



COLONY AND PROTECTORATE
OF
KENYA

REPORT
OF THE
LOCAL GOVERNMENT COMMISSION
1927.

VOL. I.
NAIROBI AND ITS ENVIRONS.
MBASA AND ITS ENVIRONS.

PUBLISHED FOR THE GOVERNMENT OF KENYA COLONY
BY THE CROWN AGENTS FOR THE COLONIES,
4, MILLBANK, LONDON, S.W. 1.

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INDEX.

AND

TABLE OF CONTENTS.



INDEX

AND

TABLE OF CONTENTS.

	PAGE
SUMMARY OF RECOMMENDATIONS	xvii
THE COMMISSION OF APPOINTMENT	1
APPOINTMENT OF ADDITIONAL MEMBERS FOR "MOMBASA AND ITS ENVIRONS"	2
APPOINTMENT OF ADDITIONAL MEMBERS FOR "NAIROBI AND ITS ENVIRONS"	3
REPORT ON "NAIROBI AND ITS ENVIRONS"	—
SUBMISSION	4
CHAPTER I.—INTRODUCTORY.	PARA. 5-27
<i>Re</i> SITTINGS AND WITNESSES	1 5
PART I.—NAIROBI MUNICIPALITY.	
Municipal Committee from 1900—1919	2 5
Nairobi declared a Municipality July 15th, 1919	2 6
Number of Councillors from 1920—1924	3 6
1924 Commission on Racial Representation... ..	3 6
Area of Municipality	4 7
Population of Municipality	5 7
Land Values of Municipality	6 7
Early Land Policy	7 8
Town Planning... ..	8 6
Sanitation	9 10-12
Water Supply	10 12
Roads	11 13
Finance	12 14
Native Affairs	13 14-15
Other Services	14 16
Summary of Past History and Present Conditions	15 16
PART II.—THE ENVIRONS OF NAIROBI.	
Description of Environs	1 16
Environs grouped in Groups A—F	2 17
Area, Population and Development	3 18
Detailed Description of Group A	4 18
Detailed Description of Group B	5 20
Detailed Description of Group C	6 22
Detailed Description of Group D	7 24
Detailed Description of Group E	8 25
Detailed Description of Group F	9 26
Summary	10 26-27

	PARA.	PAGE
CHAPTER II.—THE QUESTION OF AREA—SEPARATE SUBURBAN AUTHORITIES OR UNIFICATION?	—	28-46
Summary of General Features of the Problem	1	28
Problem Not Peculiar to Nairobi	2	29
Special Features in Case of Nairobi... ..	3	29
Essential requirements best met by creation of one authority for whole area	4	29
Defects in Multiplication of Authorities	5	30
Example in Cape Peninsula of Ill-Effect of such Multiplication ...	6	31
All Witnesses recognized need of entire area for Municipal Government and Community of Interests between present Municipality and Suburban Areas	7	32
Illustrations of Community of Interests—Public Health, Water Supply, Roads, Native Housing, Markets, Parks, Fire Brigade, etc.	7	33
Special Illustration from Eastleigh	8	34
Strong <i>prima facie</i> case for Unification	9	35
Review of other suggestions made in evidence	10	35-37
Reasons for such suggestions—Racial, Financial, Administrative. Reasons examined	11	37
Racial—Segregation, interpretation of term "Township," existence of Restrictive Covenants in Titles, representation ...	—	37-40
Financial—(a) Impossibility; (b) Unfairness. Reference to London Equalisation of Rates Fund and to Transvaal Municipal Commission, 1907	—	40-45
Administrative—Municipal type too elaborate for Suburbs. Bye-laws would involve cumbersome and unnecessary restrictions in Suburbs	—	45
Arguments for Separate Authorities rejected	12	46
Actual Area proposed as future Nairobi Municipality	13	46
CHAPTER III.—CONSTITUTION OF MUNICIPAL COUNCIL FOR ENLARGED AREA	—	47-66
COMPOSITION OF COUNCIL—		
Present composition of Nairobi Municipal Council	1	47
Suburban Areas must be represented	2	48
Table I—Population	—	49
Proposals—	3	50
Present Municipal Area—Representation unchanged.		
Environs—3 Europeans, 1 Indian.		
Council will consist of 9 Elected Europeans, 5 Elected Indians, 1 Nominated Goan, 1 Government Official, 1 Railway Representative, 1 District Council Representative.	4	51
Proposals considered with special reference to their effect on position regarding Racial Representation	5-6	51-53
Formal elections and Ward System in present Municipal Area recommended	7	53
Objections to Ward System discussed	8-9	54-55
Methods of Representation hitherto adopted	10	56
For Europeans	11	56-58
For Indians	12	58
For Goans	13	59
For Muthaiga Township Committee... ..	14	60
Candidates' Qualifications	15	60
Term of Office	16	61

CHAPTER III—continued.	PARA.	PAGE.
Proposals—		
European Voters' Qualifications	17	62
European Candidates' Qualifications	18	63
N.B.—Aliens to be admitted as Voters but not as Candidates.		
Indian Voters' and Candidates' Qualifications	19	63
Term of Office	20	63
Goan Representation	21	63
Suggested Wards	22	64
For present Municipal Area—3 Wards for Europeans each with 2 members—Hill, Parklands and Town	23	64-65
For Suburban Areas—3 Wards for Europeans	24	65
For present Municipal Area—2 Wards for Indians	25	66
For Suburban Area of Groups A and F—One Ward for Indians	26	66
 CHAPTER IV.—FINANCIAL PROVISIONS	 —	 67-93
PART I.—PRESENT POSITION IN MUNICIPAL AREA.		
Council must possess real financial responsibility and independence within recognised limits; needs can be met by (a) adequate use of its taxing powers; (b) contributions from Government on settled basis		
	1	67
Reference to Appendix II	2	67
Present Revenues of Council	3	67
Expenditure Incurred by Council	4	68
Assessment Rates—Re-valuation of Land—Comparison between rates in Nairobi and in similar towns in Transvaal	5	68
Present Government Contributions in lieu of Rates— inadequate and on unsatisfactory basis—reasons stated	6	69-71
PART II.—PRESENT POSITION IN SUBURBAN AREAS AND CHARGES INCIDENT ON INCLUSION IN ENLARGED AREA.		
Eastleigh—Muthaiga	1	71
Impossible to estimate in figures effect of inclusion, but position stated generally <i>re</i> Sanitation, Refuse Removal, Road Construction, Water Supply... ..	2	72-73
PART III.—CHARGES FOR SERVICES AND RATING SYSTEM.		
Charges for Services to be made under Special Tariffs against Persons Receiving Benefits—Conservancy and Refuse Removal Charges should be Recoverable from Owners of Premises for Reasons Given—but Council to be Empowered to Recover from Occupiers also—Draft Clause Embodying these Recommendations		
	1	73-75
Rating System— <i>see</i> Appendix III. and Chapter V.—Reasons for Recommendations made regarding Improvement Rate	2	75-76
PART IV.—GOVERNMENT CONTRIBUTION.		
General Considerations	1-4	76-79
As Owner and Occupier of Premises Government should pay for services rendered on same basis as other recipients	2	77
As regards Rating on Site Values General Principle should be that Government pays on same basis as other land-owners	3	77

CHAPTER IV— <i>continued.</i>	PARA.	PAGE
PART IV—<i>continued.</i>		
Different considerations apply to rates on improvements ...	4	78-79
Application of Principles—Government to contribute in lieu of Rates on value of all-interests in Land held by Crown subject to certain exemptions and to a maximum of 2 per cent.	5	79
Where Improvement Rate levied, special method of Government Contribution recommended	5	80-81
Main Roads Contribution to be half of cost... ..	5	81
(a) For New Construction and Reconstruction of Existing Roads on Programme approved on advice of proposed Central Roads Board	—	82
(b) For Maintenance—On Estimates prepared for definite period	—	82
PART V.—EFFECT OF PROPOSALS.		
Present Contribution	1	82
On Existing basis future contribution on Revised Land Values	2	83
Comparative Statement between Existing Grants in Lieu of Rates and of Crown Rents and proposed Contributions on Site Values	3	83-84
Proposed Main Roads Contribution... ..	4	85
Revenue from Refuse Removal Fees. Expenditure by Municipality to be incurred for Public Health Administration and Inspection	5	85-86
Amount of additional revenue obtainable from Suburban Areas	6	86
PART VI.—SUPPLEMENTARY PROPOSALS.		
<i>Motor Licences.</i> —Government to hand over to Council half of Licences collected on Motor Vehicles owned by persons residing or having place of business in municipal area; and Council to impose a Tax on such Motor Vehicles of an amount equal to 50 per cent. of Licences imposed under Motor Traffic Ordinance	1	86
Reasons justifying proposed Municipal Motor Tax	2	87
<i>Diminishing Grant.</i> —For first year of amount not exceeding three-fourths net expenditure on Public Health assumed by Council, reduced each year and disappearing at end of period to be fixed	3	88
<i>Staff Salaries.</i> —One-third of Salaries of Town Clerk, Town Treasurer, Municipal Engineer, to be borne by Government.— <i>see</i> also Chapter X	4	88
PART VII.—STATUTORY PROVISIONS IN REGARD TO CONTRIBUTIONS IN LIEU OF RATES		
Draft Provisions—Governor to be empowered to advance in anticipation of Rates. Council to submit Estimates and Supplementary Estimates—Power of Governor-in-Council to reduce Government Grants on proof of wasteful or ineffectual administration by Council	1	88-90
Council's Estimates not to require Government approval	2	90
PART VIII.—FUTURE ENDOWMENT OF MUNICIPALITY WITH CROWN LAND.		
Present proposals to have effect for 5 years, then Endowment to be considered	1	91
Case on general principles for Endowment—Reference to Report of Financial Relations Commission, Transvaal Colony, 1906	2	91-93

	PARA.	PAGE
CHAPTER V.—RATING LAW	—	97-123
Defects in present Nairobi (Rating of Unimproved Site Values) Ordinance, Cap. 86. This Ordinance to be repealed. Draft of new Ordinance	I	97
System proposed, <i>viz.</i> , Rating on Capital Value of all interests in Land and also, at option of Council, of Improvements fully dealt with in Appendix III. Certain points specially mentioned	2	97-100
Ref. Valuation Roll, Mombasa	3	100
Note on Making of the Valuation Roll	4	100
Draft Local Government (Rating Ordinance)	—	101-117
Making of the Valuation Roll	—	118-123
CHAPTER VI.—QUESTIONS AFFECTING THE RELATIONS OF MUNICIPAL AUTHORITIES WITH THE KENYA AND UGANDA RAILWAY, AND WITH THE PORT AUTHORITY, MOMBASA	—	124-137
Questions are (1) Position of Railway Administration with reference to Municipal Services ;		
(2) The Application of Municipal Bye-laws to Railway Property ;		
(3) The Liability of Railway Property for Rates ;		
(4) The Representation of the Railway on Municipal Bodies	I	124
Extracts from Memorandum by General Manager, K. & U. Railway, Mr. C. L. N. Felling	—	124-127
Questions Discussed (1) Municipal Services ; Railway should take advantage of Municipal Services instead of providing its own—recommendations <i>re</i> payment for services	2	127-129
(2) Bye-laws—Plans of proposed new buildings to be submitted to Municipal Authorities	3	129-130
(3) Rating of Railway Property—Position of Railway in regard to Land Ownership	4	130
Hitherto no distinction made between Crown Land used or reserved for Railway purposes and for Government purposes	5	130-131
Mr. Felling's views—only land used for residential purposes and land let to public for residential or commercial purposes should be liable to Rates or Contribution in lieu of rates	6	132-134
Examination of these views and recommendation that only land used for running track, sidings and marshalling yards be exempt for rating purposes	7	134-135
Improvement Rate to be levied on Railway improvements exclusive of line and subject to partial exemption in respect of Railway buildings which enhance dignity of Town	8	135
Railway not to pay extra Contribution, where improvement rates levied, as proposed for Government in respect of improvement Rates. This should be paid by Government	9	135-136
Same principles to apply to Port subject to proviso that Harbour Works <i>e.g.</i> , deep water berths and buildings erected thereon, should be treated in same manner as Railway lines... ..	10	136
(4) Representation—Mr. Felling's evidence on Railway representation—recommendation that one Railway Representative be nominated Member of Council both in Nairobi and in Mombasa	11	136-137
Also for same reasons one Port Representative to be nominated Member of Mombasa Municipal Board	12	137

	PARA.	PAGE
CHAPTER VII.—PUBLIC HEALTH ADMINISTRATION	—	138-150
Definition of "Local Authority" in Public Health Ordinance Cap. 124	1	138
Inconsistency in that Ordinance as to complete responsibility of "Local Authority"	2	138
Position to-day of Nairobi Municipal Council as "Local Authority"—Government M.O.H.—Division of responsi- bility	3	138
Necessity of Single Control recognised in 1915 when a Committee considered question of Public Health Administration but such control not yet realised	4	139
Extracts from Memorandum by Dr. Johnstone, late M.O.H., Nairobi	5	139
Extracts from Evidence of Dr. Johnstone, late M.O.H., Nairobi	6	140
Extracts from Memorandum by Dr. Hunter, present M.O.H. Nairobi	7-8	141-143
Extracts from Evidence of Dr. Hunter, present M.O.H., Nairobi	9	143
Extracts from Memorandum by Dr. de Boer, M.O.H., Mombasa	10	144
Dr. de Boer not in favour of immediate transfer of responsibility to Municipal Board—extract from his evidence	11	145-146
General Proposals <i>re</i> responsibility for Public Health Admin- istration	12	146
Recommendations that (1) full responsibility for Public Health Administration be transferred at once to Nairobi; (2) provision be made for similar transfer to any Municipal Board where circumstances justify; (3) until such transfer made District Officer to be Public Health Authority; (4) M.O.H. no longer exercise an independent executive authority (except possibly for certain strictly limited pur- poses)	—	147
<i>Re</i> Central Control over Local Authorities—Government to bear half of cost of Salaries, etc., of M.O.H.'s and qualified Sanitary Inspectors	13	147
Until a Municipal Board becomes Public Health Authority, the District Administrative Officer should be its Chairman ...	14	148
Mombasa Municipal Board to become Public Health Authority forthwith	15	148
Ref. Amendments to present Public Health Ordinance, Cap. 124	16	148
Estimates of probable annual cost of providing Municipal Health Offices in Nairobi and Mombasa	17	149
Extract from Dr. Hunter's Memorandum... ..	—	150
CHAPTER VIII.—NATIVE AFFAIRS	—	151-158
Provisions in Sections 43 and 48 of present Municipal Cor- porations Ordinance, Cap. 84, <i>re</i> Native Locations and Housing, etc.	1	151
Further provision desirable defining responsibilities of municipal bodies for Native Administration and recognizing special interest of Government in securing due fulfilment of such responsibilities	2	152
Provisions of Native (Urban Areas) Act, 1923, of Union of South Africa	3	152
Provisions in that Act <i>re</i> "Native Revenue Account"	4	152
Provisions of similar character to be made in Kenya Legislation	4	153
Profits from Native Brewery should go into that Account ...	5	153
Appointment of Native Advisory Board to be made	6	153

CHAPTER VIII— <i>continued.</i>	PARA.	PAGE
Memorandum by Chief Native Commissioner appended—A Special Administrative Officer to be seconded to Nairobi Municipal Council for definite period—his salary to be a charge against Native Revenue Account aided by contributions by Government and Municipal Council	7	154
Conditions at Mombasa do not require similar treatment— ...	8	154
Section 43 of present Ordinance, Chapter 84, not to apply to Mombasa	9	155
But in other respects above proposals applicable in principle to Mombasa—Unnecessary to second Administrative Officer so long as Resident Commissioner is Chairman of Municipal Board	9	155
Mr. Phadke opposes principle of a Municipal Authority conducting a Beershop for Natives	10	155
Memorandum by Chief Native Commissioner on Natives in Urban Areas	—	156-158
CHAPTER IX.—CERTAIN PROBLEMS OF FUTURE DEVELOPMENT	—	159-164
Question of extent to which Municipal Works in Suburban Areas should be provided for from General Municipal Funds should be considered	1	159
Application of Townships (Private Streets) Ordinance, 1924 ...	2	159
Position of Upper Nairobi Township and Estates Co., Ltd. ...	3	159
Special importance of this question in view of requirements of Bazaar Area	4	159
Drainage Works required for Malaria Prevention—Letter from Acting Town Clerk	5	160
Report of M.O.H., Nairobi, on this question	6	161
Letter addressed by Commission to Acting Colonial Secretary... ..	7	161
Reports and Estimates from Municipality and Railway—Expenditure should be subject to special arrangements between Government, Railway and Council—provision in proposals of Greater Nairobi Town Planning Authority	8	162
Municipal and Railway correspondence... ..	—	163-164
CHAPTER X.—STAFF AND PROCEDURE	—	165-175
<i>Staff.</i>		
Importance of office of Town Clerk—Qualifications required—evidence of Mr. Shapley	1	165
Appointments to posts of Town Clerk, Treasurer, Engineer to be subject to Government Approval—Dismissal also to require Government approval... ..	2	166
Government to contribute one-third of salaries of these three posts	3	166
Reservation <i>re</i> present officials	4	166
<i>Procedure.</i>		
Model Standing Orders and Financial Regulations	5	167
Comments on existing Standing Orders of Nairobi Council ...	6	167
Standing Orders and Financial Regulations	7	168
Standing Orders—System of Organization	8	168
Written Reports should be made by Officials to Committees ...	9	169
Agenda	10	169
References to Committees	11	169
Working of the Committee System	12	170
Financial Regulations—General Financial Control	13	170
Control of Expenditure	14	171

CHAPTER X— <i>continued.</i>	PARA.	PAGE
References to Committees—Finance, General Purposes, Public Health, Works Committee	15	172-175
Acknowledgments and Signatures	—	176
Note by Mr. T. A. Wood	—	177
Note of Dissent by Mr. V. V. Phadke	—	177-179
Appendix I.—List of Memoranda received and Witnesses heard	—	180-181
II.—Analysis of Financial position of Nairobi Municipality, by Mr. E. V. Shilton	—	182-202
III.—Memorandum on Rating, by Mr. E. V. Shilton	—	203-214
IV.—Prevention of Malaria in Nairobi	—	215-219
V.—Model Standing Orders and Financial Regulations	—	220-242
—		
REPORT ON "MOMBASA AND ITS ENVIRONS."	—	—
Submission	—	245
CHAPTER I.—INTRODUCTORY	—	247-254
Reference Sitings and Witnesses	1	247
Importance of Mombasa as Port—its growth illustrated by Traffic and Population figures... ..	2	247
Description of Island	3	248
Brief Record of History of Municipal Administration of Island. Cleaning and Lighting Regulations, 1900—Assessment Rates, 1900—Declaration as Township, 1903—Appointment of Superintendent of Inland Revenue and Conservancy—Powers conferred by Township Rules on M.O.H.	4	249
Sanitary Conditions—Report of Professor Simpson, 1913—Appointment of Commission of Enquiry in 1919 <i>re</i> setting up Municipality in Mombasa—Appointment of Town Planning Authority, 1920—Abolition of post of Superintendent of Inland Revenue and Conservancy	5	249-250
Appointment of District Committee, 1920—its Composition and Functions	6	250-251
Town Planning—Steps taken between 1913 and 1920—Town Planning Scheme now approved—Cost thereof—Proposed method of raising Annual Loan Charges	7	251-253
Old Town Improvement Scheme	8	253
Total Liability	9	253
Rates at present levied	10	254
CHAPTER II.—CONSTITUTION OF MUNICIPAL AUTHORITY	—	255-272
All sections favour some advance towards Local Self-Government, but opinions differ as to how far advance should extend	1	255
Reasons for establishment of body empowered to raise revenue and incur expenditure for Municipal purposes	2	255
Composition of such body—Reasons advanced against elected body by Witnesses	3	256
District Committee's views	4	257
Views of Mombasa Chamber of Commerce	5	258
Views of European Witnesses generally summarised	6	258
Views of Indian Associations and individuals	7	259
Views of Arabs	8	259

CHAPTER II— <i>continued.</i>	PARA.	PAGE
Recommendation—separate provision for representation of different communities—that new Municipal body should consist partly of elected and partly of nominated members and that of the latter some should be official members ...	9	260
Proposed membership should be not less than nineteen and not more than twenty-three—in the first instance not less than one-third should be elected	10	261
Basis of community representation discussed	11-12	262
Government representation—In first instance Resident Commissioner should be appointed Chairman	13	263
Detailed proposals on minimum and maximum basis—new body to be called "Mombasa Municipal Board"	14	264-265
Government Officials to be eligible for nomination in their private capacity—Evidence of Commissioner of Customs...	15	265
One Goan Representative to be nominated	16	266
European Voters' and Candidates' qualifications—Aliens to be eligible as Voters but not as Candidates	17	267
Indian Voters' and Candidates' qualifications	18	268
Arab Voters' and Candidates' qualifications	19	269
Term of Office	20	269
Question of inclusion with Arabs of a limited class of Swahilis ...	21	269
Functions of Municipal Boards—distinction between Board and Council to depend in main on differences in Constitution rather than in Character and Extent of powers	22	270
Difference in powers to concern Public Health Administration—Submission of Estimates—General Financial supervision	23	270
Draft Clause <i>re</i> Control of Expenditure of Municipal Boards ...	23	271-272
CHAPTER III.—AREA OF JURISDICTION...	—	273-278
Description and Population of present Township and District of Mombasa	1	273-274
Opinions of Witnesses	2	274-276
Close connection between health conditions on Mainland and Island	3	276
Difficulty of maintaining separate staff to deal with Mainland and probable development of Mainland for residential purposes	4	277
Recommendation—Area to be present Township but special safeguards <i>re</i> imposing Rates on Mainland... ..	5	277
Board to be empowered to take over Ferries	5	278
CHAPTER IV.—FINANCIAL PROVISIONS...	—	279-299
PART I.—PRESENT POSITION.		
Owing to nature of Government system of accounting only approximate figures can be given	1	279
Financial Statements appear in Appendix II	2	279
Summary of present financial position	3	279
Water Supply	4	280-281
Town Planning and Improvement Schemes... ..	5	281-282
Rates at present levied—system inadequate... ..	6	282
PART II.—CHARGES FOR SERVICES AND RATING SYSTEM.		
Charges for removal of refuse should be introduced and classified	1	282
Conservancy and refuse removal charges to be recoverable from both owners and occupiers—registration of any transfer of immovable property to be prohibited unless clearance certificate given by Municipal Official in respect of Rates	2	283

CHAPTER IV— <i>continued.</i>	PARA.	PAGE
PART II— <i>continued.</i>		
Draft Clauses regarding these two recommendations ...	—	284
Rating of separate interests in land, improvement rate, reasons against rating on rental values—Combined rate on Capital values of land and improvements recommended—Rating of Makuti huts ...	3	285-287
PART III.—GOVERNMENT CONTRIBUTIONS.		
General Considerations	1-4	287-289
As owner and occupier of premises Government should pay for services rendered on same basis as other recipients	2	288
As regards rating on site values, general principle should be that Government pays on same basis as other land-owners	3	288
Different considerations apply to rating on improvements ...	4	289
Basis to be adopted—Application of principles—Government to contribute in lieu of Rates on value of all interests in land held by Crown, subject to certain exemptions and to a maximum of 2 per cent. ...	5	290-292
Where Improvement Rate levied, Government to pay in same proportion to Improvement Rate paid by public as its Contribution on land bears to rates on land paid by public—Subject to reservation that total Government contribution should not exceed amount produced by rate of 2 per cent. on unimproved value of all Crown interests in land	5	291
Main Road Contribution to be half of cost	—	292
Special case of Kilindini Road	—	292
PART IV.—EFFECT OF PROPOSALS.		
Amounts to be found in Rates from Public, Government and Railway—Cost of Public Health Administration to be transferred to Board—Future liability of Government compared with existing obligations—Further financial aid from Government for urgent major Capital Works	—	293-296
PART V.—SUPPLEMENTARY PROPOSALS.		
<i>Motor Licences</i> —Half to go to Board subject to imposition of separate Municipal Motor Tax equal to half of licences imposed under Motor Traffic Ordinance	—	296
Reasons justifying Municipal Tax	—	297
Diminishing grant, from date of Board's assumption of full Public Health responsibilities, of three-fourths of nett expenditure on Public Health assumed by Board, decreasing yearly by proportionate amount until it disappears entirely at end of period to be fixed ...	—	297
PART VI.—FUTURE ENDOWMENT OF THE MUNICIPALITY WITH CROWN LAND.		
Way to be left open—Present Proposals to be revised at end of 5 years	1	298
Case for Endowment on general principles	2	298-299
CHAPTER V.—RATING LAW pp.	97-123	<i>vide page ix</i>
CHAPTER VI.—QUESTIONS AFFECTING THE RELATIONS WITH THE KENYA AND UGANDA RAILWAY AND WITH THE PORT AUTHORITY, MOMBASA pp.	124-137	<i>vide page ix</i>
CHAPTER VII.—PUBLIC HEALTH ADMINISTRATION pp.	138-150	<i>vide page x</i>
CHAPTER VIII.—NATIVE AFFAIRS pp.	151-158	<i>vide page xi</i>

	PARA.	PAGE
CHAPTER IX.—PROPOSED BASIS FOR ACQUISITION OF WATER SUPPLY		
UNDERTAKING	—	303-306
Water Scheme should be taken over by Board	1	303
Three alternative methods of fixing terms set out... ..	1	303-304
Method recommended—Existing Capital liabilities to be transferred to Board from Government subject to Government providing adequate reserve fund for renewal of Assets—Detailed recommendations	2	305
Suggestion <i>re</i> reserve fund	3	305
Pending transfer, District Committee or Board should be fully consulted <i>re</i> policy of development of Supply	4	306
Tariff charges to Government buildings—No reduction save when delivered in large quantities as bulk supplies... ..	5	306
CHAPTER X.—STAFF AND PROCEDURE	—	307-311
<i>Staff.</i>		
Present Staff arrangements and duties—Resident Commissioner	1	307
Executive, Engineer, P.W.D., Med. Officer of Health, Survey ...	1	307
Duties which Board must undertake—Conservancy, Refuse Removal, Water Supply, Building Development, Drainage Survey, Roads	2	307-308
Views of Witnesses—Examination thereof	3	308-309
Resolution of Commission communicated to Government <i>re</i> Municipal Engineer	4	310
Appointment of officer as Town Clerk who has had experience elsewhere recommended	5	310
Town Treasurer not yet required	6	310
Medical Officer of Health to be appointed by Board	7	311
Government to bear one-third of Salaries of Town Clerk and Municipal Engineer—Appointments and dismissals to be subject to Government approval	8	311
<i>Procedure.</i>		
Model Standing Orders.—Committee System	9	311
Acknowledgment and Signatures	—	311
Minority Report of Mr. J. B. Pandya	—	312-319
Appendix I.—List of Memoranda and Witnesses	—	320-321
Appendix II.—Statements "A" and "B" <i>re</i> Mombasa Finance	—	322-327

SUMMARY OF RECOMMENDATIONS.



REPORT ON NAIROBI AND ITS ENVIRONS.

- The solution of the municipal problems presented by Nairobi and its Environs—a municipality almost encircled by a number of small, separate and purely residential suburban areas—is, in the opinion of the Commission, unification of the entire area because of the recognised need of the suburbs for some form of municipal government, and of the community of interests existing between them and the present Municipality. Every major municipal work affects the whole area, and economy as well as efficiency must result from unified control and unified staff arrangements. Alternative plans of separate sets of local authorities with a Central Co-ordinating Authority involve a cumbersome and complicated organization and duplication of work. The serious disadvantages of such a system and the difficulty of bringing about unification once separate authorities have been set up have been illustrated in the case of the Cape Peninsula Municipalities. Financial and administrative objections to unification have been answered in municipal experience elsewhere. Enlargement of area is for financial reasons neither impossible—the total resources available cannot be increased merely by sub-dividing them—nor unfair—municipal areas cannot be constructed on a commercial basis and it is to the common interest that each part of the whole area should be properly served. Byelaws can be adjusted to suit conditions in different parts of the municipality. Objections were also raised on the racial ground that in accordance with the policy of non-segregation in townships, laid down in the White Paper of 1923, inclusion of the suburbs in the municipality would mean that Asiatics could acquire land in them. The answer to this objection is that the position is the same whether or not the suburbs are brought within the municipal area in view of the Government's intimation that "areas which, in the interests of health, economy and sound urban organization, are held by the Governor-in-Council to be essential parts of an urban area, should ordinarily be gazetted townships as soon as the above conditions are found to exist." But it is also the case that, notwithstanding the declaration of a suburb as a township, the restrictive covenants in titles will, where they exist, debar the acquisition or occupation of such properties by Asiatics. Such titles apply to all properties in Muthaiga and in the suburban areas in which no form of municipal
- P. 32.
- P. 30.
- P. 32-35.
- P. 32-33.
- P. 30.
- P. 35-37.
- P. 31.
- P. 40-46.
- P. 44.
- P. 40-41.
- P. 41-45.
- P. 45.
- P. 37-40.
- P. 38.
- P. 39.

- government now exists save in the greater portion of Thompson's Estate. The new proposed Municipal area of Nairobi is shown on Plate I.—the area to be added to the present municipality is approximately 15,107 acres of which 5,900 acres is under development for building purposes. The population is 900 Europeans, 311 Indians, 6 Arabs, and 64 others—a total of 1,281. The population of the present Municipality is 2,665 Europeans, 7,741 Indians, 76 Arabs and 1,382 others, a total of 11,864.
- P. 46.
P. 18.
P. 49.

COMPOSITION OF COUNCIL.

- The suburban areas are considered to be entitled to special representation of their interests if they are brought into the Municipality, and the Commission proposes that, in the composition of the Council for the new enlarged area, Muthaiga township, the Westlands and the Kilimani group of suburbs should each have one European member and Eastleigh township should have one Indian member. It recommends the application of the Ward system to the present municipal area and the formation of three European and two Indian wards, the representation to communities granted as a result of the 1924 Nairobi Municipal Commission remaining undisturbed, save that the twelfth member, instead of being a European chosen by the other eleven, should be elected as one of the European members. Definite wards are proposed as a trial. The Commission further recommends the nomination of one Railway representative and one representative of the District Council for the rural area near Nairobi, whose establishment is proposed in the Report on Settled Areas. The new council would thus consist of nine elected Europeans, five elected Indians, one nominated Goan, one Government representative (the Senior Commissioner), one Railway and one District Council representative, total eighteen. Elections should now be on a legal basis, voters' qualifications to be adult suffrage, subject to a £100 property qualification or to a residential qualification plus either occupation of premises of £36 annual value for Europeans and £12 for Indians or earnings of £15 per month for Europeans and £5 per month for Indians; aliens to be admitted as voters but not as candidates, as in New Zealand. Candidates' qualifications to be British nationality, ability to read, write and speak English, subject to the usual disqualifications, term of office to be 3 years with annual retirement of one third, or as near as may be, of the elected members. The increase in European representation is justified on two grounds viz., (1) that it is in principle undesirable that a municipal body should be so constituted as to produce so near a balance of community representation as exists in the present Nairobi Municipal Council, since such a condition tends to strengthen rather than decrease the likelihood of municipal business
- P. 50.
P. 53-55.
P. 51.
P. 64-66.
P. 51.
P. 53.
P. 62.
P. 63.
P. 63.
P. 52.

- P. 53. being discussed from a racial standpoint ; and (2) that racial representation should be decided on the following basis (a) that under the present circumstances it is essential that the European community should be entrusted with the larger share of responsibility for the municipal government of Nairobi, and that the proportion of European representation on the council should be in conformity with the obligations of this trust ; (b) that it is also essential that the Indian community should have such representation on the Council as will enable it to give effective co-operation, and as will ensure full consideration of the special interests of the Indian inhabitants.

FINANCIAL PROVISIONS.

- P. 67. The new Municipality must have financial responsibility and independence. The needs of the situation can be met if it is adequately endowed by Government and if it makes adequate use of its powers of taxation. The Commission considers that the way should be left open for the endowment of the council with Crown Lands with certain reservations but that, for a period of not less than 5 years, Government should agree to make statutory contributions as follows (1) payment on same basis as private consumers for all services rendered ; (2) payment on same basis as private landowners of a contribution in lieu of rates on all Crown interests in land subject to a maximum of 2 per cent. ; (3) payment of half of the cost of the construction and maintenance of Main Roads on an agreed programme of work ; (4) payment of half the revenue received from Motor Licences on motor vehicles habitually kept in the municipality subject to the imposition by the Council of a Municipal Motor Tax, equivalent to 50 per cent. of the Government licence fee ; (5) payment of half of the salaries and allowances of the Medical Officer of Health, and of qualified Sanitary Inspectors, and of expenditure in connection with outbreaks of infectious diseases ; (6) payment of one-third of the salaries of Town Clerk, Town Treasurer and Municipal Engineer ; (7) payment of a diminishing Grant over some period of years, beginning with the sum equal to three-fourths of the Public Health Expenditure for which the Council is to assume responsibility and decreasing at an agreed rate until it disappears ; (8) if an improvement rate is levied, payment of a sum which bears the same proportion to the sum paid by the public in improvement rates as Government's payment in lieu of rates on land bears to the sum paid by the public for rates on land ; provided that the total sum payable by Government shall not exceed the amount realisable from a 2 per cent. rate on site values only. The reason for this recommendation is that in Nairobi and Mombasa Government buildings are less in value than Government land and consequently a rate on land and improvements would
- P. 91-93.
- P. 91.
- P. 83.
- P. 77.
- P. 78.
- P. 81, 82-85.
- P. 86-88.
- P. 71.
- P. 88.
- P. 83.
- P. 80-81.

mean a less total payment by Government than would be received from a rate on land only and so would tend to dissuade a council from imposing a rate on improvements, no matter how desirable such a rate might be for the equitable distribution of the rate between private ratepayers. On the other hand, where Government buildings are of very great value, they enhance the dignity and land values of a town and Government should not be expected to pay a contribution in lieu of an improvement rate on their full value.

- This basis of Government contribution will encourage the Council to increase rates, and further revenue from the public should be obtained by imposing a Refuse Removal fee—£3,000 per annum would be realised from this. Charges for services should be uniform throughout the area and, to assist the Council in recovering its dues, fees for sewerage, sanitary and refuse removal should be made recoverable from owner and occupier jointly. In order to increase the Council's sense of responsibility its estimates should no longer be subject to approval by the Governor-in-Council. This recommendation presumes the appointment to the Central Government's staff of a Local Government Inspector, whose appointment is dealt with in the Report on Central organization.
- P. 73-74.
- P. 85.
- P. 74.
- P. 89-91.

RATING SYSTEM.

- P. 97. The Rating System proposed is that in operation in the Transvaal, viz., rating on capital values of land and improvements. The rate is twofold, an original and an additional rate. The original rate must be on Site values and may not exceed $\frac{1}{2}$ per cent. The additional rate may be on site values or on site values and improvements. In the former case it may not exceed $1\frac{1}{2}$ per cent. An additional rate on site values and improvements may not be imposed unless an original rate of $\frac{1}{2}$ per cent. has been imposed on site values; the additional rate may not exceed 1 per cent. of the unimproved value of land, and the rate on improvements may also not exceed the percentage payable as the additional rate on the unimproved value of land. These maxima may be exceeded if sanctioned by the Governor-in-Council at the request of the Municipal Council. The Municipal Council should be empowered to remit or grant exemptions from rates subject to the sanction of the Governor-in-Council. The minimum charge in respect of any rateable property for rates is five shillings. The Council may impose Special Rates to meet extraordinary or abnormal expenditure but must first advertise their intention and, if within 14 days any interested person objects, it may not proceed further until it has the sanction, after enquiry, of the Governor-in-Council. If, within 14 days, the owners of two-thirds of the rateable property object by petition, the project must be abandoned
- P. 110.
- P. 111.

- and may not be re-initiated for six months. Owners of property and not lessees should be liable for rates. As a corollary to the rating of interests, the transfer by agreement of the liability for rates from lessor to lessee should be prohibited, but this provision should not have retrospective effect.
- P. 99. Land used exclusively for agricultural purposes, not being less than ten acres, should be rated at half its agricultural value, on the ground that the use of large areas of land for agricultural purposes does not create the same need for municipal expenditure as does the use of small lots for building purposes. But, so as to prevent land required for building development from being held up for high prices, land which has a building value but continues to be used for agricultural purposes should be rated at its full building value. Provision should be made for the making of a new valuation roll not less than once in every five years, and rate-payers should be entitled to object to the valuation of other property, besides their own. Rates should be recovered by ordinary civil process instead of by the present cumbrous special method. The Valuation Court should be composed of not less than three persons appointed by the Council as in the Transvaal, their decision to be subject to appeal to and final decision by a first class magistrate, who may, however, put points of law to the Supreme Court if he so wishes.
- P. 98.
- P. 97.
- P. 98.

RELATIONS BETWEEN RAILWAY, PORT AND MUNICIPAL AUTHORITIES.

- P. 127-128. The Kenya and Uganda Railway and the Port should take advantage of municipal services, *e.g.*, water, conservancy, sewerage, instead of providing their own. As to charges, the general principle should be observed that payments for municipal services should be uniform and sufficient to cover the cost of the services for the entire area served, with not more than a reasonable margin over and above such cost; and that differentiation should not be made according to difference in cost involved in serving particular properties owing to the special circumstances of their character and situation. But in view of the special position of Railway and Port, where it can be clearly shown that there are special circumstances, apart from the mere accident of geographical situation, which have the effect of reducing the cost of a service rendered to Railway and Port premises (as distinct from residential premises occupied by Railway or Port employees), as compared with similar services rendered to other premises, special terms may be made.
- P. 129-130. Plans of proposed new Railway and Port buildings should be sent to Municipal Authorities in order that the latter may have due notice of Railway and Port proposals which may affect the provision of municipal services for

the area concerned, and may satisfy themselves as to the compliance of such plans with the requirements of municipal bye-laws.

- P. 134-135. A contribution in lieu of rates should be made in respect of Crown Land (exclusive of the Railway running-track, sidings and marshalling yards and of harbour works, *i.e.*, deep water berths and buildings erected thereon), used or reserved for Railway and Port purposes, on the same basis as though it were privately owned land. Railway stations and offices should not be exempt, because they require to be served by roads and because of the difficulty of distinguishing between premises required for local operations and premises required for purposes of central organisation and control. As regards improvements, a rate on improvements should normally be paid in respect of Railway and Port improvements, again excluding railway lines and harbour works. But special arrangements for partial exemption of such buildings from any improvement rate should be made where Railway or Port buildings of a specially costly character are erected in order to contribute to the dignity and importance of a town. As regards the special arrangement already proposed for Government in respect of an improvement rate, this should not apply to the Railway and Port: any difference between the sums payable in lieu of rates on site values and in lieu of rates on site values and improvements should be defrayed by Government as part of the contribution granted for the purpose of promoting the success of municipal government.
- P. 136.
- P. 135.
- P. 136.
- P. 137. The Railway should be entitled to nominate a representative on the Nairobi and Mombasa Municipal Council and Board, and the Port should be similarly entitled in respect of the Mombasa Municipal Board. These appointments should secure effective co-operation between municipal bodies, the Port and Railway on a number of questions in which Railway and Port interests are concerned.

PUBLIC HEALTH ADMINISTRATION.

- P. 147. The Commission's general proposals as regards Public Health Administration are, (1) that full responsibility for public health administration in its area should be transferred to the Municipal Council of Nairobi, subject to conditions to be laid down by law as to the staff to be maintained, the contributions toward the cost of such staff to be made from central funds (this should be half the salaries and allowances of medical officers of health and qualified sanitary inspectors and half of all expenditure incurred in connection with outbreaks of infectious diseases in its area) and the exercise of powers of supervision by a Central authority; (2) that provision should be made for a similar transfer of responsibility to any Municipal Board where circumstances justify the change—
- P. 71.

such a change should take place forthwith at Mombasa ; (3) that, until a municipal body becomes the Public Health Authority for its area, the district administrative officer should be recognised as the public health authority ; (4) that a change should be made in the position of the Medical Officer of Health (whether a municipal or government officer), so that he may no longer exercise an independent executive authority of his own (except possibly for certain strictly limited purposes, *e.g.*, in connection with infectious diseases), but may be recognised as the responsible adviser on public health questions to the local authority and as its executive officer for the purpose of carrying out inspections and controlling its inspection staff. Powers should be reserved to enable the Central Government to act in default of a Local Authority where the latter neglects its duties.

- P. 146. The evidence received shows clearly the necessity of making a change in the existing system in Nairobi, with the object of clearing away the difficulties and uncertainties of dual control and divided responsibility. In Mombasa, the importance of the work with which the Municipal Board will necessarily be entrusted from the start and the close connection between public health control and the other activities which it will have to undertake, render it expedient that it should at once become the Public Health Authority for its area. Both in Nairobi and Mombasa a Municipal Medical Officer of Health and qualified Sanitary Inspectors should be appointed as soon as possible, all appointments and dismissals to be subject to Government's approval. The probable annual cost of providing Municipal Health Offices in Nairobi and Mombasa, after deducting the cost of half the salaries and allowances of Medical Officers of Health and qualified Sanitary Inspectors and without allowing for office rent, will be approximately £4,300 and £4,000 respectively.
- P. 148.
- P. 149.

NATIVE AFFAIRS.

- P. 152. In the matter of Native affairs the Commission recommends the introduction of legislation of a similar character to the Native (Urban areas) Act, 1923, of the Union of South Africa. That Act, *inter alia*, requires an urban authority to make adequate and suitable provision for the needs of natives ordinarily employed within its area and enables the Minister of Native Affairs to compel it to observe this obligation. It enables a local authority to require employers of more than 25 natives or of natives as temporary workers to house them in a location, hostel or elsewhere subject to its approval, and to control the ingress of natives and to exclude natives who are of bad repute or habitually unemployed. The Act also provides that each local authority must open and keep a "Native Revenue Account" into which all revenues from locations, villages, hostels, pass or registration fees, fines

for offences against bye-laws affecting natives, and from sale of beer have to be paid ; and that officers must be appointed to superintend these matters.

- P. 154. The Commission recommends the formal secondment to the municipal service for a definite period of an experienced Administrative Officer to act as Municipal Native Affairs Officer in Nairobi, and that his salary should be shared between the Municipality, Government, and the Native Revenue Account. A Native Advisory Board should also be formed.
- P. 154.
- P. 155. Owing to local conditions at Mombasa, a distinction must be made there as regards compelling natives to live in locations, nor, so long as the Resident Commissioner is Chairman of the Municipal Board, will the appointment of a special Native Affairs Officer be necessary.

PROBLEMS OF FUTURE DEVELOPMENT.

- P. 159. In dealing with problems of future development in the proposed Nairobi Municipality, the question of the extent to which municipal works in the suburban areas should be provided for out of general municipal funds requires careful consideration. As regards road development, the Townships (Private Streets) Ordinance, 1924, may have to be utilized, and the statement should be borne in mind which the Upper Nairobi Township and Estates Company Ltd. made to the Commission, viz., that, in the event of areas in which they own the greater part of the land being included in the municipal area, they would be prepared to make the necessary roads and hand them over to the Municipality. The Commission also draws attention to the question of drainage works, which it is of great and urgent importance to the entire area should be undertaken for the purpose of malaria prevention, and recommends that these major works and the expenditure which they involve should be the subject of special arrangements to be made between the Government, the Kenya and Uganda Railway and the Municipal Corporation.
- P. 160.
- P. 162.

STAFF AND PROCEDURE.

- P. 165. The Commission makes special reference to the duties of Town Clerk and states its opinion that, in order that the Town Clerk of Nairobi may be in a position adequately to discharge his responsibility, he must be a man of legal training who has a thorough grasp of the principles of municipal administration and has had experience of municipal work in some country where municipal institutions have reached an advanced stage of development. The efficiency of municipal administration must necessarily depend very

- P. 166. largely on the four chief municipal officials, viz., the Town Clerk, Town Treasurer, Municipal Engineer, and Medical Officer of Health. In order to attract suitable candidates, reasonable security of tenure must be offered, and the officers, in the exercise of their duties, must be able to feel secure against unfair attacks to which they may from time to time be exposed. The Commission, therefore, proposes that appointment to and dismissal from these posts shall be subject to Government's approval and that Government should bear one third the cost of the salaries of the first three-named posts.
- P. 167. A set of model Standing Orders and Financial Regulations are appended to this Report which it is hoped will be found useful by local authorities in building up their systems.

NOTES OF DISSENT.

- P. 177. The Nairobi Report is signed by the additional members, Mr. T. A. Wood and Mr. V. V. Phadke, subject to a note prepared by each. Mr. Wood adds the proviso that the future Local Authority for the enlarged area must take special care in regard to application of regulations and extension of services which are at present performed on an uneconomic basis, and demurs to proposals which would, in his opinion, force owners of property to protect themselves prematurely against future rating proposals to the immediate disadvantage of tenants.
- P. 177. Mr. Phadke agrees, that from the point of view of unified control and supervision by Government, unification is preferable but feels that, unless some strong safeguard is laid down, the demands of the suburban areas for services will be satisfied at the expense of the centre of the town where there is a congested Indian population; he suggests that the charges in connection with the construction and maintenance of roads be raised out of a separate rate, based on the area of each holding on lines somewhat similar to the present Muthaiga Township Rates. He objects to the proposed composition of the Council for the enlarged area and considers that the balance of representation should be left as it is on the present Municipal Council, either by including voters in the new areas in one or other of the proposed wards, or by decreasing the European or increasing the Indian members allotted to the respective wards for the present municipal area.
- P. 178. He considers that the proposed representation of the Railway and of the District Council is neither necessary nor justified.
- P. 179.

REPORT ON MOMBASA AND ITS ENVIRONS.

- P. 255. It was generally agreed in Mombasa that a local representative body with power to raise revenue and incur expenditure for certain municipal purposes must now be established ; but opinions varied as to the composition and powers of such a
- P. 257-259. body. European opinion generally preferred a nominated to an elected body, on the ground that in the initial stages the European Community must have the larger share of responsibility for the successful conduct of municipal affairs, and that the leading Europeans, being in the main representatives of overseas firms, would not be allowed by their principals to stand for election, that the various races in Mombasa have not yet developed such a basis of common ideas and aspirations as would enable them to work successfully together as electors, and that the inhabitants of Mombasa would constitute an untried electorate. The Indians urged that, in view of the development of municipal institutions in India and the share taken by Indians in Mombasa in the work of the District Committee, there was no reason why full electoral privileges should not be granted at once. The Arabs also favoured election. The Commission considers that the creation of a common roll is not yet justified and that to attempt to hurry progress towards a common political development would hinder rather than promote co-operation, and recommends community representation. But in order to stimulate active interest it proposes that a part of the members of the local body should be elected. It considers that Government officials should be eligible in their capacity as private citizens to stand for election and that one Goan representative should be nominated. The new body will have a much larger volume of business to transact than the present District Committee, and should therefore develop the Committee system, and consist of a number of members sufficient for the proper working of that system. The Commission proposes a Council of 19 members as a minimum, 23 as a maximum, of whom in the first instance not less than one-third should be elected. As to the representation of communities its proposals are as follows :—On the minimum basis of 19—3 official members, 10 European representatives (5 elected, 5 nominated) ; 4 Indian representatives (3 elected, 1 nominated) ; 1 Arab representative, elected ; 1 Goan representative, nominated. On the maximum basis of 23— an addition of 2 Europeans (1 elected and 1 nominated) and of 2 Indians (both nominated). Any variation intermediate between the minimum and maximum may be adopted. The official members would be the Resident Commissioner, 1 Railway and 1 Port representative. The Chairman should be appointed by the Governor and should be
- P. 259.
- P. 260.
- P. 266.
- P. 261-262.
- P. 264-265.

- the Resident Commissioner. In the exercise of the powers of nomination, the suitability of candidates and the desirability of securing adequate representation of important interests, such as the landowning and commercial interests, should both be taken into account. Reasons in principle for the representation proposed for Europeans have been given in the Nairobi Report and a Government representative is necessary, both to represent native interests and in view of the large contributions to municipal revenue which Government will make. Voters' and Candidates' qualifications and term of office should be the same as proposed in the Nairobi Report. The body should be called the Mombasa Municipal Board, as indicating that Mombasa has not yet reached the full stage of municipal development usually associated with the use of the terms "Council" or "Corporation."
- P. 265.
- P. 263.
- P. 267-269.
- P. 265.
- P. 270-272. The difference in powers between a Municipal Board and a Municipal Council should be principally in the composition of the Council and its chairmanship, in the matter of financial control—the estimates of a Board being subject to approval—and as regards Public Health Administration—a Board not being automatically a Public Health Local Authority.
- P. 277. The area of jurisdiction recommended for the Mombasa Municipal Board is the present township, *i.e.*, including portions of the mainland as well as the island. This recommendation is based on the imminent need of moving to the mainland such things as refuse destructor, slaughter-house, dairies, cattle sheds, accommodation for casual African labour; the probability of mainland development as soon as the Makupa causeway or Nyali bridge are completed, and the consequent necessity of control from the outset; the close communication at present existing between mainland and island and consequent public health relationship; and the difficulty of providing for public health and building supervision on the mainland if it is not made part of the Municipal area. The recommendation is, however, subject to a prohibition of rating the mainland except with Government's consent and to differential rating when rating is authorised.
- P. 277.
- P. 277.
- P. 278. One of the powers of the Municipal Board should be to establish and maintain ferries and, if this power is exercised, the terms on which it would take over from Government the existing ferries will be a matter for negotiation.

FINANCIAL PROVISIONS.

- P. 280. In 1925 the contribution of Government towards municipal expenditure in Mombasa was approximately £8,749, excluding the water supply. It is shown that, with the incidence of charges on Town Planning and Old Town Improvement Schemes, the Board's immediate expenditure in the future
- P. 293.

- P. 294. will be £23,152 per annum, and that, as loan charges increase, that expenditure will rise to £35,000, even if no additional expenditure on other works is incurred beyond that spent in 1925. The basis of Government's contributions to the Board should be the same as the Commission has recommended in the case of the Nairobi Council and it is shown that, with the exception of the grants towards the salaries of Town Clerk and Municipal Engineer, the Motor Licence grant and the special diminishing grant, Government's contributions on the proposed basis will be slightly less than its existing obligations. But, in view of Mombasa's many urgent needs arising out of the special character of the town, if important and urgent works, such as sewerage, are beyond the resources of the Board, there is, in the Commission's opinion, good reason why Government should provide further financial assistance than is specifically recommended in the Report. As regards the Main Road contribution, special consideration should be given to Kilindini Road and a grant of half the cost incurred by the Board on this road should be made until road communications are established between Mombasa and the Mainland, so as to link with other roads on the island, when the matter should be reconsidered. As in Nairobi the Commission proposes that fees for conservancy and sewerage and refuse removal should be recoverable from owners and occupiers; that a separate refuse removal charge should be made; and, in the case of Mombasa, that no transfer of any premises should be passed or registered until a clearance certificate is produced from the Town Clerk, certifying that all charges for sewerage, sanitary or refuse removal services and for rates, for a period of three years immediately preceding the date of application for transfer, have been paid.
- P. 287-299.
- P. 296.
- P. 295-296.
- P. 292.
- P. 283.
- P. 284.

RATING.

- P. 287. The same Rating Law is proposed for Mombasa as for Nairobi, and as regards Makuti huts special provisions are introduced in the draft Ordinance requiring that such buildings shall be rated as representing separate interests apart from the ownership of the land on which they stand. This is necessary because the majority of these huts are not owned by the owners of the land.

- P. 285. A combined rate on land and improvements is recommended specially for Mombasa because the argument that "the entire exemption of improvements is likely to result in excessive rates on land" is particularly applicable to Mombasa where land values are abnormally high owing to the embargo on development pending the carrying out of the Town Planning Scheme, and where the imposition of rates on vacant land, unless kept at first within narrow limits, might destroy confidence by bringing about too sudden a fall in values,

- P. 286. specially in view of the fact that Arabs and Swahilis of limited resources own a number of small plots. Separate rates should not be charged in order to meet loan charges on improvement schemes, as the incidence of a year's rates should be considered as a whole, but, for purposes of accounting, a portion of a rate might be regarded as having been imposed for a particular purpose and, if rates are properly apportioned between land and improvements, the loan charges on improvement schemes will always be more than covered by the portion of the rate levied upon site values.

RAILWAY AND PORT RELATIONS WITH MUNICIPAL BOARD
AND PUBLIC HEALTH ADMINISTRATION AND
NATIVE AFFAIRS.

See the Nairobi Report.

WATER SUPPLY.

- P. 303. The Commission proposes that the Mombasa Municipal Board should take over from Government the Mombasa Water Supply as it is essentially a Municipal undertaking and exists mainly for the purpose of supplying water within the municipal area. It recommends that the basis of acquisition by the Board should be purchase on the basis of transfer of the existing capital liabilities subject to the provision by Government of an adequate reserve fund for the renewal of assets. Actual figures cannot be given but the approximate result would be that the Board assumed liability, for the remainder of the loan period, to meet loan charges on £90,000 and Government found some £35,000 for a Renewals Fund.
- P. 305.
- P. 306. As to tariff charges, where water is delivered in small quantities to Government offices, the full rates should be charged instead of reduced rates as at present.

STAFF AND PROCEDURE.

- P. 308-310. The Board must, in the Commission's opinion, appoint a Town Clerk and Municipal Engineer as soon as possible. The remarks concerning the Town Clerk made in the Nairobi Report apply to Mombasa and the carrying out of the Town Planning Scheme, drainage survey, building supervision and recurrent municipal needs render the appointment of a Municipal Engineer essential. No Town Treasurer is yet necessary; this work can be carried out by the Town Clerk with the assistance of a European accountant. The Board should also appoint a Medical Officer of Health as soon as possible. The model Standing Orders and Financial Regulations appended to the Nairobi Report will be a useful guide to the Mombasa Municipal Board.
- P. 310-311.
- P. 311.
- P. 311.

MINORITY REPORT.

- P. 312. Mr. J. B. Pandya, additional member of the Commission for Mombasa, presented a Minority Report. He regards Mombasa as fit at once for full municipal status, and considers that all members of the body should be elected, preferably on a common roll. The Chairman should be elected by the members. He objects to the distribution of racial representation proposed by the majority of the Commission and disagrees with the reasons which influenced them; and also dissents from the representation proposed for Railway and Port, and with the possible candidature of Government servants in their private capacity. He proposes a body consisting of 1 nominated official, 10 elected Indians, 3 elected Europeans, 1 elected Arab, and 4 members to be nominated, one of whom should generally be a Goan. If, however, the majority recommendation is accepted, he suggests that the power to levy taxes should be restricted to a four-fifths majority in the Council, in view of the fact that a large portion of taxation would be payable by non-Europeans who would not have, in his view, an adequate voice in the Council. He objects to the arrangements proposed to ensure security of office for the Town Clerk and Municipal Engineer on the ground that they would be able, if so protected, to flout the wishes of the Council.
- P. 313.
- P. 313.
- P. 313-316.
- P. 316.
- P. 317.
- P. 316.
- P. 317.
- P. 317.

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

APPENDIX I.

LIST OF MEMORANDA RECEIVED AND WITNESSES HEARD.

MEMORANDA BY :

MOMBASA.

Mr. T. AINSWORTH DICKSON, Resident Commissioner.

DISTRICT COMMITTEE OF MOMBASA.

Mr. R. S. NEHRA, Barrister-at-Law, M.L.C., F.R.S.A., Member of Society of Comparative Legislation (Eng.).

Mr. G. A. DATOO, Indian Member of District Committee.

Mr. AHMED JAMAL, Indian Member of District Committee.

Mr. A. MORRISON, Barrister-at-Law.

PORT ADVISORY BOARD.

Dr. H. S. DE BOER, M.C., M.R.C.S. (Eng.), L.R.C.P. (Lond.), D.P.H. (Camb.), D.T.M. & H. (Lond.), Medical Officer of Health, Senior Sanitation Officer.

Dr. A. R. PATERSON, M.B., Ch.B. (Glasg.), D.P.H. (Camb.), D.T.M. & H. (Camb.), Deputy Director of Sanitary Services.

THE INDIAN ASSOCIATION.

RESOLUTIONS PASSED BY CHAMBER OF COMMERCE.

THE INDIAN NATIONAL ASSOCIATION.

DIRECTOR OF LAND SURVEYS.

EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT.

INSPECTOR OF SCHOOLS, Mombasa.

DISTRICT SURVEYOR, Mombasa.

Mr. T. B. PATEL.

Mr. S. R. DE FREITAS, President of Goan Community.

Mr. M. M. JACK, Deputy Registrar, Supreme Court.

Mr. ABDULLA KANJI.

WITNESSES.

Mr. PERCY BARRY, Member of and representing District Committee.

Mr. H. R. MONTGOMERY, Ag. Senior Commissioner of Coast Province.

SEYYID ALI BIN SALIM, Liwali of the Coast ; Member of Legislative Council.

Mr. W. A. M. SIM, Member of Legislative Council for Mombasa.

SHEIKH HEMED BIN MAHOMED, Arab Member, Legislative Council.

Mr. R. S. NEHRA, M.L.C., F.R.S.A., Member Society of Comparative Legislation (Eng.), Indian Member, Legislative Council.

Mr. A. MORRISON, Barrister-at-Law.

Mr. AHMED JAMAL, Member of District Committee.

Mr. PATEL DATOO, Member of District Committee.

Mr. WARREN WRIGHT, Member of District Committee.

- Mr. N. J. DESAI, Land Estate Agent.
 Mr. ALAN CROSMAN.
 Mr. W. A. M. SIM, }
 Mr. W. G. REID, } Representing Mombasa Chamber of Commerce
 Mr. G. PATEL, }
 Dr. A. R. PATERSON, M.B., Ch.B. (Glas.), D.P.H. (Camb.), D.T.M. & H.
 (Camb.), Deputy Director of Sanitary Services.
 Mr. F. A. JIVANJEE }
 Mr. A. H. KADERBHOY, } Representing Indian Association.
 Mr. A. B. PATEL, }
 Mr. T. B. PATEL.
 Dr. H. S. DE BOER, M.C., M.R.C.S. (Eng.), L.R.C.P. (Lond.), D.P.H.
 (Camb.), D.T.M. & H. (Lond.), Senior Sanitation Officer, Medical
 Officer of Health, Mombasa.
 Mr. H. PARKER, Manager, Standard Bank of South Africa ; Member,
 Mombasa Municipal Commission, 1919.
 Mr. JOSHI, }
 Dr. CHOKASHI, } Representing Indian National Association.
 Mr. S. R. DE FREITAS, President of Goan Community.
 Mr. P. H. CLARKE, Member of Inter-Colonial Railway Council.
 Mr. W. M. LUNT, Representing Port Advisory Board.
 Mr. G. WALSH, Commissioner of Customs.
 Mr. A. G. BAKER, Director of Land Surveys.
 Mr. J. A. C. BURKE, Barrister-at-Law.
 Mr. MUNRO MURRAY JACK, Deputy Registrar, Supreme Court.
 Mr. W. FAIRLEY, Assoc.M. Inst.C.E., Executive Engineer, Public Works
 Dept., Mombasa.
 Major R. W. B. ROBERTSON EUSTACE, D.S.O., Member of Legislative
 Council for Coast.
 Mr. H. W. FRUDD, Member of District Committee.
 Mr. A. M. IIVANIEE.
-

APPENDIX II.

STATEMENT "A."

STATEMENT SHOWING APPROXIMATE REVENUE AND EXPENDITURE ON BASIS OF TRANSACTIONS
DURING THE YEAR 1925.

EXPENDITURE.	1. Approximate direct charges for 1925 not including cost of Administration by Govt. Depts. (other than officers wholly employed on Municipal duties).	2. Estimated on basis of 1925 expenditure plus Administration charges incurred by Govt. Depts. (exclusive of public health Administration and inspection).	REVENUE.	3. Collections for 1925.	4. Collections plus value of services rendered to Government.
	£	£		£	£
OFFICE AND GENERAL ADMINISTRATION : Salaries and Allowances, Stationery and Office Expenses ..	2,544	4,000		—	—
CONSERVANCY SERVICES : Salaries and Allowances and Office Expenses, and Health Department	486	486		—	—

REFUSE REMOVAL AND STREET CLEANING :					
Wages, Stores and sundry charges	3,800	3,800			
REFUSE DESTRUCTOR :					
Wages, Stores and sundry charges	790	790			
SANITATION (PAIL SERVICE) :			SANITATION—PAIL SERVICE FEES :		
Wages, Transport, etc. ..	1,850	1,850	Add approx. amount of £500 for Service to Govt. buildings not included in collections ..	1,394	1,894
CEMETERIES :			CEMETERIES :		
Wages and sundries	165	165	Fees, etc.	24	24
MARKETS, SLAUGHTER HOUSE, ETC. :			MARKETS AND SLAUGHTER HOUSE :		
Wages, Maintenance of buildings and sundry charges	1,026	1,026	Fees and charges	3,171	3,171
POUND :			POUND :		
Wages	36	36	Fees	79	79
PUBLIC WORKS ADMINISTRATION :					
Engineers, Offices Expenses, etc. and use of Plant	—	724			
ROADS :			LICENCES (PUBLIC HEALTH) :		
Construction and Maintenance ..	4,830	4,830	Issued on account of business premises, etc., over which public health control is exercised ..	423	423
Carried forward	£15,527	£17,707		£5,091	£5,591

APPENDIX II, STATEMENT "A" (Continued).

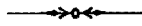
EXPENDITURE.	1. Approximate direct charges for 1925 not including cost of Administration by Govt. Depts. (other than officers wholly employed on Municipal duties).	2. Estimated on basis of 1925 expenditure plus Administration charges incurred by Govt. Depts. (exclusive of public health Administration and inspection).	REVENUE.	3. Collections for 1925.	4. Collections plus value of services rendered to Government.
	£	£		£	£
Brought forward	15,527	17,707	Brought forward ..	5,091	5,591
STREET LIGHTING: Purchase of Electric Current, Wages, etc.	1,053	1,053	LICENCES (TRAFFIC AND DOG): Vehicles (excluding motor vehicles) £335 Cycles 293 Motor Drivers (vehicles plying for hire) .. . 67 Dogs 26	721	721
			SUNDRY RECEIPTS: Building permits 164 Ngoma permits 82	246	246
			DIRECT TAXATION BY MEANS OF ASSESSMENT RATES: On rental values as now assessed —actual receipts for 1925 ..	6,058	6,558
				3,453	3,453

		TOTAL REVENUE on account of payments for services rendered and taxation contributed by public	9,511	10,011
		DEFICIENCY MET FROM GOVERNMENT FUNDS:		
		On approximate direct expenditure	7,069	—
		On approximate direct expenditure including estimated administration costs borne by Government Depts., but excluding Public Health Administration and inspection..	—	8,749
		NOTE.—The total annual Rate on Rental values as now assessed would be £4,468, of which £1,068 represents minimum charges of 6s. ; and in the minimum charges are included amounts collected from natives ; (being one half of the Hut Tax of 12s. per annum) which have been treated as Township Rates.		
	<u>£16,580</u>	<u>£18,760</u>	<u>£16,580</u>	<u>£18,760</u>

325

Expenditure on Refuse Removal and Destruction and Street Cleaning amounted to £4,590. Of this sum it is estimated that approximately 80 per cent. represented the cost of private Services.

ALPHABETICAL INDEX.



A.

	PAGE
Acknowledgment	176, 311
Aliens—Enfranchisement of	62, 268
Appointment of Commission	1
Appointment of additional members	2, 3
Arab— <i>see</i> under Elections and Composition of Council.	
Area—Proposed Municipal, Nairobi	6, 7, 28, 46
Area—Proposed Municipal, Mombasa	273-278
Audit	91

B.

Baker, Sir Herbert	9
Building plans	12, 277-278, 308

C.

Central Government—Organization for Supervision of Local Authorities—	
Commissioner for Local Government	272
Local Government Inspector	91, 272
Standing Departmental Committee	272
Chamber of Commerce	5, 247, 275
Command Paper 1922 of 1923	6, 37, 312
Commercial Area, Nairobi	8, 9, 10
Commission of Inquiry, 1919 (Mombasa)	250
Commission of Inquiry, 1924 (Nairobi)	6, 47, 51, 52
Commission, on Cape Peninsula Municipalities—Extracts from Report of	31
Commission, on Financial Relations, Transvaal	92, 298
Commission, Transvaal Local Government	95
Common Roll	52, 312
Community, of Interest	32-34
Composition of Council—Nairobi	6, 47
Europeans, Representation	47, 51, 52
Government representative	47, 51
Railway representative	51
District Council representative	51
Goan representative	47, 51
Indian representative	47, 51, 53
Distribution of Seats	50
Common Roll	52
Racial representation	53

	PAGE
Composition of Board—Mombasa	264, 265
Europeans, Representation	262, 263
Government representative	260, 263, 264
Railway representative	264
Port representative	264
Goan representative	266
Indian representative	265
Arab representative... ..	264, 265, 269
Swahili representative	256, 269
Racial representation	262, 263, 265
Reasons for Municipal Government	255
,, Against Elected Body	256-259
,, For Elected Body	259
Local views	261
Recommendation <i>re</i> Elected Members	260, 261, 262, 264
Standing Committee	261
Chairman	263
Nominated Members	264
Government Officials	265
Status of Board	265
Conservancy, System	12, 308
Contents, Table of	v

D.

District of Nairobi	18
District Committee, Mombasa	250-251
District Commissioner, Nairobi	18
Drainage, Expenditure on, in Nairobi	10, 160
,, Survey, Mombasa	308

E.

Eastleigh	5, 16, 33
History and Conditions	18-20
Rates	71
Roads	72
Election—Formal System of	53
Previous methods	56, 58, 59
Voters' qualifications	56, 62, 63, 267, 269
Candidates' qualifications	60, 63, 268
Term of Office	61, 63, 269
Endowment—With Crown Lands	91, 298
Environs—Nairobi	16, 17, 24
Area of	18
Population of	18, 50
Development of	18, 26
Financial position of	71, 86
European, representation on Council	6
<i>See also under Composition of Council.</i>	

F.

	PAGE
Finance, Municipal, Nairobi	14, 40, 67
Present position, „	67, 182-202
Assessment Rates, „	67, 69
Financial Control, „	90
Finance, Municipal, Mombasa	254, 279, 322-327
Ferries, Control of	278

G.

Goan, Representation on Council	6, 63, 266
<i>See also under Composition of Council.</i>	
Golf Course, Nairobi	16
Government Contributions.	
Trunk Roads	13, 69, 81, 82, 84, 292
Rents	13, 69, 82, 84
In lieu of Rates	14, 69, 80, 81, 82, 84, 288, 290, 294-296
Special	13, 69
Present basis unsatisfactory	69
General considerations	76-79, 287-289
Proposed basis	79-82, 290
Effect of proposals	82, 85, 293
Comparison with old basis	84
Motor Licences	86, 296
Diminishing grant	88, 297
On Statutory basis	88-90

H.

Hunter, Dr. R. N., Memoranda by	10, 11, 215-219
----------------------------------------	-----------------

I.

Index	v
Indian Associations	5, 247, 259, 275
Indian Bazaar, Nairobi	8, 9
Indian, Representation on Council	6
<i>See also under Composition of Council.</i>	

J.

Jameson, Walton	9, 252
------------------------	--------

K.

Kileleshwa	16, 24
Kilimani Estate	16, 25
Kyambu, District of	17, 18, 24

L.

	PAGE
Land-Values— <i>see</i> under Values.	
Crown, Occupied	7
Unoccupied	7
Policy	8, 9
Crown—Valuation of	68
Distribution, Mombasa	248
L.O. 5	24
L.O. 37	16, 26
Local Government—Redlich & Hirst—Extract	31
Local Government Commissioner— <i>see</i> under Central Government.	
Local Government Inspector— <i>see</i> under Central Government.	

M.

Malaria—Prevention work	160-154, 215-219
Estimates of cost	162-164
Marlborough Estate	5, 16, 24
Medical Officer of Health	18, 26, 310
Security of tenure	147
Minority Report—Mombasa	312-319
Mission—Lands	16, 24
Mombasa	247-249
Old Town	248
Motor Licences—Revenue from	86, 297
Vehicle Tax, Municipal	87, 297
Municipal Authority, Nairobi	
One or several28, <i>et seq.</i>
Various suggestions	36-37
Objections to one Authority	37
Racial	37-40
Financial	40-45
Administrative	45-46
Area proposed	46
Municipal Boards—Functions	270
Financial Control	270-272
Municipal Committee	5, 6
Municipal Corporations Ordinance	90
Municipal Council	5
Municipal Engineer	88, 308, 310
Muthaiga	5, 16
History and Conditions	20-22
Township Rules	21
Committee	21, 60
Rates	71
Roads	72

N.

	PAGE
Nairobi (Rating of Unimproved Site Values) Ordinance— <i>see</i> under Rating.	
Nairobi	8
Native Affairs	14, 151
Memorandum by C.N.C.	154, 156-158
Locations	14, 151, 152
Superintendent of	14
Affairs, Committee	14, 153
Municipal Officer	14, 154, 155
Housing	33
Revenue Account	152, 153, 154, 155
Brewery	153, 155
Affairs, Mombasa	154, 155
Ngong Road, Plots	16
Notes—by Mr. T. A. Wood	177
Mr. V. V. Phadke	177-179

O.

Official, representation on Council	6
Order in Council, 1897	5

P.

Population, Nairobi	7, 14, 48, 49
Mombasa	247, 273, 274
Port, relations with Municipality— <i>see</i> under Railway.	
Procedure	167, 311
Model Standing Orders	167, 168, 220-235
Financial Regulations	167, 168, 236
Committee System	167-170, 228-232
Existing Standing Orders	167
References to Committees	169, 172-175
General Financial Control	170
Control of Expenditure	171
Finance Committee	236
Public Health	12, 33, 71, 85, 293
Definition of Local Authority	138
Dual control	138
Dr. Johnstone's views	139, 140, 141
Dr. Hunter's views	141-144
Dr. de Boer's views	144-146
Changes recommended	146, 147
Central control	147, 150
Government share of expenditure	147, 293
Cost of	149

	PAGE
Public Health (Building) Ordinance Cap. 125	18, 25
Health Board	26
Public Health Ordinance Cap. 124.	
Amendments to	148

R.

Railway and Port—relations with Municipalities—	
<i>Re</i> Services and payment therefor	124, 127-129
<i>Re</i> Bye-laws	124, 129
<i>Re</i> Rates	124, 125-127, 130-136
<i>Re</i> Representation	124, 136, 137, 316
G.M.'s Memorandum	124, 129, 132-134, 136
Rates—Nairobi	14, 68
Transfer of Liability for	99
On Agricultural Land	99
Mombasa	254, 277, 282
Rating—Nairobi Ordinance	7, 68, 97
Rating Law—Draft	97, 101-117
Memorandum on	75, 78, 97, 203-214
System proposed	75, 285
Rate on Improvements	75, 285
Rental Value Rate	286
System of Assessment	204-207
Transvaal System	207
Comments thereon	208-210
Crown Interests	211
Special Rates	212
Endowment Fund <i>re</i> Private Estate Development	213
Basis of Valuation	213
of Interests	98
Refuse Removal	68, 72, 74, 85, 86, 308
Representation, on Council— <i>see</i> under Indian, European, Goan, Official.	
Reserves, Veterinary, Forest, Medical, Quarry, Military, Agricultural,	
Educational	16, 17, 24
Residential, Areas	8, 9
Roads—Nairobi	13, 33
Environs	23, 25, 26, 33, 72, 159
Mombasa	308

S.

Sanitation, Nairobi	10, 11
Environs	19, 21, 25, 72
Segregation	26, 38
Services—General... ..	16
Charges for	73, 282
Recovery of Charges	74, 283-285
Sewerage, Nairobi	10

	PAGE
Simpson, Prof., Report of, on Nairobi	9
" " " Mombasa	250
Staff—Municipal, Salaries of	88, 165
Security of Tenure	166, 311
Government Approval to Appointment and Dismissal	166, 311
Present Staff... ..	166
Mombasa	307
Standing Orders, <i>vide</i> Procedure.	
Submission	4, 245
Summary—Of Recommendations	xvii
Superintendent of Suburban Areas	18
Memoranda by	19, 20, 27

T.

Table of Contents	v
Table I.	49
Thompson's Estate	16, 25, 39
Town Clerk	88, 166, 234, 310
Should be legally qualified	165
Town Planning, Nairobi	9
Authority (Greater Nairobi)	9
Ordinance	9, 250
Authority (Mombasa)	251
Scheme, Mombasa	251-253, 281
Cost of	252
Nairobi	10
Old Town, Mombasa	253
Townships Ordinance	6
Townships (Private Streets) Ordinance 1924	72, 159
Townships Regulations and Rules	5, 249
Muthaiga Rules	21
Eastleigh Rules	19
Town Treasurer	88, 166, 240, 310

U.

Upper Hill Estate	16, 22, 25
Upper Nairobi Township and Estates Company, Ltd.	22, 23, 25, 26, 159
Upper Parklands Estate	16, 22, 23

V.

Valuation Court	98
Of Crown Property	100
Valuation Roll	7, 98, 100
Note on making of	118-123
Values—Land	7, 8, 14
Values, Rating— <i>see</i> under Rating	

W.

	PAGE
Ward System	48, 53
Objections to and advantages of...	54, 55
Wards proposed	64-66
Water Supply—Nairobi	12, 33
Suburbs	21, 23, 26, 33, 73
Water Supply—Mombasa	280, 308
Terms of transfer to Municipality	303-306
Tariff Charges	306
Westlands Estate... ..	16, 22-23
Williams, Bransby, Report of, on Nairobi	10
Witnesses	5, 180, 247, 320
