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COLONY AND PROTECTORATE OF KENYA



*Report of the Commissioner appointed to
Enquire into Methods for the Selection
of African Representatives to the
Legislative Council*

1955

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Report of the Commissioner appointed to
Enquire into Methods for the Selection
of African Representatives to the
Legislative Council

To:—

HIS EXCELLENCY THE HON. SIR EVELYN BARING, G.C.M.G., K.C.V.O.,
Governor and Commander-in-Chief of Kenya.

YOUR EXCELLENCY,

I, the undersigned Commissioner, appointed by the Governor of Kenya on 25th February, 1955, to consider and advise on the best system or systems for Africans to choose their representatives to the Legislative Council in Kenya, have the honour to submit the following report.

Nairobi,

16th August, 1955.

W. F. COUTTS.

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Part I.—Introduction

CHAPTER 1—TERMS OF REFERENCE AND PROCEDURE

YOUR EXCELLENCY,

You appointed me in February of this year to conduct an inquiry into the best method for Africans to choose their representatives to the Legislative Council and with the following terms of reference—

“to investigate and advise on the best system or systems to be adopted in choosing African Representative Members for the Legislative Council in Kenya, bearing in mind the differences that may exist between the various areas, and also to draw up any draft rules that may be necessary to authorize the suggested procedure.”

2. The question of constituencies and the numbers of African representatives on the Legislative Council were specifically excluded and I have been unable to comment on them but I would like to record that by far the greatest concern was expressed by all witnesses regarding the paucity of African Members on the Legislative Council and, therefore, that Africans were inadequately represented. This point was made by every witness who appeared before me all over the Colony and seemed to have greater weight in the minds of the Africans than the method of electing such representatives, although this in itself is important.

3. I arrived in the Colony on 25th February and made arrangements with the Information Office to put notices in all the newspapers regarding the submission of memoranda and the times and places when evidence would be heard. I attach in Appendix I a copy of my itinerary which sets out the places visited. Procedure.

4. In all 120 memoranda were received and considered; 1,540 witnesses gave oral evidence. At least two prominent Africans sat with me in each district and also the Unofficial African Member for the constituency concerned. Their names are contained in Appendix II. Appendix III contains names of those who submitted memoranda and who gave oral evidence. I think it can be fairly said that the Africans in Kenya have been given a full opportunity to express their views on this matter and have played a prominent part in the inquiry. I travelled 5,800 miles by road and over 1,600 miles by air. Statistics.

5. I was able, through the courtesy of the Colonial Office, to study in detail the published reports and other documents describing experience in electoral reform in other countries. In particular, I considered the reports Bibliography.

and legislation referring to the Gold Coast, Gambia, Tanganyika Territory, Sudan, Sierra Leone and the United Kingdom.

Verbatim
evidence.

6. I think it is essential at this point to mention that I received during the early part of my tour of the Coast Province a request from the African Unofficial Members Organization that verbatim evidence should be taken by the Commission. I felt constrained to point out that in almost every case formal evidence, particularly by groups of Africans, was not given, and, generally speaking, the points which emerged were recorded after much discussion, which was usually conducted in Kiswahili. In order to record verbatim everything that was said it would have been necessary to have had the discussions first translated into English and I regarded this as a waste of time which would have prolonged the sittings of the Commission unnecessarily and would have added unduly to the cost of the inquiry. This, in any case, did not take into account the fact that palantypists were not available and relays of stenographers, at any time hard to find, would have been required to meet the wishes of the A.U.M.O. It was, therefore, agreed that witnesses would be asked if they wished their evidence recorded in full and were at the same time invited to submit memoranda in order to cover the points which they made. In practically every case the latter course was adopted.

A sine qua non.

7. The recommendations which follow in this report are based on the assumption that there are three races in Kenya which together will have to work out their *modus vivendi*. Any thesis that one of those races must be entirely dominant or that the future of East Africa lies in Apartheid would render my proposals futile since they are based on the concept of partnership.

CHAPTER 2—THE METHOD

Africans ask
for direct voting.

8. I think before proceeding to the more detailed aspects of the problem under review, it is best to dispose of the actual method or methods which might be used by Africans in the Colony of Kenya to choose their own representatives. I should mention at this point that in the evidence received by me practically every African asked for Direct voting by secret ballot.

The Kenya
Guild.

9. Early in my dealings with the general public it became evident that a body of people containing representatives of all three races and calling themselves the Kenya Guild were particularly anxious to advocate a method of election whose main foundation was indirect and generally referred to as the Electoral College system. These proposals aroused considerable antagonism from the African community, in Nairobi particularly, and also from the African Unofficial Members Organization. I think it right to put this matter in its proper perspective as it has been said by Africans that the object of the Kenya Guild was to hinder their progress. In actual fact this was far from being so and indeed the members of the Guild are to be congratulated not only on their public-spirited interest in putting forward a reasonable case

for African elections but also the very hard work which their individual members did in order to produce a final plan. This plan was only partially understood by the African community as a whole and was very carefully prepared on population figures and consisted of the choosing by primary elections of district and Constituency College members based on one district college member for every 2,000 of the adult population and one constituency college member for every 10 district college members.

10. The African population as a whole, judging by their evidence, have, I think, confused this method of election with the process previously employed for Governor's nomination and therefore consider it to be suspect; but I think it only right to state that it is used, even now, in other countries in the world, notably the United States of America where I think some of the African epithets used to describe this system would be much resented.

Electoral colleges.

11. I feel that the African point of view in this matter is adequately set out in the two quotations from memoranda received by me which follow:—

The African viewpoint.

(1) Is Voting to be Direct or Indirect?

“We are all agreed that voting should be direct. The reasons for the indirect method being rejected despite some of its good points in training electors is that it is subject to corruption and the voter has no direct say in his destiny. Also the power which becomes vested in a few people tends to put power in the hands of a few capable persons who can always influence the electorate to do their bidding. The direct method has the advantage that it encourages the electors to take more interest in public affairs.”

(2) Electoral College

“This Association considers the Electoral College system to be too unsuitable to be practised by the Africans of this country due to the reasons stated below:—

- (i) The system has no popularity amongst the people of this country.
- (ii) Due to the fact that the system is not popular, this Association believes that its adoption will cause great confusion.
- (iii) The Association feels that the Electoral College system will deprive the African majority of this country of their ‘Free Franchise’.
- (iv) The Association is of the opinion that, a member elected under Electoral College system, will not be loyal to the country he represents, but to the few people who will have taken part (Electoral College Committee members) in choosing him.

- (v) This Electoral College system, the Association notices that it will deprive the Africans of this country of their democratic rights.
- (vi) The Association is of the opinion that representatives taken through such a system, will not be different in representation from nominees, hence, detrimental representation to the people represented will be the result.
- (ix) The Association undoubtedly feels that the Electoral College system will encourage corruption; because it is easy for a candidate to know those that will form an 'Electoral College Committee' and as a result will be able to see all of them individually and convince them through corruption. To make it worse, this corruption will lead to choosing the wrong person.
- (x) The Association foresees that certain propagandists, opposed to the extension of this 'African Free Franchise' will attempt to convince the Electoral College Committee members, either through corruption or seduction by sweet 'tongue' and consequently the Africans of this country, will after all be surprised at seeing the wrong candidate win the vote!"

12. In an article written by Sir Olaf Caroe on "Land Tenure and the Franchise",* he said "election by many removes conceived on the admirable principle of linking the old idea with the new is a device peculiarly open to rigging and undue influence" and this, as will be seen, accords very strongly with the remarks in the two memoranda mentioned above and, indeed, with the view expressed by all Africans throughout the country.

Indirect elections through local government.

13. In a well prepared memorandum, one Kitale deponent, Capt. F. J. C. Hallahan, argued a case for indirect elections through local government and provincial councils. There is undoubtedly some merit in believing that the gradual move from hamlet to village councils through county councils to the local parliament will produce men well versed in the right principles of government and proper dealings with their fellow-men and in such progression there should be less of the influence and corruption ascribed to the electoral college system.

Electoral college system rejected.

14. As, however, one has to remember that there are no real foundations for such a system in Kenya where Provincial Councils such as exist have been manufactured by the Government and were not already in being and that practically all Africans at the present time, for reasons which must be given due weight, feel that an electoral college system is merely an extension of the idea of Governor's nomination and is subject to influence, I reject it as a form of election to be used in Kenya.

*Land Tenure and the Franchise." *Journal of African Administration*, Volume VI, No. 4, October, 1954.

15. I have given some thought to other possible methods and in particular the various alternatives set out by the Royal Commission on Electoral Systems in the United Kingdom in 1910. These were: the second ballot, the alternative vote and proportional representation by either the single transferable vote or the list system and minority representation. In none of these do I at the present time see a solution for the difficulties regarding franchise which I propose to set out below. The only one which might later have to be introduced is that of the "alternative vote" if multi-member constituencies are considered in the future.

Alternative
methods.

16. Bearing all of the above in mind, therefore, I recommend that—

Direct voting by secret ballot should be adopted for all African elections.

Part II.—The Right to Vote

CHAPTER 3

No discrimina-
tion.

17. Having decided that the method should be direct voting by secret ballot, this does not necessarily presuppose that all African males and females over the age of 21, as suggested by some of the more politically-minded Africans of the present day, should in fact receive the franchise. There is at the present moment in Kenya a considerable feeling of nationalism which runs throughout all districts and in so far as it concerns my inquiry, the main thesis is that there should be no discrimination in method as between the three races involved. This was probably most clearly put in the following extracts from memoranda:—

(1) "The Africans of Kenya are worried to see that other backward countries have been given opportunity while it is denied here. Also this is the sort of thing that puts the African on a wrong track, thinking that prejudice, discrimination and racial segregation are at the roots of franchise denial."

(2) "The African is very jealous of Asians and Europeans having direct elections for their representatives. He feels that he is entitled to a share in exercising direct voting like other people. I think I should mention to you that it is on such trivial things that the African builds fantastic grievances."

Universal adult
franchise.

18. The African Unofficial Members Organization, before I arrived in the country, issued a pamphlet which advocated virtually that the African should be granted immediately, universal adult franchise. This pamphlet was distributed widely and in most cases where evidence was given it was obvious that witnesses had been influenced by what had been set out as the aims of the Unofficial Members Organization. The claim for universal adult franchise is based, as I have tried to point out above, largely on the feeling that all races must be treated alike. It is noticeable that the demand was not accompanied by a statement of the responsibilities in "personal" taxation which should accompany such a wide grant of political powers. Nowhere was the request for equal political treatment accompanied by a request that the African should pay the same "personal" taxes as the other communities. I am in full sympathy with the request of the African Unofficial Members Organization to have the same form of election as Europeans and Asians, but the demand for universal adult franchise, although logical, is not realistic.

The British
franchise
examined.

19. I think it essential to take up some part of this report in examining the present position. In the first place, that form of franchise which is now applicable in Great Britain was evolved for a specific set of circumstances and for a specific society over a great number of years. It would not seem to me to be common sense to take such a system and apply it to an entirely different set of circumstances and an entirely different society without at least a good deal of modification and adaptation. Furthermore, development on such lines

should be orderly and progressive over a number of years and after certain factors have been established. In Great Britain *"only one in twenty of the adult population enjoyed the franchise before 1832 and universal suffrage followed universal education in the achievement of what was then almost the highest and most equally diffused standard of living in the world and although literacy is not an essential qualification for voting, nevertheless it cannot be doubted that literacy and education are necessary for the proper exercise of the rights and duties of citizenship in a parliamentary democracy in the modern world".

20. The cry of "one man, one vote" also connoted "one value", i.e. a constituency of approximately the same size as others and containing persons of the same cultural development. This cannot be said of present conditions in Kenya and recently some doubt has been expressed about the application of these principles to societies such as that with which we are dealing and possibly even to Great Britain. It should be remembered that universal adult franchise only came fully to Britain in the year 1928 and, therefore, in the development of the political institutions of a people, this form has only been tried for some 27 years or, approximately, six elections. I think that it would be wise to see the effects of this method of election working both in the United Kingdom and elsewhere, where it has been introduced for a further period of about 15 to 20 years before considering its introduction into the society which now comprises the various races of Kenya. The fact that it has already been introduced for two of the races is in my view not a reason for including the third, but a mistake which ought to be rectified.

Has the system been given a full trial?

21. In a leading article published on 19th July, 1954, *The Times*, commenting on a book by M. Maurice Duverger on political parties, said "there is more to establishing a sound democracy than the setting up of representative institutions and the granting of universal suffrage. If the right conditions are absent, this is as likely as not to be the fastest and surest route to totalitarianism".

In Southern Rhodesia, Africans themselves go further and say that it is the fastest route to Communism.

22. Once again quoting from the document written by Sir Olaf Caroe, he says:—

Land tenure and the franchise.

"There is unwisdom in undue reliance on doctrines of quantitative democracy not fully applied in Britain till 1928. The parliamentary idea is not a ready-made garment and it is in the pace and timing of constitutional development that true statesmanship lies. With a common roll, quantitative must give way to qualitative ideas. A real responsible government demands a wide franchise but in a society whose elements are at every stage from the bushman to the graduate a qualitative test is essential."

* "Problems of Parliamentary Government in the Colonies"—Hansard Society.

The writer then develops a thesis that the African franchise should be dependent on land holdings. For a number of reasons, into which I do not propose to go in this report, I cannot support this view but I must wholeheartedly endorse the principle that a qualitative rather than a quantitative franchise is essential.

Other countries have universal adult franchise.

23. I have been told by Africans that the main reason why they wish to have universal adult franchise is that not only do the Europeans and the Indians enjoy such a method of election but, according to them, it has been introduced into India, Ceylon, the Gold Coast and the Sudan. In regard to the latter, the deponents are not well up in their facts, for in the Sudan approximately one quarter of the constituencies returned their candidates by a system of electoral colleges. As regards the other three places quoted, it should be noted that these are countries which are largely homogeneous and have no difficult race policy to disentangle and are not concerned with the orderly development of a government which cares for the differing aspirations of three distinct races. It might not be inapposite to add that the indigenous peoples of all three enjoy, generally speaking, a much higher standard of education and cultural development. It would seem to me therefore that if this method has been introduced into these countries, experience only will eventually decide whether or not it was a wise decision, and Kenya can then make up its mind as to whether it follows suit or not. I feel that experience of the proposals which follow will eventually decide the community against so doing.

24. In fact, the idea has not yet worked itself out and the pendulum may swing in the other direction. There may be a possible straw in the wind since it is now known that Pakistan as a country has decided to abandon direct elections on universal franchise for indirect elections.

Position in Tanganyika.

25. Professor Mackenzie, in considering the position in Tanganyika, felt that the West African machinery is premature for East Africa because of the smallness of the tribes and the fewness of the members. He argued that any system which cuts across tribal entities will still only result for a long time in Africans voting as tribes and no wider concept is yet possible.

Election and the social system.

26. It has been said that "of electoral systems in general, the real meaning depends on their ultimate governmental effectiveness, their relationship to other political institutions **and the social system within which they operate**". I think it essential to remember this last sentence as there seems to be no sense in masses of ignorant people voting without knowing for what political issues they are casting their votes.

As I have pointed out earlier, some form of grafting of new systems on to existing conditions is necessary before backward and not wholly educated people can appreciate the full effects of a wide franchise.

27. Finally, in the evidence which was given to me throughout the Colony, it was apparent that Africans had misgivings about whether the system of universal adult franchise would return candidates who, in calibre and character, would most usefully represent their constituents. This I regard as the most important point of all and was quite clearly brought out by the following quotations from memoranda received:—

Africans
themselves
doubtful.

(1) “. . . I feel constrained to point out that for a good time to come the election of the right person will be a matter of chance. With this profound power—which the right to vote is—I can foresee Africans using it to return the noisiest, often the most irresponsible and, usually, the most extreme pseudo-politicians. One wonders what good such politicians can do for Kenya! If this right to vote had been granted us by 1952, it is difficult to see how the Kikuyu could have left Kenyatta out of the Legislative Council.

“It is therefore a matter of greatest importance—indeed imperative—that whatever method of election which is recommended should be one that takes into account the present stage of African development and the possible misuses of the new powers.”

(2) “It is conceivable that the representative must be a person of understanding, equipped with political conscience, of good character and integrity. Generally, a person who exercises no bias and will truly and faithfully represent the community fairly. With that in mind, this association does not banish the idea that this is the first important election the Africans have had *vide* the enormous mass of illiterates, the majority of which will be incapable of deciding on the right or the wrong representative. It is, therefore, the opinion of this association that a method which will qualify the best and worthwhile representative is of vital importance. It is a fact that Africans are in a majority compared with the other races and the illiterates are dominating this majority. The probability is that the majority will defeat the minority and the unsuitable candidate will succeed. It is strongly advocated that a method which will train people for future elections is needed at this stage. This will lay unbreakable foundation for the methods exercised by the more advanced countries.

“While this association feel that the solution and satisfaction lie in the methods, namely common roll and direct method, it is meritable that the mass illiterates are incapable of judging the need and necessity for a suitable representative to enable them to elect by either of these methods. Hence a method to give good results will be that which reduces the unqualified electors so as to get the proper representative. The possibility of getting such a representative from a mass voting will be a matter of luck if not conjecture. . . .”

(3) “As your commission is aware, the majority of the African people are not only illiterate, but ignorant of this new kind of undertaking. The danger would be great for the electors would be at the risk

of being misled by irresponsible agitators who by their fallacious promises would be out to deceive the ignorant for the ends of their own pecuniary advantages, etc.”

I attach in Appendix IV an analysis of views of those people who appeared before me. The figures given should be regarded with a certain amount of caution in that each unit may represent one person or as many as 50. In actual fact, however, the units which relate to the larger numbers of people were not those which asked for universal adult franchise. It will be noted that the majority of witnesses either asked for a very careful selection of candidates before voting takes place or a restricted franchise of some kind or another, either by voting powers for males only or indirect elections.

Candidates' character.

28. It is with the first group, the largest, that I am more particularly concerned at this particular point because in every case these people displayed an obvious fear that candidates unable properly to represent them would be returned. They stressed over and over again that the candidate must be of good character, of standing and must have done something which connotes service in the community. On being asked how this was to be achieved the general line taken was that some form of limitation tribunal should be set up, but this varied in many places, the simplest form being a testimonial from the district commissioner concerned or from the person's employer or approval by the chief and locational council. In other words, the African population, taken by and large, were anxious to be granted some form of direct voting but were not prepared to allow anyone to stand as a candidate.

Malakisi proposal.

29. Probably one of the best examples was that proposed by the Malakisi Locational Council in North Nyanza, who suggested that five members of each locational council in the district should meet centrally and after being presented with the names of all those who wished to stand as candidates for the constituency, should have full powers to go through that list and delete the names of those who were considered to be unsatisfactory. After having left two or three people, who would then in their view be eminently suitable, the population would then vote on them by secret ballot. This is, of course, a form of indirect election and I will discuss the merits of these particular suggestions later, but for all the varied and, I think, good reasons which I have mentioned above, namely that—

- (a) universal adult franchise was evolved for a specific set of people and for a specific society over a great many years;
- (b) it followed in Britain universal education;
- (c) “one man, one vote” also connoted “one value”, which is lacking in East Africa so far;
- (d) it has only been tried in Great Britain for approximately six elections and elsewhere for a lesser period and the effects of the system need evaluating;

- (e) "in a society where elements are at every stage from the bushman to the graduate a qualitative test is essential";
- (f) electoral systems must be related to the social system within which they operate;
- (g) the Africans in Kenya have definite misgivings about the system's ability to produce a candidate who will usefully represent his constituents.

I cannot recommend the introduction of universal adult suffrage into Kenya at the present time.

Part III.—Qualifications and Disqualifications

CHAPTER 4—QUALIFICATIONS OF ELECTORS

Position of
women.

30. Africans as a whole have an elective principle which was in existence long before the European came to this Colony and it was generally based on a highly selective system. In this connexion I think it is worth noting that in those systems which they adopted, the females on the whole were not allowed to take part and, indeed, this feeling of conservatism still runs very largely through the Luo tribe at the present time and many other of the smaller tribes in the Colony.

31. I quote below four extracts from memoranda received from various parts of the Colony:—

(1) **“Women.**—That the great majority of women, not only in Kenya but also elsewhere in the world do not take to active politics, is true. Fewer still are interested in politics in Kenya. This being the case, we feel that electors should be male only, at any rate for the time being until 1960. This should not be misconstrued as suppression of African women but as a recognition of things as they exist. Our women have a very important place to play in the tribe and they play it most encouragingly. They are most welcome, when they so desire, to join the male throng on the rather thorny bushes in the field of politics.”

(2) **“Who are to be Registered?**—Time is inopportune for women to vote and only men of full age, that is, at the apparent age of 21 shall vote, on the understanding that at the moment women are subjected to submission and at times quickly moved by emotion sufficiently to be used at an advantage by political forums. Historically, it has and it is evident in the most politically advanced countries that women have had such opportunity recently and, therefore, Kenya African women will take some ample time to qualify to register.”

(3) **“Women are not yet politically minded, therefore they should be excluded from voting at this stage.”**

(4) **“Women should not vote; history of African organization tells us that they were not allowed to enter into politics. They should learn slowly till they will be allowed in the near future.”**

In this connexion it is interesting to note that, so far, no tribe has allowed women to take part in their elections for the African District Councils. Some women are members of A.D.C.s by virtue of the fact that Government has nominated them but this is by no means the same as admitting voting and elective rights to women in local government. It seems to me, therefore, that those who clamour most loudly for the inclusion of all the women at this stage are impelled by racial and political fears rather than by reason.

For the information of those Africans who insist that they must have a form of election no different from other countries, I think that it might be recorded that women's suffrage has not yet been granted in Spain, Italy, Portugal, Brazil, Argentine, Belgium, Greece, Yugoslavia, South Africa or Japan, despite the fact that in all these countries the population are known to be much more highly cultured, educated and, for that matter, politically conscious, than East Africa at the present time.

32. If we are to seek qualifications for electors one cannot be guided solely by the experience of Britain up to the present time. I have been trying to evolve a thesis that systems which have been produced over many years of customary procedure by one set of people are not necessarily applicable to another group of people with a different background. Nevertheless, it is necessary to try and take from history what points may be available. In the development of suffrage in the United Kingdom, the main emphasis in the early days was on—

Electors' qualifications.

- (i) males;
- (ii) literacy;
- (iii) property.

Despite what I have recorded above, I am sufficiently liberal to believe that women, if qualified, should be allowed to exercise their right of franchise. I do not agree with the deponent who described female franchise as "the ruin of democracy" and therefore think that in any scheme which is to be evolved, an equal chance should be given to the more advanced women.

33. As regards the other two qualifications, I have always felt that they, in themselves, do not properly apply to the African and, indeed, to quote Professor Mackenzie again in his Report on Tanganyika, he felt that "a property qualification for electors might be too difficult to apply and a pure literacy test would disenfranchise too many Africans". It seems to me, therefore, that a number of additional qualifications outside the sphere of literacy and property might be sought which are based largely on the endeavour of the human individual and also character, as expressed by concrete deeds rather than abstract evaluation.

Literacy and property.

34. With this in mind, I attach as Appendix V ten qualifications which might be made applicable to prospective voters. As will be seen, a point is awarded for each of them. As a basic qualification for a vote a prospective elector might choose any three of the points enumerated and for these he would receive one vote. It will be observed that the illiterate, the literate and women will be able to obtain their vote if they have the necessary qualifications.

Qualifications proposed.

35. In addition to this, I think that a form of multiple-voting should be introduced whereby any person who can earn a point in addition to the three basic ones necessary for qualification, will receive an additional vote

Multiple voting.

or votes. The object of introducing such a system is to try and weight the voting power in the hands of those Africans who, by age, common sense, achievement or otherwise will have the necessary background in order to ensure that the candidate who will usefully represent his constituents will be chosen out of the numbers that will undoubtedly present themselves. This should meet the African's own wish that agitators and demagogues be excluded and also their further desire for as wide a franchise as possible. As I will mention later, it also seems to provide a basis for a future common roll should it be decided in the future to adopt one.

Views of
Capricorn
Society and
some Africans.

36. I should mention at this point that it has been interesting to me to find that quite independently the Capricorn Africa Society has been thinking along the same lines in trying to assess qualifications for a common citizenship with a common roll in Capricorn Africa. To quote from one of their pamphlets: "The Society views with approval the principle of the multiple vote. It believes that members of all races who deserve well of their country and who have positions of more than average responsibility should be candidates for additional votes. The decision to incorporate the multiple vote into the Capricorn Electoral System would make possible the broadening of the base of the vote quantitatively without diluting its overall standard in the qualitative sense."

And again: "The gravest defect of the high franchise system which does not incorporate the multiple vote is the extreme severity of the penalty to the individual who does not quite qualify for a vote and the exaggerated award to the individual who qualifies by a narrow margin."

Remembering that all of the above refers to conditions in Africa of the present day and age, I wholly concur. I would like also to record that, in addition to the North Nyanza African District Council, a highly intelligent African in Central Nyanza, the Njuri ya Cheke in Meru and two or three meetings in Central Province which wholeheartedly supported the idea in principle, one meeting of Africans in the Kangundo Location of the Machakos District actually asked for a form of multiple voting and recorded their wishes as follows:—

"Voting Procedure.—The votes will be counted as follows:—

- (a) All persons who have completed form III up to University Education will get *four* votes each.
- (b) All the recognized farmers who are certified by the Agricultural Department, Reverends, Prison, Army and Police sergeants up to the highest rank that an African can get, Labour Inspector, etc., will get *three* votes each.
- (c) Any person who has been to school and has completed standard I up to form II education and has qualifications as in paragraph 3 will get *two* votes each.

(d) All the illiterate people having not any of the other qualifications of this paragraph will only get *one* vote each."

37. My main objection to the Kangundo proposals is that too great emphasis is placed on literacy and education and that the proposal now suggested by me gives a wider variety from which choice can be made by the average African living in his land unit.

38. Before I enumerate what I consider to be the advantages of such a system it might be well to deal with the objections which will almost certainly be raised by a number of people:—

Objections to system.

(a) **It will be said that such a system has never been tried.**—I do not consider this to be a valid reason for not trying it now, bearing in mind the very complex factors which exist in a society such as we have in Kenya to-day and I have already tried to point out that the slavish following of customs introduced elsewhere may very well lead to intense difficulties. There has been enough evidence already to show that complex circumstances may need novel and imaginative methods to surmount them.

(b) **That the system would be impracticable and difficult to administer.**—I admit that, at first sight when dealing with probably some six million Africans, such a system might give rise to complications, but I do feel that on examination the complications are more apparent than real. In order to minimize the difficulties I would propose that the onus of applying for a vote or votes or for retaining his name on the register of voters should be put upon the elector. This is a matter of some considerable disagreement amongst experts on the subject of franchise and many people feel that the onus should be placed upon the Government. I would, however, quote an extract from the commission which sat in Malaya which said, "To place on Government the sole onus of putting each voter's name on the register would create an excessive administrative burden. It will be necessary for the Government to do everything it can to encourage people to take the initiative of registering themselves as voters but beyond this the matter must be left to the enthusiasm of the voters and the stimulation of the various party machines." With this view I agree entirely although party politics as such have not yet emerged in Kenya.

Further, the qualifications have been so arranged as to attempt to make each one factual and supportable by a letter, certificate or receipt. If these are attached to the application form and stamped or punched by the returning officer so that they cannot be used again I see no great difficulty in compiling a voters' roll. As regards the second part of this objection, namely that it will be difficult to administer, one must assume that having started from the premise that universal adult franchise should not be introduced for the reasons given, there are bound to be difficulties anyway and even with universal adult franchise a voters' roll has to be prepared. Indeed if we are going to introduce

direct voting of any kind for the African, the difficulties, which in any case must be part of a new system, are bound to be considerable.

(c) **The multiple-vote was abolished in the United Kingdom and did not find favour there.**—In the first place, the voting in Great Britain (which, in fact, I think was “plural” rather than “multiple” voting), was that of a university qualification but in addition only to the vote acquired either for residence or occupation of premises and whereas it bears a slight similarity to the list of qualifications in Appendix V, in fact, it ends at the higher educational qualification and bears no relation to the greater emphasis on character and achievement. The stronger argument, however, is that which I have tried earlier to evolve, namely that I see good reasons for Africa striking an independent line and adopting a system or systems which may have been rejected by other countries because it did not suit their particular set of circumstances.

(d) **That it causes discrimination.**—I think it must be very clearly stated that in fact there are already considerable gradations in the African society as indeed there are in one’s own and whereas men may all be born equal, the equality because of man’s varying talents has become very thin by the age of 21. This is fully appreciated by the African, who indeed insists to a large extent on there being distinctions in his social strata. Not only do they exist between persons but between tribes. This has been amply borne out by the fact that in those meetings to which I referred in paragraph 36 a system of this nature has been very warmly welcomed by the Africans to whom it was explained. Further, the distinctions proposed are based on the achievement of the individual.

(e) **That it will deny representation to some people.**—It cannot be said that all Africans are represented now; nor if universal adult franchise was introduced, with the present number of African seats, i.e. six, for approximately six million inhabitants, could it be said that all Africans will be properly represented. As long as the numbers of Africans in Council are small in relation to the population, it will be idle to assume that an African will have proper representation merely because he has a vote. In any case, those who do not have it immediately have ample opportunity to gain it by their own individual efforts.

39. In supporting the system I would say the following:—

(a) It gives a reasonably wide franchise to the African thereby meeting his demand in this matter and it can be uniformly applied so that the Africans in backward areas, as they progress, can achieve more and more voting power.

(b) It weights the voting in favour of age, common sense and those who have done something for the community, thereby producing something which may be an incentive for the more backward people in the land units to better themselves.

(c) It seems that the limitation tribunal for candidates so eagerly asked for by the African could probably be done away with without impairing the chances of returning candidates to Legislative Council who can usefully represent their constituencies which is the avid wish of the majority of Africans who gave evidence.

(d) It allows women to partake in elections on an equal footing with men. It will be noted that in the list of qualifications a point has been specifically included for women to balance that awarded for service in the Armed Forces.

(e) It grafts on to an African base the best points which have emerged from the British system, namely, individual voting by secret ballot and all the various sanctions and rules which automatically go with them.

(f) It allows for extreme adaptability as, if necessary, the initial qualifications can be widened or restricted at will by stating that less than three or more than three points are required for the initial vote. At a later stage the points can be reduced to one if necessary, which is equivalent to universal adult franchise, but with multiple voting, as the safeguard once more against the agitator. Even the multiple vote could be abolished at a later date altogether if it was thought necessary when standards have equalized throughout the Colony, i.e. to the "one value" to which I referred in paragraph 20 and that, as I have tried to point out, must await a further general advance of the peoples with whom we are dealing.

(g) All races can continue to vote on communal rolls but wide qualifications such as those which I have suggested coupled with multiple voting might better provide the experience on which a non-racial roll of high quality might be founded in the future than the literacy and property qualifications used for instance in Southern Rhodesia which last do not favour the claims of Africans whose character and achievements, rather than their wealth, best fit them to be on such a roll.

40. There should also be a residential qualification for electors. All electors qualifying for inclusion in a voters' roll should have been resident within the particular constituency within which they wish to vote for at least six months. For persons who are outside their land unit and for whom arrangements to vote for a candidate standing for their home constituency should be made this qualification will apply to the area in which they are either temporarily or permanently resident.

Residential qualification.

41. As all of the above constitutes novel and revolutionary proposals and although I see nothing wrong with them for that reason, I feel that the Government should be given an alternative choice if it so wishes and I therefore set out Proposal II.

An alternative proposal.

42. It is that for which the majority of the Africans have asked and to which I made reference in paragraphs 27 to 29. It would be that all male Africans of 18 years or over, i.e. who have paid their poll tax, would vote on the production of the current poll tax receipt. For the candidates, in addition to the qualifications which will be set out in a later chapter, there would be a limitation tribunal in the native land units consisting of five elders chosen by each locational council by the members of that council themselves and the delegates would meet centrally in each district. In the case of districts where the constituency itself forms a district, no further step is necessary but where the constituency consists of several districts then this meeting of members of each locational council would by themselves choose by secret ballot a number of men to represent them on a constituency council or limitation tribunal. The final limitation tribunal would then be empowered to go through the list of prospective candidates and decide whether or not they would be suitable in their opinion to stand for Legislative Council. The criteria from which they would make their decision would be based mainly on character, good standing, service, loyalty, etc., also taking into consideration the conditions set out in Chapter 6.

Demerits of
alternative
proposal.

43. I mentioned in paragraph 29 that I would discuss the merits or demerits of this proposal. It is of course another form of indirect election and, although the numbers on the limitation tribunal are likely to be larger, may be just as open to the influence and corruption to which Africans took exception in connexion with electoral colleges. I feel that, after the first time it was tried, there would be so many disgruntled candidates stirring up trouble on personal grounds and alleging jealousies of one kind or another that the tribunal would not stand the light of day.

It would probably produce the result for which the majority of Africans have asked, namely the selection of a list of first-class candidates upon whom the Africans could then vote.

I do not like this proposal for the following reasons:—

- (a) The limitation tribunal is liable to abuse.
- (b) It does not take into account the position of the more advanced women.
- (c) There is no basis on which to hinge a common roll if such is required.

44. I therefore strongly recommend that the Government accepts Proposal I, i.e.—

- (a) that the qualifications set out in Appendix V have points allocated to them;**
- (b) that a minimum of three points be laid down to enable the elector to obtain one vote;**
- (c) that the possession of each additional point above three qualify the elector for a further vote for each point;**

- (d) that in addition to the qualifications set out in Appendix V there be a residential qualification of six months. In the case of Africans resident outside their land unit and for whom arrangements should be made to vote for a candidate standing for their home constituency the six months' qualification should apply to the area in which they are either temporarily or permanently resident;
- (e) that the onus of applying for admission to the electoral roll be placed on the elector who must apply in the form set out in Appendix VI.

CHAPTER 5

Note.—In Chapters 5, 6 and 7 references to Cap. 38 of the Laws of Kenya and Government Notice (G.N.) 421 of 1952 are to the law regulating the elections of Europeans and Asians and the arrangements made for the nomination of Africans in 1952 respectively.

Disqualification of Electors

45. No person who is not a British subject of African descent should be allowed to vote in these elections. (This agrees with section 12, Cap. 38.) Must be a
British subject.

46. Your Excellency made a public statement regarding the question of loyalty and informed the Legislative Council on 12th October, 1954, that "in the Central Province only people of proved loyalty to the Government" would be allowed to vote. I will be examining this question in a more detailed manner in Chapter 8 when I come to make recommendations for the Central Province. Loyalty.

The test by which loyalty is to be determined is naturally a difficult one, but for the rest of the country, however, an oath of allegiance should be taken by all persons who wish to be entered upon the voters' roll, and I attach in Appendix VII a form of such an oath. It will probably be argued that this will have little weight for those who wish to be disloyal but I would like to point out that in the future when it has been positively proved that a person has been disloyal, then it is easier for his name to be removed from the voters' roll in view of the fact that he had already, as a part of his qualifications to vote, taken an oath of allegiance.

47. The elector should not be under 21 years of age. Age.

48. The whole question of whether the person concerned has been in prison or not is one upon which all African witnesses had very diverse views. I will discuss this again when considering the disqualification of candidates. For electors, however, I think possibly some greater latitude might be allowed than for the candidate and in this respect I consider that anyone who has been sentenced to death or to more than one year's imprisonment during the previous two years and who has not been granted a pardon should not be allowed to register. (This accords with section 9 (d), Cap. 38.) In other Imprisonment.

words, those people who have committed major crimes other than those carrying the death penalty should be subject to a matter of two years' probation after release from jail during which time the character of the person can be assessed. There was a very strong plea that habitual criminals should not be allowed to vote at all. Some persons thought that it might be more advisable to allow these persons a period after they have completed their reporting order to give them a chance of mending their ways. With this latter view I agree and recommend that the same period of two years' probation should be applied to those people who have been convicted and sentenced under section 343 (1) of the Criminal Procedure Code after they have completed their reporting order.

Lunacy.

49. A further disqualification should, of course, be lunacy, and any certified lunatic should be disqualified from voting. (This accords with section 9 (c), Cap. 38.)

Recommendations

50. I therefore recommend that any person who—

- (a) is not a British subject of the age of 21 years or upwards;
- (b) has not taken an oath of allegiance to Her Majesty the Queen;
- (c) is not an African of local birth;
- (d) has been sentenced by a court in any of Her Majesty's Dominions to death or to imprisonment by whatever name called for a term exceeding twelve months during the previous two years and has not either suffered punishment to which he was sentenced or to such other punishment as may by competent authority have been substituted therefor or received a free pardon. (In the case of persons convicted of offences connected with the Emergency or with sections 70 and 71 of the Penal Code disqualification shall be for such period as may be decided by the Governor.);
- (e) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Colony;
- (f) is disqualified for registration as an elector by any law in force in the Colony relating to offences connected with elections; or
- (g) has been convicted of a crime and sentenced under section 343 (1) of the Criminal Procedure Code and during the previous three years has not completed a reporting order,

should be disqualified from voting.

CHAPTER 6—QUALIFICATIONS OF THE CANDIDATES

51. It has been represented to me by many Africans that the qualifications of candidates must be extremely high and that this is of the greatest importance. Time and time again, when giving evidence, Africans have stressed the fact that it is not only in their own interests but in the interest of

High
qualifications.

the Colony as a whole that the best possible Africans should be returned to the Legislative Council. It is important that a prospective candidate should have first of all the primary electors' qualifications of three points as suggested under Proposal I, but should also have either point (h) or (i), i.e. either the Local Government qualification or long service in a position of responsibility. The object of this is to ensure that the person standing will have had considerable experience either in his own profession or in local government before he essays the rather more difficult task of representing a large number of Africans on Legislative Council.

52. The second point is knowledge of the English language. Some Africans have represented, as indeed have some Europeans, that there should be introduced another language, i.e. Kiswahili, for the Legislative Council, as has been proposed in Tanganyika. The reason for this, of course, is to try and make quite certain that the scope of candidates is as wide as possible. I have, however, received a directive that there is no intention at the present time of altering the law on this subject and, therefore, rules regarding the speaking of English by the candidate must be introduced. (Section 13 (1) of Cap. 38 disqualifies a candidate who cannot speak, read or write the English language.)

Knowledge
of English.

53. Those Africans who believed that English was an essential qualification for a candidate, and there were many, insisted that the person must know sufficient English in order to take his full part in Legislative Council debates. Most African witnesses thought that an education standard of between Form IV and Form VI would be sufficient for the candidate, but there was always considerable discussion about those Africans who, by reason of experience and their own individual efforts and not having reached either Form IV or Form VI, were still obviously sufficiently good candidates for the Legislative Council.

54. In view of this, it was usually suggested that candidates should be tested by a committee of some kind or another. This test should be both for English, orally, and also for the standard of education or experience which the candidate has gained. The question is then raised as to whom should make the test and I feel that it should be on a Colony-wide basis in order to achieve uniformity. On any other basis some candidates might feel that they had been unjustly treated if there was a particular board in a particular place that appeared in any way to be stricter than the others. It was suggested to me by Africans that probably the best answer would be to form a central committee with the Speaker of the Legislative Council as Chairman, in view of the fact that he should know the linguistic standard to which the candidate must aspire, one officer of the Education Department and two Africans to be selected by Your Excellency. I feel that such a committee should, if necessary, travel throughout the country in order to interview candidates rather than that the candidates should come to them. As, however, I am advised that it would not be constitutional for the Speaker to take part in such a

peregrination, I recommend that the Education Department with African assessors carry out these tests. All persons holding a university degree or a Makerere professional diploma or previous Members of the Legislative Council should be exempted from the test.

Property
qualification.

55. I consider that the property qualification of the candidate should be higher than that laid down in the Points Qualifications in Appendix V (i.e. an income of £120 per annum or property of £500). There was considerable discussion about this during talks with Africans but it was apparent that most Africans thought that the property qualification of a candidate should be reasonably high. Normally speaking, they considered that a man of middle wealth should be chosen. For obvious reasons, they did not want someone who was completely destitute or for that matter necessarily a Croesus. In the circumstances, therefore, I think that a property qualification of an income of not less than £240 per annum, or, alternatively, movable or immovable property amounting in the aggregate to the value of £700 would be reasonable. A property qualification is not laid down by Cap. 38 and this recommendation is to meet prevailing circumstances and the wish of most Africans.

Character
of candidate.

56. As regards the previous history of the candidate, there was considerable discussion regarding whether a candidate should have been imprisoned or not. There was a general feeling in the African mind that most Africans at some time or another might have suffered a period of imprisonment, possibly purely accidentally! Discussions on this point ranged far and wide, but the majority of Africans seriously felt that they should be allowed a certain amount of latitude in this matter. I tried to point out to them that this was the first occasion upon which Africans would be in fact elected to the Legislative Council and thought that in the first instance, at any rate, those who had a clean record would probably be able to represent African interests without ridicule by other persons and therefore with better effect. In the circumstances, therefore, despite quite a widespread request by Africans as a whole that the candidate should be allowed to have had imprisonment up to at least six months, I consider that he should never have been imprisoned. Later on, as events march towards a freer choice, perhaps this point could be reviewed and the six months' bar laid down by section 13 (2) (d) of Cap. 38 be introduced.

Residential
qualification.

57. The question of a residential qualification for a candidate raises difficulties. There were two very distinct points of view in this matter expressed by Africans all over the country. The first was that the person should actually live in the district or constituency which he was going to represent, and this view had a considerable number of supporters. The other was that, although a person might have been born in the constituency he could, by reason of work or otherwise, have drifted away to some other part of the Colony, and provided he had his own village, his roots, his relations and his property in the constituency that he was going to represent,

they felt that this would be sufficient. This, as I have said, presents a problem in view of the fact that any qualification such as that laid down for electors would mean, for instance, that a potential Central Nyanza candidate who works in Nairobi would have to give up his job six months before the election and live in his village. I am doubtful whether in fact this is fair. In the circumstances, I consider that the best way out and to meet the African wishes in this matter is to insist that the person should have property, i.e. a village, or his father's village, or some other form of root, in the constituency for which he is going to stand and that he should have lived in the constituency for at least three months during the previous four years. Under Cap. 38 there is a residential qualification for Europeans and Asians of two years.

58. It is necessary that candidates should be properly nominated in the form set out in Appendix VIII and supported by nine qualified electors. The form should be subscribed by a proposer, a seconder and seven others. This was required by paragraph 4 of G.N. 421/52 and by section 14 of Cap. 38. After nomination, the candidate will be required to complete a statutory declaration in the form at Appendix IX. Nomination.

59. The question of a deposit arises. As is known, the deposit required for candidates in European and Indian elections is £50 (paragraph 2 (3) of Schedule III of Cap. 38). There was considerable discussion on this with African witnesses and as it will be appreciated that many of them were thinking in terms of having limitation tribunals they did not always consider that a deposit was necessary. However, I do feel that a deposit of some kind should be made in order to prevent those who are purely lighthearted from standing and suggest that Sh. 500 should be deposited by any prospective candidate. This deposit will be forfeited if the candidate fails to obtain one-eighth of the total votes polled. (This accords with paragraph 35 of Schedule III of Cap. 38.) Deposit.

60. I therefore recommend that the candidate—

- (a) be a qualified elector with either point (h) or (i), i.e. five years' service on an African district council or locational council or African court or ten years' service in a position of responsibility, etc.;
- (b) be able to read, write and converse in fluent English and if he is not in possession of a university degree, a Makerere professional diploma or was previously a Member of the Legislative Council, be tested for his proficiency in English and general education or experience by a committee consisting of members of the Education Department sitting with African assessors;
- (c) have property movable or immovable to the aggregate of £700 or an income of not less than £240 per annum;
- (d) should never have been imprisoned;
- (e) should substantiate that he has property in his village or his father's village in the constituency for which he wishes to stand and that he

- should himself have resided therein for an aggregate of at least three months in the four years prior to his seeking election;**
- (f) be nominated and supported by nine qualified electors from the constituency for which he is standing for election;**
- (g) should complete a statutory declaration in the form in Appendix IX;**
- (h) deposit £25, which sum will be forfeited if he fails to secure one-eighth of the total votes cast.**

CHAPTER 7—DISQUALIFICATIONS OF CANDIDATES

61. The disqualifications of candidates should probably be somewhat wider than those for the elector, and should include no allegiance to another power, a bankrupt, or party to a Government contract, lunacy, or offences in connexion with elections. All of these in Cap. 38 are, incidentally, made to apply to the elector as well, and that law also provides that anyone in the permanent employment of the Government cannot stand.

Employment
in Government
service.

62. The question of the candidate holding or acting in any public office raises a pertinent point. Most Africans take the view at the present time that those who serve the Government either directly as civil servants or in local government, through municipalities, etc., are probably some of their best potential candidates. There was a very strong plea, therefore, that such people should be allowed to stand for election and if they were successful then they should resign. If they were unsuccessful, they would then be allowed to return to work. In this I have considerable sympathy, as I feel that to insist upon a civil servant resigning before taking part in any African election is putting such a financial risk upon him as virtually to debar him from standing. In the circumstances I do feel therefore that the holding or acting in any public office should not be a disqualification for a candidate and that Government should seriously consider allowing civil servants to stand and giving them leave, with or without pay, if they wish to contest an election. Once again, as the Colony as a whole moves towards a greater freedom of choice, I feel that this point might be reconsidered, but certainly for the first election and possibly for one or two to come the Government should concede this point. It was conceded in 1952, *vide* section 5 (2) of G.N. 421/52.

63. I therefore recommend that a candidate should be disqualified if he is—

- (a) by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign power or state. (This would naturally mean that he, being an elector, would have to take the oath of allegiance to Her Majesty the Queen.);**
- (b) an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's Dominions;**

(c) a party to or a partner in a firm or a director or manager of a company which is party to any contract to the Government of Kenya for or on account of the public service;

(d) a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Kenya;

(e) disqualified for membership of the Council by any law for the time being in force in Kenya relating to offences connected with elections;

(f) disqualified for election by any law for the time being in force in Kenya by reason of his holding or acting in any office, the functions of which involve—

(i) any responsibility for or in connexion with the conduct of any election; or

(ii) any responsibility for the compilation or revision of any electoral register.

I further recommend that civil servants or municipal or local government employees should be given leave in order to allow them to stand as candidates if they so wish, but that if elected they should be required to resign.

Part IV.—Other Matters

CHAPTER 8—THE CENTRAL PROVINCE

Loyalty.

64. As I said in paragraph 46, the whole question of an elector's loyalty concerns to a much greater extent the Central Province and parts of the Rift Valley Province than the rest of the Colony.

In an abstract way, of course, it is practically impossible to decide who is loyal and who is not. For this reason I questioned those people who appeared before me in the Central Province very closely on this particular point and there is a divergency of opinion regarding the feelings about loyalty in the native land units as distinct from the settled areas. In the former, the chiefs and locational councils, particularly those who have been fighting *Mau Mau* since the inception of the rebellion, have very little doubt in their own minds as to the persons who are with the Government cause and in fact have been with the Government during the whole of this unfortunate war. In the settled areas, however, there is more doubt, and there the opinion was expressed that only those who had been prosecuted or detained should be prevented from voting. During the last year when events have been favouring the Government forces it has been natural for a number of previously well-known *Mau Mau* adherents to move over to the other side.

65. There have been various suggestions as to how a person can be determined to be fully loyal or not and the matter was referred to a meeting of the district commissioners, Central Province, and also a meeting of the Provincial African Advisory Council on 19th July.

66. The African Advisory Council considered that there was a sacrificial aspect in this matter which involved a general relinquishing, during the first election, of rights as a tribe and an expiation of crimes by the Kikuyu as a whole. They therefore recommended (and this recommendation was supported by the district commissioners) that only those persons who had never taken a *Mau Mau* oath should be allowed to vote in the elections of 1956. It was further suggested that chiefs and locational councils should prepare the initial roll of those able to vote under this ruling and that a district committee should be appointed to act as an appeal tribunal and as a body for first revision. In addition there should be a provincial committee appointed with power to examine the district lists in order to achieve uniformity and to act with further appellate powers if necessary. I am in agreement with these proposals as the Kikuyu, Embu and Meru will have to understand that they cannot be treated in exactly the same way as other tribes over such matters and until the Emergency has come to an end and subsequent rehabilitation has reached an advanced stage, very few of them should be allowed civil privileges.

I think that women should be excluded from the voters' roll except where a district commissioner feels that those who have not taken an oath have given specially loyal and active assistance against *Mau Mau*. In these cases the

district commissioner might recommend them for inclusion. I also feel that the lists drawn up for 1956 should be provisional and subject to revocation at any time and that the position of the Kikuyu, Embu and Meru be reconsidered again one year prior to the election after next.

67. It might be appropriate to discuss here the vexed question of those persons who have been detained on one form or another of the various Detention Orders. Those detained.

The general African opinion was that a Detention Order, unless it carried with it a definite prosecution and conviction for a known offence, should not debar persons from being either electors or candidates. This view is not entirely unreasonable but as the Emergency is still on at the time of writing and I can see no hope of all such cases being properly investigated before the election to be held in 1956, I feel that for that election the position of any person detained should be that of those in prison and that the whole situation affecting Kikuyu detainees be reviewed about one year before the next and succeeding elections.

68. I therefore recommend in relation to the Central Province only:—

- (a) That the proposals contained in paragraph 44 should not apply to the Central Province.
- (b) That in order to select a candidate for the Central Province constituency at the next election a list of persons should be prepared who have never taken a Mau Mau oath.
- (c) That those persons should in the land units be selected by chiefs and locational councils and in settled areas or townships applications by prospective voters should be made to the local district commissioner in the first instance. In the case of those who had not been in the settled areas or townships for the 18 months prior to the end of 1954 these applications should be sent to the locational council in the applicant's district of origin.
- (d) That in all districts with resident Kikuyu, Embu or Meru a central district committee should be appointed to act as revising body with appellate powers.
- (e) That in the Central Province a provincial committee should be established also with revisionary and appellate powers and that if necessary this committee should be available for revision or appeal in other provinces where there are resident Kikuyu, Embu or Meru.
- (f) That Kikuyu, Embu or Meru wherever resident should vote, if qualified, for the Central Province candidates only and not for any other candidate even if so qualified under paragraph 40.

- (g) That the list of voters prepared under sub-paragraph (2) above be considered provisional only and subject to revocation at any time.
- (h) That the qualified voters have one vote only.
- (i) That males only should be registered except where a woman, who has not taken the Mau Mau oath, has shown exceptional powers of active fighting against Mau Mau and is recommended for inclusion by the district commissioner concerned.
- (j) That the whole position of the Kikuyu, Embu and Meru be reviewed by the Government one year prior to the election after next.

CHAPTER 9—THE NORTHERN FRONTIER PROVINCE

Not visited.

69. I did not visit the Northern Frontier Province in view of the fact that it was communicated to me that the tribesmen had expressed a wish that until such time as the Province could be represented by its own Member their interests should continue to be cared for by the Government through the Provincial Commissioner.

Because of this expressed wish responsible elders in each district recommended that I should not include the Northern Province in my tour.

Separate representation.

70. I sympathize with the feelings of the elders in the Northern Province who ethnologically are quite distinct from the Africans in the rest of Kenya. Because also of the paucity of African representation mentioned by me in paragraph 2 there would seem to be very little chance of the Northern Frontier Province having its own representative in the election due to be held in 1956.

I do not think, however, that this situation should necessarily continue and in so far as it is possible within my terms of reference for me to make a recommendation I feel that the Northern Frontier Province should be represented in the Legislative Council by 1960.

71. I therefore recommend that in accordance with the wishes of the tribesmen themselves the inhabitants of the Northern Frontier Province of Kenya continue to have their interests cared for by Government through the Provincial Commissioner and that they should not take part in the elections of 1956 but that the Government consider this question again about a year prior to the elections of 1960.

CHAPTER 10—PROCEDURE AND GENERAL

72. I have already recommended that voting in principle should be by secret ballot. It is essential that the voter should have complete faith in its secrecy, and the system used must have the confidence of the people.

73. There are four principal forms of secret ballot which should be considered:— Forms of ballot.

- (i) By making a mark against the name of a candidate on a voting paper, which the voter then puts into a sealed ballot box. This is the method used in England.
- (ii) By putting some article (ballot paper, ball, etc.) into one of several sealed ballot boxes, each of which is marked with the name or symbol of one of the candidates. This was the method used in classical Greece and still used for elections in clubs, etc., in England and generally employed in several African colonies.
- (iii) By voting machines which automatically record a vote when a button is pressed beside the name or symbol of any of the candidates. This method is extensively used in the United States.
- (iv) By each voter telling the presiding officer the name of the candidate for whom he wishes to vote. The presiding officer then records the vote in a poll book.

74. The first of these methods which is used in the United Kingdom, is inapplicable to the large majority of Africans who might wish to vote under the system recommended, as the illiterate obviously could not possibly vote in this way. There have been cases in other colonies where the presiding officer has marked the papers of illiterate voters. This has resulted in doubts usually unfounded, about the integrity of the presiding officer. I am not in favour of bringing the presiding officer into this matter at all. Methods discussed.

The second of the methods, separate ballot boxes for candidates, I believe has been used with some success in African District Council elections in the Nyanza district, although even there I believe that the presiding officer had to be brought in on occasions in order to assist voters.

There is much to be said for the American system of using voting machines, which eliminates the possibility of fallability in counting votes, particularly as I have suggested that there should be multiple-voting. I personally, however, do not know whether these particular machines are of real advantage or not, nor do I know their cost. I would, however, recommend that the Government consider making investigations into their use and cost as in the long run it might be considerably cheaper to introduce such machines rather than the whole paraphernalia of ballot boxes, papers, etc.

I do not support the fourth method in view of what I have said in a previous paragraph regarding the presiding officer.

75. On balance, therefore, the advantage appears to be the general adoption of the second method, the use of separate ballot boxes each marked with the name and symbol of a separate candidate. One deputation of Adoption of second method.

witnesses stated that the use of symbols might have psychological effects on a superstitious electorate and I have carefully checked this statement with a number of Africans, but on balance it would appear that symbols are the best method of ensuring that the illiterate voter records his vote correctly. I have given thought to the subject of using colours which at the moment are in vogue in Nyanza Province for local government elections, but if there are more than seven candidates the resulting necessary combination of colours would undoubtedly be confusing and in any case would make no allowance for colour-blindness. In all cases where voting is by the use of separate ballot boxes it is essential that each ballot box should be easily indentified by the voter. For this purpose, the candidate's name should be clearly written on the box and there should also be a symbol which the people have learnt to identify with the candidate. This should be agreed by the returning officer and the candidate and in time for the symbol to become known to the people. Photographs might be useful but cannot be relied upon. I feel in this case if the candidate so requests and provides the necessary number of copies a photograph of the candidate can be added.

Voting cards.

76. In addition I think that the method which has been put into practice in the Gambia, i.e. the issue of voting cards at the time of the entry of the person's name in the electors' roll should also be followed here. The card should contain the elector's identification number, the number recorded in the voters' roll and his name. This should lead to rather more rapid identification on actual days of polling.

Procedure.

77. The procedure would then be as follows. The elector would present his voting card and the presiding officer would check his name on the list, mark it off and then hand to him a ballot paper. The ballot papers would be prepared in different colours for the different number of votes to which the elector is entitled and clearly marked "ONE", "TWO", "THREE", etc. Before handing over the paper the presiding officer would stamp the paper with an official mark and initial it in an appropriate place. No other mark would be put on the paper at all. The elector would then enter the polling booth and place the paper in the appropriate box.

Personation.

78. With an extended electorate there is inevitably some danger of personation. This can be to some extent avoided by the use of indelible ink marks on the fingers of those who have voted.

Locational polls.

79. As regards electors' booths and places for polling, I recommend that these should be on a locational basis. No doubt chiefs' offices and other government buildings in the locations could be adapted for this purpose without any undue expense. If the booths were situated at greater distances it is felt that a number of people would not be able to vote because of the distances which they would have to walk. In outlying districts and where communications are difficult the person in charge will have to make the best arrangements he can.

80. The arrangements for voting in townships and settled areas will have to be somewhat different from those in the land units as the residents there will vote for candidates standing for their home constituencies. Townships and settled areas.

81. I consider that a postal ballot is much too difficult to arrange as the contents of the envelope has to be sworn to both on despatching and receiving. In the circumstances therefore a survey of the townships and settled areas will have to be made in advance and polling booths set up in appropriate places with sufficient boxes for the appropriate candidates, their symbols and, if necessary, photographs. Postal ballot.

82. A point which has raised some discussion is the question of whether the candidates should be allowed to hold meetings in order to address their prospective constituents or not. This is, of course, at the present time, in the state in which Kenya finds itself, a difficult problem, and is bound by the law relating to meetings under the Police Ordinance. After some considerable thought on this matter I feel that candidates should be allowed to address their electors. The question of the preservation of law and order would seem to be a matter for consideration by the local authorities at the time. Political meetings.

83. The various questions regarding election offences, corruption, blind electors, etc., which were touched on by some of the deponents, have been dealt with in the draft model Ordinance and Rules which are deposited with the Attorney General and not, because of the volume of printing attached to this Report. Ordinance and Rules deposited with Attorney General.

84. I therefore recommend:—

- (a) Government investigate the practicability of purchasing voting machines.
- (b) Separate ballot boxes, each marked with its own symbol and, if requested, the photograph of the candidate be provided.
- (c) Voting cards be issued to electors at the time of registration.
- (d) Indelible ink be used at polling booths to avoid personation.
- (e) Polling booths be provided on a locational basis.
- (f) Separate tribal arrangements be made in settled areas and townships.
- (g) Candidates be allowed to hold meetings.

CHAPTER 11—REGISTRATION

85. I have already stated in paragraph 38 (b) that the onus of registration should be on the elector and I feel that there are good reasons for this. The procedure would be as follows: the elector would submit a form as set out in Appendix VI and attach to it the documents which support the claims which he has for points towards a vote and also points towards other Registration.

and additional votes. The registration officer would then see that the name, the identification number, the number of votes to which the person is entitled are recorded in the register which should be prepared on a district basis.

Preparation by administrative assistants.

86. I realize that the District Administration is already considerably overburdened and recommend that for the preparation of the initial rolls some administrative assistants, whose contracts I believe will then be coming to an end, should be re-employed for this purpose. They would have to be assisted by the members of the African Administration in the district when preparing the rolls.

Rolls to be kept by district commissioner.

87. There was a suggestion made by some Africans that the electors' rolls should be under the local authority and that the master book might be left in the custody of the African district council in the area concerned, but I think they should be deposited in the district commissioner's safe since he is the public trustee of the district.

Appeals.

88. As regards the publication and settling of voters lists, I consider that persons who wish to have names added to or struck out from the lists should apply to a First Class Magistrate and, if aggrieved by his decision, to a Judge of the Supreme Court for the necessary alterations to be made.

89. I therefore recommend that:—

- (a) The onus of applying for a vote be placed upon the prospective elector who should apply in the form in Appendix VI.**
- (b) Registers should be prepared on a district basis.**
- (c) Some administrative assistants should be released for the purpose of preparing the rolls.**
- (d) Registers after preparation should be kept in the district commissioner's safe.**
- (e) Appeals from the decisions of the registration officer should be first to a First Class Magistrate and finally to a Judge of the Supreme Court.**

CHAPTER 12—STAFF

Special staff.

90. In order to set the preparations afoot it will be necessary to appoint special staff for the purposes of conducting the preliminary arrangements for African elections as indeed the elections themselves. A supervisor of elections together with an assistant will have to be appointed at a very early date in order to make quite certain that the administrative arrangements for the preparation of rolls, their printing, publishing and appeals from them are duly undertaken. I think that, apart from the administrative assistants who would act as registration officers for the preparation of the rolls in the districts in which a start will be made, no other staff will be necessary in the first instance. After the preparation of rolls and prior to elections, however, returning officers will have to be appointed. These will have to

be for each district and will have under them a staff of clerks, etc., dealing with supervision of polling stations, the issue and return of ballot boxes, papers, etc.

91. It will, of course, also be necessary for the Information Office to take a large part in the initial preparations for the campaign, particularly with explanations about how the system should work and also explanations of how people should apply for votes if they particularly wish to do so. Information Office campaign.

92. I recommend that—

- (a) a supervisor and assistant supervisor of elections be appointed as soon as possible;
- (b) registration officers be appointed for each district;
- (c) returning officers, presiding officers and poll clerks be appointed by the supervisor of elections in 1956;
- (d) the Information Office start as soon as possible on the necessary explanations of the report to the African population.

Part V.—Conclusions

CHAPTER 13—SUMMARY OF RECOMMENDATIONS

93. Direct voting by secret ballot should be adopted for all African elections.

Universal adult franchise not to be introduced into Kenya at the present time.

94. That the Government accepts Proposal I, i.e.:—

- (a) That the qualifications set out in Appendix V have points allocated to them.
 - (b) That a minimum of three points be laid down to enable the elector to obtain one vote.
 - (c) That the possession of each additional point above three qualify the elector for a further vote for each point.
 - (d) That in addition to the qualifications set out in Appendix V there should be a residential qualification of six months. In the case of Africans resident outside their land unit and for whom arrangements should be made to vote for a candidate standing for their home constituency the six months' qualification should apply to the area in which they are either temporarily or permanently resident.
 - (e) That the onus of applying for admission to the electoral roll be placed on the elector who must apply in the form set out in Appendix VI.
95. Any person who is—
- (a) not a British subject of the age of 21 years or upwards;
 - (b) has not taken an oath of allegiance to Her Majesty the Queen;
 - (c) is not an African of local birth;
 - (d) has been sentenced by a court in any of Her Majesty's Dominions to death or to imprisonment by whatever name called for a term exceeding twelve months during the previous two years and has not either suffered punishment to which he was sentenced or to such other punishment as may by competent authority have been substituted therefor or received a free pardon. (In the case of persons convicted of offences in connexion with the Emergency or with sections 70 and 71 of the Penal Code disqualification to be for such period as may be decided by the Governor.);
 - (e) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Colony;
 - (f) is disqualified for registration as an elector by any law in force in the Colony relating to offences connected with elections; or

(g) has been convicted of a crime and sentenced under section 343 (1) of the Criminal Procedure Code and during the previous two years has not completed a reporting order, should be disqualified from voting.

96. The candidate should—

(a) be a qualified elector with either point (h) or (i) in Appendix V in his qualification;

(i.e. five years' service on an African district council or locational council or an African advisory council in townships or an African court; or

ten years' service in a position of responsibility on a farm, in commerce, Government or local government, in private service or having a medal or certificate for more than 20 years' faithful and continuous service);

(b) be able to read, write and converse in fluent English and if he is not in possession of a university degree, a Makerere professional diploma or was previously a Member of the Legislative Council, be tested for his proficiency in English and general education or experience by a committee consisting of members of the Education Department sitting with African assessors;

(c) have property movable or immovable to the aggregate of £700 or an income of not less than £240 per annum;

(d) should never have been imprisoned;

(e) should substantiate that he has property in his village or his father's village in the constituency for which he wishes to stand and that he should himself have resided therein for an aggregate of at least three months in the four years prior to his seeking election;

(f) be nominated and supported by nine qualified electors from the constituency for which he is standing for election;

(g) should complete a statutory declaration in the form in Appendix IX;

(h) deposit £25, which sum will be forfeited if he fails to secure one-eighth of the total votes cast.

97. A candidate should be disqualified if he is—

(a) by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign power or state. (This would naturally mean that he, being an elector would have to take the oath of allegiance to Her Majesty the Queen.);

(b) an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's Dominions;

- (c) a party to or a partner in a firm or a director or manager of a company which is party to any contract to the Government of Kenya for or on account of the public service;
- (d) a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Kenya;
- (e) disqualified for membership of the Council by any law for the time being in force in Kenya relating to offences connected with elections;
- (f) disqualified for election by any law for the time being in force in Kenya by reason of his holding or acting in any office, the functions of which involve—
 - (i) any responsibility for or in connexion with the conduct of any election; or
 - (ii) any responsibility for the compilation or revision of any electoral register.

It is further recommended that civil servants or municipal or local government employees should be given leave in order to allow them to stand as candidates if they so wish but that if elected they should be required to resign.

98. I recommend in relation to the Central Province only:—

- (a) That the proposals contained in paragraph 44 should not apply to the Central Province.
- (b) That in order to select a candidate for the Central Province constituency at the next election a list of persons should be prepared who have never taken a Mau Mau oath.
- (c) That those persons should in the land units be selected by chiefs and locational councils and in settled areas or townships applications by prospective voters should be made to the local district commissioner in the first instance. In the case of those who have not been in the settled areas or townships for the 18 months prior to the end of 1954 these applications should be sent to the locational council in the applicant's district of origin.
- (d) That in all districts with resident Kikuyu, Embu or Meru a central district committee should be appointed to act as revising body with appellate powers.
- (e) That in the Central Province a provincial committee should be established also with revisionary and appellate powers and that if necessary this committee should be available for revision or appeal in other provinces where there are resident Kikuyu, Embu or Meru.

- (f) That Kikuyu, Embu or Meru wherever resident should vote, if qualified, for the Central Province candidates only and not for any other candidate even if so qualified under paragraph 40.
- (g) That the list of voters prepared under sub-paragraph (b) above be considered provisional only and subject to revocation at any time.
- (h) That the qualified voters have one vote only.
- (i) That males only should be registered except where a woman, who has not taken the Mau Mau oath, has shown exceptional powers of active fighting against Mau Mau and is recommended for inclusion by the district commissioner concerned.
- (j) That the whole position of the Kikuyu, Embu and Meru be reviewed by the Government one year prior to the election after next.

99. It is recommended that in accordance with the wishes of the tribesmen themselves, the inhabitants of the Northern Frontier Province of Kenya continue to have their interests cared for by Government through the Provincial Commissioner and that they should not take part in the elections of 1956 but that the Government consider this question again about a year prior to the elections of 1960.

100. It is recommended that:—

- (a) Government investigate the practicability of purchasing voting machines.
- (b) Separate ballot boxes, each marked with its own symbol and, if requested, the photograph of the candidate be provided.
- (c) Voting cards be issued to electors at the time of registration.
- (d) Indelible ink be used at polling booths to avoid personation.
- (e) Polling booths be provided on a locational basis.
- (f) Special arrangements be made for voters living outside their native land units.
- (g) Candidates be allowed to hold meetings.

101. It is recommended that:—

- (a) The onus of applying for a vote be placed upon the prospective elector who should apply in the form in Appendix VI.
- (b) Registers should be prepared on a district basis.
- (c) Some administrative assistants should be released for the purpose of preparing the rolls.
- (d) Registers after preparation should be kept in the district commissioner's safe.
- (e) Appeals from the decisions of the registration officer should be first to a First Class Magistrate and finally to a Judge of the Supreme Court.

102. It is recommended that:—

- (a) A supervisor and assistant supervisor of elections be appointed as soon as possible.
- (b) Registration officers be appointed for each district.
- (c) Returning officers, presiding officers and poll clerks be appointed by the supervisor of elections in 1956.
- (d) The Information Office start as soon as possible on the necessary explanations of the report to the African population.

CHAPTER 14—ACKNOWLEDGMENTS

103. I wish to express my thanks to all those of all races who by their written or oral statements assisted me with my task, also to those Africans who sat with me and also toured certain districts.

The assistance which I received from my secretary, Mrs. D. Eggins, deserves the highest praise not only for holding the fort while I was absent on long journeys but for her swift and neat execution of the large amount of work which I continuously gave her. I am indebted to all the officers of the Provincial Administration who made such admirable arrangements for me to hear the evidence from so many Africans and for their exceptionally kind hospitality to both myself and to my wife.

I am also grateful to the District Commissioners, Tambach, Eldoret and Machakos for their assistance in preparing the list of qualifications and, of course, to Mr. Nevil Shute!

APPENDIX I—ITINERARY

- February 25th-16th March.—Nairobi.
 March 19th.—Mombasa.
 March 21st-23rd.—Mombasa.
 March 24th.—Kwale.
 March 25th.—Kinango.
 March 26th.—Msambweni.
 March 28th.—Kilifi.
 March 29th and 30th.—Malindi.
 March 31st.—Voi.
 April 1st.—Wundanyi.
 April 2nd.—Taveta.
 April 4th-5th.—Machakos.
 April 6th.—Kangundo and returned Nairobi.
 April 11th.—To Kisumu.
 April 12th.—Kakamega.
 April 13th.—Bungoma.
 April 14th.—Vihiga.
 April 15th-16th.—Kakamega.
 April 17th.—Kisumu.
 April 18th.—Kisumu and returned Nairobi.
 April 19th-20th.—Kisumu.
 April 21st.—To Kisii.
 April 22nd-25th.—At Kisii.
 April 25th.—To Kericho.
 April 26th.—To Silibwet and Longisa.
 April 27th.—Kericho.
 April 28th.—Return Nairobi.
 May 1st.—To Dar es Salaam.
 May 3rd.—Returned Nairobi.
 May 6th.—To Nakuru.
 May 7th.—At Nakuru.
 May 8th and 9th.—Kapsabet.
 May 10th.—Eldoret.
 May 11th.—Kitale.
 May 12th.—Eldoret.
 May 13th.—Kapenguria.
 May 14th and 15th.—Tambach.
 May 16th.—Kabarnet.
 May 17th.—Eldoret.
 May 18th.—Returned Nakuru.
 May 19th to a.m. 20th.—Thomson's Falls.
 May 20th., p.m.—To Maralal.
 May 21st.—At Maralal.
 May 22nd.—Returned Nakuru.
 May 23rd.—At Naivasha and thereafter returned Nairobi.
 May 30th.—At Ngong.
 May 31st.—Returned Nairobi.
 June 2nd.—To Kitui.
 June 4th.—Returned Nairobi.
 June 6th.—To Kiambu and returned Nairobi.
 June 7th.—To Kikuyu and thence to Kiambu.
 June 8th.—To Gatundu and Githunguri.
 June 9th.—At Kiambu and returned Nairobi.
 June 10th.—To Thika and returned Nairobi.
 June 11th.—To Thika and returned Nairobi.
 June 13th.—To Fort Hall.
 June 14th.—To Kigumo.
 June 15th.—To Kandara.
 June 16th.—To Embu.
 June 18th.—To Nyeri.
 June 19th-21st.—At Nyeri.
 June 22nd.—To Meru.
 June 23rd.—At Meru.
 June 24th.—To Kinoru, Nciru and Egoji.
 June 25th and 26th.—At Meru.
 June 27th.—To Nanyuki and returned Nairobi.
 June 28th-July 10th.—Nairobi.
 June 28th.—Pumwani.
 June 29th.—Pumwani.
 July 1st.—Shauri Moyo.
 July 11th.—Kipkabus.
 July 12th.—Turbo.
 July 13th.—Eldoret.
 July 14th.—Nakuru and returned Nairobi.
 July 18th.—Nyeri.
 July 20th.—To Narok.
 July 22nd.—Returned Nairobi.
 July 25th.—To Lamu.
 July 26th.—To Kipini.
 July 27th.—At Kipini.
 July 28th.—To Kilifi.
 July 29th.—To Mombasa.
 August 2nd.—Returned Nairobi.
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**APPENDIX II—PERSONS APPOINTED TO SIT WITH
THE COMMISSION**

	<i>M.L.C.</i>
Nairobi	
Mr. Argwings-Khodek.	The Hon. M. Gikonyo.
Mr. Matthew Muli.	
Mombasa	
Mr. H. G. S. Harrison.	The Hon. J. Jeremiah.
Mr. J. S. Ferunzi.	
Mr. E. F. W. Chopetta.	
Kwale	
Chief Elijah Rufia.	The Hon. J. Jeremiah.
Mr. Ali Mboybe.	
Kilifi	
Mr. J. S. Fondo.	The Hon. J. Jeremiah.
Mr. Gibson Ngome.	
Malindi	
Chief Awadi Maktubu.	The Hon. J. Jeremiah.
Councillor Brama Baruti.	
Voi	
Chief George Sowa.	The Hon. J. Jeremiah.
Mr. Robin Kabanya.	
Wundanyi	
Chief David Thomas.	The Hon. J. Jeremiah.
Mr. Frederick Maseghe.	
Taveta	
Chief Nathaniel.	The Hon. J. Jeremiah.
Mr. Sowene Loroghwa.	
Kipini	
Mr. Ezekiel Jara.	The Hon. J. Jeremiah.
Mr. Shongolo Wakole.	
Lamu	
Mr. Simeon Abalola Kugwe.	The Hon. J. Jeremiah.
Mr. Menesi Abdulla.	
Mr. Ali Bole.	
Machakos	
Chief Jonathan Nzioka.	
Mr. Martin Makilya.	
Mr. William Kimilu.	

M.L.C.

Kitui	Chief Wilson Thuvu.	—
Ngong (with Kajiado)	Mr. Moipei ole Kedonyo. Mr. Jason ole Kiruti.	The Hon. J. M. ole Tameno.
Narok	Mr. Francis ole Legis. Chief Kundai ole Sangale.	—
North Nyanza		
	<i>North Nzoia</i>	
	Mr. Lino Odanga. Mr. Pascal Nabwana.	The Hon. W. W. W. Awori.
	<i>South Nzoia</i>	
	Mr. E. H. Andere. Mr. Joel Litu.	The Hon. W. W. W. Awori.
Central Nyanza	Mr. J. M. Omino, B.E.M. Mr. Jonathan Okwirry.	The Hon. B. A. Ohanga.
South Nyanza	Mr. Paul Mboya, B.E.M. Senior Chief Musa Nyandusi.	The Hon. B. A. Ohanga.
Kericho	Mr. W. K. Martin. Chief Cheborge arap Tengecha.	The Hon. B. A. Ohanga.
Nakuru	Dr. Habil Omondi. Mr. David Wanguhu.	The Hon. J. M. ole Tameno.
Kapsabet	Chief Elijah, M.B.E. Mr. John arap Chemallan.	The Hon. J. M. ole Tameno.
Eldoret	Councillor Japhet Ochillo. Chief Andrew Wambari.	The Hon. J. M. ole Tameno.
Kitale	Mr. Wilson Kipande. Mr. Robert Angira.	The Hon. J. M. ole Tameno.

M.L.C.

Kapenguria

Senior Chief Pkemei Lokit.
Mr. Samson Makumbi.

The Hon. J. M. ole Tameno.

Tambach

Chief Chemweno arap Chebor.

The Hon. J. M. ole Tameno.

Kabarnet

Chief Daudi Kibet.
Mr. Reuben Bomet.

The Hon. J. M. ole Tameno.

Thomson's Falls

Mr. Joseph Mwendwa.
Mr. Oluoch Okelo.

—

Maralal

Chief Lepuyapui.
Mr. Paulo Rurumban.

—

Naivasha

Mr. Reuben Karanja.
Mr. Jeremiah Ngary.

—

Central Province

Chief Ignatio Morai.
Mr. Wanyutu Waweru.

—

In addition to the above:

At *Embu* Chief Stephen.
At *Meru* Mr. Silas Mugambi.
At *Thika* Mr. Joseph Kamau.

The Hon. E. W. Mathu.
The Hon. E. W. Mathu.

APPENDIX III—MEMORANDA RECEIVED BY THE COUTTS COMMISSION

- The Abaluhya Association of Nairobi.
 W. E. Smith, Esq., Nairobi.
 The Electors' Union, Nairobi.
 Mr. J. A. Kirui, Kericho.
 Mr. Dawson Mwanyumba, Mombasa.
 Mr. Frederick Maseghe, Taveta.
 Mr. E. J. S. Kilelu, Wundanyi.
 Mr. R. S. Rajab, Mombasa.
 The Luo Union (Mombasa Branch), Mombasa.
 The Kangundo Locational Council, Kangundo.
 The Akamba Association, Machakos.
 T. J. O'Shea, Esq., Machakos.
 W. H. Taylor, Esq., Mombasa.
 Mr. Chanan Singh, on behalf of Asian Elected Members, Nairobi.
 The African Unofficial Members Organization, Nairobi.
 The Young Muslim Social Club, Nairobi.
 The Taita and Taveta Union, Nairobi.
 The Hon. General Secretary, Kenya Indian Congress, Nairobi.
 Mr. James J. W. Machio, Member of the Civil Service Commission,
 Nairobi.
 The President, The Railway African Union, Nairobi.
 The Akamba Association, Nairobi Branch, Nairobi.
 The Luo Union, Nairobi Branch, Nairobi.
 The African Civil Servants Association, Nairobi.
 Mr. J. Mwangi, Glasgow.
 The Nairobi African General Ward Council, Nairobi.
 The Nyanza Taxpayers Welfare Association, Kisumu.
 Mr. M. W. J. A. Kirui, Kericho.
 The Bunyore Locational Council.
 Mr. A. M. Aketch, on behalf of the South Nyanza Union, Nandi.
 The Bukhaya Locational Council, Nambale.
 The Wanga Joint Committee, Mumias.
 The Marach Locational Council, Butula Centre.
 The Kimilili Locational Council, Broderick Falls.
 The North Maragoli Locational Council.
 The African Anglican Church and C.M.S., Bunyore.
 The Kiboswa Locational Advisory Council.
 The African Brotherhood Church, Yala.
 The Tesio Locational Council, Mynga.
 The North Nyanza African District Council, Kakamega.
 The Kisa Locational Advisory Council.
 The Abaluhya Peoples Association, Kakamega.
 The North Maragoli Locational Advisory Council, Mbale.

**APPENDIX III—MEMORANDA RECEIVED BY THE COUTTS
COMMISSION—(Contd.)**

- The Marama Locational Advisory Council, Butere.
 The Sirisia, Malikisi Locational Advisory Council, Bungoma.
 The Tiriki Locational Council, Vihiga.
 Mr. E. O. Gumbe, Kisumu.
 The Kisumu African Advisory Council.
 Mr. J. R. Asembo, Kisumu.
 Messrs. C. H. Okwach and S. J. Rombo, Kisumu.
 Mr. S. G. Ayany, Maseno.
 The Maseno African Residents Union.
 The Central Nyanza Catholic Teachers' Union, Kisumu.
 The President, Ex-Servicemen Organization and British Legion, African
 Section, Kisumu.
 Mr. D. Agongo, Samia.
 The Luo Union, Kisumu.
 Senior Chief Musa Nyandusi, M.B.E., and Mr. Paul Mboya, B.E.M.,
 Kisii.
 The Luo Union, Kisii Branch, Kisii.
 Chief Ezra Odondi, East Nyokal Location, Sare.
 Karachuonyo and Kasipul Locational Councils.
 Kanyamkago Location.
 Messrs. N. A. Othieno, C. P. Ogari, J. E. Ger, A. T. Onundu and
 N. H. Omolo of Kisii.
 The Kisii Highland Division.
 The African District Council, Kisii.
 Chief Stephen arap Kitur, Sosiot.
 Councillor Kipkemoi arap Korir.
 Mr. Joel A. Runoh, Litein.
 Mr. J. Ujiji Ang'ada, Sare Kisii.
 The Nakuru Advisory Council, Nakuru.
 The Luo Union (Nakuru Branch), Nakuru.
 The Molo African Union, Molo.
 Mr. W. K. arap Chelulri, Kapsabet.
 The District Commissioner, Kapsabet.
 The Eldoret African Advisory Council.
 The Kalenjin Union, Eldoret.
 The Kikuyu Up-Country Association, Eldoret.
 The Luo Union, Eldoret Branch, Eldoret.
 The Abaluhya Association, Eldoret.
 The Maragoli Association, Kitale Branch, Kitale.
 Mr. Shadrack M. Mailu, Kitale.
 The Kitale African Advisory Council, Kitale.
 Capt. F. J. C. Hallahan, R.N., Kitale.
 The African Staff, Government African School, Kapenguria.

APPENDIX III—MEMORANDA RECEIVED BY THE COUTTS
COMMISSION—(Contd.)

The West Suk African District Council, Kapenguria.
 The District Commissioner, Tambach.
 Chief Kipto arap Chirchir and Mr. Chemweno arap Chebor, Tambach.
 Mr. Kibor Talai, Government African School, Tambach.
 Mr. F. K. Cherogony, Kabarnet.
 Mr. Chege Kibachia, Kabarnet.
 Mr. W. K. Bomet, Eldama Ravine.
 Mr. Daniel arap Moi, Kabarnet.
 Mr. John Mwaura, African Township Committee, Thomson's Falls.
 The Nakuru Advisory Council, Nakuru.
 The Luo Union, Nakuru Branch, Nakuru.
 The Naivasha Africans, Naivasha.
 Mr. W. G. Nicol, Kipkabus.
 The Makerere Students Union, Makerere.
 Chief Wilson N. Thuvu, Mutonguni.
 Chief Ngila, Changwithya Location, Kitui.
 Chief Mauta wa Ngile, Endau Location, Kitui.
 The Migurani Locational Council.
 Chief Mbiti Nzau, Mivukoni.
 Chief Munyu Muthusi, Mutito.
 Mr. B. K. Paul.
 Mr. J. K. Buku, Weithaga, Fort Hall.
 Leading Africans in Kiambaa and Ndumberi Locations.
 The Githunguri Divisional Council.
 Mr. Joel M. Kabeberi, Fort Hall.
 The Kangema and Kiharu Divisional Councils.
 Embu Division.
 Mr. E. G. Mithamo and others, Embu.
 Mr. J. K. Gatungo and others, Embu.
 The Embu African District Council.
 The Gichugu Divisional Council.
 The Embu Women.
 P. R. Spendlove, Esq., Ruiru.
 The Luo Union, Nyeri Branch, Nyeri.
 The Tana River African District Council.
 The District Commissioner, Tana River District.
 Mr. L. M. Farrar, Mombasa.

Persons who gave Oral Evidence

Date	Name	Place	On behalf of
1-3-55	The Hon. B. A. Ohanga .. Mr. R. D. F. Ryland Mr. F. A. Passels	Nairobi	
2-3-55	Sir F. Crawford	Nairobi	
3-3-55	Mr. A. Small, D.C. Nairobi ..	Nairobi	
4-3-55	Three African City Councillors: Mr. Kairu Ngure Mr. Musa Amalemba Mr. John Mackenzie Kazioka	Nairobi	
5-3-55	The Hon. A. B. Patel	Nairobi	
8-3-55	Mr. Kasso, A.D.O. Mr. Jimmy Mbatha Mr. Stephen Ndambuki Mr. Titus Mulandi Chief Julius	Nairobi	Akamba Association, Pumwani " " " "
9-3-55	The Hon. Michael Blundell ..	Nairobi	
10-3-55	The African Unofficial Members of Legislative Council	Nairobi	
11-3-55	Dr. L. S. B. Leakey The Hon. E. W. Mathu Mr. Otii, President Mr. Mboas Owori	Nairobi	The Luo Union "
12-3-55	The Rev. R. G. M. Calderwood	Nairobi	
14-3-55	Mr. Tom Mboya, General Secretary	Nairobi	The Kenya Federation of Trade Unions
	Mr. Musa Amalemba, President		The Abaluyha Association, Pumwani
15-3-55	Capt. C. H. Adams Mr. F. H. Sprott Mr. J. B. Place Mr. Kairu Ngure Mr. Zablon Otii	Nairobi	The Kenya Guild " " " "
	The African Advisory Council, Kaloleni.		
	Mr. Hilary Paul Odwol ..		The Railway Village Council, Muthurwa
16-3-55	Mr. Joseph Thuo	Nairobi	<i>Baraza and Tazama</i>

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
16-3-55	Mr. John Muchura, President..	Nairobi	African Civil Servants Association
17-3-55	Mr. M. W. Kaigua	Nairobi	African Advisory Council, Nairobi
	Mr. Hamisi Juma		"
	Miss Helen Chania		"
	Mr. Leban Akolo		"
	Mr. Bedan Githegi, B.E.M. ..		"
	His Worship the Mayor		
	The Municipal African Affairs Officer.		
	The Deputy Mayor		
21-3-55	The Chairman of the Municipal Board	Mombasa	
	Mr. Winsor, M.A.A.O.		
	Mr. O. E. B. Hughes, D.C., Mombasa		
	Mr. J. Ferunzi		
	Mr. Lance Jones		Coast African Association
	Mr. H. G. S. Harrison		"
	Mr. Jackton Obewa		The Jaluo Association and the Abaluhya Association
	Mr. Regao Othiambo		"
	Mr. Raphael Joseph		"
	Mr. Zechariah Oyunge		"
	Mr. S. Odero Ajulu		"
	Mr. Martin Oloo		"
22-3-55	Mbarak Ali bin Hinawy, Liwali for the Coast	Mombasa	
	Mr. Ahamed Ali		
	Mr. Mahomed Murchandy		
	Mr. Samuel Japhet		
	Councillor Lance Jones		African Advisory Council, Mombasa
	Councillor Mwangi		"
	Councillor Laban Shuma		"
	Mr. H. G. S. Harrison		"
	Mr. R. G. Ralph		"
	33 representatives		The Railway Village Council, Mombasa
23-3-55	Mr. Francis Khamisi	Mombasa	
	Sheikh Sheriff Abdulla		
	Mr. Athmani Mulendwe		
	Mr. H. B. Omar		The African Muslim Union
	Mr. William Malu		The Akamba Union

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
24-3-55	Mr. Samwell Mongolo .. Sheikh Mohamed Abdulla ..	Kwale	
	Mr. Abdulla Bin Ali		African Advisory Council, Kwale
	Mr. Rashid Mbwana		"
	Mr. Sungura Ngwai		"
	Mr. Johnston Mwero		"
25-3-55	Five Native Tribunal Elders and 25 others Hassan Mgalla Elijah Mutio	Kinango Kwale	
26-3-55	20 representatives	Msam- bweni	Digo Elders
28-3-55	Mr. Thomas Karume Mr. Philip Taura Mr. Daniel Johana Mr. Katana	Kilifi	African District Council, Kilifi
	Mr. Mohamed		"
29-3-55	Mr. Johnstone Muramba Mr. Shadrach Charo Mr. Lawrence Kasungu Mr. Timothy Nguma	Kilifi Malindi	
30-3-55	Rev. Wilson Kajoro Chief Paulo Munyange Mr. Toya Matela	Malindi	
31-3-55	Mr. Jackson Shako Mr. Richard Mwarema Five Elders of the Sagalla African Court	Voi	
1-4-55	E. J. S. Kilelu Chief Richard Mwangera Chief Solomon Mtigo Chief Ngwai Mbole Mr. Dawson Mwanyumba Mr. Richard Mwambanga Mr. Gideon Tole Mr. Frederick Maseghe	Wundanyi	Teita African District Council " " " " "
2-4-55	Mr. Philip Kilinda Mr. Matthew Mnene Mr. Jonathan Sauka Mr. David Kimaru Mr. Japhet Melinkindi	Taveta	

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
4-4-55	Chief Uku Mukima	Machakos	African District Council
	Mr. Francis Masabe		"
	Mr. Simeon Kioko		"
	Mr. Joseph Mutiso		"
	Mr. Samson Kalubu		"
	Mr. John Kisongoa		"
	Chief Patrisse Mulumba		"
	Mr. Edward Muthama		"
	Mr. Jonathan Nthekeha		"
	Mr. Onesimus Musyoki		"
	Mr. George Ndalana		"
	Mr. Moses Mbithi		"
	Mr. Kosmo Musau		"
	Mr. Paulo Mungaro		"
	Mr. Benjamin Wamulua		"
	Mr. Joseph Munyao		African Inland Mission
	Mr. Daniel Matheka		"
	Mr. Philip Kitony		"
	Mr. Paul Mulwa		"
	Ex-Chief Kalovoto		"
	Mr. Joshua Mathuva		"
	Mr. Martin Makilya		
	Chief Jonathan Nzioka		
	Mr. William Kimilu		
	Major F. de V. Joyce, C.B.E., M.C.		
	Mr. Jonathan Nyumo Paul		
	Mr. David Kyamba		
	T. J. O'Shea, Esq.		
	Mr. Kyale Mwendwa		
	Mr. James Nzau		
	Mr. David Ngati		
	Mr. Joseph Mutisya		Machakos Akamba Association
Chief Uku Mukima	"		
Hon. Chief Jonathan Nzioka, M.L.C.	"		
Mr. Martin Makilya	"		
Mr. Jonathan Kawa	"		
Mr. Anson Kioko	"		
Hon. Chief Jonathan Nzioka ..	Kangundo Locational Council		
Councillor Abednego Lai ..	"		
Councillor Gideon Maundu ..	"		
Mr. Joseph Mutiso	"		
Mr. Martin Makilya	"		
Mr. Andrew Kituna	"		
Mr. David Muasya	"		
9-4-55	Mr. Lyassoro Kacholo	Nairobi	The South Nyanza Union
	Mr. A. M. Aketch		"
	Mr. Zakariah Orwa		"

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
12-4-55	C. H. Williams, Esq., Provincial Commissioner, Nyanza	Kisumu	
13-4-55	21 representatives	Bungoma	South Bukusu Locational Council
	Mr. Nyakasio Nyangole		Kimilili Locational Council
	Mr. Jestemoa Webi		"
	Mr. Jotham Standa		"
	Mr. Benjamin Kaptain		"
	Mr. Festus Omoding'		Itesio Locational Council
	Mr. Joseph Papai		"
	Mr. Juliasi Olung'uru		"
	Mr. Kasimiri Ikaal		"
	Mr. Leo Omya		Bukhayo Locational Council
	Mr. Sireka Okwara		"
	Mr. Johanna Wafula		Malakisi Locational Council
	Mr. Nelson Masasabi		"
	Mr. Christopher Kisongochi		"
	Mr. Suleman Kapkota		"
	Mr. Makonjio Wetungu		"
14-4-55	Chief William Munube	Vihiga	South Maragoli Locational Council
	Mr. Jacob Omido		"
	Mr. Charles Ombeche		"
	Ologongo Omadebe		"
	Mr. Asuberi Mulusa		"
	Mr. Wilson Agubaso		"
	Mr. John Owuor		Bunyore Locational Council
	Mr. William Okwemba		"
	Mr. M. M. Mwenesi		North Maragoli Locational Council
	Mr. H. J. Lubanga		"
	Chief Hezron Mukenye and 11 Members		Tiriki Locational Council
	Mr. Stanley Godia		Nyangori Locational Council
	Mr. Alfred Mwanzu		"
	Mr. Wellington Sakwa		
15-4-55	Mr. Alex Yuaya	Kakamega	The Wanga Joint Committee
	Mr. Arnest Saka		"
	Mr. H. Mungoni		"
	Mr. Williams Okelo		"
	Mr. S. Musebe		"

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
15-4-55	Ologongo Samson	Kagamega	Isukha Locational Council
	Mr. Paulo Shiberenge
	Mr. Festo Ikhaya
	Mr. Charles Ngolio
	Mr. Jeremiah Mogofu
	Mr. Musa Musoka
	Mr. Musa Shitambasi		Idakho Locational Council
	Mr. Petro Wingira
	Mr. Patrick Likoberi
	Mr. John Khamati
	Mr. Benjamin Ngaira
	Mr. Francis Andabwa
	Mr. Thomas Shehemi
	Mr. Julius Isuchi		Kisa Locational Council
	Mr. Nathon Alala
	Chief James Shisia		Marama Locational Council
	Mr. Musa Musiga
	Chief J. W. Barasa		North Nyanza African
	Chief H. B. Mukenye		District Council
	Mr. Sebastian Musebe
	Mr. Matthew Mwenesi
	Mr. Jared Wanekaya
	Mr. Pascal Nabwana
	Rev. Canon Awori
	Mr. John Makatiani
	Mr. Isaac Oduori
	Mr. S. N. Adagala
	Mr. F. Ingutia
	Mr. J. D. Otiende
	Mr. E. A. Andere
	Mr. J. D. Otiende		The Abaluhya Peoples' Party
	Mr. Isaac Owour
17-4-55	Mr. J. R. Asembo	Kisumu	Asembo Locational Council
	Mr. A. P. Ogaye
18-4-55	Mr. Anindo Nyakachunga	Kisumu	Luo Union
	Mr. Adala Otuko
	Mr. Awino Olal
	Mr. Jolman Hokaka
19-4-55	Mr. Amram Oyugi James	Kisumu	Kisumu African Advisory
	Mr. James Opole		Council
	Mr. Dickson Oruko Makesembo

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
19-4-55	Rev. J. S. Nyende Mr. Habill Ndagalu Mr. Jacobo O. Owuor Mr. Z. Issackar Nyandojee	Kisumu	Nyanza Taxpayers Welfare Association " " " "
	Mr. E. O. Gumbe Mr. S. J. Rombo Mr. C. H. Okwach Mr. S. G. Ayany		
	Mr. G. K. Omolo		Maseno African Residents Union
	Mr. J. M. Ojal		"
	Mr. Bernard Akungu		Central Nyanza Catholic Teacher's Union
	Mr. Paul Opondo Mr. Romanus Oyuga Mr. Leonard Okango Mr. Cyril Ojow Mr. Austin Ogaye Mr. Anton Obongo		
	R.S.M. J. S. P. Ogara		Ex-Servicemen
	Mr. D. Agonga		
	Representatives		The Catholic Action of Kisumu Diocese
21-4-55	Mr. Gordon Orinda Okun (President) Mr. Shem Ouko Mr. N. R. Arina Mr. Japhet Agutu Mr. John Oyoko Mr. Elijah Oigo Pastor Joel Omor Mr. Noah Omole	Kisii	South Nyanza Branch of the Luo Union " " " " " " " " " " " "
22-4-55	Chief Ezra Ndoni Mr. Isaya Awala Mr. Paulo Owuor Mr. William Kawaka Mr. Memia Mbani Mr. Patroba Mala Mr. Zablon Othiambo Mr. Benandus Were	Kisii	East Nyokal Locational Council " " " " " " " " " " Gem Locational Council

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
22-4-55	Senior Chief Gideon Magak	Kisii	Kasipul Locational Council
	Mr. Elijah Ongoo		"
	Mr. Lukenya Mbok		"
	Mr. Zablon Oguong		"
	Mr. James Mbaka		"
	Mr. Alfred Oguago		Karachuonyo Location Council
	Mr. Nathan Odongo		"
	Mr. Nason Rege		"
	Mr. Fadayo Opole		"
	Mr. Isaka Omondi		Kanyamkago Locational Council
	Mr. Geshom Musera		"
	Mr. Lawrence Oguda		"
	Mr. Benjamin Owino		
23-4-55	Mr. Othiendo	Kisii	Civil Servants Association (Kisii Branch)
	Dr. Mbutia		"
	Mr. J. E. Ger		"
	Mr. S. Onyango		"
	Chief Samuel Odoyo		Kanyada Locational Council
	Mr. Elias Kongere		"
	Mr. Paul Odera		"
	Mr. Hannington Odhacha		"
	Mr. Jairo Achola		"
	Mr. Zedekiah Ambogo		"
	Mr. Wilbrode Oduongo		"
	Mr. Meshak Anede		"
	Chief Zachariah Angwenyi		Kitutu Location
	Senior Chief Musa Nyandusi		Nyaribari Location
	Mr. Samson Ongaki		"
	Mr. Ishmael Sure		"
	Mr. Steven Onserio		"
	Mr. James Nyamweya		"
	Mr. Momanyi Gitenga		"
	Chief Mathayo Ratemo		Bassi Location
Mr. David Ogega	"		
Chief Assa Onyiego	Majoge Location		
Mr. Absalom Ondara	"		
Mr. Jeremiah Ombongi	"		
Mr. Israel Nyamara	"		
Chief Laban Motaroki	N. Mugirango Location		
Mr. Oboso Mokua	"		
Mr. Gideon Nyabunga	"		

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
23-4-55	Chief Wilson Mauti	Kisii	S. Mugirango Location
	Mr. Thomas Ombat		"
	Chief Andrea Mokaya ..		Wanjare Location
	Mr. Stephen Wamndhina Mr. Paul Inda Mr. Jeremiah Ujiji		
25-4-55	Chief Cheborge arap Tengunda and 13 others	Kericho	Buret Locational Council
	Chief Stephen arap Kitur and 14 others		Belgut Location
	Mr. J. C. Obel		
26-4-55	Chief Daudi arap Kirui and 50 elders	Kericho	Silibwet Location 5
	Chief Simeon arap Baliech and 70 elders		Longisa Location 4
27-4-55	Mr. Hezekiah Matira Mr. Zakarieh arap Chemotie Mr. Kiptalan arap Sang Mr. J. K. Runoh Mr. Joshua Mbarak Oluoch	Kericho	
28-4-55	Mr. Musa Okal	Kericho	Workers on the Kenya Tea Co. Estates
	Mr. Charles Olubwori		"
	Mr. George Ochieng		"
	Mr. Joseph Nyagori		"
	Mr. Joseph Ochieng		"
	Mr. Elisha Raguka		"
	Mr. Dishon Ajuang		Workers on the African Highlands Tea Co. Estates
	Mr. Kimotiu Arabwang		"
	Mr. John Ayeko		"
	Mr. Alexis Aracho		"
	Mr. Petro Mumanyi		"
	Mr. Benjamin Siningi		"
	7-5-55		Mr. Shadrack L. Ojuka ..
Mr. Henry Dixon Odaba ..		"	
Mr. David A. Mucai		"	
Mr. I. O. Ochoro		Luo Union	
Mr. I. F. C. Owala-Owino ..		"	
Mr. L. Ochido		"	
Mr. M. A. Ochanda-Owuor ..		"	

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
7-5-55	Mr. Obadiah Mwaniki	Nakuru	Elders of the African Court
	Mr. Ephraim Meso		"
9-5-55	Mr. William arap Chelulei	Kapsabet	"
	Mr. Paul Kipkori arap Boit		"
	Mr. Elisha arap Rono		Nandi Tribe
	Mr. Jona arap Sambo		"
	Mr. Ezekiel arap Sang and 30 others		"
	Mr. Charles Murgor		"
	Mr. David arap Rogut. . . .		Kapsabet Native Tribunal
	Mr. Ludovico arap Chebiego		
	Mr. Kiptor arap Mosbe		
	Mr. Kiptum arap Saina		
Mr. Marakwen arap Chemlit			
Chief Elijah, M.B.E.			
Mr. John arap Chemallan			
10-5-55	Mr. J. W. Ochillo	Eldoret	African Advisory Council
	Mr. F. H. Mulindi		
	Mr. S. Akotse		
	Mr. J. Mbogo		
	Mr. G. H. A. Katam		Kelenjin Union
	Mr. Samson Macaria		Kikuyu Upcountry Association
	Mr. Apollo Kabare		"
	Mr. Justus Ndiritu		
	Mr. Osira Angina		Luo Union
	Mr. Alphonse Alusa		Abaluhya People's Association
Mr. F. H. Mulindi			
Mr. S. Akotse			
11-5-55	Mr. J. Nallo	Kitale	African Advisory Council
	Mr. L. A. Som		"
	Mr. J. Simiyu		"
	Mr. J. A. Konya		"
	Mr. Shadrach M. Mailu		
	Mr. Livingstone Kinsey		The Maragoli Association
	Mr. Musa Kibisu		"
	Mr. Richard Kigame		"
Capt. F. J. C. Hallahan, R.N. (Retd.).			

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
13-5-55	Chief Lotako Loriwo	Kapenguria	The African District Council
	Chief Porit		"
	Mr. Jeremiah Piwot		"
	Mr. J. Powon Korellach		"
	Mr. Okui Makek		"
	Mr. Tameno Cheptulet		"
	Mr. James N. Luvai		"
	Mr. Daniel M. Tumkoe		"
	Mr. Jonathan Gakuo		"
	Mr. Johanna Kairo		"
14-5-55	Kite arap Teren	Tambach	The African District Council
Mr. Paulo Koisir	"		
Chief Salim Chepkoitang	"		
Mr. Willie Kiptoo	"		
Mr. John Kotut	"		
Chief Chemweno Chebor	"		
Mr. William arap Murgor	"		
Mr. Kibor arap Talai	"		
16-5-55	Chief Joel Chemimir	Kabarnet	African District Council
	Mr. Joseph Chelalgo		"
	Mr. Joel Kibuetat		"
	Chief Noroge		"
	Chief Cheption		"
	Mr. James Kandangor		"
	Mr. Francis Cheragon		"
	Chief Lokoddo		The Suk
	Chief Chesang		The Tugen
	17-5-55		Mr. Daniel arap Moi
Mr. Kiprotech arap Ngulat			
Mr. Benjamin arap Smukwa			
Mr. James Cheluiro			
Mr. William Kiptui			
Mr. Ngomen Daudi			
Mr. W. K. Bomet			
Mr. E. K. Bomet			
19-5-55	Chief Julius Mwema Mwai	Thomson's Falls	Township Advisory Council
	Mr. Clement Kiarie		"
	Mr. Daniel Kimani		"
	Mr. Stephen Macaria		"
	Mr. John Oluoch		"
	Mr. Joel Olaka		"
	Mr. Arun Masenda		"
	Mr. Richard Odongo		"
	Mr. Samwel Githome		"
	Mr. Stephen Nganga		"

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
19-5-55	Mr. Sospeter Karitu	Thomson's Falls	Township Committee and African Court
	Mr. Crispo Lunyi		"
	Mr. Mannasseh Makubu		"
	Mr. Elijah Gathonwa		"
	Mr. Joseph Karuri		"
	Mr. Jason Kimati		"
	Mr. Athwani Ketu		"
	Mr. Ezekiah Mola		"
	Mr. Mamba Thiku		"
	Mr. Wanderi Kahiga		"
	Mr. James Pwreithi		"
	Mr. Reggie Kimemia		"
	Mr. Waweru Kanyuku		"
	Mrs. C. F. Christopher		The Electors Union, Aberdare Branch
20-5-55	Chief Francesco Gicohi Ruingi	Thomson's Falls	
	Mr. Alphonse Ndege		
	Mr. Othiambo Ochondo		
	Mr. H. B. Sharpe, Esq., C.B.E.		
21-5-55	Chief Lepuyapui	Maralal	
	Headman Leakono		
	Mr. Paulo Rurumban		
23-5-55	Mr. Shadrack Ojura	Nakuru	Nakuru African Advisory Council Luo Union
	Mr. I. O. Ochoro		
23-5-55	Mr. Robert S. Matano	Naivasha	
	Chief Parmenas Keritu, B.E.M.		
	Mr. Justus Kandet ole Tipis		
	Mr. John Awuor		
	Mr. Jackson Oyugi		
	Mr. Patrick Zakaria		
	Mr. J. L. Okoth		
	Mr. Robert Kakau		
	Mr. Paul Muhindi		
27-5-55	Dr. Yusuf A. Eraj, M.B., B.S. . .	Nairobi	Kenya Muslim League
28-5-55	Mr. J. M. S. Mshila	Nairobi	Nairobi Taita and Taveta Union
	Mr. David Kituri		"
	Rev. Allen Mwakughu		"
30-5-55	Chief Ole Chapara	Ngong	Masai Council
	Chief Nditoyen		"
	Headman Ole Seno		"
	Chief Delamea		"
	Chief Mutongei		"

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
30-5-55	Headman Ole Njuko	Ngong	Masai Council
	Chief Ole Sendeyo		"
	Headman Simeon Ole Pasha ..		"
	Mr. James Ngatia		"
	Mr. Philip Eleven		
	Mr. Gideon Saina ole Mboke		
	Mr. John N. Olimhuri		
	Rev. David Mikinyo ole Loripisia		
	Mr. Joseph ole Kango		
	Mr. James ole Kashorda		
	Mr. Geoffrey ole Tante		
	Mr. Godfrey ole Semori		
	Mr. Benson ole Kamukuru		
	Mr. Eliud ole Tongoi		
Mr. Merton ole Shani			
Mr. Idi ole Hassan			
2-6-55	Mr. B. K. Paul	Kitui	Kitui Locational Council
	Mr. Eliud Nsala		"
	Mr. Jones Nsamba and 18 representative elders		"
3-6-55	Mr. Titus Kitili Mbathi	Kitui	
	Mr. Ngala Mwendwa		
	Mr. James Mbotela		
	Mr. Frederick Mbiti		
7-6-55	Chief Josiah Njonjo	Kikuyu	Kikuyu Divisional Council
	Mr. Muthama Kinanjui		"
	Mr. Thotho Thongo		"
	Mr. Nyoro Gichini and 12 other elders		"
	Chief Makimei Kuria	Kikuyu	Limuru Divisional Council
	Mr. Kibunyi Murugami		"
	Mr. Mbira Githehu		"
	Mr. Ephraim Gichiriri		"
	Mr. Hinga Waiganjo and 7 other elders		"
8-6-55	Chief Kibathi	Gatundu	Gatundu Divisional and Locational Councils
	Mr. Sospeter Waweru		"
	Mr. Wainaina Mbanya		"
	Mr. Nehemia Gitonga		"
	Mr. Duncan Kiwara		"
	and 40 other elders		"

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
8-6-55	Chief Magugu Waweru	Githan- guri	Githunguri Divisional Council
	Rev. Wanyoike		"
	Chief Joseph Matthew		"
	Rev. Peter Kinanjui		"
	Mr. Kibia Munga		"
	Mr. Samwel Wainaima		"
9-6-55	Chief Charles Koinange	Kiambu	Kiambaa and Ndumberi Locational Councils
	Chief Wallace Ndumberi		"
	The Rt. Rev. Bishop O. Kariuki		"
	Rev. Canon Samuel Nguru		"
	Mr. Erastus Ragaca		"
	Mr. Peter Muhuhu		"
	Mr. Sila Gathunguri		"
	Mr. Nicolas Muthu		"
	Mr. Ben Kamunya Kamuiru		"
	Mr. Dedan Kamau		"
10-6-55	Mr. P. R. Spendlove	Thika	The Akamba Association
	Mr. Gideon Kasioka		"
	Mr. Nason Muinde Mureithi		"
	Mr. G. K. Kimani		Thika Kikuyu
	Mr. Peter Mbuswa and 110 others		"
	Mr. Nathan Ochome		Representatives of Nyanza Province
	Mr. Erasto Rakwara		"
	Mr. Crispin Athondo		"
	Mr. Juvenalls Raswe		"
	and 6 others		"
11-6-55	F. W. J. Brown, Esq.	Thika	Thika District Association
	S. N. Timmis, Esq.		"
13-6-55	Chief Joel Michuki	Fort Hall	Kangema Divisional Council
	Chief Jorina Kogi		"
	and 18 other elders		"
	Chief Evan Thiongo		Kiharu Divisional Council
14-6-55	Chief Simon Waweru	Kigumo	Kigumo Divisional Council
	Chief Habel Githaiga		
	and 21 other elders		
14-6-55	Mr. J. K. Buku	Kigumo	Kigumo Divisional Council
	Chief Njiri Karanja		
14-6-55	Chief Erastus Kigera	Kigumo	Kigumo Divisional Council
	and 36 other elders		

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
15-6-55	Chief Ndungu Kagori	Kandara	Kandara Divisional Council
	Chief Gibson Mwaura		"
	Chief Paulo Mungai		"
	and 39 other elders		"
16-6-55	Mr. Richard Githae	Embu	Embu African District Council
	Mr. Elias Wamae		"
	Mr. Isaiah Mbogo		"
	Chief Marcus Mbebo		"
	Mr. Bernard Makanga		"
	Mr. Mwandiko Ngira		"
	Mr. J. P. Nyaga		"
	Mr. J. G. Ndegwa		"
	Mr. C. G. Mahoya		"
Mr. G. K. Kareithi	"		
19-6-55	Chief Bernard Makonga	Embu	Gichugu Divisional Council
	Chief Marcus Bebo		"
	Father Caesar Gatimu		"
	Mr. Jotham Nguri		"
	Mr. Marclus Njiru		"
	Mr. Eliezer Kaboro		"
	Mr. Hezron Njoka		"
	Mr. Heshibon Mubari		"
	Mr. Hoseah Guara		"
	Mr. Solomon Mureu		"
	Mr. Jeremiah Kabui		"
	Mrs. Margaret M. Isaiah		Embu Women
	Mrs. Mary W. Kareithi		"
	Mrs. Abishag W. Nyaga		"
	Mrs. Agnes W. Kanai		"
	Mrs. Leah N. Joel		"
	Mr. E. Kairukinya		Embu Divisional Council
	Mr. Njagi Kabungura		"
	Mr. B. Mbogo		"
	Mr. E. Ngondi		"
	Mr. P. Njue		"
	Rev. J. Muturi		"
	Mr. J. Kagondur		"
Mr. I. M. Muturi	"		
Chief Ephantus	Ndia Divisional Council		
Chief Johanna Rukungu	"		
Mr. Francis Gakuru	"		
Mr. James Mbogo	"		
Mr. Joel Gatimu	"		
Mr. Meshak Gangi	"		
Father Benedict Kigotho	"		
Mr. Johanna Njumbe	"		
Mr. Stephen Ndiga	"		

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
20-6-55	Chief Robinson Mumenya ..	Nyeri	Othaya Divisional Council
	Chief Paulo Murothi ..		"
	Mr. Haman Wamatha ..		"
	Mr. John Thiuri ..		"
	Mr. Hezekiah Mimukira ..		"
	Mr. Samuel Thirai ..		"
	Mr. Henry Ithaiba ..		"
	Rev. Johanna Mibogori ..		"
	Rev. Cornelio Mimukira ..		"
	Mr. Arthur Meru ..		"
			Consolata Catholic Mission
	Mr. Benjamin Mbugwa ..		"
	Mr. Nderiko Mimwithimbo ..		"
	Mr. Domenic M'imunya ..		"
	Mr. Felix Kaumbuthu ..		"
	Mr. Bartolomeo Igweta ..		"
	Mr. Ernest Kirigwa ..		"
	Mr. Angelo Mimueiru ..		"
	Mr. Cosmo Muthuri ..		"
	Father Silesio Kiriambia ..		"
	Mr. Joseph Kingori ..		"
	Mr. James M'ringera ..		"
			Church of Scotland Mission
	Mr. Junius Mumyua ..		"
	Mr. Naaman Kaajogi ..		"
	Mr. Erasto Mwirechia ..		"
	Rev. Jediel Michen ..		"
	Mr. Jackson Njabari ..		"
	Mr. Ishmael Karangu ..		"
	Mr. Eustacie Mutegi ..		"
	Mr. Ephantus Mpungo ..		"
	Mr. Eliphaz Mburia ..		"
		Meru	Representative of the Meru tribe
	Chief Naaman Mimwirichia ..		"
	Chief M'Ikugo Mimuthuri ..		"
	Chief Isaya Munewe ..		"
	Chief M'Twaruchio Kaigwara ..		"
	Chief M'Mugambi Kimba ..		"
	Chief M'Imathio ..		"
	Chief Mugambi Mikenia ..		"
	Chief Heman M'Imbui ..		"
	Chief Wallace Mboga ..		"
	Chief Jason M'Itewa ..		"
	Chief Ndumbwika M'Njara .. and 27 other elders		"
	Chief Stanley Mucai ..		Mirigamieru Locational Council
	Mr. M'Mugaine Kiunyi .. and 34 other elders		"

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
1-7-55	Mr. David Cege Mr. Wellington Mucege Mr. Matthew Njeru Mr. P. F. Kiharu Mr. Samuel Maina Mr. Douglas Njiru Mr. Jonathan Njenga Mr. Gitau Macaria	Shauri Moyo	Nairobi Kikuyu " " " " " " " " " " " "
20-7-55	Mr. Kasimir Ngago Mr. J. M. Letepan Mr. Philip Lemei Mr. William Ntimama	Narok	
21-7-55	Mr. Marseli Tiarlan Mr. Cornel Kaikas Mr. Livingstone Takona	Narok	
23-7-55	Mr. Moses Lemei Mr. William Koikai Mr. Oltehai Lengas Mr. Samson Kapeen Mr. Benedito Kamoye Mr. James Sembele Mr. Pias Otiendo Mr. Isaak N. Koringo Mr. Edward Barnodi Mr. William Koris	Nairobi	Civil Servants Association " " " " " "
25-7-55	Mr. Simeon Abalola Kugwe Mr. Menesi Abdulla Mr. Haji Bin Ali Mr. Ali Bole	Lamu	
27-7-55	Mr. Ezekiel Jara Mr. Shongolo Wakole Mr. Hiam Katende Mr. Johanna Sogomoa Mr. Abdulla Masudi Mr. Gorjobi Henock Mr. Maikiso Chathoro Mr. Sekeya Martin Mr. Halifa Henry Mr. Ernesti Zephaniah Mr. Masinzi Mbakia Mr. Heinrich Elia	Kipini	Tana River African District Council "

PERSONS WHO GAVE ORAL EVIDENCE—(Contd.)

Date	Name	Place	On behalf of
27-7-55	Mr. Benaya Amos Mr. Jira Ayubi Mr. Enoch Simon Mr. Petro Matine Mr. Matata Julius Mr. Azaria Meshael Mr. George Nyanje William Mr. Paul Kenga Mr. Azaria Ngulo Nicodemo Mr. Said Johanna Mr. Reuben Mwadime Mr. Zephan Timothy Mr. Kombo Isaya	Kipini	

APPENDIX IV—ANALYSIS OF VIEWS

The following units gave evidence for the systems mentioned below:—

(1) Universal adult franchise	42
(2) Males and females voting but with a strict limitation of candidates	56
(3) Males and some females voting and a strict limitation of candidates	17
(4) Some males and some females and a strict limitation of candidates	26
(5) Males and literate females	7
(6) Males only	30
(7) Literates only	3
(8) Indirect elections	17

APPENDIX V—LIST OF QUALIFICATIONS

Notes on Appendix V

Points	Over 21	
(a)	1	For purposes of identification of age a male should produce evidence of having paid at least three Poll Taxes. In the case of a female the onus of giving satisfactory proof of age will be on the applicant.
(b)	1	Having completed Intermediate School, i.e. Form II of the Secondary Course or an equivalent.
(c)	1	Makerere or an overseas university degree.
(d)	1	Five years' service in the Armed Forces, Police, or Tribal Police.
(e)	1	Proved income of £120 per annum from trade, profession, farming, etc., or property worth £500.
(f)	1	Having reached the grade of Elder in his tribe or the equivalent women's rank or aged 45.
(g)	1	A civil or military decoration including badge of honour or Chief's Medal.
(h)	1	Five years' service on an African District Council or Local Council or an African Advisory Council in Townships or an African Court.
(i)	1	Ten years' service in a position of responsibility on a farm, in commerce, Government or Local Government, in private service or having a medal or certificate for more than 20 years' faithful and continuous service.
(j)	1	A membership badge in a women's club.

- (a) For purposes of identification of age a male should produce evidence of having paid at least three Poll Taxes. In the case of a female the onus of giving satisfactory proof of age will be on the applicant.
- (b) The production of a K.A.P.E. certificate or its previous counterpart, the Primary Standard VI certificate, is necessary.
- (c) For Makerere there must be a professional diploma produced. Evidence of having taken a course is not enough.
- (d) The certificate either of discharge or service must have a character grading of "good" or above. "Fair" will not do.
- (e) I would have preferred that a point in an African graduated Poll Tax Scale, the bottom of the income tax scale or a point in a stock tax scale amongst pastoral nomadic tribes be inserted here as an alternative to the property qualification which is difficult of proof. The production of a receipt would make the claim to the point factual. The introduction of such taxes for the African is a matter of policy to be decided by the Government.
- (f) District Commissioners should be asked to state the age-grade which will qualify for his particular district or the applicant can produce a birth certificate stating that he is over 45 years of age.
- (g) The medal, citation or certificate must be produced. Ordinary war service medals do *not* count.
- (h) The service should be five continuous years and should be supported by a certificate from the District Commissioner of the District within which he has served.
- (i) It may be necessary ultimately to establish a tribunal for adjudicating on particular cases. For ten years a position of responsibility is essential and registration officers will have to use their common sense. For 20 years the service must be faithful and continuous.
- (j) It is necessary that a badge in the club should have been issued as they are not gained without individual effort. Mere membership is not sufficient.

APPENDIX VI—FORM OF APPLICATION BY ELECTOR

Legislative Council Ordinance

To the Registering Officer of the Electoral Area of

I claim to have my name inserted in the Register of Voters for the election of an African Member to represent the Area/Ethnic Group.

1. Name
2. Address
3. No. and date of Passport, Identity Card, Tax No. or Birth Certificate
4. Age
5. Educational Qualification: K.A.P.E. and date
6. University Degree and date
7. Income Tax Ref. No. or L.O. No. of property or income of over £120 per annum or property of value of £500 or over
8. Of Elder's Grade or over 45
9. Military, Police or Tribal Police service and dates
10. Local Government, Locational or Divisional Council or African Court service and dates
11. Civil or Military Decoration
12. Professional qualification, service in position of responsibility, number of years' faithful and continuous service
13. Membership of women's club
14. Occupation
15. Place of business or employment

I claim under section of the Ordinance to be entitled to one vote because of the three qualifications specified in paragraphs 4 and and above and to further votes in respect of the qualifications set out in paragraphs Documents in support of this claim are attached to this application form.

I hereby certify that I am qualified to have my name inserted in the Register of Voters for the above area and that I do not suffer from any of the disqualifications set out in section of the Legislative Council Ordinance of which I have free knowledge, the same having been read by/explained to me as reproduced on the reverse of this form.

Date

.....
Signature or Thumb-print.

[Reverse]

Note.—No person shall be entitled to have his/her name on the roll of voters if such person—

- (a) is not a British subject of African origin or descent who has been resident for at least six months in or who has paid the A.D.C. rate for the area in which he wishes to be registered;
- (b) has not attained the age of 21 years;
- (c) is in the opinion of a competent court of unsound mind;
- (d) has been sentenced to death or has been imprisoned for a term of twelve months or more and has not received a pardon:

Provided that such disqualification shall cease two years after the date of his release from prison save in the case of persons convicted of offences connected with the Emergency or with sections 70 and 71 of the Penal Code where disqualification shall be for such period as shall be decided by the Governor.

APPENDIX VII—OATH OF ALLEGIANCE

I, the undersigned—

do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law.

SO HELP ME GOD.

.....
Signature or Thumb-print.

Certificate

I, the undersigned—

do hereby certify that on the day of, 19...., the elector above named made and subscribed before me the above set forth oath.

.....
Registration Officer

APPENDIX VIII—NOMINATION FORM FOR CANDIDATES

We, the undersigned electors for the electoral district of
....., do hereby nominate the following person as a proper
person to serve as Member of Legislative Council for the said electoral district
of, and we certify that to the best
of our belief he is qualified for election as a Member of the Legislative
Council under the conditions prescribed by clause of the Legis-
lative Council Order in Council dated

<i>Surname</i>	<i>Occupation</i>	<i>Address</i>	<i>Other Names</i>
----------------	-------------------	----------------	--------------------

Signature

.....

I,, nominated in the foregoing
nomination paper, hereby consent to such nomination as candidate for elec-
tion as a Member of the Legislative Council for the electoral district of
..... and name as my address for
serving of process and papers under the Legislative Council (Elections)
Ordinance—

Address

Witness my hand this day of, 19...

Signed by the said nominee in the presence of

.....
Signature of Witness

.....
Signature of Candidate

**APPENDIX IX—STATUTORY DECLARATION OF A PERSON
NOMINATED AS A CANDIDATE FOR ELECTION AS A
MEMBER OF THE LEGISLATIVE COUNCIL**

Qualification of of
..... in the of
nominated as a candidate for election as a Member of the Legislative Council
for the electoral district of

I, of
in the of, do solemnly and
sincerely declare as follows:—

- (1) I am a British subject of African descent and origin of the age of twenty-one years or upwards.
- (2) Being a candidate for election as an African Elected Member I have resided in the electoral district of for not less than three months during the last four years and have a village or property or my father owns a village or property in the said electoral district.
- (3) Being a candidate for election as an African Elected Member, I am able to speak and read the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the Council and *(in witness whereof I attach the certificate of the examining committee) have been exempted from appearing before the examining committee.
- (4) Being a candidate for election as an African Elected Member, I am in possession of *a yearly income of £240 or more; property, movable or immovable, to the total of £700.
- (5) I am not—
 - (a) by virtue of my own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state;
 - (b) an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's Dominions;
 - (c) a party to, or a partner in a firm, or a director or manager of a company which is party to any contract with the Government of Kenya for or on account of the public service;
 - (d) a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Kenya;
 - (e) disqualified for membership of the Council by any law for the time being in force in Kenya relating to offences connected with elections;

* Delete the part inapplicable.

APPENDIX IX—STATUTORY DECLARATION OF A PERSON
NOMINATED AS A CANDIDATE FOR ELECTION AS A
MEMEBER OF THE LEGISLATIVE COUNCIL—(Contd.)

(f) disqualified for election by any law for the time being in force in Kenya by reason of my holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connexion with, the conduct of any election; or

(ii) any responsibility for the compilation or revision of any electoral register.

(6) I have not been sentenced by a court in any part of Her Majesty's Dominions to death or to any imprisonment (by whatever name called) for any term whatsoever.

I make this declaration conscientiously, believing the same to be true, and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true I am liable to fine and imprisonment.

Signed

Declared before me this day of, 19...

Signed

Returning Officer.

APPENDIX IX - STATUTORY DECLARATION OF A PERSON
NOMINATED AS A CANDIDATE FOR ELECTION AS A
MEMBER OF THE LEGISLATIVE BODY - 1971

I, _____, do hereby certify that I am a qualified elector of the State of California and am eligible for election as a member of the Legislative Body of the State of California.

I am not a member of any party or organization, and I am not a member of any political committee or caucus. I am not a member of any political organization which is prohibited by the Constitution of the State of California.

I am not a member of any political organization which is prohibited by the Constitution of the State of California.

I am not a member of any political organization which is prohibited by the Constitution of the State of California.

I am not a member of any political organization which is prohibited by the Constitution of the State of California.

I am not a member of any political organization which is prohibited by the Constitution of the State of California.

Dated at _____ California, this _____ day of _____ 1971.



