate on acreage classified broadly into Certain Groups.*—The desirability of some classification of land was urged. It was suggested that classification might be so made as to secure a much fairer distribution of the burden of taxation than would result from the imposition of a flat tax per acre, and would not be such a difficult and expensive process as a complete valuation of unimproved values. The possibility of such a classification was not doubted.

(4) *A penal tax on undeveloped land.*—This form of taxation had many supporters. In practice, it might be more difficult to impose than it seems, and less productive than is supposed. In the Land Tax Ordinance as passed in 1920, but disallowed, land beneficially occupied was to be exempted, and land was to be considered as so occupied " when either improvements to the value of 25 per cent. of the unimproved value of the land shall have been effected or the land is carrying or has carried regularly within the previous three years from the date of the return hereinafter specified, live stock representing not less than 25 per cent. of its estimated carrying capacity, or improvements have been effected which, when combined for the purpose of assessment with the amount of live stock which the land is carrying or has regularly carried within the previous three years from the date of assessment, amount in the aggregate to the same value as is represented by either of the percentages hereinbefore mentioned."

The Crown Lands Ordinance's definition of " improvements " was adopted, but a special provision was inserted limiting the extent to which the value of a dwelling house was to count for exemption. The machinery proposed, particularly in respect of exemption, is of some interest. Landowners were to furnish returns to a District Assessment Board which should examine the valuations set upon their improvements by the farmers. These Boards were then to give decisions which would, however, be subject to an appeal to a Central Assessment Board. Where practicable, members of the local Boards were to be elected, but the Central Board was to consist of the Commissioner of Lands, the Attorney-General, the Director of Agriculture, and not less than three unofficial members appointed by the Governor. These suggestions exemplify the difficulties of defining what is meant by beneficial occupation and of applying any test. One objection to this form of taxation is that the amount of revenue is of a very uncertain character and the tax will become less valuable as a source of revenue, in proportion as it proves effective for its purpose. In our opinion, such a tax, if levied at all, should be levied on a national, not on a local basis.

3. Other forms of local taxation were suggested in various districts.

(1) The tax most commonly recommended was a Wheel Tax ; that is to say, a tax on vehicles, excluding motor vehicles (which are already taxed), graduated according to the number of wheels and the type of wheel. There is no new principle involved in this proposal. A vehicle tax is imposed in many townships at present.

A note prepared by Mr. E. V. Shilton is attached, stating the present position with regard to vehicle taxation in townships, and suggesting a basis on which such a tax might be levied in rural and urban areas.

(2) An Export Tax at varying rates on produce, according to the value of the crop exported. This would be difficult to collect and appears to us to be unsuitable for Local Government purposes.

(3) A Labour Tax consisting of Stamp Duty of, say, 25 cents a month on each head of labour employed. This form of tax is especially suitable for raising revenue for the purpose of providing hospitals and dispensaries for native employees. At present Labour Returns include only male adult natives employed, and women and children and resident native labourers would not be ascertainable from them. There would, however, be no difficulty in passing a bye-law requiring a return for taxation purposes of all labour employed.

4. We recommend that District Councils be empowered to levy local rates for the following purposes :—

(*a*) For the construction and maintenance of public roads ;

(*b*) For the survey and location of public roads ;

(*c*) For public health purposes ;

(*d*) For general administration purposes ;

(*e*) For the erection and maintenance of hospitals and dispensaries ;

(*f*) For such special purposes, including educational purposes, for the benefit of their districts as the Governor-in-Council may approve.

And we recommend further that District Councils be empowered to raise local revenue by means of any of the following methods, viz. :—

(1) A rate on the unimproved value of land ;

(2) A flat rate per acre ;

(3) A rate per acre graduated according to the character of the land ; land to be classified as pastoral and agricultural, and agricultural land to be further classified according to the nature of the crops for which it is suitable ;

(4) A flat rate per month per head of African labour employed ;

(5) A vehicle tax.

5. We have no doubt, and there also appeared to be little doubt felt by witnesses, that a rate on the unimproved value of land is the fairest and most satisfactory form of land taxation. There is, however, the expense of making a valuation roll to be considered. As a general principle we think that Government should afford generous assistance to any local authority towards the expenses of valuation, and we notice that in the Colonial Estimates of 1927 Government has made some provision designed to meet such expenses in Mombasa. It would seem that the task of valuing agricultural land would best be done by officers of the Survey Branch of the Land Department, and we recommend that, when such Councils are considering the imposition of local taxation, they should be assured that the services of District Surveyors would be placed at their disposal, for the purpose of compiling valuation rolls. If this assistance be given, it will help to ensure that taxation on agricultural land is placed on a scientific basis from the outset.

6. *Limits of Proposed Taxation.*—In providing for the exercise of taxation powers such as are mentioned above, it will be necessary to lay down certain limits which may not be exceeded except with the sanction of the Governor-in-Council.

We submit the following suggestions for consideration on this point :

(1) *Rating on the Unimproved Value of Land.*—That a rate on the unimproved value of land should not exceed $\frac{1}{2}$ per cent. It may be noted that the limit imposed, in the case of the power of levying rates

conferred under the "Nairobi (Rating of Unimproved Site Values) Ordinance," is 2 per cent. It is clear that, in the case of a district rate to be levied on the value of agricultural and pastoral land, the limit should be much lower than in the case of a municipal rate.

(2) *Flat Rate per acre.*—That a flat rate per acre should not exceed 10 cents per acre.

The rental charged by Government for land granted under Agricultural leases under the Crown Lands Ordinance, 1915, is fixed at 20 cents per acre.

(3) *Graduated Rate per acre.*—That a rate per acre graduated according to the character of the land should not exceed 20 cents per acre.

(4) The question of the amount per head of a labour tax, such as is suggested above, should be fixed in accordance with the requirements of the District concerned for the purpose in view, subject to approval in all cases by the Governor-in-Council.

(5) Any Vehicle Tax should be based on a tariff to be approved in all cases by the Governor-in-Council.

7. While we propose that the powers of levying local taxation as above mentioned should be conferred on District Councils by law, we think that certain safeguards should be provided so as to ensure that such powers are not exercised, except after full notice has been given to the voters of the district concerned of the proposal to exercise such powers and such proposal has been approved by a substantial majority of their representatives. We propose, therefore, that, before a District Council can vote on a resolution in favour of availing itself of any of these powers of taxation, notice of such resolution shall be given at a previous meeting and advertised in the Press, and in such other ways as may be necessary for the purpose of bringing it to the attention of the voters in the district concerned. An interval of not less than two months should elapse between the date when notice is given and the date when the resolution comes up to be voted on. Such a resolution, in order to be effective, should be carried, not by a bare majority, but by a majority consisting of not less than two-thirds of the elected members of the Council. These provisions should, in our opinion, apply only to the first occasion on which a District Council proposes to exercise power to impose local taxation in any one of the forms suggested above. After such taxation has once been imposed, it should be open to the District Council concerned to impose the same form of taxation in subsequent years, without following this special procedure, but the same procedure should apply to any proposal to levy taxation in a new form.

With regard to the question of the purposes on which money raised by any of the proposed forms of taxation may be expended by the District Council concerned, we think that the rule should be laid down that, where no special purpose is mentioned in the resolution providing for the imposition of the proposed rate or tax (which is to be advertised

before adoption as stated above), the proceeds of the rate or tax should be available for expenditure on roads and public health, and to meet the general expenses of administration, but that, where a Council wishes to obtain authority to levy taxation for other purposes, such purposes should be specified, either in the original resolution authorizing the imposition of such taxation, or in a subsequent resolution with respect to which the same rules with regard to notice, advertisement and majority required should apply. In this case, also, however, the special procedure above proposed should only apply when a new departure is involved, that is, where the Council is undertaking for the first time expenditure for any special purpose.

Voting in District Councils on all resolutions which are subject to the special rules of procedure above proposed, and on all proposals to impose rates or taxes, should be confined to elected members; official or nominated members should be entitled to speak on such questions, but not to vote.

VEHICLE LICENCES.

NOTES BY MR. SHILTON.

1. Vehicles used on public roads in townships are licensed but no licences are issued on account of vehicles, except motor vehicles, which are used on public roads outside townships.

Registration is enforced and licences are issued under bye-laws made by the Nairobi Corporation under the Municipal Corporations Ordinance, Chapter 84, and also under rules applied to various townships made under the Townships Ordinance, Chapter 82.

2. The bye-laws of the Nairobi Corporation provide for the licensing of vehicles used within the township, with a reduction of 50 per cent. on the tariff charge in the case of vehicles, the property of persons having residences or places of business not less than five miles from the centre of the township, and which are habitually kept at such place or residence.

Rules made under the Townships Ordinance provide for registration and licensing as follows :—

Rules dated 23rd August, 1920.

(*a*) All vehicles used in the township for the purposes of trade or business or plying for hire, excepting vehicles belonging to persons who neither reside nor carry on business in the township.

Rules dated 15th July, 1910.

(*b*) All vehicles used within township area for conveyance of goods.

Mombasa Township Vehicle Rules, 1923.

(*c*) Licensing of all vehicles, except motor vehicles, used within the township.

One set of rules is applied to each township where vehicle licences are issued. There are other rules in existence, but the above examples are sufficient to show that there is no uniformity in the methods of licensing vehicles. Separate Rules exist for the licensing of Cycles and Rickshaws.

3. The tariffs of licence fees provided under the different Rules also vary to some extent. Vehicles are licensed under the following classifications, and the fees, except where otherwise stated, are fixed rates according to classification :—

Private Carriages	.. ..	4 wheels ;
,, ,,	.. ..	2 ,,
Hand carts	.. .. ..	4 ,,
,, ,,	.. .. ..	2 ,,
Public vehicles and drivers thereof ;		
Rickshaws ;		
Cycles ;		
Carts drawn by animals	..	fees fixed according to width of tyres, with higher rates for carts without springs ;
Carts, 4 wheels	.. ..	fees fixed according to diameter of wheels ;
Carts, 2 ,,	.. ..	fees fixed according to width of tyres.

In Nairobi, licences for public vehicles (*i.e.*, vehicles plying for hire including motor vehicles) are issued in addition to the ordinary licences which are required for such vehicles, and additional fees are charged.

4. The licence fees collected hitherto have, except in Nairobi and Mombasa, amounted to very little, but, if the licensing of vehicles throughout the areas which it is proposed to place under the control of District Councils is introduced, the revenue will probably be considerable.

5. Consideration of a system of licensing vehicles by local authorities opens up the question of the relations of adjoining authorities in regard to the revenue to be derived from the licence fees. It is clear that such revenue cannot be accurately apportioned between the different authorities responsible for maintaining the roads on which the vehicles are used, as any one vehicle may use roads under the care of two or more local authorities, and a tax on a mileage basis is out of the question. It is not desirable that the same vehicles should be taxed by more than one authority, and the principle should, I think, be applied of taxation by the authority having control of the area in which is situated the residence or place of business where the vehicle is ordinarily housed or kept. The use of roads in an urban area by vehicles taxed in a rural area must, I think, in the absence of any possibility of accurate adjustment, be considered to balance the use

of roads in a rural area by vehicles which are taxed in an urban area, and the same principle should apply as between any two areas.

There are, I understand, cases where wagons or other vehicles ordinarily kept within an urban area are used entirely for transport purposes between the district and the township, and in such instances the rural authority will no doubt suffer a disadvantage ; but it would be extremely difficult to provide for the adjustment of any special cases without creating confusion and giving ground for dispute between urban and rural authorities.

6. There will also be cases of vehicles, ordinarily kept outside the area of any local authority, using the roads maintained by local authorities ; and vehicles, ordinarily kept within the area of a local authority which has not exercised the power to license vehicles, using roads maintained by other local authorities. In the absence of a general system of taxation of vehicles throughout the Colony, it would not be unreasonable, perhaps, to permit any local authority to license vehicles used on roads under its control which are ordinarily kept outside the area of such local authority, if such vehicles are not subject to taxation by any other local authority.

7. It is desirable, if licences issued in one area are to be recognised in other areas, that there should be a uniform tariff of licence fees in respect of vehicles which are made taxable in rural areas, and that, if a rural authority exercises the power to issue licences, it should be compelled to charge the same fees as other rural authorities.

Urban authorities might, on the ground that their roads are more costly to make and maintain than the roads in rural areas, be permitted to frame their own tariffs provided that the fees charged are not less than those laid down for rural areas.

8. The question of Vehicle Licence Tariffs has been dealt with by the Roads and Traffic Committee and, in their second Interim Report, charges based upon the weight of vehicles are recommended.

9. The following system of licensing vehicles in areas under the control of local authorities is suggested :—

In Rural Areas :—

(*a*) The registration and licensing of vehicles used on public roads within the area in which the residence or place of business, where the vehicle is ordinarily housed or kept, is situated ; provided that any vehicle, used on public roads within the area but not ordinarily housed or kept therein, which is not subject to registration and licensing by any other local authority, may be registered and licensed by the authority having control of such area.

(*b*) Each rural authority should be able to exercise the power to license vehicles after giving reasonable notice of its intention

to do so in the Press ; but, once having exercised the power, the rural authority should not be allowed to discontinue the issue of licences without the consent of the Governor.

(*c*) A tariff of licence fees should be fixed which would apply to all rural authorities.

(*d*) Any tax on public vehicles should be a special tax payable on all vehicles plying for hire (including motor vehicles) and should be additional to the ordinary tax payable on such vehicles.

In Urban Areas :—

(*a*) The same as in Rural areas (*a*).

(*b*) Licensing should be regulated by bye-laws under the Local Government Ordinance.

(*c*) Each authority should frame its own tariff subject to the provisions of the Local Government Ordinance, but no fees in respect of any class of vehicle, on which fees are imposed under the tariff applying to rural areas, should be less than the fees provided under such tariff.

(*d*) The same as Rural Areas (*d*).

10. Licence fees should as far as possible be payable annually and licences should expire on the 31st December each year, but, where new registrations are effected during any year, the fees payable should be fixed proportionally for nine months, six months, or three months. It would, however, probably be necessary in the case of public vehicles to provide for licensing for shorter periods than one year.

11. Motor vehicles would be exempt from licensing under this scheme (except as public vehicles), as they are licensed under the Motor Traffic Ordinance, Chapter 68.

CHAPTER X.

ADVISORY FUNCTIONS OF DISTRICT COUNCILS.

The present District Committees have, as already stated, acted as advisory bodies in regard to a number of questions affecting the interests and welfare of their districts, and the practice has grown up of regularly referring certain questions to them for their advice. Among the subjects on which District Committees have in the past been regularly consulted in some areas may be mentioned :—

(1) Granting of water permits ;
(2) Development of townships in their districts ;
(3) Alienation of Crown Land ;
(4) Control of stock movements and enforcement of quarantine regulations ;
(5) Application of particular laws to the districts concerned ;
(6) Squatters' Cattle ;
(7) Method and time of collection of Native Tax in Settled Areas.

In addition to questions specially referred to District Committees for their advice by the District or Resident Commissioners concerned, members of Committees have been free to raise questions affecting their Districts on which they wished to express their views for the consideration of their District Officer or of the Government.

2. As already indicated, we consider that the proposed District Councils should exercise advisory functions similar to those exercised in the past by District Committees. Suggestions have been made that, in regard to some of the matters in respect to which District Committees have hitherto been consulted, and have acted in an advisory capacity, definite powers should be conferred on District Councils.

(1) *Granting of Water Permits.*—This question is at present dealt with by the Public Works Department. District Committees are habitually consulted with regard to the granting of water permits affecting their districts, and have given valuable assistance in dealing with the questions which arise. Water rights are vested in the Crown, and ultimate control of the granting of water permits must, we think, remain in the hands of the Central Government ; in some cases a water permit granted in one district may affect interests in an adjoining district or in a Native Reserve through which the same river passes, and it would be impossible, therefore, to give final powers with regard to water questions to a local body representing only part of the area affected.

(2) *Land Alienation.*—It is clear that the final decision with regard to the alienation of Crown Land must remain in charge of the Central

Government, though the practice hitherto adopted, of consulting as far as possible the representatives of the locality concerned with regard to particular proposals as to alienation, should be maintained.

(3) *Stock movements and Quarantine Regulations.*—On this question we quote the following passage from a Memorandum received from the Director of Agriculture :—

" STOCK ROUTES.—This subject has been examined from time to time. The proposal visualises separate routes—apart from existing roads—over which stock should pass to trading centres, to farms, etc.

" It is considered that existing main and other roads provide the necessary facilities, and that the expense which would be incurred and the inconvenience caused to land owners by the provision of separate stock routes would not be justified.

" It should not be assumed that stock ' in contact ' with diseased animals, or stock from areas under quarantine for disease, could be moved with safety along special routes, nor that owners of land through which such stock routes passed would tolerate the passage of such stock."

" QUARANTINE REGULATIONS.—Whether applied to farms or districts it is not feasible to confer executive and administrative powers upon ' Local Government.' Their application must be embraced in a ' Diseases of Animals Ordinance,' whose administration should be the responsibility of a professional officer, viz., the Chief Veterinary Officer.

" The establishment of quarantines is dependent upon a diagnosis of disease, a knowledge of the means whereby it is spread and the methods of its control and eradication, also as to when the quarantine may or may not be raised with safety, likewise its bearing upon the interests of other areas. Laymen could not be expected to possess that knowledge, and, if they attempted to deal with them, mistakes attended by serious consequences would sooner or later be made.

" Further, immediate action has ordinarily to be taken in imposing a quarantine when an outbreak of disease takes place and, as meetings of local governing bodies only take place periodically, it would be quite impracticable for them to attempt to carry out such executive powers. Again, if they deputed these powers to an officer serving the local governing body, that would be equally impracticable and inadvisable, because he would not be possessed of the necessary professional skill and knowledge. In addition, inspection of animals and enquiry into local conditions have generally to be undertaken when action is taken in regard to the imposition of quarantine regulations and their removal, and it is not seen that the organization of a local governing body could undertake that.

" While therefore the administration of legislation dealing with Diseases of Stock, Quarantine Regulations, etc., must remain in the

Department concerned under the Central Government, opportunities should be taken and given for seeking the advice and wishes of the local community through its representative organization."

" PERMIT ISSUES FOR MOVEMENT OF STOCK.—Here again observations made under the previous head apply.

" At the present time the service is carried out by Hon. Permit Issuers, nominated by the Chief Veterinary Officer after consulting local opinion, and they act generally under the guidance of the local Veterinary Officer, who is in a position to inform them with regard to the safety or otherwise of movements, and is posted with regard to conditions in neighbouring districts, a matter of importance in connection with the control which has to be exercised over the movement of stock in order to prevent the spread of disease."

We agree with the views expressed in the above extract.

(4) *Fencing and Dipping.*—The following remarks by the Director of Agriculture are quoted :—

" FENCING.—In accordance with progress and development, the time will come when legislation dealing with the fencing of farms will require to be enacted, and the responsibility of neighbouring owners in regard to the payment of the cost of fencing so laid down. The application of such an Ordinance to a particular district or area should be permissive and be dependent upon the wishes of the local community as expressed through the local governing body.

" As to financial assistance, that can best be rendered through a Land and Agricultural Bank, and not through any fund which might be raised locally.

" DIPPING.—Here again, as in the case of fencing, the local governing body should guide the Central Government as to the advisability of applying legislation dealing with compulsory dipping to an area or district. Likewise loans for the erection of dipping tanks are best provided through a Land and Agricultural Bank.

" There exists in the Statute Book a ' Cattle Cleansing Ordinance,' but it has not yet been put into force. In the absence of loan funds for the erection of dipping tanks under certain circumstances an important section of the Ordinance could not be applied."

" The reference to ' communal ' dipping tanks is not fully understood.* Such tanks might be provided and controlled in Municipal and Township areas, but it is not advisable for several farms to be dependent upon the use of the same dipping tank as, in the event of one or more farms using the tank being placed in quarantine through disease, the stock thereof could not use the tank, with the result that serious losses might occur."

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* Reference had been made by witnesses at Lumbwa to a " communal tank " in Lumbwa township.

It will be noted that in regard to both these matters, a local body might deal with the question of applying special legislation to its district. Generally speaking, where legislation provides for the exercise of local option on questions affecting rural areas, District Councils should, in our opinion, be the bodies through which such option should be exercised.

(5) *Squatters' Cattle.*—It has been suggested that a District Council might have power to make bye-laws dealing with the question of Squatters' cattle, and either regulating the number to be permitted, or providing that no Squatters' cattle should be allowed in its District. Section 13 of the Resident Natives (Squatters) Ordinance (cap. 132), provides as follows :—

> " 13. The head of a family possessing a permit issued under this Ordinance to reside on a farm may, with the consent of the occupier, take on the farm any cattle which is his property, or the property of any member of the family included in the permit, on such conditions as to numbers or otherwise as may be agreed by the occupier and the head of the family with the approval of the Magistrate ; Provided that in each case no cattle shall be taken from a reserve without a certificate being granted by the District Commissioner that the cattle are the property of the head of the family or of any member thereof included in the permit."

Under this section the approval of the Magistrate is required as to the conditions on which Squatters' cattle are allowed on a farm, and as to the numbers of such cattle. The Director of Agriculture deals with this subject as follows :—

" SQUATTERS' AND OTHER NATIVE-OWNED STOCK—Public opinion is changing with regard to the presence of native-owned cattle in alienated areas. It is not proposed to discuss this involved and controversial subject at length, suffice it to say that, having regard to the productive capacity and value of land in certain areas, it is not an economic proposition to set it aside for the somewhat wasteful occupation of natives with their stock ; also that, having regard to the impracticability of controlling effectively the movement of native-owned stock, and the risks thereby incurred in the spread of disease, the aim should be to remove and disallow stock of this kind to be kept on pastoral and mixed farms. But the change must come about gradually, and the policy should be determined by the weight of local opinion. The local governing body should deal with the matter and, if the Central Government is satisfied that a substantial majority of interests in an area—which should not be small—is not in favour of allowing native employees on European farms to own stock and of restricting their numbers, that body should be empowered to enforce the necessary legislation. But it should be observed that a considerable period of

notice would be required to be given before the change is brought about.

" Again, even if native-owned stock continues to be permitted to remain, it is very necessary that their numbers should be restricted, and that better control in that and in other respects should be exercised than can obtain at present. I see no reason why work of this kind should not be undertaken by the local governing body, which would be in possession of useful local information having a bearing thereon."

It will be seen from the above that the Director of Agriculture supports the suggestion that a District Council might be given powers to deal with the question of Squatters' cattle. We do not consider, however, that this question could be dealt with apart from other questions involved in the application of the Resident Natives Ordinance. If the revision of this Ordinance is undertaken, the question of conferring on District Councils powers of the character proposed should receive consideration.

(6) *Outspans.*—On this point the Director of Agriculture gives his views as follows :—

" OUTSPANS.—The provision of land for outspans by arrangement with the Central Government or otherwise, the selection of suitable sites, their control, maintenance and improvement, constitutes a service very appropriate to ' Local Government.' "

We suggest that provision might be included in the law constituting District Councils enabling a Council to assume responsibility for the control and maintenance of outspans in its District if it wished to do so

Chapter XI.

CONSTITUTION OF DISTRICT COUNCILS.

We propose that District Councils should be constituted on the following lines.

They should consist :—

(1) Of elected members ;

(2) Of nominated members ;

and should include one official member.

Taking into account the areas and present population figures of the proposed districts, and the present composition of District Committees and Road Boards, we propose that each Council should include 10 to 15 elected members. In view of the exclusion of townships from the areas of jurisdiction of District Councils, these elected members will be chosen by European electors alone, on the basis of a franchise qualification stated below, except in the case of the Kisumu-Londiani area, where there is a group of Indian agriculturists in the neighbourhood of Kibos, Miwani, and Muhoroni, numbering 64 land-owners, and sufficient in our opinion to return one member.

2. The question arises, however, whether circumstances render it desirable that some provision should be made for Indian representation on District Councils by nomination. On the one hand it has to be remembered that District Councils will not have any executive authority in townships, and will not have power to levy taxes on residents in townships, with the possible exception of a vehicle tax, which may be made payable by residents in townships whose vehicles use district roads, if there is no vehicle taxation in such township itself. On the other hand it must be recognised (1) that Indian traders in townships have an interest in the condition of the roads of the district surrounding the township which they use, in many cases both for transporting their own stock-in-trade and for transporting native produce, and that, in the early stages of District Councils, the money spent by such Councils on the maintenance and construction of roads will be mainly, if not entirely, provided from general taxation ; (2) that District Councils will, according to our proposals, as successors to District Committees, have general advisory powers with regard to questions affecting their district, including questions affecting the administration of, and sale of plots in, townships which have not developed to the stage of having an executive municipal authority of their own ; (3) that the District Councils will have powers of initiating hospital schemes, in the preparation of which the needs of the Indian community should, when possible, be taken into account ; (4) the possible liability, as mentioned above, of Indian traders in townships to payment of vehicle taxes imposed by District Councils.

We think that weight must be allowed to these considerations. The question of the advisory powers of Councils is of special importance. It is inevitable that, in their advisory capacity, District Councils should be called on to discuss matters affecting Indian as well as European interests, and their opinions will have greater authority if they include Indian representatives who take part in their discussions and bring directly to their notice questions specially affecting Indian interests.

3. In view of these considerations, and for the purpose of enabling Indian members to co-operate as members of District Councils in the general interests of the areas concerned, we propose that the Governor should have power to nominate at his discretion according to circumstances, either one or two Indian members to any District Council. We also propose, as explained in Chapter XII, that the Municipal Board established for a municipal area shall have the right to nominate one member of the District Council for the district surrounding such area.

We propose that the official member of a District Council shall, if the district concerned is included in a Province, be the Senior Commissioner of the Province, or his deputy, and if the district is extra-provincial, the Resident Commissioner.

It is necessary that, if the Senior Commissioner acts as the official member, he should have power to appoint a deputy as, owing to considerations of distance and his other duties, he would in many cases only be able to attend occasionally the meetings of the Council and Committees. Normally, the District Commissioner would, in his absence, act as his deputy. In cases where the boundaries of a District Council's area of jurisdiction do not correspond with those of an administrative district, the Senior Commissioner should specially appoint one of his District Officers as his deputy.

In order to maintain continuity and to secure close contact between the District Council and the District Officer who acts as deputy to the Senior Commissioner, the District Officer should be entitled to attend, in an advisory capacity and without a vote, meetings at which the Senior Commissioner is present.

4. *Chairman.*—We propose that District Councils constituted on the above lines should have power to elect their own Chairmen ; the Chairman of each Council to be elected annually.

5. As mentioned in Chapter IX, Part III, we propose that the right to vote in District Councils on proposals to impose local taxation should, in all cases, be confined to the elected members of such Councils.

6. *Committees.*—District Councils, like Municipal Councils and Boards, should, so far as possible, carry on their business on the basis of the Committee system, and should be empowered by their constitution to entrust a certain measure of authority to Standing Committees, so as to render it unnecessary in some cases for the District Council itself to

hold frequent meetings ; we think that the work of a District Council might be so arranged as to make its ordinary meetings not more frequent than once a quarter. As the executive powers of District Councils will, in the first instance, be restricted to a narrower sphere than those of municipal bodies, it will not be necessary for them to appoint a number of Standing Committees for the purpose of dealing with separate branches of administration. But in some cases it will no doubt be found desirable to appoint Area Committees—similar to the Area Sub-committees which have been appointed in the past by some District Committees—with powers, defined by the Council, enabling them to deal with road questions arising in their particular areas, and to add to such Area Committees, as advisory members, one or more residents of the area concerned, who are not members of the District Council itself. In the case of some districts which are not compact, where the district roads do not all form part of a single coherent system, and where the bond of community of interest in respect to roads is, therefore, not strong, it may be found desirable to recognize the situation by splitting the district up into separate areas for the purpose of road finance.

We suggest that power should be given to District Councils to adopt this plan, which would involve the keeping at District Headquarters of separate accounts of revenue and expenditure (including a proportionate share of administration and overhead charges), for road purposes for each road area, and the levying of rates of different amounts in different areas, according to expenditure incurred. Exercise of this power should be subject to the approval of the Governor-in-Council. The District now known as Kisumu-Londiani district, which is to-day divided into two areas, with two separate Road Boards, may be mentioned as one instance of a district of which the different parts are so loosely connected as to render the adoption of this plan worthy of consideration. We contemplate that, where this proposed plan of the division of a district into separate road areas is adopted, the District Council will itself continue to be responsible for levying taxation, and for keeping accounts of expenditure for each road area, and for controlling expenditure on road purposes, though it may delegate some of its powers with regard to expenditure in a particular area to the Area Committee. It would obviously be undesirable to divide any district into a number of small road areas and we do not recommend the adoption of this plan of road areas, except where circumstances are such as to render its adoption advisable for the purpose of preventing an unfair burden being cast upon any considerable section of a district in respect of expenditure from which such section will itself receive no direct benefit.

7. We propose now to state our suggestions on the questions of voters' and candidates' qualifications and term of office of Councils.

(1) *Voters' qualifications.*—In some districts witnesses suggested that voters' qualifications for the purpose of election of a district

authority should be on the same lines as voters' qualifications for Legislative Council elections, *i.e.*, that every British subject of European origin or descent of the age of 21 years should, subject to a residential qualification, be entitled to vote unless debarred by any of the usual disqualifications which are specified in the Ordinance dealing with Legislative Council elections. Many witnesses, however, recognized that some special qualifications should be required in the case of Local Government voters, especially if the proposed district authorities were to exercise powers of taxation. Some witnesses went so far as to urge that only owners of landed property should be qualified to vote in elections for members of district authorities. We suggest that, in the case of European voters, the voters' qualifications should be as follows :—

(1) European origin or descent ;
(2) Age not less than 21 years ;
(3) Either

(*a*) Ownership of rateable property within the district to the capital value of £100 ; or

(*b*) (1) Residence in the district for 12 months out of the 24 months preceding the date of registration, and either (2) occupation for a like period of premises in the district of an annual value of £36 ; or (3) in receipt at the date of registration, and for six months out of the twelve months preceding such date, of earnings at the rate of not less than £10 per month.

The figure of £10 per month is not put forward as in any way representing a standard wage for European employees in rural areas, but we consider that, under present circumstances, the adoption of a higher figure, for the purpose of the qualification on the basis of earnings, might result in the exclusion from the Voters' Roll in rural areas of some persons who may fairly be regarded as qualified for admission to the franchise. Provision should be made that a married woman who is an European adult resident in the district shall be qualified to vote in respect of a residential qualification as stated in (3) (*b*), even though not qualified under (*b*) (2) or (3), if her husband is so qualified.

If a district be divided into wards for the purpose of the election, provision should be made that a voter shall be entitled to vote in every ward in which he is qualified ; a voter should be regarded as qualified, in the case of an ownership qualification, in the ward in which the property is situate ; in the case of a residential qualification, in the ward in which he is resident. No voter should have more than one vote in any ward.

It will be noted that the qualifications proposed do not include the requirement that a voter shall be a British subject. Opinions differed as to the inclusion of this qualification, but after consideration we have decided against its inclusion. According to the 1926 Census the total number of European aliens resident in Kenya is 984. Aliens owning

landed property will, of course, be liable to the payment of rates if imposed. We have not overlooked the fact that since 1921, the date of annexation, it has been open to aliens to become qualified for naturalization by virtue of residence in the Colony. It may be noted, however, that New Zealand affords a precedent for admitting aliens to the Local Government franchise, while excluding them from membership of Local Government bodies.

There should be the usual disqualifications for voters on similar lines to those which apply under the Legislative Council Ordinance.

(2) *Candidates' qualifications.*—The qualifications of candidates should be the same as those of voters but a person should be disqualified for election as a member if he:—

(1) Is not a British subject;

(2) Cannot speak, write and read the English language;

(3) Is in the employment of the Municipal authority;

(4) Has been convicted of a criminal offence and has been sentenced to a term of imprisonment of either description for a term of six months, or exceeding six months, and has not received a pardon. Provided that the Governor-in-Council may by order in any particular case remove such disqualification.

(5) Has received relief from any public funds whatsoever within twelve months of his nomination as a candidate for election.

In the case of the Kisumu-Londiani District, as stated above, there will be a group of Indian electors sufficient to return one member. These electors should form a separate constituency and we recommend that any British subject of Indian origin or descent, or Indian under the suzerainty or protection of His Majesty, should be qualified as a voter or candidate, if possessed of the same qualifications as apply to Europeans, subject to the substitution of £12 for £36 as the annual value of premises for the purpose of the occupation qualification in (*b*) (2); and of £5 for £10 for the purpose of the earnings qualification in (*b*) (3) above. We have adopted these substituted figures as suitable in the case of Indian residents both in rural and urban areas.

(3) *Term of Office.*—We propose that the term of office for members of District Councils should be three years, and that, as near as may be, one-third of the total number of elected members should retire annually. In the case of members chosen at the first election, those who are to retire should be chosen by lot, unless a ward system is so arranged as to provide that each ward shall elect a number of members divisible by three—in the latter case members will retire in the order fixed by their places in the Poll.

CHAPTER XII.

TOWNSHIPS IN THE "SETTLED AREAS."

PART I.—EXISTING POSITION.

The Townships Ordinance, enacted in 1903, empowered the Commissioner to declare any place in the Colony to be a township, to define its limits and to make rules for its health, order and good government. It also provided that the power to make rules should include a power to fix and levy rates upon land and buildings for municipal purposes ; and a power to fix reasonable fees, charges and tariffs. In 1918, the Townships Amendment Ordinance empowered the Governor-in-Council to declare any place to be a Trading Centre for the purpose of that Ordinance and to make Rules for the health of Trading Centres. Rating powers in respect of Trading Centres were, however, not conferred. These Ordinances have been consolidated in the Townships Ordinance, Chapter 82.

2. Very little use has been made of the power to declare Trading Centres, and many small collections of shops, built of wood and iron, on plots for which only temporary occupation licences have been given, and occupied in the main by petty Asiatic traders, have been dignified with the title of "townships." In the "Settled Areas," twenty townships have been gazetted. We list them below, with the administrative districts in which they are situated and the year of their declaration :—

Trans-Nzoia	District ..	Township of Kitale, gazetted in 1921.
Uasin Gishu	,, ..	Township of Eldoret, gazetted in 1912.
Kisumu-Londiani	,, ..	Townships of Kisumu, Muhoroni, Lumbwa, Londiani, gazetted in 1903, 1912, 1910, and 1920 respectively.
Nakuru	,, ..	Townships of Nakuru, Elburgon, and Njoro, gazetted in 1904, 1925, and 1926 respectively.
Ravine	,, ..	Township of Eldama Ravine, gazetted in 1911.
Laikipia	,, ..	Township of Rumuruti, gazetted in 1921.
Naivasha	,, ..	Townships of Naivasha and Gilgil, gazetted in 1904 and 1922 respectively.

North Nyeri	District ..	Townships of Nyeri and Nanyuki, gazetted in 1911 and 1920 respectively.
Kericho	,, ..	Townships of Kericho and Sotik, gazetted in 1906 and 1920 respectively.
Kyambu	,, ..	Township of Thika, gazetted in 1924.
Machakos	,, ..	Township of Kibwezi, gazetted in 1925.
Nairobi	,, ..	Township of Mbagathi, gazetted in 1920.

In the Native Reserves in the " mixed " districts there are four townships :—

Kyambu District ..	Townships of Kyambu and Limoru, gazetted in 1911 and 1924 respectively.
Fort Hall ,, ..	Township of Fort Hall, gazetted in 1909.
Machakos ,, ..	Township of Machakos, gazetted in 1906.

3. In 1904 a comprehensive set of township rules was issued which, unless other provision is made, apply to all gazetted townships. They provided that the cleaning and lighting of a township should be carried out under the superintendence of the District Commissioner in whose district it was situated. As certain townships developed, District Commissioners have, with the approval of the Government, appointed Committees of residents to assist them with their advice in the administration of the township. Such township committees should not be confused with the Nairobi Municipal Committee, which was constituted under separate rules in 1904—they have no legal status even as advisory bodies.

The townships in which these Committees exist at present are Nakuru, Eldoret, Kitale, Kisumu, Nyeri, Nanyuki, and Thika. The District Commissioner, Kericho, also stated that he was about to appoint such a Committee for Kericho Township. In the case of Naivasha and Gilgil, the Assistant Resident Commissioner has been in the habit of consulting his District Committee ; and at Machakos a Sub-Committee of the District Committee, called the Town-Planning Committee, which co-opts township residents who are not members of the parent Committee, deals particularly with township affairs, and reports to the District Committee, which advises the District Commissioner. In practice these Committees do not appear to take any part in the administration of services. Their advice is taken on water schemes, township lay-outs, building plans, but they do not share the responsibility of the District Commissioner for the actual performance of services.

In the rest of the townships in the Settled Areas there are no advisory Committees.

4. The same Township Rules, 1904, required the District Commissioner to make estimates for the cleaning and lighting and policing of the town for the ensuing year, and to submit them to the Governor for approval in the month of December every year. The Governor, if he approved these estimates, with or without amendment, was empowered to impose such rate as might be necessary for the estimated cost, provided that such rate should not exceed 10 per cent. of the rateable value of the property assessed.

The Townships Amendment Ordinance of 1926 provided that the rateable value of any property should not exceed 75 per cent. of its gross annual value. Unless other provision were made, these rules were applicable to every declared township. It has been the custom, on the declaration of a township, for certain of the 1904 Rules to be selected and applied. The rating sections of those Rules have not been so selected in any single case. In 1923, further Rules dealing with rating were issued, to be read as one with the Township Rules, 1904.

These Rules required the District Commissioner to make estimates for the cost of cleaning, lighting and general municipal purposes of a town for the ensuing year, and to submit them to the Governor in the month of June of every year. They also prescribed the method to be followed in assessing premises and in making a Valuation Roll. In October, 1925, the Administrative Officers in charge of Nakuru, Eldoret and Kisumu were instructed by Government to make assessments. These were completed during 1926, but no further action was taken in view of the impending appointment of this Commission. We may mention that the rating powers conferred by Township Rules have been exercised for Mombasa, Muthaiga, and Eastleigh Townships. Many other rules for general administrative purposes have from time to time been made.

Part II.—General Proposals.

In considering the position of townships in relation to any scheme for the creation of District Councils, it is necessary to take into account two points of view, both of which have been put forward in evidence, which may at first sight seem difficult to reconcile.

On the one hand, it is asserted with some reason that townships are brought into existence in the rural areas as business centres, to serve the needs of the adjoining district; that there are also many common interests in which both District and Township are concerned (*e.g.*, Roads and Public Health); and that it is, therefore, desirable that the affairs of a township should be dealt with in close connection with those of the rural district which surrounds it, and

whose needs it is established to serve ; and it is further contended that, at least in the early stages of township development, the interests of the District should be recognized as predominant, and that the District Council should, therefore, have the control of township development and administration.

On the other hand, we are asked to recognize that a township, as it increases in population and importance, develops special needs of its own, which are quite distinct from those of the district which surrounds it. For instance, it requires water and sanitary services, provision for drainage, and for streets of a more durable type of construction than country roads ; that, for the purpose of meeting these needs, it requires revenue of its own and may, therefore, have to develop its own rating system before the District Body has found it necessary to do so for district purposes, and to impose rates on a higher scale and on a different basis to that which is appropriate to a rural area ; and it is urged that, for the purpose of dealing with its special needs, and raising the revenue required, the township requires a representative body of its own, consisting in the main of those who are actually living in the township, and who are intimate with its conditions.

There is the further important consideration that the Asiatic population of the " Settled Areas " is concentrated in the townships ; that in the rural areas, with the exception of one part of the Kisumu-Londiani district, the population, apart from natives, is purely European, but that in most of the townships the Asiatics outnumber the Europeans. This difference in the composition of the population in townships and in rural areas is advanced as an additional reason jusifying and requiring the provision of separate Local Government bodies.

2. We think that any plan adopted for dealing with the township question should be so framed as to recognize the essential facts of the situation, which afford a basis for these two different lines of argument, and to do justice to both these points of view. Broadly speaking, our proposal is that township administration should be kept separate from district administration, but that arrangements should be made for the purpose of recognizing the community of interest which exists between the townships and the surrounding rural areas.

We propose :—

(1) That all townships should be excluded from the area of jurisdiction of the District Councils, and that a District Council should, therefore, have no executive powers in townships, and no power to levy rates on property in township areas ;

(2) That, in the early stages of township development, the actual administration of township affairs should be left, as it is left to-day, in the hands of the District Commissioner, but that

the District Council should be recognized as an advisory authority with regard to the establishment of new townships and the management of townships which have not yet reached a stage justifying the establishment of a municipal body entrusted with executive powers ;

(3) That, when the time has come for establishing such a municipal body in any township, provision should be made for some liaison between the District Council and the municipal body.

3. It is necessary now to deal in greater detail with the proposals thus outlined.

It is obviously desirable that the District Council should be consulted with regard to any proposal for the establishment of a new township within its area. There will also, under our proposals, be a central authority concerned with questions as to the establishment of new townships. As soon as a township has been established, the District Commissioner has, under the existing Township Rules, made under the Townships Ordinance, power to administer the affairs of the township, and the Governor has power to levy rates for the purpose of meeting the expenditure incurred in the township for municipal purposes.

In the earliest stages of township administration, it may be sufficient for the District Commissioner to take the advice from time to time of the District Council with regard to questions which arise, but, as soon as it becomes necessary to establish special services for the benefit of the inhabitants in the township, to charge fees for such services, and to levy rates, he will normally find it necessary to have the assistance of a special Advisory Committee, consisting, in part, of township residents. The District Commissioner should have power to appoint for any township an Advisory Committee as soon as conditions justify such an appointment. Such a Committee should consist, in part, of representatives of the township inhabitants chosen by the District Commissioner ; in part of representatives appointed by the District Council ; and in part of officials, such as the local Medical Officer of Health, directly concerned in question of township administration.

The fact that such a Committee is appointed will not debar the District Council from also advising as to township matters, and it may be found convenient in some cases, where there is a close connection between township and district affairs, for the District Commissioner to lay before the District Council the Minutes of any such Township Advisory Committee, in order that the Council may have an opportunity of expressing its opinion on any important question which has been discussed in the Township Committee. But where such a Committee exists, it will be desirable that the District Council should leave the details of administration of township services (water,

sanitation, etc.) to be dealt with by the Committee, and should confine itself to more general questions affecting township development, such as the lay-out of the township, the sale of plots, and the adoption of water or drainage schemes involving capital expenditure.

4. When a township has developed to a stage which justifies the establishment of a municipal body, endowed with executive powers, the powers of the District Commissioner to administer township services, and the power of the Governor to impose rates, will be transferred to the municipal body and the township will become a separate entity for Local Government purposes. When this stage has been reached, the District Council will no longer have anything directly to do with township concerns, but, as the interests of the District Council and the municipal body will touch at many points, and it may often be desirable that they should agree to share to some extent the services of the same Staff, we propose that it should be open for each body to nominate a representative on the other.

The municipal body established for a township will, in the first instance, be a Municipal Board, *i.e.*, a Board with executive powers sufficient to enable it to carry on municipal services and with powers to levy rates—consisting in part of elected and in part of nominated members, with a Chairman appointed by Government. As the township increases in population and in importance, it may advance to the stage when the place of the Municipal Board should be taken by a Municipal Council of the type already established in Nairobi, which will be distinguished from a Municipal Board by the fact that it will consist entirely of elected members, with the exception, probably, of the District Commissioner himself, or other Government representative, and which will be presided over by a Mayor elected by the Council from the members of its own body.

5. Under these proposals, there will be four stages in the history of a township :—

(*a*) In the first stage a township will be administered by the District Commissioner, with the advice of the District Council ;

(*b*) In the second stage, the District Commissioner will have the assistance of a special township Advisory Committee, to deal with detailed questions of administration, and the District Council, while still itself retaining advisory authority, will tend to leave details to the Township Committee, on which it will be represented, and to confine itself to recommendations on questions of general policy ;

(*c*) In the third stage, the township will become a Municipality, and will have a Municipal Board of the character above described ;

(*d*) In the fourth stage, the Municipal Board will become a Municipal Council.

It now remains to apply these proposals to the different townships which exist in the " Settled Areas."

Part III.—Application of Proposals.

Grade " A " Townships.—The following Townships in the Settled Areas seem to us to fall within this category :—

Eldama Ravine,
Rumuruti,
Sotik,
Muhoroni,
Lumbwa,
Londiani,
Elburgon,
Njoro,
Mbagathi,
Kibwezi.

The headquarters of administrative Districts are at present established at *Eldama Ravine* and *Rumuruti*. *Sotik* is a minor Government post. Each of the three has a very limited population. The remainder are properly speaking trade centres established along the Railway, with the exception of *Mbagathi* which is a township in name only. Njoro shows signs of development and it may, in the not remote future, be advisable to place it among the Grade " B " Townships.

2. *Grade " B " Townships.*—In this class we place the townships of :—

Thika,
Nyeri,
Nanyuki,
Naivasha,
Gilgil,
Kericho.

The population of these townships is :—

Township.	Europeans.	Indians.	Arabs	Others.	Total.
Thika ..	12	324	—	18	354
Nyeri ..	46	65	—	—	111
Nanyuki ..	40	20	—	—	60
Naivasha ..	46	101	—	13	160
Gilgil ..	28*	106	4	8	146
Kericho ..	22	70	1	7	100

(*The Assistant Resident Commissioner informed us in December that the European population was 10).

Naivasha and Gilgil have at present no Township Committee. We were informed by the District Commissioner that a Township Committee was about to be appointed for Kericho. The other townships have Township Committees in being.

Kericho, Naivasha and Nyeri are the present district headquarters of Government but, if our recommendations regarding the Laikipia-North Nyeri area are accepted, Nanyuki may become the headquarters of the area. Nyeri, though outside the Native Reserve, will no doubt remain the headquarters of the native administration.

At *Thika*, hopes were expressed of development. A survey has recently been made, so that the sale of plots on long lease is anticipated at an early date. Effective provision should be made for securing the submission of plans and supervision of building operations as soon as the sale takes place. The existing Committee has framed bye-laws, and has enquired into the possibility of a Water Supply scheme. They are prepared to raise revenue by rates. At *Nyeri*, a water supply system is under examination, and, amongst its other needs, are all-weather roads and a water-borne sewerage scheme.

Nanyuki has an area question owing to the existence on its borders of a " private township," *i.e.*, land which has been sold in plots for township purposes, although the use of the farm for such purposes has not been authorized by Government. We have not gone into the merits of this question but, should the change of user be sanctioned by Government, care will no doubt be taken to secure that the usual conditions regarding sanitation and road development are enforced ; and in that event we consider that this area should be brought within the boundaries of Nanyuki township. The people of Naivasha District have hopes of *Naivasha* township becoming a popular holiday resort. It has an hotel and golf-course, and the building of a pier to make the lake accessible and the provision of a water supply are proposed with a view to increasing its attractions. Local opinion varied on the question whether the importance of *Gilgil*, as the marketing centre for the Upper Gilgil and Thomson's Falls area, would suffer from the construction of a branch line to Thomson's Falls, which was said to be likely to leave the main line at a point half-way between Naivasha and Gilgil. The siting of the junction has not actually been decided. A lay-out of a portion of Gilgil Township has recently been approved by Government, and some plots will shortly be sold on long lease. The practicability of a piped water supply has been examined and is under consideration by Government. Gilgil, in addition to requiring the ordinary township roads, also has an area problem. The township consists of 911 acres, but within 200 yards of the Railway station are private estates. On one of these there is an hotel, two garages and a blacksmith's shop. There is also a " private township " scheme under contemplation by the East Africa Land Development Company, which owns very large areas of freehold land in this vicinity. This

Company has recently proposed that nine blocks of business plots on their estate be included in the township. As in the case of Eldoret and Nakuru, an extension of area to include adjoining land which is being used for other than agricultural purposes will require early consideration.

Kericho is the smallest of these townships. No provision has yet been made for a water supply, or conservancy system, nor has it yet been surveyed for the purpose of preparing a Township Plan.

These townships are too small at present to be constituted as Municipalities with Municipal Boards, but all have their pressing needs for improved roads, sanitary services, water supply and public health supervision and control. We recommend that, for the present, they remain under the administration of the District Officer, but that an advisory committee should be appointed in each case.

3. *Grade "C" Townships.*—Four townships remain for consideration, viz., Nakuru, Eldoret, Kitale and Kisumu. Kisumu presents peculiar features which make it necessary to provide it with a special place in this scheme for townships. We deal with it separately below. Nakuru, Eldoret and Kitale have all reached a stage of development where the creation of a municipal authority is, in our opinion, required in order to enable them to make provision for meeting their needs in respect of water supply, drainage, improved roads, conservancy, and building inspection. A detailed review of the present conditions in Nakuru and Eldoret is given in the appended Note, and we propose in this part of the Chapter to record briefly certain other features which must be taken into account in the future.

4. NAKURU.—*Nakuru* was declared a township on January 1st, 1904, and its present boundaries as defined by Proclamation No. 7, of February 3rd, 1913, comprise an area of ten square miles. On its western and south-western borders no less than five private building estates are being developed. Of these five, four are freehold property and in all cases sub-division was effected independently of Government control. Two of them, Nakuru South and Lake View, are open to Asiatic purchasers, and are already partly owned by Asiatics. We are informed by the Land Department that there are no racial restrictions either in the original title or in sub-division titles. These estates are :—

"Nakuru South"—freehold—	190	acres	with	10	plots	occupied.
"Lake View"	,,	80	,,	,,	2	,,	,,
"Nakuru West"	,,	240	,,	,,	no	,,	,,
"Menengai"	,,	160	,,	,,	2	,,	,,
"Dawsonville"—leasehold—	300	,,	,,	8	,,	,,

which, if incorporated in the declared township of Nakuru, would add another 1½ square miles to its area. These suburbs are purely residential. They enjoy the amenities of Nakuru Township, but are free of any building and sanitary control. We recommend their

inclusion in Nakuru Township. It will be open to the local authority as occasion demands to take action under the Townships (Private Streets) Ordinance, 1924.

Including the small number of residents on these estates, the urban population of Nakuru at the 1926 census was :—

	M.	F.	T.
Europeans	123	86	209
Indians	406	153	559
Arabs	11	5	16
Others	83	29	112
Total	623	273	896

We are indebted to the Land Department for a valuation of unimproved site values and of improvements in Nakuru. The figures furnished to us are as follows :—

NAKURU TOWNSHIP AS AT PRESENT DEFINED.

	Unimproved Site Values.	Improvements.	Capitalized Value of Rents.
	£	£	£
Crown property ..	80,550	?	14,437
Private Property ..	37,820	67,850	—
PRIVATE BUILDING ESTATES ADJOINING NAKURU TOWNSHIP.			
Nakuru South ..	3,800	?	—
Lake View	1,600	?	—
Nakuru West ..	4,800	?	—
Menengai	3,200	?	—
Dawsonville	6,000	?	—

N.B.—A valuation of improvements in the Private Estates was not made, but these are not considerable. The Land Department states that, as recent transfers are too few to give a dependable value, the figure of £20 per acre has been used as a basis. This is considered to be a conservative figure.

The figure allocated for expenditure on roads in Nakuru for 1927 is £850. It appears that four miles of roads in Nakuru form part of Main Trunk Roads.

An Advisory Committee on township affairs has been in existence in Nakuru for a considerable number of years. The Nakuru Township Association, an unofficial body composed solely of Europeans, favoured the establishment of a separate local authority for Nakuru Township. This view appeared to be shared by the Indian Township residents but their inability to understand the English language made it difficult for us to acquaint ourselves fully with their views. In

other evidence it was generally recognized that township affairs require separate executive treatment, and we think that the proposals we have made in Chapter XI will satisfy the desire expressed for contact between District and Township local authorities.

5. ELDORET.—*Eldoret* was declared a Township under the Townships Ordinance on November 14th, 1912, with boundaries which gave it an area of 2,770 acres. On December 20th, 1921, a portion—120 acres —of an adjacent freehold building estate named "Ortleppville" was added to the township, and, on July 19th, 1926, a further area of 60 acres was incorporated and is to be used chiefly for a Native Location, 10 acres being reserved for Railway purposes.

Eldoret is on the Railway Line to Uganda, and is the junction for the Kitale Branch Line. It has been growing steadily in importance for some few years.

Its population already slightly exceeds that of Nakuru, the 1926 figures being :—

	M.	F.	T.
Europeans	264	192	456
Indians	313	84	397
Arabs	4	—	4
Others	39	13	52
Total	620	289	909

Eldoret is in the same position as Nakuru in the matter of a Town Plan, but is by no means so well off as regards its township lands.

The Southern boundary of the township is the Sosiani River. The River is the sole water supply, apart from rain-water caught in tanks by individual householders, and all the development has occurred within close proximity to it. From the Railway Station up to "The Bluff," and along the top of that ridge to the northern boundary, there are many acres of land which cannot be used for building purposes until a piped water supply and road communications are provided. This area has been laid out provisionally in first-class residential sites. In 1924, a project was advanced by the Resident Commissioner, with the support of the Advisory Township Committee, for the acquisition of a further area of some 700 acres to the west of the present township, but Government was unable at that time to finance the purchase, Since that year, the Railway has absorbed a considerable area of township land between the station and the river.

To the south and east of Eldoret are three private estates, which have been sub-divided for building purposes—Ortleppville, Elgonview and Kapsoya, comprising 500, 4,000 and 2,830 acres respectively. In Ortleppville and Kapsoya purchase is confined to persons of European descent, who are required to covenant not to sell, assign,

lease or sublet their plots to any person not of pure European descent. In Elgonview, according to information supplied by the Land Department, there is no such racial restriction.

The question of area will require consideration. Apart from the general reasons for the inclusion of suburban areas under one central control, there is already a precedent for such unification in Eldoret itself. We refer to the gazettement in 1921 of the developed portion of Ortleppville. Kapsoya and Elgonview cover large areas but at the moment only 25 plots in the former and 12 in the latter have been sold, and it is further to be noted that a definite scheme of sub-division has been approved by Government for 400 acres only of Elgonview.

To each of these estates Government has granted the favourable concession that increased rents will only be claimed for such plots as are from time to time actually sold. The estate owners hold agricultural leases under the Crown Lands Ordinance, 1902, and, when they sell a plot, make the Crown a party to a Deed of Assignment for the residue of the lease of 99 years at an enhanced rental. The unsold portions, therefore, continue to be held under agricultural leases, and to pay a rent of 6 cents an acre.

The cost of construction and maintaining roads in the estates falls on the estate owner, who in deeds of sale, passes that burden proportionately on to the purchasers of plots but here, as in Nakuru, it will be open to a Local Government Authority to have recourse to the Townships (Private Streets) Ordinance, 1924. These estates have no water supply, no public health inspection, no sanitary service, and it seems to us clear that they should be included within the same area of jurisdiction as the township from the development of which they derive their value, and in which their residents have their place of business.

The valuations of unimproved site values and improvements provided by the Land Department are as follows :—

	Unimproved Site Values.	Improvements.	Capitalized Rental.
	£	£	£
Crown	?	?	4,200
Private	34,060	74,595	—
Ortleppville (sold plots) ..	2,690	14,735	1,100 *
,, (unsold plots)	885	—	—
Ortleppville Suburb ..	2,350	—	68 *
Elgonview (sold plots) ..	1,365	5,800	500 †
Kapsoya (sold plots) ..	3,117	15,300	150 †

The provision in 1927 Estimates for Roads in Eldoret Township is £1,500.

* Represents Interest of Mr. Ortlepp in respect of rents.
† Represents interest of Crown in respect of rents.

6. KITALE.—*Kitale* Township was declared on May 23rd, 1921, and described as composing "all that surveyed and beaconed piece of land situate in the district of Trans-Nzoia and known as Kitale Township Reserve (L.O. No. 2216)," the area of which is 3,043 acres. On October 23rd, 1926, the boundaries were amended so as to include "Bahati" a former so-called "private" township, of approximately 580 acres, which had been established on the borders of Kitale, but had been re-acquired by Government. Kitale is now the terminus of the Eldoret-Kitale Branch Line and the only township in the Trans-Nzoia District, a fertile area whose agricultural development is proceeding apace. The township has about it an air of activity. Its development was delayed arbitrarily by the general embargo on land sales imposed during the discussion of the Indian question, but since the removal of this ban in 1923, progress has been rapid. Its population at the end of the 1926 census had reached :—

	M.	F.	T.
Europeans	82	53	135
Indians	115	19	134
Arabs	1	1	2
Others	28	8	36
Total	226	81	307

It has already two hotels, a club and a number of permanent buildings, both residential and commercial. The township is, of course, only in the early stages of its growth, and its needs have mostly still to be supplied.

The administration of the Townships is undertaken by the Resident Commissioner, who is the local Public Health Authority, and has the assistance of an Advisory Committee of seven Europeans and two Indians.

A lay-out has been approved by Government and a number of plots have been disposed of on 99 years' lease ; a land sale in 1926 was very successful and indicated a general belief in the future prosperity of the place. Of 16 miles of roads, 6 miles have been constructed as earth roads. The provision in 1927 Estimates for Township Roads is £350. There are no drains. There is no conservancy system. Pit latrines are used and we note that the Medical Department has advised the continuation of this system until the possibility of water-borne sewerage scheme has been examined, with the reservation that a small double-bucket system for public latrines, and special buildings, *e.g.*, hotels, club, should be instituted as soon as possible.

The provision of a water supply from the River Kabaira on the slopes of Mount Elgon is under consideration by Government, the

proposal being to lay 18 miles of 2½ in. pipe, capable of conveying 38,000 gallons a day to a service reservoir of 50,000 gallons capacity. It was stated to us in evidence by a member of the Township Committee that at present 200 natives are employed in carrying water from the river, each for a wage of approximately 20s. per mensem, inclusive of food, and that he was confident that residents would willingly pay for water at £1 per 5,000 gallons—the charge suggested by the Committee.

All plans for proposed buildings are sent to the Headquarters of the Medical Department for scrutiny and comment. This system has been in vogue almost from the beginning of development and, as a result, most of the buildings are of fairly satisfactory construction and design. Owing to the absence of inspecting Staff, some unauthorized buildings have been built and others have not been completed according to the approved plan.

There is no established Native Location though the necessary reservation in the Township lay-out has been made.

7. Each of these townships should, we consider, be established as a Municipality with a Municipal Board. Nakuru and Eldoret are well established towns. Kitale, it is true, is still in its early days, but shows promise of rapid progress. In each town advisory Committees have for some time worked and gained insight and experience of which advantage should be taken, and the time is opportune for the establishment of bodies with real authority and responsibility.

8. KISUMU.—The Township of *Kisumu* remains for consideration. Kisumu was declared a township on September 7th, 1903, and defined as "the area comprised within a circle having a radius of 2½ miles with the Collector's Office as centre." This definition was cancelled on September 25th, 1923, when a topographical boundary was substituted. The present area of the township is 7,000 acres, of which 1,521 acres are water. The area is large because the native village of Old Kisumu and a large tract of land to the north of the railway line have been included for public health reasons.

The 1926 census of Kisumu recorded a population of :—

	M.	F.	T.
Europeans	94	31	125
Indians	993	435	1,428
Arabs	49	16	65
Others	96	42	138
Total	1,232	524	1,756

In the administration of the township at present, the District Commissioner has the assistance of an advisory Township Committee and of a Superintendent of Conservancy and Inland Revenue, who is

responsible for the conservancy system, constructs and maintains roads for the carrying out of the conservancy service, and acts as Secretary to the Township Committee. This Officer has also prepared a water-borne Sewerage scheme for part of the township. A Medical Officer of Health and a Sanitary Inspector have been posted to the town and district. Their work is chiefly concerned with Kisumu. The Executive Engineer of Kisumu Division attends to the public works in the township.

The special characteristic of Kisumu is that it is a Railway town. It is the terminus of the Kenya and Uganda Railway on the shores of the Kavirondo Gulf, and has been the focussing point of all traffic between Uganda, the Lake Ports of Kenya and Tanganyika Territory, and Mombasa. Of its European and "other" population, only a handful are outside Government service. The following figures represent the number of Railway employees, including wives and children :—

Europeans.	Goans.	Indians.	Africans.
84	98	470	3,672

Apart from its character as a Railway town, Kisumu is a marketing centre for the large and fertile Kavirondo Native Reserves. It is not the commercial centre of the non-native farming community grouped in the Kisumu-Londiani District, who look rather to their nearest railway station and to Nairobi or Mombasa. For these reasons, though in actual population statistics Kisumu might seem large enough for some extension of local control, it is rather the case that continued Government responsibility for its administration is unavoidable.

The Township Committee of Kisumu was not in favour of full self-government but of a nominated body with more power than they exercise at present. The Indian community, which is, of course, by far the largest, definitely deprecated the institution of anything more than an advisory body, the responsibility being left to Government. On the other hand, the rural residents wish the affairs of Kisumu township to be administered separately from those of the District. In the special circumstances of Kisumu we think Government should continue to be responsible for the administration of the township.

We see no reason, in view of the local attitude and conditions, to change in principle the form of the present administration of Kisumu. In this one instance we depart from our general recommendations regarding the relations of the District Council to the Township Committee. Kisumu is not in the same relation to the district as are other district headquarters, is not regarded by the European settler as his natural commercial centre, and has an intervening block of Native Reserve between it and the Settled Area. We do not think, therefore, that the District Council can be regarded as having any direct interest in the concerns of the Township.

The Township Committee as at present constituted has one Indian member, and we recommend that some additional Indian representation should be granted.

That some changes in the method of carrying out township services in Kisumu are desirable we have no doubt. There appears at present to be a lack of organization and co-operation between the various Government Departments concerned. It is unsatisfactory that the Conservancy Department should have charge of some roads, that the Health Department should construct some drains, that the Public Works Department should take no responsibility for keeping the drains in a sanitary condition, and that the overflow of water from the Native Hospital should cause nuisances in the drains through the Indian Bazaar. The responsibility for all municipal services should be concentrated in one officer—a Municipal Engineer—who would take over the conservancy duties and supervision of building plans at present discharged by the Superintendent of Conservancy and the road maintenance and drainage work from the Public Works Department. The present division of authority is bound to be unsatisfactory. The Officer whose appointment we recommend should be on the District Commissioner's Staff.

Kisumu requires a proper drainage scheme, and this need will become more urgent as soon as the new water supply, for which pipes are now being laid, is available. The difficulties attending the labour supply for the present single-bucket conservancy system afford an additional reason for the early institution of a water-borne sewage scheme. From the evidence received it appears that the Kenya and Uganda Railway is prepared to co-operate to the fullest possible extent in such measures of municipal improvement.

The sum allotted for road maintenance in Kisumu for 1927 is £1,000, or £300 more than in 1926. The roads which have been laid out in Kisumu are generally speaking well-kept, though the Indians complained of the state of the Bazaar Road. This is the only metalled road in the town.

The improvements required represent a large capital outlay—the water supply scheme alone is estimated to cost £27,500—and provision for raising revenue by means of rates should be made without delay. A valuation of unimproved site values of Crown Land in Kisumu has been made under the direction of the Director of Land Surveys, resulting in a total of £165,700. The capitalized value at 8 per cent. of Crown Rents—£940—is £11,750. Crown Rentals from temporary occupation licences in Kisumu amount to £803. Unless these lands have been included for purposes of valuation in the above figure, for Crown Lands, their capitalized value of £10,038 should be added to the Crown's rateable interests. No valuation of unimproved site values of private property or of improvements, whether Crown or private, has yet been made.

Part IV.—Constitution and Powers of Proposed Municipal Boards.

We propose that Municipal Boards for the three townships mentioned should be constituted on the following lines :—

They should consist of :—

(1) Official Members ;
(2) Elected Members ;
(3) Nominated Members.

(1) *Official Members.*—The Resident Commissioner or the District Commissioner of the District should be a member of the Board ex officio, and the Board should also include a representative of the Kenya and Uganda Railway. There will thus be two official members.

(2) *Elected and Nominated Members.*—We propose that provision should be made for the representation of the European community and of the Indian community on the following lines :—

The European community to have not less than six and not more than eight representatives ; the Indian community to have not less than two and not more than three representatives. Of these representatives some will be elected and some nominated.

We consider (1) that, where there are either six or seven European members, five should be elected and either one or two nominated as the case requires, and that, where there are eight European members, six should be elected and two nominated ; and

(2) that, where there are two Indian members, both should be elected, and that, where there are three Indian members, two should be elected and one nominated.

There will also be one representative nominated by the District Council in accordance with the proposal already mentioned.

The minimum number of a Board will, therefore, be eleven, and the maximum fourteen. Where a Board consists of eleven members, there will be two official members, one District Council representative, five elected European members, one European member nominated by the Governor and two elected Indian members. Where a Board consists of fourteen members, there will be two additional European members, of whom one will be elected and one nominated by the Governor, and one additional Indian member nominated by the Governor.

2. While we consider it desirable that a certain proportion of the members of Municipal Boards should be elected, we do not propose that all members other than the official members and the members nominated by the District Council should be elected. The towns concerned are comparatively small in population, and include among their citizens a certain number who may be debarred by business or other reasons from offering themselves for election but who, by their

standing in their community and by knowledge and experience, may be well qualified to render valuable service as members of a Board. It is desirable that the services of such men should be made available by exercise of the power of nomination. The power of nomination should be exercised by the Governor according to the interests requiring representation and the suitability of the candidates available.

3. The Chairman of a Municipal Board should be nominated by the Governor.

4. The qualifications for voters and candidates and the term of office of Municipal Boards, with the exception of Mombasa, should *mutatis mutandis*, be as proposed in Chapter XI, for adoption in the case of District Councils.

Part V.—Functions of Municipal Boards.

While use of the term " Board " marks a stage of municipal growth less advanced than would be implied by the use of the term " Council," we have assumed, in proposing that the municipal bodies established for Nakuru, Eldoret and Kitale shall be Municipal Boards and not Municipal Councils, that the distinction between a Board and a Council will depend in the main on differences in the constitutions of such bodies rather than in the character and extent of the powers conferred upon them. The differences in their constitutions will be, as already indicated, that while a Council will consist, mainly if not entirely, of elected members, and will elect its own Mayor, a Board will consist partly of elected and partly of nominated members and will have a Chairman appointed by the Governor.

2. We propose, therefore, that no separate list should be made with a view to restricting the powers which may be exercised by a Municipal Board as compared with those to be exercised by a Municipal Council but that, subject to the special provision with regard to public health mentioned below, the laws relating to Local Government should be so framed as to endow a Municipal Board with general municipal powers, similar to those conferred on a Municipal Council, and that such laws should provide for similar supervision over the activities of both Boards and Councils, save in one important respect. In each case the Governor's sanction will be required for proposed bye-laws, for the making of certain appointments, for charges to be made for municipal services, and for the exercise of certain specified powers of an important character, and the Governor-in-Council's sanction will have to be obtained for the raising of any loan and for levying any rate which exceeds a certain fixed limit. There will also be provision for audit by Local Government Inspectors. In the case of Public Health and of Native Affairs, special provision will be made as to the fulfilment by the local authority of its functions. With regard to Public Health, we propose that a Municipal Council should automatically become

the local authority for its area under the Public Health Ordinance, and should thus become responsible for all Public Health administration in its area, but that a Municipal Board should not assume this responsibility unless it has been specially appointed as a local authority for Public Health purposes.

With regard to the question of general financial supervision, we propose that an important distinction should be made between the position of a Municipal Board, and that of a Municipal Council. The existing Municipal Corporations Ordinance provides in Section 25 that :

" The municipal council shall in each year prepare a budget showing the estimates of revenue and expenditure of the Council for the ensuing year and such budget shall be forwarded to the Governor-in-Council for sanction and, when approved, an abstract thereof shall be published in the *Gazette* and the budget shall come into force from the first day of January in the year for which such estimates shall be prepared ; and the Council shall not incur any expenditure which has not been included in such estimates and approved in such manner, except with the sanction of the Governor."

We propose that, in the case of a Municipal Council, this provision for sanction of its estimates by the Governor-in-Council should no longer apply, but that, in the case of a Municipal Board, it should be retained in an amended and less onerous form.

Part VI.—Finance of Municipal Boards.

We have been unable to obtain authoritative statements of the present cost of the municipal administration of the townships of Nakuru, Eldoret and Kitale and are, therefore, not in a position to submit budgets of future expenditure or definite proposals for meeting that expenditure.

Provision for rating owners of property in all townships is contained in the Township Rules, 1923. The powers so conferred have not been exercised in any of the townships mentioned in Part I of this Chapter. The basis of rating which they provide is the annual rateable value of property.

2. In the Commission's reports on Mombasa and Nairobi, recommendations have been made that powers should be conferred enabling the levying of rates on the unimproved site value of the land, and also, at the discretion of the authority, on improvements. If the authority decides to levy a rate on improvements, it must, in our proposals, first levy a minimum rate of $\frac{1}{2}$ per cent. on site values and can then divide the incidence of further taxation between site values and improvements subject to certain limits. The reasons for this method of rating and a full explanation of the system proposed is contained in the Report on Nairobi and its environs. This Commission recommends that, in the case of the proposed Municipal Boards

in the Settled Areas, this basis of rating should also be adopted and that it should also be applied to those Grade " B " townships in which land has been leased on long lease. Where in Grade " B " townships land is still held on temporary occupation licence, the existing provision in Township Rules for rating on rentals must be preserved. It is desirable that steps should be taken in these townships in regard to lay-out and survey of plots, so as to enable long leases to be issued and a uniform system of rating to be adopted in all townships.

3. In the case of Nakuru, the valuations recorded in Part II of this Chapter for the unimproved value of privately held land and of the Crown interests in land amount to £152,207. We have been informed by the Executive Engineer, Public Works Department, Nakuru, that £850 has been provided in the 1927 Estimates for expenditure on roads in the township. There appear to be four miles of roads in Nakuru township which would be classified as main trunk, or main district roads, and in respect of these the Municipal Board would receive from Government one-half of the cost of maintenance inclusive of overhead charges ; and also one-half of the cost of new construction when provided for in accordance with a programme approved by the Central Roads Board. Further, the Board and the District Council should, at the outset at any rate, combine to share the cost of employing a Municipal Engineer and subordinate Staff. But even after account has been taken of these factors, it is probable that a rate of 1 per cent. on unimproved site values—which would probably be considered to be as high a rate as could reasonably be imposed at the outset—would not, including an equivalent contribution in respect of Crown Land, produce sufficient revenue to enable the Board to initiate any substantial improvements in the existing roads, as well as in drainage works.

In the case of Eldoret a valuation of privately held land and improvements has been made, but at Kitale no valuation has been attempted either of Crown or of private land or improvements.

4. This Commission has not considered in detail the question of Government contributions which would be required to assist these Municipal Boards, either in respect of their ordinary recurrent expenditure or of special capital expenditure, and is not in a position to make a definite recommendation on this subject. In the Commission's Report on Nairobi and its environs, certain general principles on which the contributions of the Central Government to the expenses of municipal bodies should be based, have been laid down. Those members of this Commission, who were also members of the Commission on Nairobi and its environs, consider that the contributions to be made by Government to Municipal Boards should be decided in accordance with those principles.

It should be remembered that none of these three townships has benefited by the provision of special large sums from Colonial revenues for their development as Nairobi and Mombasa have done. In addition, therefore, to such contributions as may be made by Government towards their ordinary municipal services, it is reasonable that Government should make, as occasion arises, special provision to assist them in obtaining funds for capital expenditure to be incurred on permanent works, such as water supply and drainage, which are essential for the public health and for the general welfare of their towns. It will be an important function of the Central Local Government organization, whose establishment is recommended in another Report, to examine the financial stability of such schemes and advise Government on the share which it should accept of financial responsibility on the merits of each proposal.

Part VII.—Townships in Native Reserves.

We have not dealt specially in this Report with the position of townships in Native Reserves, four of which are included in the list contained in Part I of this Chapter. It is doubtful whether these townships can be regarded as forming part of Settled Areas within the meaning of our terms of Reference.

The existing position with regard to land in Native Reserves is defined in Sections 54 and 55 of the Crown Lands Ordinance as amended by the Crown Lands Amendment Ordinance, 1926, which read as follows :—

" 54. (1) The Governor-in-Council may by notice in the Gazette declare that any area of Crown land, either by general or particular description and whether the same has been surveyed or not, shall be a Native Reserve.

" (2) Any land declared to be a Native Reserve under this section shall be reserved for the benefit of the native tribes of the Colony ; Provided that such reservation shall not confer on any tribe or member of any tribe any right to alienate the land so reserved or any part thereof."

" 55. No land in a Native Reserve shall be sold, leased or otherwise disposed of under this Ordinance ; Provided, however, that portions of the land in a Native Reserve may, subject to and in accordance with Rules made under section 58 of this Ordinance, be let on lease or licence, or otherwise set apart or utilized, for purposes beneficial to the inhabitants of such Reserve."

We understand that all rents derived from townships in Native Reserves under leases or temporary occupation licences are paid into the local Native Fund.

2. The development of townships in Native Reserves under present conditions involves a problem which will become increasingly difficult

as these townships grow in size and importance. We think that the whole question with regard to the position of these townships requires to be examined at an early date with a view to the adoption of some plan which will enable their development to proceed on a satisfactory basis, in accordance with the requirements of their situation. Any such plan should provide for the raising of revenue for municipal needs, and for the adoption of a suitable form of Municipal Government.

We are not prepared, with the information before us, to make any recommendations as to the future of these townships. We recognise that the question of the provision to be made with regard to their development forms part of a larger question affecting generally the future control of land in Native Reserves.

It appears to us, however, that the creation of an independent body of trustees, which would have general authority to deal with questions affecting the control and development of land in Native Reserves on behalf of the native interests concerned, would open the path to a settlement of the difficult questions to which, in present conditions, the existence of these townships gives rise.

NOTE.

NAKURU.—*Nakuru* is the centre of a large and thriving agricultural district, which is served by the main railway line, and by the Uasin Gishu and Solai Branch Railways. It has already established itself as a town of importance and its expansion seems assured. It has at present two Banks, two Hotels, twenty-two European trading establishments, and numerous Indian shops; and building activity is marked. The European residents have formed a Township Association of residents and property owners, and for some fifteen years an advisory body has assisted the Administrative Officer in dealing with the affairs of the town.

2. While no Town Plan in the sense of a plan prepared by an authority appointed under the Town Planning Ordinance, Chapter 85, has been devised, the Township Committee and the District Surveyor have produced a detailed lay-out which, on the instructions of Government, had been, at the time of our visit to Nakuru, exhibited for public information and objections.

3. The needs of the township are considerable, and their cost will be heavy. The main road of the township, which is also part of the trunk road from Nairobi to Uganda, was being treated with tar during our visit. The mileage of roads constructed as permanent roads is 1½ miles and as temporary or earth roads, 9¼ miles, while 10 miles of road remain to be made.

There is no proper drainage system. The township can boast only one good drain ; the remainder are roadside earth drains, intended for storm water only. Of necessity a certain amount of sullage finds its way into these drains, accumulating in stagnant pools, which become offensive. Drainage facilities for removing sullage water from the Bazaar are both unsatisfactory and inadequate. The evils of this situation will be aggravated by the increased water supply which is about to be put in. The lack of a drainage scheme is also a considerable handicap to builders ; and it is very necessary, if complications and expense at a later date are to be avoided, that a drainage scheme should be prepared so that buildings can be sited and levels arranged in accordance with it.

Owing to the absence of technical Staff to supervise the erection of new buildings and the alteration of or additions to existing buildings, no effective control of development was possible until 1926. As a result, many plots have become overcrowded with buildings, satisfactory neither in design nor construction. Ultimately many of these buildings will have to be demolished or reconstructed and, in certain areas, small improvement schemes will be required. At the present time new building development is receiving careful attention from the local authority.

Natives in private employment find accommodation in a Native Location which has been well laid out in regular lines. The huts are built of wattle and daub or, in a few cases, of sun-dried bricks. They are mostly let in lodgings but, as they have been built regardless of light, ventilation or sanitary principles, they cannot be regarded as offering satisfactory accommodation. At a later date, the provision of more adequate native housing will have to be considered.

There is no refuse destructor. A refuse removal service forms part of the Conservancy service, and all the trade and other refuse is carted away and dumped over an area of 25 acres in the undeveloped part of the township, and there becomes a breeding place for mosquitoes, flies, rats, snakes and other vermin. The Sanitary Inspector informed us that he received numerous complaints in regard to mosquitoes and rats. Plague-infected rats had been found on a farm eleven miles from Nakuru which, as the local distributing centre, has every reason to take adequate precautions against this disease and its carriers. Nakuru has not apparently suffered from malaria. Mosquitoes—though not anopheline—abound, and the borrow pits and stagnant drain water provide ample accommodation for larvæ.

A new slaughter-house was erected about a year ago and, with a few minor alterations, should prove satisfactory. There is a considerable trade in pork and a pig slaughter-house is required. The Sanitary Inspector inspects meat and other food and controls the premises in which food is sold or prepared for sale.

4. The Conservancy System is a single-bucket system with a daily clearance for a yearly charge of Shs. 60. per bucket. These fees in 1925 brought in a revenue of £205 from 65 buckets. We were informed that the service was not compulsory and, apart from the fact that the Railway gives its own conservancy service for its buildings, it is clear that for a total population of 896 the service could be extended to financial advantage. We recommend that early steps be taken to estimate the cost of introducing a water-borne sewerage scheme, at least for the commercial area of the township, and also that of operating a double-bucket system for those buildings which could not, from financial considerations, be linked up with a water-borne system. We recommend further that a special fee for refuse removal be levied and that the erection of an incinerator be considered. Steps should also be taken to combine the present separate Railway and town Conservancy Services. The Railway at present pay the sum of £524 on conservancy and drain clearing and sweeping and there seems no reason why these services to Railway property should not be carried out by the town conservancy Staff.

5. The present water supply was designed to deliver 66,000 gallons a day to service reservoirs having a capacity of 88,000 gallons. The demand for water has been growing steadily, and the estimated revenue in 1926 from the present service was £2,148. The demand has outgrown the supply, and Government has provided for £11,000 in the Colonial Loan for the laying of a 5 in. main capable of conveying 200,000 gallons a day and for doubling the present reservoir capacity.

6. Prior to August, 1926, there was no Public Health Staff at Nakuru. The Resident Commissioner has received some assistance from the Medical Officer and from the part-time District Surgeon since the Medical Officer was removed. In November, 1925, a Superintendent of Inland Revenue and Conservancy was retained by the Administration at a salary of £315 per annum. This officer has, however, no technical qualifications. In the beginning of 1926, the Divisional Headquarters of the Public Works Department were removed to Nakuru from Naivasha and in August, 1926, a Sanitary Inspector was posted to Nakuru.

The local Public Health authority, *i.e.*, the Resident Commissioner, now, therefore, has the technical assistance of the District Surgeon, of the Executive Engineer of the Public Works Department, and of a Sanitary Inspector. He is advised by a Township Committee. We understand that in 1927 provision has been made by Government to post a Medical Officer of Health for duty at Nakuru with jurisdiction also in the Ravine, Uasin Gishu and Trans-Nzoia Districts. This is a step forward, and it remains to be seen whether the town and rural area of Nakuru will not require the undivided attention of a Medical Officer of Health within a short space of time. The Hospital needs of

the township do not require separate consideration from those of the district.

7. ELDORET.—*Eldoret*, like Nakuru, has many needs. Its road system is not complete; ten miles of roads, made of local gravel with stone drains at the side, have been built but much more requires to be done. There are certain roads in the Railway reserve which are maintained by the Railway. No drainage scheme has been prepared. The roadside drains are intended only for storm water. Sullage water is thrown out into the streets or, as in the case of water from the Eldoret Hotel, is run into the roadside drains. The drains discharge into the Sosiani River, from which the water supply is derived. It is evident, therefore, that considerable expenditure on roads and drains is necessary and that the drainage difficulties will be exaggerated when a piped water supply is introduced. The Conservancy System is the single-bucket system. There is no Public Health inspection and no slaughter-house. No rates are levied for township purposes but a fee of Shs. 6. per mensem is charged for each conservancy bucket, and this fee covers also the refuse removal service. The latter should, as in Nakuru, be charged for separately, and the institution of a water-borne sewerage scheme is an important requirement.

8. The Bazaar area is much less extensive than that at Nakuru. It is in two sections—a temporary and a permanent Bazaar. The former came into being during the period when the Uasin Gishu Railway was under construction, when a great demand for housing accommodation arose, and temporary occupation licences for land near the Bazaar were issued. As a result there is now a slum area of five acres covered with temporary sheds and hovels, in which people live like rabbits, to use the phrase of the District Surgeon.

The permanent Bazaar has been very much neglected. Apart from the main road, there are no drains in the Bazaar and, though certain plot-holders have built drains for their plots, there are no drains with which they can connect. The Sanitary lanes also are in a parlous condition. A sale of Bazaar plots took place in 1925 and amongst the conditions of sale was a clause placing on the purchasers liability for the proportionate cost of making roads and drains to serve the plots. This condition was not, however, attached to the sale of the original plots in Eldoret. Recently a number of new bazaar buildings have been erected of, on the whole, a fairly satisfactory design. Plans are scrutinized by the District Surgeon and Executive Engineer of the Public Works Department but, as there is no Building or Sanitary Inspector, there is no means of ensuring that buildings are actually built according to plan or that unauthorized structures are not sometimes added.

9. There is a Native Location situated on the outskirts of the Township, in which natives in private employment are accommodated.

An area of sixty acres has, as stated already, been added to the township for the purposes of a Native Location. A scheme for the development of this area is being prepared by the Medical Department and eventually the present Location will be used as a second-class residential area.

10. A water-supply scheme for Eldoret has been approved by Government which has provided a sum of £30,000 in the approved schedule of the Colonial Loan for this purpose. On the basis of a charge of Shs. 3. per 1,000 gallons with reductions for large consumption, it is not expected that the scheme will pay for itself for the first five years, and an assurance has been given by Government that the responsibility for payment of loan charges will not be thrown on the local urban community before they are in a position to bear such an imposition. It may, however, be noted at this point that at Kitale a charge of £1 per 5,000 gallons has been suggested by the local residents.

11. The Administration of the township is in the hands of the Resident Commissioner who forms the local Authority under the Public Health Ordinance He has the assistance of an Advisory Township Committee which meets on the average once every ten days and is freely consulted by him. The part-time District Surgeon and the Executive Engineer assist him in his public health work but he has no Sanitary Inspector. We are informed that a Sanitary Inspector will be posted to Eldoret in February, 1927. A Superintendent of Inland Revenue and Conservancy was appointed in November, 1925, at a salary of £315 per annum but is concerned only with the Conservancy and cleaning services and collection of fees ; he has no qualifications for building or sanitary inspection.

The requirements of Eldoret are thus many and costly.

CHAPTER XIII.

CENTRAL ROADS BOARD.

The question of constituting a Central Roads and Traffic Board was dealt with by the Roads and Traffic Committee in their Second Interim Report (1925), The Committee recommended that such a Board should be constituted by law for the purpose of exercising supervision and a certain measure of control over District Road Boards, and advising Government in respect of all important matters relating to roads and traffic and the administration of the two Ordinances, then contemplated, dealing respectively with Roads and Traffic. The Committee proposed that the Board should consist of :--

The Commissioner of Lands, or Director of Land Surveys ;
The Commissioner of Kenya Police ; and
Three unofficial members ;
with the Director of Public Works as Chairman.

The proposal that the Commissioner of Police should be a member was no doubt made with a view to the duties of the Board in connection with the proposed Traffic Ordinance. The Committee's proposals were based on the assumption that, while the existing District Road Boards would continue to exercise the functions already described, all public roads would remain under the direct control of the Public Works Department, as the central organization. The proposals made in this report with regard to the establishment of Local Government bodies as road authorities necessitate re-consideration of the constitution of the proposed Central Board.

In view of the functions which under our proposals the Central Roads Board will have to exercise as the central body responsible for supervising road work carried out by District Councils, and, if advisory, of advising on questions of grants to be made to District Councils and Municipal Authorities for road purposes, we think it will be difficult to make the same body responsible for the administration of the Traffic Ordinance.

2. We propose, therefore, that a Central Roads Board should be established, with functions relating to road questions only, and that this body should be constituted as follows :—

The Colonial Secretary, *Chairman ;*
The Commissioner of Lands, *Deputy Chairman ;*
The Chief Native Commissioner ;
The Director of Public Works ;
The Commissioner for Local Government ; and
Three unofficial members.

The official here styled " Commissioner for Local Government " is an official who will, according to recommendations to be made in connection with the central organization required for general Local Government purposes, be responsible under the Colonial Secretary for corresponding with Local Government bodies and dealing with all matters which have to be referred by them to the Central Government. We contemplate that, in examining proposals of Local Government bodies which require the sanction of a central authority, he will have the assistance of a Departmental Committee including representatives of other Departments concerned. He should, in our opinion, be a member of the Central Roads Board, so that he may put at their disposal his information with regard to the work of District Councils and Municipal Bodies, and thus provide a necessary link between the work of the Central Roads Board and the central organization responsible for dealing with other Local Government questions.

We propose that the Chief Native Commissioner should be a member of the Board in view of the fact that the Roads, for which the District Councils will become responsible, will link up with the Road Systems of the Native Reserves. The presence of the Chief Native Commissioner on the Board should ensure that, where the road work carried out in the Settled Areas by District Councils involves questions affecting Native Reserves and where the road work in Native Reserves affects Settled Areas, both points of view will be represented on the Central Roads Board.

We think it will probably be found convenient that the Commissioner for Local Government should act as Secretary of the Central Roads Board or provide a member of his Staff for the purpose.

In order to carry out its work of supervision efficiently, the Board will require to have at its disposal the services of inspecting officers, specially qualified in road work. We suggest that members of the Staff of the Public Works Department should be available for carrying out inspections on behalf of the Board. We desire to avoid creating conditions in which it would be necessary for the Board to maintain a separate Staff of its own, distinct from that of the Public Works Department.

3. The main functions which we contemplate that the Central Roads Board should undertake, in connection with the road work of District Councils, and the making of grants from central funds to Municipal Authorities for road purposes, may be summarized as follows :—

The Central Roads Board should—

(1) Advise as to the classification of roads ;

(2) Supervise the work of District Councils in connection with location and survey of roads and the construction and maintenance of roads ;

(3) Advise as to approval of appointments of engineers made by District Councils ;

(4) Advise as to grants from central funds to be made to District Councils and to Municipal Authorities for road purposes ;

(5) Control any plant which may be placed at the Board's disposal for the purpose of hire to District Councils or Municipal Authorities.

CHAPTER XIV.

ON THE SUBJECT OF GRANTING MAGISTERIAL POWERS TO SELECTED JUSTICES OF THE PEACE IN THE SETTLED AREAS OF THE COLONY.

By a Commission dated the 8th October, 1926, our original terms of Reference were extended and we were directed " to inquire into and advise upon the desirability of granting magisterial powers to selected Justices of the Peace in the Settled Areas of the Colony, and the extent of the powers (if any) which should be so granted."

This question was referred to us after we had already taken evidence at Machakos and at Thika and from the Kyambu representatives, so that we were unable to obtain the views of the residents in those areas in regard to the matter. In the other parts of the Settled Areas which we visited, however, we invited the views of those persons who appeared before us and, generally speaking, the witnesses expressed decided opinions in favour of such a proposal.

2. Under the Justices of the Peace Ordinance, Cap. 21, the Governor is empowered to appoint persons to be Justices of the Peace, but the powers of persons so appointed are limited to the exercise of such functions as, for instance, the administration of oaths, the issue of warrants of arrest, and the attestation of contracts under the Employment of Natives Ordinance, Cap. 139. Justices of the Peace have, however, no power to hold a Court or to try cases.

3. The need for the grant of additional powers to Justices of the Peace arises mainly, of course, at out-stations, and it was impressed upon us by those witnesses who favoured the proposal that, owing to the size of districts, difficulties of communications (particularly during certain seasons of the year when roads are frequently impassable), and limited district Staffs, present conditions render it impossible for Administrative Officers to hold Courts at more than a few out-stations, and, in those cases, only at comparatively long intervals. Consequently, many cases of a minor character, more expecially cases under the Employment of Natives Ordinance and cases of petty theft, arising in the more remote parts of a district, which may often be as far as thirty to fifty miles from the district headquarters, are never brought to Court.

4. It appears to us that this fact in itself is sufficient to justify a recommendation in favour of the grant of limited magisterial powers to Justices of the Peace, but we consider that such a recommendation can be supported on another important ground, namely, the desirability of securing the association of the non-official residents of the Colony with the administration of justice to a greater extent than they are

associated to-day. We are satisfied also that persons are available for the purpose who would be willing to undertake this work and who would command the confidence of all classes of the population.

5. The question of conferring magisterial powers on Justices of the Peace was considered by the Native Punishment Commission which sat in 1921. The majority of those Commissioners considered that the disadvantages of conferring such powers outweighed the advantages, and recommended that consideration of any such proposal should be delayed. One member, Mr. McLellan Wilson, supported the adoption of such a proposal for reasons given in his Minority Report.

The main objections mentioned in the Majority Report are :

(1) That the language difficulty would be very great in the absence of trained interpreters ;

(2) That farmers who are appointed Justices of the Peace could not spare the time to acquire the necessary knowledge of the elements of law ;

(3) That the hearing of cases and the clerical work required would impose too heavy a tax on unpaid Justices of the Peace ;

(4) That the position of a farmer, as a Justice of the Peace, in dealing with such matters as labour disputes arising among his neighbours and friends would be difficult.

6. The Chief Native Commissioner, in a Memorandum dealing with the question of Natives in Settled Areas, has raised objections to the proposal similar to those quoted. He also adds this point :—

" Natives are accustomed to have all penal charges against them dealt with by officers of Government. It seems to me very doubtful whether a native employee, who had given offence to his employer, would understand being brought by the aggrieved party before a neighbouring employer instead of before a Government Magistrate. Natives would probably feel that such a Bench could not be impartial, and a sense of injustice in this regard might have a serious effect upon the labour supply."

7. The points raised in these objections may be regarded as already covered by the general conclusions stated above, but we think the objections may be answered in detail as follows :—

(1) We do not think that the language question will be found to afford any insuperable difficulty. Many settlers have a working knowledge not only of Ki-Swahili, but also of the particular native dialect of their district. But we think that provision should also be made for the appointment of additional native interpreters to the local District or Resident Commissioner's Court, who would be available for attendance at the Courts of Justices of the Peace in the district. Salaries paid to interpreters are small, so that the increased expenditure involved in the adoption of this proposal will be of a trifling character.

(2) We consider that, when Justices of the Peace are first appointed to exercise the proposed magisterial powers, special provision should be made for instructing them in their duties. It will be desirable that a short manual should be prepared for their guidance, outlining the procedure to be followed and dealing with the particular laws with which they will have to be familiar, and that they should be advised to take the opportunity of being present occasionally in the Court of the District Commissioner or Resident Commissioner, when criminal cases are being tried, so as to get a grasp of the essential points of procedure.

(3) From the evidence we have heard, we think that it will be quite possible to find among the Settlers in the rural areas men who are willing in the general interest to devote a portion of their time to this particular form of public service.

(4) We think that the answer on this point, and on the similar objection raised in the extract quoted from the Chief Native Commissioner's Memorandum, is that men of the same type as those who successfully perform the work of unofficial magistrates elsewhere are available in Kenya, and we believe that, if a wise selection is made, the men appointed can be trusted to maintain an impartial attitude on questions brought before them. The provision for automatic revision of their decisions which is referred to later will secure that any errors made will be brought to light and corrected with the least possible delay.

The following passage may be quoted from the evidence given by Major Gascoigne at Nanyuki, as indicating the extent to which the natives employed in that area have in the past had recourse to him for advice, and thus shown their confidence in him in his capacity as Justice of the Peace:—

" I am a Justice of the Peace and we have a police station here and a Court is held once a month. Two other Justices of the Peace have recently been appointed but, being in the township, I get all the work. The procedure adopted is that the complainant makes a verbal statement to me and, if I think he is wrong, I tell him to go back to his master, or else I send him back with a note to the master telling him that he (the master) is in the wrong. The only cases that go on to the Senior Commissioner are those in which the native is in the wrong and will not admit it and then he has to go into Nyeri for trial ; my chief aim has been to stop trivial cases. In some few cases, where the natives keep coming from one particular farm, I have had to give out that I will not see them, or deal with their cases and, presumably, it becomes hard for that European to get labour. It entails a great deal of work ; the Police come to me to sign warrants of arrest . . . . I only get about one European employer in a month, as they take their cases to the Resident

Commissioner when he comes out once a month, but I get an average of two or three boys a day and the Resident Commissioner does not have to deal with many of these cases."

8. Accordingly, we recommend that jurisdiction to deal with minor criminal offences and also with matters of a criminal and civil character arising under the Employment of Natives Ordinance, should be conferred on selected Justices of the Peace to be exercised at such outstations as circumstances may require. The question of the exact jurisdiction to be conferred on such Justices, both as regards the classes of offences which they should be empowered to try and also as to the nature and extent of the punishments which they might award, would, of course, require careful detailed consideration. We suggest, however, that the powers of punishment should, in the first instance, at any rate, be limited to :—

(*a*) A fine not exceeding £10 ; or

(*b*) Imprisonment of either description for a period not exceeding one month ; or confinement in a detention camp where the law allows it for a corresponding period ; or

(*c*) Whipping in the case of juveniles for offences under the Employment of Natives Ordinance.

(Section 46 of that Ordinance authorizes the infliction on male persons under sixteen of corporal punishment not exceeding sixteen stripes with a light cane instead of any other punishment, in respect of offences under that Ordinance.)

9. We found that a considerable difference of opinion existed in the minds of the witnesses as to whether the powers in question should be exercised by single Justices of the Peace, or by Benches of Justices. We are of opinion, however, that a scheme, under which jurisdiction is exercised by single Justices of the Peace, will be found to be more satisfactory. Such a scheme will have the advantage of centralizing responsibility in one individual and will also avoid the difficulty which must arise in assembling the necessary quorum of Justices (which could not be less than three) before the Court could function.

10. It will be necessary that, before making any appointment under the foregoing proposals, Government should be satisfied that suitable accommodation for holding a Court is available. Where no such accommodation is found to exist, however, it could probably be provided at a very small cost.

11. It will also be necessary for suitable Police arrangements to be made in connection with each Court presided over by a Justice of the Peace, both for the purpose of executing warrants and also, if required, for the purpose of conducting prosecutions. It seems desirable, therefore, that the Courts should as far as possible be established in the

vicinity of Police Posts but, where such Posts do not exist, arrangements could no doubt be made to hold Courts on days coinciding with the visits of Police Patrols.

12. It is essential in our opinion that the decisions of Justices of the Peace should be subject to automatic review by some official authority. To enable this review to be carried out it is, therefore, necessary that adequate records of the proceedings should be kept. We consider that each Justice should keep his own records and we do not anticipate that any clerical assistance should be required. We recommend that the reviewing authority should be the District or Resident Commissioner of the district in which the Justice's Court is situated, and that the record of proceedings in all cases in which an accused person has been convicted should be sent forthwith to that Officer. The orders of the District or Resident Commissioner should be subject to appeal to or revision by the Supreme Court in the manner provided by the Criminal Procedure Ordinance.

13. It has been suggested to us by the Commissioner of Police that Justices of the Peace should be empowered to hold inquests into sudden deaths. Under Section 141 of the Criminal Procedure Ordinance the only persons authorized to hold inquests are first and second class magistrates, and magistrates specially empowered in that behalf by the Governor. We recommend that, in the event of our proposals for granting magisterial powers to Justices of the Peace being approved, the question of conferring on such Justices the power to hold inquests should be considered.

14. We think that consideration might also be given to the question of granting to each Justice appointed under these proposals a moderate allowance per annum in return for his time and services. We do not, however, make any specific recommendation on this point.

15. We have had an opportunity of examining the Special Justices of the Peace Act, 1918, of the Union of South Africa, and it appears to us that a system on similar lines would be suitable for the needs of this Colony. We, therefore, recommend that consideration should be given to the provisions of the Act in question in connection with the preparation of any legislation on this subject.

16. The following extracts from a letter addressed to the Chairman of this Commission by Dr. E. W. Bok, Secretary of the Department of Justice in the Union of South Africa, are of interest as indicating the satisfactory working of the system under the South African Act :—

> "These Courts are established at places which are at a considerable distance from Magistrates' Courts in cases where requests for better judicial facilities are made by the inhabitants. It is the practice to set up such Courts only at centres where a police station

with cell accommodation exists. As a rule the area of jurisdiction is defined to coincide with the patrol area of the police post as this is convenient for the police and all concerned.

" Except in very rare instances, the person appointed possesses no legal qualification or training, but he is always a person, usually a farmer, of standing in the neighbourhood. In terms of Section 8 (2) of Act No. 2 of 1918, the Special Justice of the Peace acts as clerk of his Court, and it is not the practice to provide a clerk, but it is probable that the Police Post Commander gives a considerable amount of assistance in the way of keeping books, etc.

" Court is held at the Police Station, and it is left to the Magistrate to arrange with the Special Justice of the Peace how frequently sittings are to be held. As a rule, regular sittings would be held twice a week, but they might be more less frequent according to requirements.

" In view of the fact that the persons appointed as Special Justices of the Peace are without legal training, it is perhaps somewhat surprising that these Courts on the whole function satisfactorily, but it must be borne in mind that all the cases are subject to review by the Magistrate and the latter is therefore in a position to correct mistakes and advise the Special Justice of the Peace in matters of procedure and practice."

ACKNOWLEDGMENTS.

Mr. J. O. W. HOPE, C.M.G., Senior Commissioner, attended one sitting at Thika but we regret that, owing to illness and subsequent departure from the Colony, he was unable to take further part in our deliberations.

We desire to associate ourselves with the acknowledgments to those who gave Evidence before us, and assisted us with Memoranda and information; and with the tributes paid to the Staff of the Commission contained in the concluding paragraphs of the Report on Central Organization.

All which we submit for Your Excellency's consideration.

(*Signed*) RICHARD FEETHAM, *Chairman.*
W. C. HUGGARD, *Attorney General.*
H. T. MARTIN, *Commissioner of Lands.*
ABDUL WAHID, *Additional Member.*
DELAMERE, *Additional Member.*
CONWAY HARVEY, *Additional Member.*

W. M. LOGAN, *Secretary.*
February 7th 1927.

APPENDIX I.

TRANS-NZOIA DISTRICT.

MEMORANDUM BY DELEGATES OF THE SUB-AREAS OF THE TRANS-NZOIA.

MEMORANDUM BY CERTAIN INDIAN RESIDENTS IN KITALE.

WITNESSES.

Mr. F. H. WELLER, President of the Trans-Nzoia Farmers' Association, Member of the District Committee and Road Board.
Admiral CRAMPTON, Member of District Committee and Road Board.
Colonel KIRKWOOD, Member of Kitale Township Committee.
Captain PHARAZYN, Member of Kitale Township Committee.
Major KEYSER.
Major HALLOWES, Member of District Committee.
O. BENTLEY, Secretary, Trans-Nzoia Farmers' Association.
Mr. H. C. KIRSOPP.
Mr. ROBINS.
Mr. C. H. ADAMS, Resident Commissioner, Trans-Nzoia District.

UASIN GISHU DISTRICT.

RESOLUTIONS OF JOINT MEETING OF DISTRICT COMMITTEE AND ROAD BOARD;

MEMORANDUM BY Mr. J. W. E. WIGHTMAN, M.A. (Oxon.), Acting Resident Commissioner, Eldoret.

MEMORANDUM ON BEHALF OF THE INDIAN COMMUNITY AT ELDORET.

MEMORANDUM ON BEHALF OF THE UASIN GISHU EDUCATION COMMITTEE.

WITNESSES.

The Hon. Mr. T. J. O'SHEA, M.L.C., Member of the District and Township Committees, and Road Board.
Major PARDOE, J.P., Representing Sergoit Farmers' Association, and Member of the Road Board.
Mrs. HARVEY J. ANDERSON, Representing Uasin Gishu Education Committee.
Mr. A. C. HOEY, Member of District Committee.
Mr. BOTHMA, Representing Northern Uasin Gishu Farmers' Association.
Mr. S. C. BENNETT, Assoc.M.Inst.Mun. & City E., Executive Engineer, P.W.D., Eldoret Division.
Mr. BORAIN, Superintendent of Conservancy, Eldoret.

Mr. J. W. E. WIGHTMAN, M.A. (Oxon.), Acting Resident Commissioner, Uasin Gishu District.
Mr. SHAW, Member, Township Committee.
Mr. SHERIF PARDHAN, Member, Township Committee.
Mr. C. T. COGLE, District Surveyor.
INDIAN DEPUTATION OF FIVE.
Dr. J. FORBES, M.B., Ch.B. (Aberd.), District Surgeon, Eldoret.
Colonel C. G. GRIFFITHS, C.M.G., D.S.O., Representing Kipkarren Farmers' Association.
Mr. HEMSTED, Turbo.
Mr. HODSON, Kipkarren.
Mr. POTTER, Kipkarren.
Colonel EASTERN, Kipkarren.

KISUMU-LONDIANI DISTRICT.

MINUTES OF KISUMU TOWNSHIP COMMITTEE.

MEMORANDUM OF SECRETARY, TOWNSHIP COMMITTEE.
" " Mr. J. G. H. ROSS, A.D.C., Kisumu-Londiani;
" " KORU FARMERS' AND PLANTERS' ASSOCIATION.
" " Dr. H. L. GORDON, Koru.
" " MEDICAL OFFICER OF HEALTH, Kisumu.—Dr. P. C. C. GARNHAM;
" " Mr. THOMAS ALLEN, Muhoroni;
" " REPRESENTATIVES OF DISTRICT COMMITTEE, LUMBWA.
" " INDIAN ASSOCIATION, Kisumu;
" " Miss CARA BUXTON, Kedowa.

WITNESSES.

W. B. ACTON, F.S.I., M.Inst.M. & C.E., Superintendent of Inland Revenue and Conservancy, Kisumu.
P. C. C. GARNHAM, M.R.C.S., (Eng.), L.R.C.P. (Lond.), D.P.H., R.C.P.S. (Eng.), Medical Officer of Health, Kisumu.
The Rev. MONSIGNOR BRANSMA, Member of Township Committee.
Mr. DIDAR SINGH, Representing Indian Association, Kisumu.
Mr. PANDYA, Representing Indian Association, Kisumu, Member Township Committee, Kisumu.
W. WILKINSON, M.R.C.S. (Eng.), L.R.C.P. (Lond.), D.T.M. & H. (Lond.), Temporarily in Charge, European and Native Hospitals, Kisumu.
Mr. J. RIDDOCH, Resident, Kisumu.
Major J. R. SAIDLER, M.C., C. de G., B.Sc., Assoc.M.Inst.C.E., M.I., Mun. & City E., F.S.I., Acting Executive Engineer, P.W.D., Kisumu Division.
F. M. JENKINS, R.N.R., Marine Superintendent, K.U.R., Kisumu.

Major W. B. BROOK, District Commissioner, Kisumu-Londiani District.
Major STRUAN ROBERTSON, President, Songhor Farmers' Association.
Sir CHARLES LISTON FOULIS, Bart., Fort Ternan, Member, District Committee.
Mr. THOMAS ALLEN, Muhoroni, Member, District Committee and Road Board.
Mr. DOWN, Songhor, Member, District Committee and Road Board.
Mr. WEBB, J.P., Songhor, Member, District Committee and Road Board.
Mr. RADHA KISHEN, Representing Nyanza Farmers' Association.
Mr. BROWN, Hon. Secretary, Songhor Farmers' Association.
Mr. J. H. CARLISLE, Lumbwa.
Mr. JOHN STANNING, President, Lumbwa Farmers' Association.
Mr. ATKINSON, Londiani, Member, District Committee and Road Board.
Major AYRE SMITH, Fort Ternan.
Miss CARA BUXTON, Kedowa, Member, District Committee and Road Board.
Mr. WATTS, Lumbwa.
Major BELLFIELD, Kedowa.

KERICHO DISTRICT.

MEMORANDUM OF KERICHO AND BURET FARMERS' ASSOCIATION.
„ „ SOTIK FARMERS' ASSOCIATION.
„ „ Mr. P. WYNDHAM.

WITNESSES.

Mr. S. KAUFMAN, Chairman, Kericho and Buret Farmers' Association, Member, District Committee and Road Board.
Mr. P. WYNDHAM.
Mr. J. ORCHARDSON.
Dr. C. J. CADDICK, M.B., C.M.U. (Edin.), F.R.C.S. (Edin.), D.P.H. (Camb), D.T.M. (Lond.), District Surgeon, Kericho.
Mr. H. C. H. JONES, Asst.-Engineer, P.W.D., Kisumu Division.
Mr. B. S. CHEDA, Mr. SHERKHAN and AMIR KHAN, Representing Indian Association, Kericho.

NAKURU DISTRICT.

MEMORANDUM OF SUBUKIA FARMERS' ASSOCIATION.
„ „ NAKURU TOWNSHIP ASSOCIATION.
„ „ SOLAI ASSOCIATION.
„ „ NJORO FARMERS' ASSOCIATION.
„ „ RONGAI AND LOWER MOLO FARMERS' ASSOCIATION.
„ „ MAU SUMMIT PRODUCERS' ASSOCIATION.
RESOLUTION OF NAKURU DISTRICT FARMERS' ASSOCIATION.

MEMORANDUM OF Mr. H. B. SIMSON.
„ „ Mr. F. E. ABBOTT, Acting Executive Engineer P.W.D., Naivasha Division.
„ „ Mr. HARISINGH GUJABHAI, Nakuru.
„ „ Mr. A. TURTON, Elburgon.
„ „ Mr. W. JENKINS, Nakuru.

WITNESSES.

Mr. FRANK WATKINS, Jr., Representing Nakuru Township Association, Member of Township Committee.
Mr. A. W. DALRYMPLE, Representing Nakuru Township Association, Member of Township Committee.
Mr. F. E. ABBOTT, M.I.Mech.E., Acting Executive Engineer, P.W.D., Naivasha Division.
Mr. D. FAWCUS, Representing Solai Association.
Mr. J. A. MACDONALD, Vice-Chairman, Nakuru District Farmers' Association, Member, District Committee and Road Board.
Lieut.-Col. the Hon. LORD FRANCIS SCOTT, D.S.O., M.L.C., President, Njoro Farmers' Association, Member, District Committee and Road Board.
Colonel A. FAWCUS, Njoro.
Mr. HARISINGH and Mr. EBRAHIM, Nakuru.
Mr. LAURIE, Mr. SNEYD and Mr. TAYLOR, Representing Rongai and Lower Molo Farmers' Association.
F. L. HENDERSON, B.A., M.R.C.S. (Eng.), L.R.C.P. (Lond.), District Surgeon, Nakuru.
Colonel A. I. LEAN, D.S.O., President, Upper Solai and Subukia Farmers' Association.
Mr. A. TURTON, Elburgon.
Mr. F. B. BALLENDEN, District Surveyor, Nakuru.
Mr. E. C. CREWE-READ, Senior Commissioner, Nakuru.
Mr. D. P. BROAD, Sanitary Inspector, Nakuru.
Mr. W. JENKINS, Nakuru.

RAVINE DISTRICT.

MEMORANDUM OF DISTRICT COMMITTEE.
„ „ RAVINE FARMERS' ASSOCIATION.

WITNESSES.

Mr. W. H. GUNSON, Member of District Committee and Road Board.
Colonel TUSON, President, Ravine Farmers' Association.
Mr. M. C. BLUNT, Ravine.
Mr. CROMIE, Timboroa.
Mr. JUMA HAJEE, Ravine.
Mr. LL. A. FEILD-JONES, Acting Senior Commissioner, Kerio Province

NAIVASHA DISTRICT.

MEMORANDUM OF Mr. C. B. ANDERSON, Kedong Valley.
" " Mr. R. J. ALLEN TURNER, Kinangop.
" " Mr. K. L. HUNTER, Asst. Resident Commissioner, Naivasha District.
" " Mr. W. JESSE, Kenton College, Kijabe.
" " GILGIL FARMERS' ASSOCIATION.
" " GILGIL INDIAN ASSOCIATION.
" " Colonel S. PATTERSON, C.B.E., Gilgil.

WITNESSES.

Mr. C. B. ANDERSON, Member of District Committee and Road Board.
Mr. J. D. HOPCRAFT.
Mr. JAMES MACRAE, Longonot.
Mr. R. J. ALLEN TURNER, Member of District Committee and Road Board.
Mr. PATEL, Representing Indian Community, Naivasha.
Mr. K. L. HUNTER, Assistant Resident Commissioner.
Mr. R. HALL, President, Gilgil Farmers' Association.
Mr. AGULWOL, Representing Gilgil Indian Association.
Mr. MANASVI, Trader, Gilgil.
Mr. P. de V. ALLEN, Labour Inspector, Naivasha.

LAIKIPIA DISTRICT.

MEMORANDUM OF COMMITTEE ELECTED AT PUBLIC MEETING.
" " Captain A. W. RUTHERFORD.
" " Mr. E. H. GRIMBECK.

WITNESSES.

Mr. F. T. BAMBER and Captain N. P. TUCKER, Representing Laikipia Farmers' Association.
Major LUXFORD, Thomson's Falls.
Mr. E. H. GRIMBECK, Rumuruti.
Mr. H. H. TRAFFORD, Resident Commissioner, Laikipia District.

NORTH NYERI DISTRICT.

MEMORANDUM BY Mr. J. L. B. LL. LLEWELLIN, Assistant Resident Commissioner, North Nyeri District.
" " Mr. L. T. BEVERLEY, Nyeri.
" " Mr. H. G. WALBY, Acting Assistant Executive Engineer, Public Works Department, Nyeri Division.
" " SUB-COMMITTEE OF THE MOUNT KENYA FARMERS' ASSOCIATION.
" " Mr. E. A. EVANS, Nyeri.

WITNESSES.

Captain C. O'HAGAN, Captain A. H. W. SHELDRICK, and Mr. PAGE, Members of District Committee and Road Board, and of Sub-committee of Mount Kenya Farmers' Association.
Mr. E. A. EVANS.
Mr. L. T. BEVERLEY.
Mr. M. F. R. HOCKCLIFFE, B.A., For. Dip. (Oxon.), Assistant Conservator of Forests, Nyeri.
The Hon. Captain E. VAUGHAN KENEALY, M.L.C.
Mr. A. M. CHAMPION, District Commissioner, South Nyeri District.
Mr. J. L. B. LL. LLEWELLIN, Assistant Resident Commissioner, North Nyeri.
Mr. H. G. WALBY, Acting Assistant Executive Engineer, P.W.D., Nyeri Division.
Mr. R. W. HEMSTED, Senior Commissioner, Kikuyu Province.
Major GASCOIGNE, J.P., Nanyuki.
General WHEATLEY, President, Nanyuki Farmers' Association.
Mr. RATHBONE, Member, Nanyuki Township Committee.
Captain A. C. ANSTEY, Chairman, Stockbreeders' Association.
Major HOLFORD WALKER, Loldaika.
Mr. J. B. SOAMES,
Mr. CHATER, Secretary, Nanyuki Farmers' Association.

MACHAKOS DISTRICT.

MEMORANDUM OF ULU SETTLERS' ASSOCIATION.
,, ,, DOINYO SABUK DISTRICT ASSOCIATION.
,, ,, Major F. DE V. JOYCE, Kilima Kiu.
,, ,, Mr. D. D. PURI, Machakos.

RESOLUTION PASSED BY DISTRICT COMMITTEE, MACHAKOS.

MEMORANDUM OF Mr. S. H. FAZAN, B.A. (Oxon.), District Commissioner, Machakos District.

WITNESSES.

Major F. DE V. JOYCE, Representing District Committee.
Mr. J. H. MANLEY, Representing Road Board.
Major CLIFFORD HILL, Chairman, Ulu Settlers' Association.
Mr. D. D. PURI, Representing Indian Association, Machakos.
Mr. M. D. PURI, Member, Town Planning Sub-Committee of District Committee.
Mr. W. B. THOMPSON and Mr. J. LANGRIDGE, Mua Hills,
Mr. S. H. FAZAN, B.A. (Oxon.), District Commissioner, Machakos.

KYAMBU DISTRICT.

MEMORANDUM OF KYAMBU DISTRICT COMMITTEE.
,, ,, Mr. S. N. BEESLEY.
,, ,, Mr. R. STUART KING.

WITNESSES.

Mr. F. A. BUCKLEY, B.A., B.E., Assoc.M.Inst.C.E., Executive Engineer, P.W.D., Nairobi Division.
Colonel C. G. DURHAM, D.S.O., President, Limuru Farmers' Association, Member, District Committee and Road Board, and Departmental Representative of P.W.D.
Mr. ROBSON, Ruiru.
Captain M. S. R. MONTAGUE, President, Kikuyu Farmers' Association.
Major KIRTON, Ruiru.
Mr. R. STUART KING.
Major H. W. GRAY, O.B.E., District Commissioner, Kyambu.
Mr. KNOWLES, Member, Thika Township Committee.

FORT HALL DISTRICT.

MINUTES OF MEETING OF DISTRICT COMMITTEE.
,, ,, COMBINED MEETING OF THIKA AND MAKUYU DISTRICT ASSOCIATIONS.
MEMORANDUM OF Mr. R. G. STONE, District Commissioner, Fort Hall District.

WITNESSES.

Commander S. L. K. LAWFORD, R.N. (Retd.), President, Thika District Association, Member, District Committee and Road Board.
Mr. MUNRO, President, Makuyu District Association, Member, District Committee and Road Board.
Mr. DUTHIE, Mr. FOCHS and Major G. C. CLAUDET, Members of District Committee and Road Board.
Mr. R. G. STONE, District Commissioner, Fort Hall District.

APPENDIX II.

LOCAL GOVERNMENT COMMISSION.

The Local Government Commission proposes to commence a tour of the " Settled Areas " of the Colony in the last week of October.

The Commission is most anxious to receive the assistance of public bodies and individuals in the " Settled Areas " who have information or views to contribute on the matters included in its Terms of Reference, so far as concerns the " Settled Areas."

The Commission's Terms of Reference are :—

To make recommendations as to the establishment or extension of Local Government for the following areas in the Colony :—

1. Nairobi and its environs ;
2. Mombasa and its environs ;
3. Such Settled Areas as the Commissioners may consider to be suitable for the establishment of Local Government ;

and in particular to advise upon the following matters :—

1. The constitution of the Local Government body or bodies most appropriate to each area ;
2. The duties and functions of such bodies ;
3. The powers, administrative, financial and otherwise, that should be bestowed upon such bodies ;
4. The desirability or otherwise of establishing a co-ordinating authority at the headquarters of Government, and the relations of any such body, if created, with the local governing bodies ;
5. The basis of contribution from the Central Government's funds towards the expenses of the local governing bodies.

Witnesses are requested to furnish to the Secretary, in advance, short written statements indicating the lines on which they propose to give evidence before the Commission. With a view to assisting witnesses in formulating their evidence the Commission has prepared the following Questionnaire, copies of which may be obtained on application to the Secretary, at the Secretariat, Nairobi.

QUESTIONNAIRE.

1. Do you consider that some form of Local Government should be provided in your District ?

What are the special needs of your District in respect of public services which can, in your opinion, best be met by the provision of some form of Local Government ?

e.g., roads, outspans and stock routes, water supply, public health, schools, hospitals.

2. If a local body is to be established with power to incur expenditure and raise revenue for the purpose of any such services the following are the principal further questions which arise for consideration :—

(*i*) What are the services with which the local body should be concerned and what should be its powers and duties in connection therewith ? How should the line be drawn between the functions of the local body and the functions of the Central Government ?

e.g., in the case of roads what should be the position as regards

(*a*) trunk or main roads ;

(*b*) district or local roads ?

(*ii*) What should be the area of jurisdiction of the local body ?

Should your District form one unit or should it be incorporated with any adjoining Districts or parts thereof ? Should the present District boundaries be maintained or what adjustment of the present boundaries do you suggest ?

Is there any township within the District which should be excluded from the jurisdiction of the district body and for which separate Local Government provision should be made ? If so, what should be the nature of any such separate provision ?

3. What should be the composition of the local body ?

e.g., methods of selection of members, whether by election or nomination ; qualifications of candidates ; term of office ; qualifications of voters if election is recommended ; Government representation.

4. What should be the financial responsibility of the local body and what powers should it have of raising revenue ?

Should it bear the whole cost of any service with which it is concerned or should such cost be shared with the Government ? If so, on what basis ?

What system of rating, if any, should be adopted ?

e.g., flat rate on acreage ? or rate on Unimproved Site Values ? or rate on Unimproved Site Values plus a rate on capitalized value of improvements ? or rate on annual value of land and improvements ?

5. How should the local body perform its work ?

e.g., should its work be done through Government Departments or should it have a separate Staff of its own or in conjunction with any other local body ?

6. What should be the relationship between the local body and the chief Administrative Officer and his Staff ?

e.g., should the local body have its own Secretarial and Clerical Staff, or should such Staff be provided from the District Commissioner's Office ?

7. What should be the relations between the Central Government and the local body ?

e.g., sanction of bye-laws and regulations ; sanction of expenditure ; power of audit and general supervision.

Do you consider that any special machinery should be set up at the headquarters of the Central Government for the purpose of dealing with all matters connected with local self-government ?

APPENDIX III.

EXTRACT FROM MEMORANDUM BY THE DIRECTOR OF PUBLIC WORKS, DATED 6TH JANUARY, 1927. (Ref. No. 77).

Para. 3.—" I have endeavoured roughly to assess the possibilities of relief to the Public Works Estimates for 1927 on relevant items other than Maintenance and Improvement of Roads and Bridges on the following assumptions. The third assumption may not be possible in practice, but in the absence of any other definite basis it would be impossible to estimate. Estimating on these assumptions at least provides figures which may be useful.

" (1) Local bodies are set up in nine non-native areas for the purpose of administering roads in those areas and have their duties, powers and obligations so controlled by law, and their Staff so competent, that Government is willing to entrust Colonial funds to them for expenditure, subject to essential safeguards regarding inspections, audits, accounting for stores and payments, type plans, specifications, contracts, surveys, etc.

" (2) The expense of a central controlling body, its Staff, inspections, travelling of its officers, and all other works connected with the administration of the local bodies, and insurance that the funds provided by Government are properly expended, is disregarded.

" (3) The duties falling on the Staff of the Public Works Department are not enhanced by the existence and activities of the local bodies or the central body.

" (4) The present Staff of the Department does not require strengthening to deal with its existing activities, that is—the Treasurer's and Auditor's emphatic opinions shared by myself, that the accounting staff must be strengthened, and my opinion that the technical staff must be strengthened, are disregarded.

" 4. The expenditure of the Department in 1925 was £221,470. The expenditure in 1926 has not yet been made up. It is likely to be in the neighbourhood of £350,000, the enhancement being chiefly on account of expenditure of loan funds. For the same reason the expenditure in 1927 is likely to be enhanced to the neighbourhood of £500,000. The loan programme is likely to last for at least 5 years more. The divisional offices are responsible to the Head Office for expenditure on loan works as well as revenue works, their Staff and Head Office Staff being enhanced temporarily for the purpose. The proposal now under consideration involves divestment of responsibility for the expenditure of £26,032 (District and Township Roads), or £53,086 (Main, District and

Township Roads) in certain defined areas. Assuming the expenditure from revenue in 1927 to be £250,000 and that from loan £250,000, the expenditure got rid of would be roughly $\frac{1}{10}$th or $\frac{1}{5}$th respectively of the revenue expenditure and $\frac{1}{20}$th or $\frac{1}{10}$th respectively of revenue plus loan expenditure.

" 5. Considering first Head Office, it is obvious that this divestment cannot affect the Chief Accountant or Assistant Accountant or the Storekeeper except to a small fraction of the activity of each officer. The same remarks apply to all other Head Office officers except the Road Engineer, whose activities, travelling, correspondence, etc., would necessarily be reduced below what they would be if the devolution did not take place. The travelling of the Director and Assistant Director might also be reduced slightly. Head Drawing Office activities in respect of roads and bridges are so trivial that no appreciable relief would take place there. Such drawings are usually made by the Divisional Officers. In respect of clerical activities in the Accounts, Correspondence, Stores, and Transport Sections, there would also be some reduction of activities not amounting to more than a fraction of a clerk's work in each section. In respect of Head Office Travelling (including the Road Engineer), those officers would still have to visit divisions. They would merely not be concerned with roads, bridges, etc., in the European areas of those divisions which had devolved on the local authorities, nor with accounting, storekeeping, labour, plant, surveying, etc., connected therewith.

" 6. Coming now to the divisions, the reduction in cost would be almost entirely in respect of (1) travelling, (2) technical works Staff, (3) inferior establishment, (4) tools and plant. The divisional officers have many duties to perform other than those connected with roads in the European areas of their divisions, and I see no possibility of withdrawing them in any case, even if the main roads as well as the district roads in European areas were entrusted to local bodies. After the loan programme and other capital works out of revenue not connected with roads are finished, and if Government does not require any further capital works of importance in the Eldoret and Nakuru Divisions, it might be possible to replace the Executive Engineers of those divisions by Assistant Engineers. The work of Assistant Engineers is very various and is only partially in connection with roads and bridges. For instance, the Assistant to the Executive Engineer, Nairobi, has in recent months been employed on the following work in addition to design and superintendence of some of the road and bridge work of the Executive Engineer both in European and native areas :—(1) Installation of electrical apparatus and rewiring at Kabete and Scott Laboratories, (2) Supply of water to the Ndeiya area of the Kikuyu Reserve, (3) Machakos Water Supply, (4) Pollution of the Getathura River, (5) All water permits in the Nairobi Division, (6) Selection and collection

of samples of brick earths. The same applies, though to a lesser degree, to Overseers and Staff Foremen. Only two of the Staff Foremen and one Overseer are at present employed on road and bridge work exclusively or almost exclusively. Two of these are on main roads exclusively. Clerks are employed on correspondence, accounts, transport, stores, tools and plant, furniture and workshops. In the case of each clerk, only a fraction of his activities relates to roads. In the case of the Works Staff and the travelling of the Divisional Staff generally considerable reductions can be made. I have considered the relief which might be anticipated on the assumptions of para. 3 in respect of Staff (including passages, house allowances, and other appurtenant charges), local travelling, transport, travelling allowances, inferior establishment, tools and plant and have arrived at the total figures of £8,200 reduction if the district roads only in European areas are transferred, and £15,020 if both district and main roads in European areas are handed over. More accurate figures could be got out after reference to the divisional officers. I need hardly say that, if main roads as well as district roads were taken over by local bodies, enhancement of the figures given in para. 11 of my No. 5,965, dated 28.12.26 would be necessary.

(*Signed*) H. L. SIKES,
"*Director of Public Works.*"

N.B.—The figures for Roads quoted in paragraph 4 of the above Memorandum were revised by the Director of Public Works in a Memorandum No. 380 of January 18th, to those which appear in Table 7, viz. :—

Main Roads	£21,390
District Roads	25,493
Township Roads ..	4,250
Total ..	£51,133

REPORT

ON

CENTRAL AUTHORITY FOR LOCAL GOVERNMENT PURPOSES— ORGANIZATION.

CENTRAL AUTHORITY FOR LOCAL GOVERNMENT PURPOSES—ORGANIZATION.

To :—

EDWARD BRANDIS DENHAM, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander in Chief of the Colony and Protectorate of Kenya.

MAY IT PLEASE YOUR EXCELLENCY,

We beg to submit our report and recommendations on the question mentioned in paragraph IV of our Reference, of establishing a central authority for Local Government purposes, and the relations of the central authority with local governing bodies.

2. This subject has already been referred to incidentally in the reports on Nairobi, Mombasa, and the Settled Areas, and we have made in those reports certain proposals as to the extent of the supervision to be exercised by the central authority over local authorities (both municipal authorities and district councils); and have recommended the establishment of a Central Roads Board, which will have duties of special importance in connection with District Councils. We propose in this report to make general recommendations as to the system to be adopted for exercising Government supervision over local authorities, and the provision of the necessary machinery for the purpose.

3. We attach a Memorandum—Appendix I—which has been prepared for the Commission by Mr. E. V. Shilton, a member of the Local Government Inspection Staff in the Transvaal Province of the Union of South Africa, on the subject of Government control and audit, in which he describes the system of supervision of Local Government activities by a central authority as in force in that Province, and makes suggestions as to the adoption of a similar system in Kenya.

As pointed out in this Memorandum, existing Kenya legislation with regard to municipal institutions, as contained in the Municipal Corporations Ordinance, Chapter 84, has to some extent followed the lines of the Transvaal system, and the powers of supervision and control reserved to the Government in Kenya by that Ordinance are, in the main, based on provisions conferring similar powers contained in Transvaal legislation.

4. A further Memorandum by Mr. Shilton, which we also attach—Appendix III—deals with some important points in which the existing Municipal Corporations Ordinance requires amplification and revision in order to provide a satisfactory municipal code for Kenya. We regard the suggestions made in this Memorandum as deserving of careful consideration, and we believe that they will be found to afford valuable guidance in the preparation of the new municipal legislation required.

5. We think that the system of supervision of local authorities outlined in Appendix I should be adopted in Kenya, and that that system will, speaking generally, be applicable both to municipal authorities for urban areas and to District Councils, the establishment of which has been recommended for rural areas. We propose now to deal with the questions (1) of the authority in which powers of supervision should be invested, and (2) of the departmental machinery which it will be necessary to create in connection with the exercise of such powers.

Supervising Authority.—We have already indicated a distinction which should, in our opinion, be recognized in Kenya Local Government legislation between two classes of cases in which a local authority will require to obtain Government sanction for the exercise of particular powers, viz.:—(1) cases in which a local authority's proposals will require the sanction of the Governor and (2) cases in which such proposals will require the sanction of the Governor-in-Council. This distinction, already partially recognised in the Municipal Corporations Ordinance, will have to be worked out in detail in the new legislation which will now become necessary. We propose that the sanction of the Governor-in-Council should be required for the more important financial proposals—*i.e.*, all proposals for raising loans, and proposals for levying rates which exceed the limits fixed by law, or for levying special rates to which objection has been made under the provisions relating to special rates in the draft Rating Ordinance; and that the Governor-in-Council should also be the authority in which should be vested the special powers of supervision over financial policy to be retained in the case of Municipal Boards, and the powers of reducing or withdrawing the proposed statutory contributions in lieu of rates under the circumstances specified in the draft clause relating to this subject (cf. Chapter IV. of Report on Mombasa and its environs). The Governor-in-Council will also be the authority for making, subject to the necessary provision having been included in the Colonial Estimates, any special grants not provided for by legislation, and any grants for road purposes. In accordance with the proposals contained in Chapter XIII of the Settled Areas Report, it will be the duty of the Central Roads Board to advise the Governor in Council on all questions arising in regard to grants for road purposes.

We propose that the sanction of the Governor should be required for proposed bye-laws ; for the making of appointments which require Government approval ; and for the charges to be made for municipal services ; and for the exercise of certain specified powers which are referred to in detail in paragraph 4 (4) of Mr. Shilton's Memorandum (Appendix I).

A number of matters will inevitably have to be referred by local authorities for Government sanction under the heads last mentioned, and, if such matters have necessarily to be brought before the Governor-in-Council, an undue amount of detailed work will fall upon that authority, and there will be a risk of delays which will greatly hamper the working of Local Government.

6. *Departmental Machinery.*—We propose that an officer to be styled " Commissioner for Local Government," should be appointed, who will be responsible under the Colonial Secretary for corresponding with Local Government bodies and dealing with all matters which have to be referred by them to the Central Government. The Commissioner for Local Government will, according to our proposal, be in the position of the Administrative head of a Local Government branch of the Secretariat.

His duties are further defined in a later paragraph.

7. To this Local Government branch will be attached a Local Government Inspector as head of the Local Government inspection and audit Staff, which will be required for the purpose of carrying out the work described in paragraphs 6 to 8 of Appendix I. We attach great importance to the work of audit and inspection as described in these paragraphs and consider that provision for this work forms an essential part of the machinery required for exercising supervision over Local Government authorities. An officer with the necessary financial training, who has had experience in Local Government work elsewhere, should be appointed as Local Government Inspector. It may be noted that Sections 32—34 of the existing Municipal Corporations Ordinance make provision enabling the Governor-in-Council to direct a Government auditor to examine the accounts of any Municipality, and define the powers to be vested in a Government auditor to whom this duty is entrusted. We understand, however, that these provisions have not hitherto been applied in practice, and that the accounts of the Nairobi Corporation have been audited by a private professional auditor. The employment of private auditors for the purpose of auditing municipal accounts is, we consider, open to the objections set out in paragraph 9 of Appendix I. We also agree with the views expressed in paragraph 11 of the Memorandum, as to the necessity of attaching the officers, who are to be employed as Local Government auditors, to a Local Government department instead of entrusting the

audit of Local Government accounts to the Department responsible for auditing the accounts of the Central Government.

8. We propose, further, that an officer with special experience of municipal engineering, should be appointed and should be attached to this Local Government branch of the Secretariat, for the purpose (1) of advising Government as to the exercise of powers of supervision over the technical side of municipal engineering activities, and (2) of inspecting the engineering work of local authorities, exclusive of such work as is carried out under the supervision of the Central Roads Board, and (3) of assisting and advising municipal authorities in the preparation of town planning schemes and schemes for important municipal works such as sewerage, drainage, and water supply undertakings. We shall have occasion to refer presently to the duties of this officer in relation to certain other matters connected with Local Government, but not directly related to the work of Local Government bodies.

9. The Local Government branch of the Secretariat will thus include :—

(1) The Commissioner for Local Government as administrative officer.

(2) A Local Government Inspector who will be responsible for the audit of the accounts of local authorities and for inspection of the financial side of their administrative work, and for advising from the financial point of view on proposals which they submit for Government sanction, and

(3) A Municipal and Town Planning Engineer, who will be qualified to deal with all engineering questions connected with the supervision of the work of local authorities.

10. We recognize, however, that the variety of the interests and activities of Local Government bodies will necessarily involve many questions, relating to other departments of Government, and, for the purpose of facilitating the work of Local Government administration, it will, we think, be necessary to create some special machinery for ensuring that questions, raised by the proposals of local authorities, which require consultation with other Departments are promptly dealt with, and that representatives of the different departments concerned may have regular opportunities of consulting together for the purpose of assisting Government in preserving a far-seeing and consistent policy in matters generally affecting Local Government administration.

It appears to us that such a body, if created, would be able to perform a very useful function as an advisory body, both to the Governor and to the Governor-in-Council, in all matters which require

the sanction of one or other of those authorities. We propose, therefore, that for the purpose of assisting in Local Government administration there should be a Standing Departmental Committee on Local Government. We propose that this body should be constituted as follows :—

(1) The Colonial Secretary—*Chairman ;*
(2) The Commissioner of Lands—*Deputy-Chairman ;*
(3) The Director of Medical and Sanitary Services ;
(4) The Deputy Director of Sanitary Services ;
(5) The Commissioner for Local Government ;
(6) The Municipal and Town Planning Engineer ;

and such other officers as the Governor may from time to time appoint.

The Commissioner for Local Government, or some member of his Staff, should be responsible for the secretarial work of this Standing Committee. The Committee will require the assistance of advisers on legal and financial questions. For the purpose of legal advice it will rely on the Attorney-General's Department and, for the purpose of advice on the finances of local authorities, it will rely on the Local Government Inspector.

It should, we think, be the rule that the Standing Committee, in submitting their views to the Governor-in-Council on any financial proposals put forward by a local authority, should attach the Report received from the Local Government Inspector on such proposals. The Committee should be entitled to call in to its assistance any officer of Government who is specially qualified to advise on particular questions which may come before it.

11. In recommending that the proposed Standing Departmental Committee should be constituted on the lines stated above, we have made it our object to select representatives of those Departments who are most directly concerned with the questions of Local Government work, and whose officers should, therefore, be specially qualified to advise as to the general lines to be followed in supervising the development of Local Government administration. We consider it to be necessary that the Colonial Secretary as the Chief Executive Officer of Government, who is himself primarily responsible under the Governor for the supervision of Local Government activities, should be permanent Chairman of the Committee, in order that he may be in close touch with its work and be in a position to guide its deliberations.

Owing to the special importance of the sanitation side of Local Government work, we have thought it necessary to recommend that, in addition to the Director of Medical and Sanitary Services, the Deputy Director of Sanitary Services should be a member of the Committee.

Our proposals for the constitution of the Standing Committee should be considered in relation to the proposals already made in the Report on Settled Areas as to the establishment of a Central Roads Board. It will be noted that, according to our proposals, the Colonial Secretary will be Chairman and the Commissioner of Lands, Deputy Chairman of both bodies, and that the Commissioner for Local Government will be a member, and will also be responsible for the secretarial work, of both bodies. These arrangements are, we think, desirable in view of the close contact between the functions to be performed by the Central Roads Board and the general supervision of Local Government administration.

12. It is necessary to supplement here what has already been said as to the functions of the Commissioner for Local Government. All grants to municipal bodies and District Councils should, we think, be administered by him on behalf of the Colonial Secretary, and all correspondence relating to the work of District Councils in connection with Main Trunk and District Roads should be dealt with in the first instance by him, as being responsible for the secretarial work of the Central Roads Board. It will be an important part of his duties to maintain close touch with all local authorities, who should be encouraged to conduct all their business—apart from the exercise of their advisory functions—with Government Departments through his office in order that he may be in a position to secure, with the assistance of the Standing Committee, the prompt and sympathetic consideration of their problems.

13. We propose that the Standing Committee constituted as proposed above should take over certain functions hitherto performed by other bodies—

(1) The Public Health Ordinance—Cap. 124—provides in Section 16 that regulations made by a local authority affecting the Public Health shall not take effect unless and until they have been submitted to and confirmed by the Central Board of Health, provision for the constitution of which is contained in Section 4 of that Ordinance.

Our proposals will involve the assumption by the proposed Standing Committee of the responsibility of advising the Governor as to the sanction of Public Health bye-laws made by a local authority. The Central Board of Health should, therefore, be relieved of the special duty imposed upon it under Section 16 of the Public Health Ordinance.

(2) There is at present, we understand, a "Townships Board," appointed to advise the Government with regard to the lay-out and use of Crown land for township purposes. This Board, which is not a statutory body, consists of the Commissioner of Lands, the Director of Land Surveys, the Director of Public Works, the Director of Medical

and Sanitary Services, the Deputy Director of Sanitary Services, and the Assistant Colonial Secretary. The functions of this Board should, we think, be assumed by the proposed Standing Committee.

(3) The Board of Health is a statutory body constituted under the Public Health (Building) Ordinance, Chapter 125, passed in 1913, for the purpose of exercising control over the sub-division of land under the powers conferred by that Ordinance. Section 3 of the Ordinance provides that the Board shall consist of the Principal Medical Officer, the Chief Sanitary Officer, and the Director of Public Works, and such other person or persons, not being more than three in number, as the Governor may appoint. We understand that the Board, as at present constituted, includes the Commissioner of Lands and one unofficial member.

The powers of control conferred by the Ordinance apply (1) to all lands situate within five miles of the limits of any township, (2) to all lands situate within two miles of any railway station, and (3) to any area to which the Governor may by notice in the *Gazette* apply the Ordinance. The Board's consent is required before any division into plots of less than three acres in extent can take place in such areas. It has no power with regard to division into plots of three acres and over.

We recommend that the proposed Standing Committee should take over the functions of this Board, but the question of adding to the Committee one or more unofficial members, for the purpose of the exercise of these particular functions, should receive consideration.

14. We desire to add here certain recommendations as to an extension of the powers of controlling sub-divisions conferred by this Ordinance. In our opinion the question of effective control of sub-divisions outside existing townships and municipal areas is a matter of great importance in connection with municipal administration. It is clear that the present powers, which leave uncontrolled all sub-divisions into plots of three acres or over and which, apart from any areas to which the Ordinance is specially applied, only extend to land situate within a certain distance of a township or of a railway station, are inadequate. We consider that the Ordinance should be amended so as to be of general application outside municipal areas and existing townships and that a much higher acreage should be fixed for the purpose of defining the sub-divisions over which control is to be exercised. The new limit which we suggest for adoption is twenty acres, subject to the qualifications that, where the Board is satisfied from preliminary particulars with regard to any sub-division into lots exceeding 10 acres, that the holdings, which it is proposed to create, are of an agricultural rather than a residential character, the Board should be empowered to issue a certificate exempting the

owner responsible for such proposal from further compliance with the provisions of the Ordinance in respect of the sub-divisions concerned.

We think, further, that the amended Ordinance should contain provisions :

(1) Giving wider and more definite powers than those contained in the present Ordinance as to the conditions which the Board may impose in approving any sub-division plan ; and

(2) Enabling the Board to prohibit sub-division under any conditions when, in their opinion, ample provision already exists for residential development within an adjoining township or municipal area.

The administrative difficulties caused by suburban development in areas lying just beyond municipal limits have already been experienced, not only in the case of Nairobi, but also in the case of some of the smaller towns of Kenya, and, while any power to prohibit the creation of fresh suburbs in the neighbourhood of an existing town should be cautiously exercised, we think that such a power is necessary in order to prevent the creation of fresh municipal problems, the solution of which may eventually prove both difficult and expensive. The existing provisions of the Ordinance, enabling an owner to appeal from the decision of the Board to the Governor-in-Council, should be maintained.

The Municipal and Town Planning Engineer, whose appointment we have recommended, will be in a position to act as technical adviser in relation to the work which the Standing Committee will, according to the above proposals, take over from the Townships Board and the Board of Health. It may be noted that the following resolution passed by the Central Board of Health was referred to us by Government :—

> " That this Board invites the consideration by Government of the desirability of retaining permanently on its Staff an officer specially qualified in Town Planning."

In our opinion such an appointment is essential for the purpose of enabling Government to secure that the development of new townships is planned on satisfactory lines from the outset, and to assist existing towns in the preparation of town planning and improvement schemes.

15. The salaries of the Commissioner for Local Government, the Local Government Inspector and the Municipal and Town Planning Engineer, whose appointments have been recommended in this report, and the cost of providing these officials with the necessary Staff represent, in our opinion, expenditure which it is necessary to incur for the purpose of establishing a Local Government system on sound lines,

and of enabling it to work efficiently. The Commissioner for Local Government will take over an important section of the work which is now done by the existing Secretariat staff, but the other two appointments represent additions to the Government staff which are, in our opinion, essential for the purpose of enabling Government to exercise proper supervision over local authorities and to give the local authorities the assistance without which they cannot be expected to perform successfully the duties with which they will be entrusted.

16. We append a further Memorandum prepared by Mr. Shilton (Appendix II) on Municipal Loans, in which he outlines the provisions for the establishment of a local loans fund, which have recently been enacted in the Union of South Africa by a Local Loans Act. The creation of a local loans fund in Kenya on similar lines, would, in our opinion, be of great assistance in enabling the Government to finance the capital expenditure of local authorities on a satisfactory basis.

ACKNOWLEDGMENTS

We include here, with the concurrence of all the Commissioners concerned in the different branches of our enquiry, the following expression of our thanks to all who have helped us in the course of our enquiries.

We desire to acknowledge the valuable assistance given to us by those members of the public who appeared before us to give evidence and to those who submitted Memoranda containing their views, to which much time and thought had in many cases been devoted.

We also wish to express our indebtedness to those Heads of Government Departments and other officers in Nairobi, Mombasa, and the Settled Areas, and to the officials of the Nairobi Corporation, who provided information to us and submitted in many cases valuable Memoranda dealing with questions specially referred to them. Officers of the Land and Medical Departments were frequently referred to and we would particularly record our thanks to them.

Senior Commissioners, District Officers, District Committees and Road Boards in the Settled Areas gave us much assistance in the course of our enquiry, for which we return our thanks.

We wish to record our highest appreciation of the services rendered to the Commission by its Secretary, Mr. W. M. Logan, Senior Assistant Secretary in the Secretariat, and by Mr. E. V. Shilton, member of the Local Government Inspection Staff, Transvaal, who has been attached to the Commission's staff in an advisory capacity.

Mr. Logan's intimate knowledge of administrative conditions in Kenya, and of the history of its existing Local Government institutions, has been of great value throughout our enquiry. The arrangements

for the Commission's sittings at different centres, for its tour of the Settled Areas, and for the general conduct of its work, for which he has been responsible, have been efficiently planned and successfully carried out.

Mr. Shilton's experience of Local Government and his financial knowledge have been constantly drawn upon and have been of great assistance to the Commission.

Both officers have devoted themselves ungrudgingly to the Commission's work, which has made very exacting demands upon them, and have taken a large share in the preparation and drafting of the Reports.

The proposals contained in this Report have been discussed with our colleague, Mr. Martin, and agreed to by him, but, owing to his departure for England, he has not yet had an opportunity of perusing and signing the Report.

(*Signed*) RICHARD FEETHAM, *Chairman.*
,, W. C. HUGGARD, *Attorney-General.*

(*Signed*) W. M. LOGAN, *Secretary,*
11th February, 1927.

I have read through this section of the Report and agree with its recommendations.

H. T. MARTIN, *Commissioner of Lands,*
15th March, 1927.

We, the members of the various branches of the Commission, desire to place on record our high appreciation of the invaluable leadership afforded to us by our Chairman, Mr. Justice Feetham, C.M.G., throughout the course of this Enquiry.

The large measure of unanimity achieved upon the varied and difficult problems with which we have had to deal is mainly due to his never-failing tact and consideration, and we feel that, if the recommendations contained in this Report have permanent value to the Colony, the distinguished ability and personality of our Chairman will be largely responsible for so happy a result.

(*Signed*) W. C. HUGGARD.
H. T. MARTIN.
DELAMERE.
CONWAY HARVEY.
T. AINSWORTH DICKSON.
THOS. A. WOOD.
V. V. PHADKE.
J. B. PANDYA.
ABDUL WAHID.

APPENDIX I.

MEMORANDUM ON GOVERNMENT CONTROL AND AUDIT.

1. Local authorities are created by the Central Government to carry out certain definite functions of Government in particular areas, and to levy local taxation for local purposes, but the responsibility of the Central Government does not entirely cease in such areas with the creation of Local Governing bodies. It should be the duty of the Central Government to ensure that the powers and duties conferred and imposed upon local authorities are properly used and carried out in the public interest and authority should be reserved to prevent or deal effectively with any serious abuse of power or neglect of duty on the part of local authorities.

The power of control is of the greatest importance in the case of local authorities of the lesser kind, where financial resources are inconsiderable, and where the number of suitable persons available for service on public bodies is restricted; but more especially is control necessary in the early years of Local Government, when any system adopted is on trial and local authorities, in the absence of experienced municipal officials, need advice and direction in carrying out their functions.

2. The system of Local Government in Kenya, as far as it has been developed, is based to some extent on the system in force in the Transvaal Province of South Africa, and the conditions in Kenya are not unlike the conditions in the Transvaal to the extent that the majority of urban areas consist of small towns or villages which are the business centres of agricultural districts. The necessity for control by the central authority in Kenya is much the same as in the Transvaal, and the Transvaal system of control on broad lines seems to be suitable for adoption in Kenya.

3. In the main, powers conferred upon local authorities by law in the Transvaal are exercised at the will and discretion of those bodies, but certain powers can only be exercised with the sanction of superior authorities, such authorities being :—

(*a*) The Administrator of the Province, acting on the advice and with the consent of the Executive Committee of the Province, in all matters dealt with by the Local Government Ordinance, and other Provincial Ordinances ;

(*b*) The Minister of Public Health under the Public Health Act ;

(*c*) The Minister of Native Affairs under the Natives (Urban Areas) Act.

These authorities also have certain powers to act in default of local authorities in case of need.

4. The following is a brief statement of the powers of control which are or may be exercised :—

(1) Approval of bye-laws and tariffs of charges by the Administrator under the Local Government Ordinance ; the power to reject or amend proposed bye-laws and tariffs is necessary to prevent legislation in the interests of, or to the disadvantage of, any particular section or sections of the population ; it enables proper consideration to be given to objections raised by any interested persons, and prevents the promulgation of any bye-laws which are not within the powers conferred by law. The power to approve tariffs of charges is not reserved in certain cases such as tram and 'bus fares, where the delay involved in obtaining sanction would prove inconvenient and might cause loss, especially when local authorities are in competition with private enterprise.

(2) Approval of borrowing by the Administrator under the Local Government Ordinance.

Borrowing, whether of fixed loans or temporary advances, needs to be restricted both as to the amounts and periods in order to prevent the loan liabilities of local authorities from becoming excessive. It is sometimes found that municipal councillors are inclined to look upon borrowing as the proper solution of all financial difficulties and would, if permitted, resort to overdrafts in order to avoid necessary increases of taxation or the enforced collection of outstanding rates and charges.

Control over borrowing is one of the most important functions of the Central Authority, and permission to borrow can be withheld for any reason the Administrator may deem sufficient. Therefore, if any local authority has failed to conduct affairs in a satisfactory manner or has been guilty of waste, extravagance or any form of maladministration, further borrowing powers can be withheld until reasonable reforms have been made.

(3) Approval by the Administrator under the Local Government Ordinance of the purchase and sale of immovable property and the disposal of proceeds of such sales.

The purchase of land is subject to authority in order to prevent local authorities speculating in land and to restrict their dealings to legitimate municipal purposes.

The sale of land is subject to authority because land is often held as an endowment of the community and forms part of the security for moneys borrowed. Control is exercised to prevent the disposal of land for the purpose of relieving rates or for the sole benefit of present rate-payers, and that is why the proceeds of sales have to be used for the redemption of debt or other capital

purposes. Authority given by the Administrator for capital expenditure from proceeds of sales is usually conditional upon the amounts being redeemed from revenue over the lives of the assets acquired, so that the benefits are perpetuated and the capital fund created is always represented either by assets or cash.

(4) Approval of certain works and services by the Administrator under the Local Government Ordinance.

Certain works and services are not permitted to be undertaken unless authority is first obtained, for the reason that many local authorities have no technical advice at their disposal. The Administrator, before authorizing any such works or services, obtains reports thereon from technical officers of the Government and is thus able to prevent the carrying out of schemes which have not been properly considered or which show no prospect of becoming satisfactory undertakings.

(5) Approval of sundry purposes by the Administrator.

The exercise of sundry powers vested in local authorities is subject to the approval of the Administrator in order to prevent abuse thereof, such as power to proclaim roads or close permanently streets, open spaces, etc.

(6) Powers of Administrator in regard to rating are as follows :—

(*a*) Approval of rates levied in excess of legal maximum and special rates ;

(*b*) Approval of remissions of rates ;

(*c*) Power to exempt, when authorities are constituted or reconstituted, any area from rating and thereafter to withdraw such exemption.

The power to limit rates is necessary where, as in many areas, actual rate-payers form a small minority of the total number of voters ; and powers of remission and exemption could not well be exercised by local authorities uncontrolled.

(7) Powers of Administrator and Minister of Public Health in matters of public health.

If any local authority fails to use the powers conferred by law in matters of public health, and such failure constitutes a danger to public health, the Administrator, under both the Local Government Ordinance and the Public Health Act, may act in default of such local authority ; and, if the Administrator fails to act, the Minister of Public Health may take the necessary steps ;

The cost in any case may be recovered from the local authority. The Minister of Public Health has various powers under the Public

Health Act in connection with the appointment and dismissal of Medical Officers and Sanitary Inspectors employed by local authorities and also has power to enforce provision by local authorities of infectious diseases hospitals, and other services necessary in the interests of public health.

(8) Powers of control exercised by the Minister of Native Affairs, after reference to the Administrator, under the Natives (Urban Areas) Act.

Control is exercised by the Minister of Native Affairs in connection with the establishment of Native Locations, Villages, and Hostels; compelling adequate provision for natives in Urban Areas; approval of expenditure met from revenues derived from natives; approval of rentals charged for residence in Locations, etc., and sundry other matters.

(9) Power of Administrator under the Local Government Ordinance to nominate Councils. Pending the first election of any newly constituted local authority, or if any local authority neglects to hold a meeting for ninety days, the Administrator has power to nominate and appoint councils.

(10) Power of Administrator to proclaim townships.

The Administrator has power to proclaim townships within or outside municipalities, with the advice of a Townships Board.

(11) Bye-Laws.

The Administrator has power, after giving notice to the Council concerned, to revoke, alter or amend any bye-law.

5. *Form of control.*—In the Transvaal, control over local authorities is exercised by the Executive Committee of the Province, consisting of the Administrator, who is appointed by the Union Government, and four other members elected by the Provincial Council. One disadvantage of this system is the delay which takes place in dealing with municipal matters, occasioned by the infrequent meetings of the Executive Committee and the many matters which have to be dealt with in addition to Local Government.

There is also a danger of political considerations unduly swaying the decisions of the Executive, the members of which, except the Administrator, are representatives of political parties. This risk is increased by the fact that many members of local authorities are elected in the interests of political parties, and Councils are not infrequently controlled by a majority representing a particular party. Such majorities are prone to act in the interests of a particular section of the community, without much regard to the interests of rate-payers, and it is against such tendencies that control by the central authority is designed to guard. If, therefore, the central authority is also unduly influenced by political considerations, the safeguards provided by law are in danger of becoming ineffective.

6. *Inspection by Government Officers.*—One of the most important features of the system of control in the Transvaal is the inspection of the accounts, and records of local authorities by Government auditors under the powers conferred upon such officers by the Local Government Ordinance. A staff of fifteen men organized into sections is kept constantly employed travelling about the country on this duty, each section being in charge of a Senior Officer, who takes full responsibility for the district under his charge, and submits a report on each authority, after completion of the annual audit, to the head of his department. Such officers are also required to report on all financial proposals affecting local authorities in their districts and on any other matters in which their special knowledge is of use.

7. The detailed examination of the records and accounts of local authorities and discussions with councillors and officials enable such officers to gain a thorough knowledge of Local Government, and they naturally become advisers of local authorities and are able to pass on from place to place the benefit of their experience. The efficiency of Local Government depends very largely upon officials. Councillors are usually busy men and have not time to study in detail the problems which arise, or to make themselves familiar with the intricacies of Local Government legislation, and it is, therefore, very important that, when local authorities cannot afford to employ highly trained and expensive officials, they should be able to obtain information and advice elsewhere. The Staff of Government inspectors largely supplies this need, and also provides to a considerable extent for the training of municipal officials, with the result that a higher level of efficiency in administration than would otherwise be possible is reached. It is customary for the inspectors at the conclusion of each audit to meet the Council concerned, either formally or informally, in order to discuss any questions of importance which have arisen during the audit or any matters upon which the Council desires information.

8. The duties carried out by these officers in the Transvaal may be summarized as follows :—

(*a*) Complete audit of all transactions, including :—

(1) The collection and banking of revenue, and the detection of loss whether due to fraud, errors, inefficiency of officials, lack of proper control, or other causes ;

(2) The detection of any improper or unauthorized expenditure ;

(3) The allocation of all moneys received and paid between different funds and accounts, and the adjustments on account of inter-departmental transactions ; with special reference to trading and tariff departments, in order that the profits or losses on services may be accurately shown ;

(4) Transactions in connection with the receipt, expenditure or repayment of borrowed moneys, or of any other capital or special funds.

(*b*) The examination, or preparation when necessary, of annual accounts, and balance sheets, and provision of the annual certificate required by law ;

(*c*) The examination of all minutes and records in order to detect any illegal acts of Councils, Committees, Officials or other persons, or any failure to carry out the provisions of any law, bye-law, tariff regulation or condition, in regard to funds administered by the Council ; and generally to ascertain whether or not local authorities keep within their legal powers and carry out their functions in the manner prescribed by law.

(*d*) Supervision of forms and systems of accounts to enable the production of comparative statements of revenue, expenditure, costs, etc., or any other records necessary to detect and prevent loss, waste or extravagance or for the efficient and economical carrying out of municipal services ;

(*e*) Criticism of financial methods and policy.

(*f*) Advising Councils in connection with the appointment of officials and the organization of Staffs and services ;

(*g*) Reporting, at the request of the Administration, upon all proposals for borrowing money, establishment of undertakings and services and financial or other proposals requiring the sanction of the Administrator ;

(*h*) Publication of an annual blue book containing a report by the Local Government Inspector and comparative statements and statistics relating to all local authorities.

(This publication has, unfortunately, been discontinued, but it was of considerable value to local authorities.)

9. The question as to whether the accounts of local authorities should be audited by private professional auditors, or by Government officials, is one that is often raised, and the practice varies considerably in different countries, but there seems to be little doubt that the system of audit by means of public officials, who are protected and empowered by law, is the most satisfactory for any public accounts. The audit of the accounts of local authorities should be carried out in the interests of the public, and it is frequently necessary for an auditor to criticise the conduct of Councils and sometimes to take action against councillors for the protection of the public. The auditor must be free to carry out whatever inspection he considers necessary, without reference to the local authority, and should not be handicapped by such considerations as the time required for an efficient audit or the amount of the fee to be received. The private auditor appointed by the local authority will

rarely have the necessary independence and can naturally only be expected to carry out the duties for which he is paid. It is, moreover, out of the question to expect private auditors to perform all the duties of Government inspectors, who should be specialists in Local Government. The employment of private auditors, therefore, leaves a gap which can only be filled by Government inspectors, and the employment of both would be unnecessarily expensive and would take away from the latter a portion of their work which is of the greatest assistance to them in gaining a thorough knowledge of the affairs of local authorities.

10. The audit fees paid by Transvaal local authorities only represent a portion of the cost of Government inspection, the balance being borne by the Provincial Administration.

11. Local Government inspection should be carried out by officers specially appointed for the purpose, and responsible directly to the department dealing with Local Government, and any method involving control of such inspection by the department in charge of the audit of Government accounts would prevent that close contact between the inspectors and the department dealing with the administration of Local Government which is so necessary. The accounts of the Government are kept in a different way and have an entirely different character as compared with the accounts of local authorities, and the audit is necessarily of a less comprehensive character because of the strict control exercised by the Treasury. The accounts of local authorities are of a special nature, designed to meet the peculiar needs of such bodies, and the officers carrying out inspections have, therefore, to be specialists not only in the general administration of Local Government but also in municipal accounting and audit; in their capacity as advisers on the administration and finance of Local Government, the inspectors are an essential part of the administrative organization of the central authority dealing with Local Government, and to separate them from that organization and place them under the control of an independent department would inevitably weaken the control and influence exercised over local authorities. There is also a danger that, if such inspectors formed part of the Staff of another department, properly qualified officers would not always be retained for the work.

12. *General.*—Control of local authorities in the Transvaal is exercised with restraint and unnecessary interference is avoided, but it is doubtful if this policy has not been carried too far in regard to the smaller places.

Many of the smaller local authorities have poorly paid officials who often find great difficulty in the principles of Local Government and in many cases are incapable of understanding the laws they attempt to administer and, if in such cases there are no members of the Council

willing and able to give the necessary time to the direction of affairs, public services are inefficiently carried out or entirely neglected.

In matters of administration and finance such authorities have the advice of the Government inspectors, but in such matters as sanitation, roads and public works, they receive no help or advice from the Administration. It seems desirable that local authorities, especially in the early days of Local Government, should be able to obtain all necessary guidance from the central authority and that the central authority should not be content merely to give advice when asked, but should take whatever steps are practicable to promote the increased efficiency of Local Governing bodies.

The system of inspection, as far as finance and administration are concerned, has in the Transvaal undoubtedly proved very valuable, and there seems to be no reason why an extension of that system to provide for inspection of municipal works by a qualified engineer, who could advise on the technical and practical side of municipal undertakings, should not be equally successful.

13. Close co-operation between the administrative and inspecting officers of the central authority is essential to obtain the best results.

(*Signed*) E. V. SHILTON.

APPENDIX II.

MUNICIPAL LOANS.

1. Local authorities require to raise loans from time to time on account of :—

(*a*) Fixed loans to meet approved Capital outlay on Works and Municipal Undertakings ;

(*b*) Temporary advances to finance urgent Capital outlay pending the raising of fixed loans, to meet temporary shortages of revenue or to provide for other cases of emergency.

2. In the Transvaal, local authorities raise money by different methods such as the issue of Municipal Stock or Bills, fixed loans from Banks, Insurance Companies or other lenders, and temporary overdrafts from Banks.

Little difficulty is experienced by the larger municipal bodies in obtaining on reasonable terms the money they require, especially where they are able to offer ample security in land. Local authorities of small towns and villages, with no security to offer except their rating powers, often experience great difficulty in borrowing necessary funds, and are not infrequently compelled to accept loans at high rates of interest and for much shorter periods than is reasonable. Urgent municipal schemes are in this manner held up, sometimes for very long periods.

3. Difficulties of this nature led to provision being made in certain Colonies of South Africa prior to Union for the advancing of money to local authorities by Government. The Union Government in 1926 passed legislation creating one fund for the whole of the Union, the main features of which are as follows :—

(*a*) A local loans fund is established consisting of such moneys as Parliament shall from time to time appropriate for the purpose of loans to local authorities, such moneys forming the capital of the fund.

(*b*) Interest, at rates to be fixed from time to time, is payable to the Government on the amount of Capital outstanding from the income of the local loans fund.

(*c*) The income of the fund consists of interest on loans advanced to local authorities or from the temporary investment of surplus moneys.

(*d*) Loans may be granted to local authorities for periods not exceeding 40 years and are repayable by equal half-yearly instalments of principal and interest.

(*e*) Provision is made for establishing out of the income of the fund a reserve fund to meet any losses on loans to local

authorities, and such reserve fund as well as the Capital Account of the local loans fund may be used for making loans to local authorities.

(*f*) Loans to local authorities are secured on the revenues and assets of such authorities and power is reserved to enforce payment of amounts due by the levy of rates or otherwise.

(*g*) Provision is made securing the observance of the conditions laid down in regard to borrowing under any laws in force relating to local authorities.

(*h*) Provision is made compelling the submission of full particulars relating to any proposed borrowing, including detailed estimates of the cost of the assets to be acquired, the annual cost for upkeep, the annual revenue derivable, etc.

4. Difficulty would no doubt be experienced by local authorities in Kenya in obtaining necessary loans and advances from Banks or other financial institutions, owing to the fact that the only security they can offer is their rating power, and the rates of interest on such loans would probably be high, especially as many local authorities will not be able to borrow in large amounts.

The present method of including municipal loans in Government loans obtained from oversea must lead to considerable delay, and would not be suitable for dealing with numerous small loans required at different times and often at short notice. It would also be unsatisfactory in that the period of borrowing would be fixed by the terms of the Government loans and not by the duration of life of the Assets acquired by local authorities.

It seems clear, however, that local authorities in Kenya will, for many years yet, have to look to Government to supply the necessary loans for Capital purposes and probably for temporary advances as well, and the creation of a local loans fund would be an effective method of making provision therefor.

5. In order to establish such a fund the Government would have to find the Capital sum necessary. This would have to be done either from loans raised by Government or by gradually building up a fund from surplus Government revenues or Capital receipts. It is desirable that, if possible, any fund established should be of a permanent nature, and, therefore, if the Capital required could not be provided otherwise than from loans raised by the Government, it would be necessary for the Government to meet any sinking fund instalments for the redemption of such loans from its own revenues. The payment of such sinking fund instalments would not represent expenditure in the ordinary sense but would constitute contributions towards the creation of a fund which would be represented by investments and which would always earn interest.

6. The interest charged on loans to local authorities from any such fund could be fixed to cover :—

(*a*) Interest paid by Government.

(*b*) Loan flotation charges.

(*c*) Loss of interest due to surplus funds earning no interest or being temporarily invested at low rates of interest.

(*d*) Cost of administering the fund.

(*e*) A reasonable rate of interest on any moneys provided by Government otherwise than by the raising of loans.

7. If the municipal loans, for which provision has already been made in Government loans, are not taken into account it is not likely that any very large sum will be required immediately for loans to local authorities, but it is not possible to estimate with any degree of accuracy at the present time the amount which will be required.

8. The South African Local Loans Act provides for the limitation of the amount of loans made to any one local authority, and for the issuing of loans for specific purposes. In Kenya, it is probably desirable that loans should be granted for all purposes for which local authorities are authorized to borrow under the laws by which they are governed, and that no maximum amount should be fixed.

(*Signed*) E. V. SHILTON.

Appendix III.

Notes on Local Government (Municipalities) Draft Ordinance.

1. The following suggestions are submitted as to provisions for inclusion in the Draft Ordinance which will be required to take the place of the existing Municipal Corporations Ordinance (Cap. 84).

2. The Local Government (Municipalities) Ordinance should apply generally to both Municipal Councils and Municipal Boards, and provisions require to be made under the following heads :—

I. Constitution of Municipal Councils.

II. Constitution of Municipal Boards.

III. Departmental Standing Committee on Local Government and Commissioner for Local Government.

IV. 1. Mayor and Deputy-Mayor of Municipal Councils.
2. Chairman and Deputy-Chairman of Municipal Boards.

V. Meeting and Proceedings.

VI. Conduct of Members and Servants.

VII. Financial : 1. Revenues and Borrowing Powers.
2. Government contribution in lieu of rates.
3. Accounts and Audit.

VIII. Powers and Duties : 1. General Powers.
2. Works.
3. Bye-law Powers.

IX. Licences and Bye-laws : 1. Licences.
2. Bye-laws.

X. General : 1. Power of Governor in Local Authority's default or in emergency.
2. Reconstitution of Local Authorities.
3. Miscellaneous.

XI. Municipal Boards ; Special Provisions.

3. These notes do not deal with matters under headings I, II, III, IV (2), VII (2), and XI, as recommendations in connection therewith have been made by the Commission. The following remarks refer briefly to the more important points on which the existing provisions of the Municipal Corporations Ordinance are considered to be inadequate or unsuitable.

Mayor and Deputy-Mayor of Municipal Councils.—The existing provisions for the election of the Mayor by the Council allow the use

of a casting vote by the Chairman of the Meeting. The election of the Mayor may have considerable effect on the policy of a Council for the period for which he is elected, especially if the Council is divided into two parties of about equal strength, as the Mayor has a casting vote on all questions which are decided by the Council. Further, the outgoing Mayor may, as Chairman of the meeting held for election of Mayor, if again nominated for the office, conceivably secure his own re-election by the use of the casting vote. The Draft Ordinance should provide for the election of the Mayor by lot where the voting is equal.

Meetings and Proceedings.—No provision is made under the existing law disqualifying Councillors who, without leave, absent themselves from three successive ordinary meetings of the Council. Such a provision should be included in the Draft Ordinance. The existing provisions in regard to the Finance Committee do not confer sufficient power upon that Committee to enable adequate control to be exercised over the expenditure of the Council. They provide that no order for the payment of any sum shall be made except in pursuance of a resolution of the Council after considering the recommendations of the Committee, but the Finance Committee is not charged with the duty of preparing the annual estimates or of examining proposed expenditure with a view to its approval by the Council. It is clear that control, to be effective, must be exercised before the expenditure is incurred and not when the payment is about to be made, and that the existence of a Statutory Committee, whose duty it is to represent the financial point of view to the Council in connection with all proposals in regard to expenditure and other financial matters, is of the utmost importance for the due regulation of the finances of a local authority. The Draft Ordinance should provide that no expenditure should be incurred unless provision is made therefore in detailed Estimates submitted by the Finance Committee and approved by the Council.

An alteration is necessary in the existing provisions which require that public tenders shall be invited in the case of any contract or purchase amounting to £75 or upwards. This procedure is desirable as a general rule, but there are cases of urgency, and cases in which the delay involved by such procedure would involve loss to the Council, where some other course should be open to the Council. The existing provision in this regard is unworkable, and the Draft Ordinance should include a clause which, while providing some control by the Council over such purchases and contracts, is designed to make it possible to avoid unnecessary loss and delay.

Conduct of Members and Servants.—The existing provisions allow Councillors to be interested in contracts entered into with the Council

subject to the disclosure by Councillors of the nature and extent of such interests. These provisions should be retained in the Draft Ordinance, but they need to be amplified in order to provide more effectually for the disclosure of interests of Councillors in contracts, and further provisions should be made prohibiting Councillors, their partners, employers, or employees from acting for or against the Council for reward in a professional capacity. It is clearly desirable that, in places where the number of persons available for service on local bodies is limited, no unnecessary obstacles should be placed in the way of suitable persons who are willing to undertake such duties, but the case of the Councillor, who acts for or against the Council in a professional capacity, is very different from the case of the Councillor who contracts to supply goods or carry out works. In the latter case, an ordinary commercial transaction is involved, but in the former case the Councillor is either placed in the position of having to act as the servant for the time being of a public body of which he is a member, or is required to use his professional knowledge, aided perhaps by his intimate acquaintance with the affairs of the Council, in opposition to the interests of such public body.

Revenues and Borrowing Power.—It is not proposed to deal here with the special provisions which are required in connection with the recovery of charges for services or with the necessary clauses prohibiting the registration of the transfer of immoveable property until the rates and charges in respect thereof have been paid, as these matters are specially referred to in the reports of the Commission.

The general provisions in regard to borrowing by local authorities do not need to be altered to any extent, but the provisions in regard to procedure to be followed by a local authority when passing any resolutions to raise loans require to be amended. The Draft Ordinance should provide that loans can only be authorized by a majority of the full Council at a meeting specially convened for the purpose. The object of this suggested amendment is to ensure that no loan proposals are submitted for approval of Council before all members of the Councils have had reasonable time to consider such proposals.

A new provision requiring Councils to make Regulations in connection with the depreciation and renewal of assets should be introduced into the Draft Ordinance, and such provision should enable the Governor to make such regulations where a local authority fails to do so. Provision should also be made compelling local authorities to set aside such contributions to Renewals Funds as are fixed by such Regulations. These are most important provisions and are mainly designed to enforce the setting aside of necessary amounts for the renewal of assets purchased from loan funds, when such assets have shorter lives than the periods of the loans from which they have been provided. The failure to make such provision might involve new

borrowing for the replacement of assets before the original loan liability had been liquidated, with serious results to the finances of the undertakings concerned.

Accounts and Audit.—In order to obtain uniformity in the accounts of local authorities, and to enable the production of comparative statistics, the Draft Ordinance should make provision for control being exercised by the central authority over the forms of accounts kept by local authorities.

Provision should also be made for the publication of the Annual Estimates before approval by the Council in order to inform the public of the proposed financial policy of the Council before such policy is actually decided.

The inspection and audit of records and accounts of local authorities by Government officers in all cases should be provided for in the Draft Ordinance. This question, however, is dealt with in the report of the Commission and need not be discussed in these Notes.

Powers and Duties.—The powers and duties of local authorities should be stated in much greater detail in the Draft Ordinance than in the existing law. This is necessary as many of the existing provisions do not confer adequate powers upon local authorities, more especially the provisions dealing with the regulation of matters by bye-law. The provisions in the Draft Ordinance relating to powers which can only be exercised by local authorities with the approval of the central authority should be in accordance with the general principles of control by the Central Authority recommended by the Commission.

Licences.—A new provision should be introduced into the draft Ordinance which would give power to local authorities to summon witnesses to appear before them and to examine such witnesses under oath for the purposes of any enquiry in connection with the granting of licences. This is necessary where local authorities have power for various reasons to refuse to grant licences.

Powers of Governor in Local Authority's Default or in Emergency.—New provisions should be made in the Draft Ordinance in order to give power to the central authority to nominate Councillors for any newly constituted municipality pending the first election of Councillors in such municipality and, in the event of any local authority neglecting to hold a meeting for the space of ninety days, to dissolve such local authority and nominate new members.

Miscellaneous.—Provision should be made requiring local authorities to forward to the central authority copies of all minutes of proceedings of Councils and Committees, and any records, reports, statistics or

other documents which may be required. This is important in connection with central control of local authorities, as the central authority is thus regularly informed of the proceedings of local authorities.

Public Health Provisions.—The powers of local authorities in regard to Public Health are conferred by the existing Public Health Ordinance, and with the exception of the power to make bye-laws are not included in the existing Municipal Corporations Ordinance. It is proposed by the Commission that the functions of public health administration and inspection now exercised by the Government should, in certain cases, be exercised by local authorities, and a revision of the Public Health Ordinance will be necessary in order to give effect to such proposals.

(*Signed*) E. V. SHILTON.

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