

NOTES FROM MISS PERHAM  
ON  
VARIOUS ORDINANCES OF BRITISH  
COLONIES IN AFRICA.

NATIVE AUTHORITY ORDINANCE.

Tanganyika is taken as the type and the others compared with it.

N. Rhodesia. It is practically literal reproduction. In the lists of duties of the N.A. the suppression of "prostitution, procuration, and all matrimonial or sexual relations which are contrary to native law and custom" is added. It is interesting to notice that the very complete powers vested in the Governor for the appointment, deposition and deportation of chiefs does not apply to Barotseland, the only chieftainship strong enough to make terms for itself at the outset.

Kenya Native Authorities Ordinance, 1912.

This differs considerably from the T.T. Ordinance. The following are the most important variations and additions:-

No mention is made throughout of native chiefs, but only of headmen or councils of elders appointed by the Government, and there is no reference to native law and custom.

There are some additions, significant of conditions in Kenya, to the list of duties of the Native Authority:-

- (a) The provisions as to the recruitment of forced labour are more elaborate, though accompanied of course by precautionary conditions.
- (b) A special clause is devoted to the removal of natives from land outside a reserve into a reserve, with penalties, including destruction of huts and crops.
- (c) Native Authorities may prohibit natives from attending "any meeting or assembly" which "in his opinion might tend to be subversive of peace and good order." This is peculiar to Kenya in tropical Africa.

Local Native Councils were established by an amendment in 1926 consisting of 12 additional clauses authorising the Governor to set up Local Native Councils under the presidency of an Administrative Officer, to meet not more than every three months, to have powers of passing resolutions "in respect of any matter affecting purely local native administration," and funds with power to impose rates for local expenditure.

Nyasaland. Native Authority Ordinance, 1933.

This is an exact copy of the Tanganyika Ordinance with the following exceptions:-

- (1) It contains no definition of "native."
- (2) It gives powers for the deportation of deposed native authorities from their areas and also for their suspension up to one year. (As I know such action is taken in T.T. it must be under some other Ordinance.)
- (3) It empowers a District Officer in an emergency to assume all or any of the functions of a Native Authority.
- (4) It omits the duties of a Native Authority to recruit labour for essential public purposes.
- (5) It contains clauses authorising the establishment of Native Treasuries and the levying of rates. (There is no Native Treasury legislation in Tanganyika Territory.)

The Gambia Native Authority Ordinance. 1933.

An exact copy of the Tanganyika Territory Ordinance with only one alteration. This is the addition of Clause 4 allowing the Governor "to exempt any native or class of natives" from the operations of the Ordinance, a provision necessary when imposing an Ordinance of this kind at this late date upon a territory containing many sophisticated and non-Gambian Africans.

Zanzibar Native Authority.

The administrative system in Zanzibar is different in so far as African headmen, appointed by the British Resident, only act as very subordinate agents under a gradation of two similarly appointed Moslem, and presumably Arab or half-Arab, authorities, i.e. shehas and mudirs, and two European officials, the District and Provincial Commissioners. It is only the last of these who had the power of issuing orders similar to those listed in the Tanganyika Territory Ordinance, the clauses regarding penalties being practically the same.

The Nigerian Native Authority Ordinance.1933.

This is modelled upon the Tanganyika Territory Ordinance with the following exceptions:-

- (1) The Governor may exclude certain persons or classes of persons from the jurisdiction of a Native Authority. With the approval of the Secretary of State the Governor in Council may declare that persons or classes of persons other than natives residing in the areas of native authorities shall be under all or any of the powers of jurisdiction of a Native Authority. Such persons may include non-natives.
- (2) Native authorities lack one power under the Tanganyika Territory Ordinance - that of recruiting labour, but have an additional one - that of expelling necessitous strangers.
- (3) Arrests are not to be made, as in Tanganyika, without warrant, but application is to be made for a warrant to the Native Court having jurisdiction.

Northern Territories of the Gold Coast.

Most of it is literally the same as the rest in all essentials, with the following exceptions, presumably due to the different political atmosphere of the Gold Coast and the reflection northwards of the strong ideas in the Colony as to the independence of Government control claimed by the people for their chiefs:-

(1) The interpretation of a chief is "appointed as such under native law and custom", instead of recognised by the Government. But his position as a Native Authority depends as in Tanganyika Territory upon Government appointment.

(2) The clauses providing for the close control of the Government over the appointment, deposition and deportation of Native Authorities, and their compulsion to attend when ordered upon by the Administrative Officer are omitted.

(3) The list of duties imposed on the Native Authority is much shorter, and omits the production of forced labour, tsetse control, control of grass-burning, stock movement, adequate cultivation, etc.

(4) The penalties for infringement of the Ordinance are lower.

Togoland. Native Administration (Southern Section)  
Ordinance.

This covers both Native Authority and Native Courts.

Native Authority. This is similar to ~~that~~ the Tanganyika Territory Ordinance with the following exceptions:-

Definition of Chief. The position of chief depends upon his selection according to native law, though his position as a Native Authority under the Ordinance depends upon his appointment as such by Government.

The list of powers is considerably shorter, though one of interest is added "prohibiting the holding of any dance or custom which is obscene, degrading or immoral."

Famine provision is omitted. (There may be a special Ordinance or there may be no danger of famine here.)

Allegiance to Stool. There are special provisions (13 and 14) to restrain persons from withdrawing allegiance from, or intriguing against the stool (symbol of office) of a chief.

State and Divisional Councils are recognised by the Ordinance, being the Paramount with his Divisional Chiefs, and the Divisional Chiefs with their sub-chiefs respectively. All disputes of a political or constitution nature are settled, for their respective areas, in their Councils, with appeal from the State Council to the Governor. These State Councils have the power to pass bye-laws for the good government and welfare of natives in the State, and to establish and make bye-laws for State Treasuries.

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