

EAST AFRICA

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1916

NATIVE AFFAIRS DEPARTMENT

Submits for consideration detailed and final recommendations. Strongly recommends scheme brought into force from 1st April 1917. Requests telegraphic instructions as to whether Mr Mosley may be allowed to proceed on leave if provision may be made in 1917-8 Estimate for

Last previous Paper.  
100055

Accepted 29 Dec 1916  
Sub for Com. 31 July 1917

Mr. Read,

The Governor here sends us his final recommendations for the division of the Protectorate into native areas and non-native areas and for their separate administration. The proposal is a revolutionary one. It involves the entire recasting of the system of district administration and the entire re-grouping of the administrative staff. It involves also detailed questions of scales of salary and individual salaries and delicate personal problems. The Governor assures us that it will not lead to any increase of expenditure, but we cannot simply accept his ipse dixit on this question. We shall have to judge for ourselves, on the material which he gives, the financial effect of his proposals.

We have known for some time that he had this scheme in mind, but we had hoped, I think, not to have to decide upon it before the end of the year. He seeks, however, to

Next subsequent Paper.

12514/17

of the new scheme as soon as possible on the ground that <sup>the</sup> existing system of Provincial administration has been <sup>dearly</sup> broken down <sup>substantially</sup> in the case of certain compulsory movements of natives of the Malindi district and Seyidie province.

I therefore now take up again in the attached memorandum the question of introducing a new system as soon as practicable. I doubt now whether it is worth while to wait for G. E. G. The new system can be adopted there if the <sup>local</sup> <sup>authorities</sup> <sup>remain</sup> <sup>in</sup> <sup>power</sup> at the close of the war & the system has in the meantime not been itself so far that the Administrator of G. E. G. wishes to apply it.

PAS

Mr. G. F. Dolder

I think that the question of the scheme might well be postponed at any rate until after the War.

Mr. H. Bulfield has recently told Mr. Butler that he does not intend to return to E. Africa in any form & that he wishes that to be known to the office. To approve of a scheme for the complete reorganizing of the political admin<sup>n</sup> of the Protectorate without giving his successor who will have to work it, an opportunity of having his say on the subject will be a very <sup>strong</sup> <sup>measure</sup>. Also the scheme is largely dependent for

Memorandum

Under present arrangements the Protectorate is divided into Provinces, each administered by a Provincial Commissioner. Each Province is divided into districts, a district being administered by a District Commissioner with Assistant District Commissioners under him.

Within the districts the affairs both of the natives and non-natives are dealt with by the District Staff, whose views and recommendations are communicated to the Provincial Commissioner of the Province, and through his reach the Chief Secretary to the Government.

The present system may therefore be shown thus -

- Chief Secretary,
- 6 Provincial Commissioners
- 44 District Commissioners
- 88 Assistant District Commissioners

Total 139

In addition there are 2 Magistrates whom it is proposed to absorb in the re-organization.

The proposal now is to mark out the Protectorate into three different kinds of areas  
(1) Native Districts, in which natives still in a state of tribal organization form the preponderating part

for its success on one man - Mr. Burrows whom it is proposed to appoint chief Native Commr. Mr. Burrows has been the first chief adviser in the matter & he is the one outstanding man among the Prot. Commrs who will be likely to make the scheme a success. At present he is employed on important work in G.E.A. & there is no prospect of his being available before the end of the year. It is suggested that Mr. Burrows might be retained in his services & that he has already passed the retirement age (50) as he was born in 1864.

I do not think that the Malindi incident is an adequate ground for making the scheme. What happened at Malindi might happen under any scheme, if worked by stupid officials. Mr. Skene, who had the necessary knowledge & tact, did his part of the Malindi business thoroughly well - See Mr. Bennett.

J. R.  
13/11/17

I entirely agree "Get on with the work"

Ph: 1707  
I agree. It can be left stand and come up later.  
(Mr. Burrows has taken a great deal of trouble & is naturally with this and it will be of service if it comes up later)  
I cordially concur  
MML

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[Map in Encl. 2. retained in Library, Catalogued East Africa 97, Class 2021/9]

part of the population. These districts, however, would include any small townships or trading centres and any other non-native interests situated in the districts. The native districts are to be controlled by a single officer styled "The Chief Native Commissioner". Under him are to be Native Commissioners (corresponding to District Commissioners under the old system) each in charge of a single district and assisted by cadets (Assistant District Commissioners). The Chief Native Commissioner alone would correspond direct with the Chief Secretary. The Native Commissioners would only communicate with headquarters through the Chief Native Commissioner. The organization would also provide for a Controller of Labour working under the Chief Native Commissioner at headquarters, for four Labour Officers in charge of labour camps, and for three Travelling Inspectors who would tour the districts without executive functions and report direct to the Chief Native Commissioner.

(2) Settled or non-native areas, which are not at present and will not in the future be required for the use of native tribes, and in which European or white residents and interests do and will predominate. These districts are to be in charge of Resident Magistrates. The officers administering these districts will need a higher training in law to meet the more complex needs of the European and Asiatic population. Barristers of some standing with experience in chamber-work or practice are suggested, but the appointment of officers with these qualifications will be subject in the first instance to the need of absorbing the existing staff. The Resident Magistrates will be assisted by Assistant Resident Magistrates and by Cadets. Each Resident Magistrate

\* The duties of these officers are described in memo. 10/1/20 with para. 10. The table requires here to show need separate discussion of the new system of native labour officers, and will be held to be in the same way which should be subject of separate recommendations to Govt. authorities in para. 10 & 11.

Magistrate would correspond direct with the Chief Secretary to the Government, except on matters affecting native interests still left within their spheres of administration. Correspondence of <sup>large</sup> ~~large~~ interests would go to the Chief Secretary through the Chief Native Commissioner.

(3) Outlying territories, namely, Jubaland, and Northern Frontier District. These territories are not at present closely administered, and might for geographical and other reasons remain as they are for some time to come. Their organization is still in the rough, and in process of time they would be absorbed in the class of native districts or non-native districts, mainly no doubt, the former. At the head of each of these territories would be a Commissioner corresponding direct with the Chief Secretary to the Government, assisted by District Officers and Cadets. The proposed re-organization results therefore in the following scheme:-

Chief Secretary		
Chief Native Commissioner	(Jubaland & Northern Territories) 2 Commissioners	
+ 5 Staff Officers	of native affairs	
32 Native Commissioners	5 Resident Magistrates	8 District Officers
+ 4 Labour Officers	9 Assistant Resident Magistrates	+ 9 Cadets
46 Cadets	15 Cadets	
-----		
126		
+ 20 Cadets for relief purposes		
Total 146		

Secretary not included.  
 to be same as the new division

The proposal had its origin in a desire to secure greater uniformity in native policy in the different

different parts of the Protectorate and appropriate treatment with the peculiar needs of each class of district. The advantages claimed for it are -

(1) Uniformity of treatment of the natives, e.g. in such matters as reserves, labour, education, encouragement in agriculture & industry. At present there are seven different channels to the Chief Secretary with a different personal equation in each case. If a suitable man can be found for the post of Chief Native Commissioner (everything of course depends on that) there can be little doubt that native policy generally will benefit enormously.

(2) European and Asiatic needs will receive a more specialised treatment which they ~~need~~ <sup>require</sup>

(3) Officers in charge of districts will not be liable to be distracted, as at present, by the often conflicting claims of native and non-native populations at present under the same administration.

(4) It is possible with any increase of staff to provide a useful measure of study and control of labour questions and supply.

One obvious disadvantage is that, while native policy and correspondence on native affairs will be concentrated in a single channel, there will be a large number of officers corresponding with the Chief Secretary direct on non-native affairs. The Governor recognises this disadvantage in paragraph 6 of his despatch. But he points out that the questions arising in non-native areas are for the most part not connected with uniformity of policy. The policy to be applied in these areas is in the nature of things more

regularised

regularised and settled, and will be applied, eventually at any rate, by trained lawyers.

It is necessary to call attention to certain special points -

(a) Cost. It is practicable in all but a few specified cases to fit all officers into the new scheme at their present rates of pay. The strong Committee which has reported unanimously on the subject estimates that the minimum addition <sup>at</sup> cost of the new scheme will be £390 per annum and the maximum <sup>additional</sup> cost £990 per annum. There will, indeed, be an immediate saving of £425 per annum in salaries and duty allowances if the scheme is applied now.

The Committee recommend for eventual adoption a revised scale of emoluments for the higher grades, Native Commissioners, Resident Magistrates, and District officers. The improved scale would cost about £4,000 per annum. <sup>more than the present scale</sup> The Governor realises that the present time is not favourable for such a proposal. He merely records his opinion that the importance of the duties <sup>to be</sup> performed amply justifies the increase suggested, but he does not wish to press them until a more favourable opportunity occurs. He is, however, favourably inclined (see paragraph 13 of his despatch) to the Committee's recommendation that cadets whose scale of salary is £250 + £15 - £400 should after five years' service, if they have qualified in law and language, go at once to the maximum of their scale, that is to £400 from £235, and be styled "Senior Cadets". <sup>substantial</sup> He does not press the ~~point~~ <sup>point</sup>, and I certainly think it should wait until we can see our way more clearly through the Protectorate's financial

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financial difficulties after the war.

The actual increases of emoluments are only suggested in eight cases (see schedule D.) Seven officers are to be raised from ~~2400 to the 2500~~ <sup>2400 to 2500</sup> scale, one from the 2500 scale to the 2700 scale.

This involves an increased cost of £205 per annum, the highest individual increase being £40 pay plus £10 duty pay. The only substantial increase is that suggested for Mr. Ainsworth himself, he is now at the maximum of his scale, £500 to £700, plus £20 duty pay and £50 personal allowance. It is proposed that, as Chief Native Commissioner, he should draw £1,000 pay and £100 duty pay. The increase is £250 pay and £40 duty pay. These increases, the total of which is £455 pay plus £40 duty pay, are more than counterbalanced by the economies effected under the new scheme, namely, £650 pay plus £270 duty pay.

The Governor maintains that no new buildings will be required, because existing offices and houses can be used in every case, and that the increased cost of the clerical staff if any will be negligible.

It seems clear therefore that there is no objection to the proposals on financial grounds.

(b) Certain questions of jurisdiction arise.-

(1) It is pointed out in paragraph 11 of the Committee's report that it will be necessary, as at present, that Resident Magistrates should have jurisdiction, both civil and criminal to deal with matters arising in native areas which are beyond the jurisdiction of the Native Commissioners, such as a civil claim exceeding Rs. 500 between Indians or a serious criminal charge against a European.

(2)

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(2) The Governor points out that it will be necessary later on to revise completely the boundaries of all districts as at present proclaimed, so as effectively to separate the native from the non-native areas. In the meantime any difficulties arising out of ill-defined or undefined boundaries can, in the opinion of the Committee, be obviated by the grant of concurrent jurisdiction in overlapping areas pending the eventual re-division of the Protectorate into districts. I am not quite sure what is meant by this. We might enquire.

(3) It is necessary that the jurisdiction of officers in the out-lying territories should be regularised. At present, especially in the Northern Frontier district, tribute is collected from the tribes without any legal authority, the Armed Constabulary have no legal status either as troops or as police, and the Court records are conspicuous by their absence.

The Committee point out in paragraph 31 of the report that legislation will in their opinion be necessary to provide for the designations and magisterial powers of the new offices, and for meeting the special difficulties as to the outlying territories. The Governor says in paragraph 25 of his despatch that the Attorney General has been instructed to draft the necessary amendments to the existing laws in anticipation of the approval of the proposals.

(c) There are two difficulties to be encountered. The problem of applying the new system to the coast strip of the Protectorate is complicated by the

Arab

Arab settlements and by the extensive interests acquired in that area by Europeans and Indians in the early days of the Protectorate. Mr Ainsworth has submitted a memorandum on the subject, which the Governor encloses, but which he is compelled to admit does not enable him to define absolutely the form of administration most suitable to this particular area. Mr Ainsworth himself has the expert knowledge of the coast strip, as he has of the native questions of the rest of the Protectorate. The Committee recommend that Mr Ainsworth should take over the administration of the Seydlie Province in order to obtain first-hand knowledge of the native questions there. It was, however, impossible to arrange for this, because Mr. Hobley, who is at present in charge of that Province, is senior to Mr Ainsworth in the service.

This brings us to the second difficulty, Mr Hobley himself. He is the Senior Provincial Commissioner, and no place can be found for him in the new scheme of administration. The Governor advises that he should be called upon to retire. He will be 50 <sup>the month</sup> in July, and that is the age at which an officer may claim to retire on pension quite apart from any question of health, and at which we have always assumed that the Government may in turn call upon an officer to retire. Mr Hobley has recently been concerned in certain movements of natives in the Malinal district of his province which have called down upon his head the censure of a special <sup>committee</sup> commission to enquire into the subject. The papers have been sent on separately. Even so, with all his anxiety to remove Mr Hobley as being the stumbling block to the

(Gov. 30914)

new scheme, the Governor and his Council have not held that the disclosures as to Mr Hobley's responsibility for the Malindi moves warrant either his temporary or his permanent removal from the post of Provincial Commissioner.

It occurs to me that the two difficulties may solve each other. The idea is that the new scheme of administration should be initiated by the appointment of Mr Ainsworth as Chief Native Commissioner and should then be applied gradually on his advice as opportunity offers throughout the Protectorate. The main thing is to get him at headquarters in this position of responsibility and let him work out the scheme step by step. If this were done, it would surely be wise to leave Mr Hobley in charge of the Seyidie Province, and bring that Province last under the new scheme, when Mr Ainsworth had had some opportunity of studying the problems which it presents. In the meantime, Mr Hobley would of course have to correspond direct with the Chief Secretary, as at present, and his District Officers would be responsible to him and not to Mr Ainsworth. It is worth while putting these suggestions to the Acting Governor. But if and when the Acting Governor can conscientiously recommend the <sup>application of</sup> new scheme to the Seyidie Province, I would not hesitate to remove Mr Hobley either on the score of age or on abolition of office.

The scheme cannot be introduced at once, because so far as we know Mr Ainsworth is still

assisting



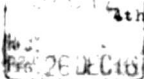
assisting the military authorities. But we can at any rate give the sanction asked for ~~on~~<sup>of</sup> the principle of the scheme, ~~of~~ the appointment of Mr Ainsworth as Chief Native Commissioner as soon as he can be released from his military duties, and of the Officer Administering the Government having general authority to re-arrange the details of the administration on the lines suggested in the ~~scheme~~<sup>estimates</sup>, and within the total ~~scope of the~~ provision, as occasion arises and experience indicates.

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EAST AFRICA PROTECTORATECONFIDENTIAL No. 146GOVERNMENT HOUSE,  
NAIROBI.

BRITISH EAST AFRICA.

11th November 1916.



Sir,

I have the honour to refer to my Confidential despatch No. 19 of the 5th of February and previous correspondence on the subject of the establishment of a Native Affairs Department in the East Africa Protectorate, and to inform you that I am now in a position to submit for your consideration detailed and final recommendations.

2. I have recently appointed a strong Committee consisting of the Chief Secretary, the Attorney General and Mr Ainsworth, presided over by the Chief Justice, to consider the proposals generally, and to report how the existing personnel can best be adjusted so as to give effect thereto at an early date. As a result I now desire to modify to a certain extent the recommendations made in my Confidential despatch No. 146 of the 1st of September, 1914, more especially as regards the distribution and utilization of the existing staff referred to in paragraph 5 of that despatch. I enclose a copy of this Committee's report supported by Schedules 'A' to 'E', but, before commenting thereon, I will first

THE RIGHT HONOURABLE

ANDREW BONAR LAW, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

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25.10.16.

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first reply to the specific enquiries contained in Mr Harcourt's Confidential despatch of December 18th, 1914.

3. As regards the doubts expressed as to the possibility of bringing the new scheme into operation until the situation has become more normal I would wish to emphasise the fact that the local situation has changed very materially since December, 1914. The scene of local military operations has shifted far across the Anglo-German border and a speedy termination of local hostilities may now be reasonably expected. The fact alone of so many of our natives having been brought by the war into close association with conditions previously unknown to them and of their having been called up from their reserves to take part in the military operations as askaris, carriers and other followers is an obvious additional reason for strengthening the native administration and for giving effect to the new proposals with as little delay as possible. In particular must be borne in mind the fact that natives drawn from every part of the Protectorate have seen, for the first time in the history of this part of Africa, Europeans of different nationality fighting against one another, and training and employing black troops against white and black alike.

4. It is a patent fact that the new scheme can be introduced and gradually made to replace completely the existing system of civil administration without any dislocation of existing arrangements. Powers, control and designation of existing members of the staff will be altered to

some extent, and certain new offices will be created, but the great majority of the staff will in fact continue to discharge the same duties as they do at present. The first step necessary is the appointment of the Chief Native Commissioner who would be stationed at Nairobi where he would be able to work out the details of the scheme. It is admitted that there may be difficulties at first but I see no reason why these should not be overcome and the complete scheme brought into being within a few months of the principal appointment being made.

5. I have therefore no hesitation in recommending most strongly that Mr Ainsworth be entrusted with his new duties as from April 1st next and that the other appointments and promotions consequent on the change of system should also have effect from that date the officers concerned being, if necessary, considered as seconded for their present duties until such time as the new scheme of administration has replaced the old. I do not, however, attach so much importance to the latter part of this recommendation, but I cannot lay too much stress on the necessity for the creation of the post of Chief Native Commissioner from the date mentioned; the other appointments could be created as the change develops. In the meantime and pending your decision I have caused the draft estimates for 1917-1918 to be prepared on existing lines but as will be seen later financial considerations can be dismissed as not affecting the proposals and on the receipt from you of a telegram to the effect

effect that the scheme has received your approval, the necessary amendments could be made in the estimates before the Appropriation Ordinance has been passed by the Legislative Council either as regards Mr Ainsworth's appointment only or as regards the whole of the "General Staff" in Schedule VI and the staff of magistrates in Schedule XI. It will not however be possible for some time to adjust other details of the Provincial Administration and Judicial estimates to the requirements of the new scheme and I would seek general authority to rearrange and reallocate the details within the total sanctioned provision as occasion arises and experience indicates. I trust that this latitude will be allowed, bearing in mind the difficulties of effecting so radical a change of system on so large a scale.

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6. In his despatch of the 18th of December, 1914, Mr Harcourt desired to be informed of the grounds on which I had formed a different opinion to that of my predecessor as to the suitability for this Protectorate of the formation of separate departments for the administration of native and non-native areas respectively. In reply I would venture to remark that it appears to have been assumed that the Native Affairs Department is intended to be independent of the general control of the Chief Secretary to the Government. This is not the case and it is an integral part of the scheme that the two branches shall centre in that Officer who

who will have the same opportunity of weighing diverse opinions and of adjusting conflicting interests as at present. In the person of the Chief Native Commissioner he will have at his disposal the experience and views of an officer who is at the head of the whole Native Department. He will deal and correspond with one native administrator only instead of with several as at present, and uniformity of policy will be attained. It is true that as regards the non-native areas there will be a larger number of officers corresponding direct with Government than at present and it will probably be necessary for an officer of the Secretariat, possibly the Assistant Chief Secretary, to deal in the first instance with all matters referred to Government by the Resident Magistrates in the white areas. At the same time the matters arising in the non-native areas are for the most part not connected with questions of uniformity of policy. The chief difference between the new scheme of administration and that in vogue at the time that the appointment of a "Secretary for Native Affairs" was attached to the Secretariat, will be that administrative officers in the districts will have separate and distinct duties to perform according to whether they are "Native Commissioners" or "Resident Magistrates". They will not have to deal with conflicting interests in their districts and their activities will be confined either to native or to settled areas instead of to areas comprising both conditions as at present. The experiment of appointing a "Secretary for Native Affairs" failed because

because of the existing system which made it impossible to define his duties satisfactorily or to draw a line between matters coming within the scope of his duties and matters with which he was not concerned.

7. With regard to the financial aspect of the new scheme I can only repeat that no additional cost would be involved by adopting the proposals now submitted. Although the minimum and maximum cost of administration under the new proposals would be slightly in excess of the existing system, the actual cost of introducing the scheme would be less although eight officers at present on the staff would receive immediate promotion. Mr Hinde has now retired on pension and a post has been found for Mr Lane so that their pensions do not affect the proposals. It will be possible in the earlier stages of the new system to make, by readjustment, use of existing offices and houses both at Headquarters and in the Districts. There would be no objection, for instance, to Native Commissioners continuing to reside in non-native areas where such areas are in close proximity to native areas, e.g. Kisumu and Kiambu, although Resident Magistrates would be residing in the same Stations. It is not for the present possible to prepare detailed estimates of the cost of the clerical staffs, but it can be safely assumed that the increased cost, if any, will be negligible.

8. Mr Harcourt's despatch commented on the probability of increased recurrent expenditure because of the possible necessity for appointing

both.

both "Administrative Officers" and "Resident Magistrates" to areas where there is a considerable non-native population. No such increased expenditure will however be necessary. As will be seen by reference to the Report of the Committee, the civil administration of the whole Protectorate can be undertaken with the existing sanctioned staff subject to certain adjustments which can be effected without difficulty. Assistants will be provided for Resident Magistrates in those districts where the latter will be unable to undertake the whole of the administration work in addition to their judicial duties. In point of fact the functions of the Resident Magistrates will be primarily administrative, though of course their judicial duties will form a very important part thereof.

9. With reference to Mr Harcourt's criticisms of the vagueness of the proposals for dealing with the Coast strip, I enclose an additional Memorandum prepared last year by Mr Ainsworth at my request together with a map. I am, however, compelled to admit that insufficient information is at present available to enable me to define absolutely the form of administration which is most suitable to this area. The problem is complicated by the Arab settlements and the interests acquired by Europeans and Indians in the earlier days of the Protectorate before the interior had begun to be exploited as an area available for non-native occupation. The Committee has recommended that Mr Ainsworth should take over the administration of the



Seiydie Province at the earliest date possible so that he may obtain a first-hand knowledge of native affairs there, and may then be in a position to deal with them when he has assumed his new duties as Chief Native Commissioner. It has been difficult to arrange for any inspection by Mr Ainsworth hitherto owing to the fact that Mr Hobley, who is at present in charge of the Province, is senior to him in the Service. I had hoped to be able to arrange for such inspection when Mr Hobley accompanied the Military forces into German East Africa as Chief Political Officer, but as you are aware other arrangements as regards the appointment of a Chief Political Officer were made at the last moment.

10. I can only refer to paragraph 6 of my Confidential despatch No. 146 of the 1st of September, 1914, in which I stated that no place could be found in the new scheme for Mr Hobley because of his seniority, and I would again urge that if possible he be given promotion outside the Protectorate. If this cannot be arranged I can only suggest that he be retired on a pension with an additional allowance in respect of abolition of office. He will arrive at the pensionable age of 50 next July. It is now over two years since he last returned from leave and he has in addition 81 days of deferred leave due to him. In the meantime I would request that he be ordered to proceed on leave at once as his continued presence in the Protectorate is a block to the introduction of the new scheme, a state

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of affairs which I submit should not be allowed to exist. I should therefore be grateful if on receipt of this despatch you would send me a telegraphic instruction that Mr Hobley is to proceed to England.

11. I will now deal with the Committee's report in detail and indicate the modifications and amplifications of Mr Ainsworth's original proposals which are now suggested.

Mr Ainsworth's detailed recommendations dealt solely with the question of the administration of the "native areas". The 1916 Committee has, on the contrary, endeavoured to deal with the whole question of the civil administration of the Protectorate.

Mr Ainsworth having made recommendations for the proposed new Native Affairs Department and having prepared tentative schedules shewing how that Department could be staffed, indicated that certain specified officers would be available for duty in "non-native areas". He referred to the possibility of "administrative officers" being required in addition to "Magistrates" in districts where the number of non-natives warranted the appointment of "duly qualified" magistrates, and he furnished a list of existing District Commissioners and Assistant District Commissioners who would be available for these duties if his suggestions were adopted for absorbing certain specified officers of the "Provincial Administration" as it now exists into the new Native Affairs Department. In other words, he selected a number of the staff for that department, and showed the

remains as available for other duties. The Special Committee on the other hand, has lumped together the staffs of the "Provincial Administration" and the "Magistrates" and has endeavoured to show how the combined staff can best be employed in the civil administration of the whole Protectorate which it has divided into the three distinct classes of (i) Native areas, (ii) Non-native areas, (iii) Outlying territories..

12. This division has necessitated the preparation of fresh schedules which supersede Schedules 'A', 'C' and 'D' attached to Mr Ainsworth's memorandum of the 29th of July, 1914, which was enclosed in my despatch of the 1st of September, 1914. Schedules 'B' and 'E' to that memorandum are also superseded by new schedules prepared by the Committee which show the staff available and the financial effect of introducing the new system in its entirety. I have accordingly the honour to request that the original schedules 'A' to 'E' be now disregarded and those attached to the Committee's report considered in their stead.

13. As regards the "Native areas", Mr Ainsworth grouped the various districts into five areas for inspection purposes. The Special Committee see no advantage in such grouping and consider that each native area or district should be a separate and self-contained entity responsible direct to the central native authority and available for inspection by any officer of the central staff who might be detailed by the Chief Native Commissioner.

Similarly the Committee has endeavoured to divide the "non-native" areas into separate districts, each under a Resident Magistrate who

would deal direct with Headquarters. Both as regards "native" and "non-native" areas any perpetuation of the system of Districts within Provinces and of Sub-districts within Districts has been avoided by the Special Committee.

The Committee has provided for the special staff appointment of "Controller of Labour", as it attaches the very greatest importance to the activities of the Labour Section of the Native Affairs Department. On the other hand it sees no reason for the immediate appointment of a "Superintendent of Native Settlements", because such settlements do not at present exist in any recognised form. The number of Staff appointments in the Native Affairs Department thus remains the same, viz: five, and the Committee considers that all these five appointments shall be in the same grade, seniority being governed by length of service in the grade. The appointment of "Assistant" instead of "Deputy" Chief Native Commissioner is therefore recommended so that any one of the five principal assistants to the Chief Native Commissioner could be appointed to act for him during his absence whereas the expression "Deputy" implies a right to do so by the incumbent of the post.

14. I am in complete agreement with these modifications of the original proposals; though I am of opinion that it will be desirable at a later date to reinsert the post of Deputy Chief Native Commissioner. I have ascertained that the Committee's reason for omitting it at present is that none of the existing Provincial

Commissioners who are being absorbed into the new scheme have so far shown that they possess the special qualifications required of a "Deputy" who would as a matter of course act for the "Chief" when necessary. When the new scheme has been working for some time it will doubtless be possible to create the appointment and fill it by selection, but after due consideration I entirely agree that it would be a pity to prejudice the success of the scheme by any precipitate action in filling the senior appointments.

15. In the lower grades the Special Committee recommends 22 Native Commissioners instead of 23, and 46 Assistants instead of 45. It recommends eleven Resident Magistrates and three for relief purposes, or fourteen in all. Eight of the fourteen will be absorbed from the existing staff of Provincial Commissioners and District Commissioners and the balance will be made up by transferring six of the Magistrates at present borne on the Judicial Department estimates. Fifteen Assistants to the Resident Magistrates in the non-native areas are considered necessary. The relief staff suggested, in addition to the three Resident Magistrates referred to above, consists of twenty junior officers or "cadets" on the £250-£400 scale. It is considered that senior assistants could act from time to time for native commissioners, while in non-native areas it is necessary to have a small margin of legally qualified "Resident Magistrates" because of the comparatively large proportion of judicial work in these districts.

An important feature of the proposals of the

Special

Special Committee is the system whereby junior members of the staff will be liable for service in either the "native" or "non-native" areas as they will thus gain experience of the requirements of both and will be less liable to become biased in favour of either section of the community. It is recognised that eventually special legal qualifications will be required of the great majority of the Resident Magistrates, but in the inception of the scheme it is necessary to absorb into the non-native branch a certain number of officers already in the service who are not possessed of the legal qualifications which will later on be regarded as essential.

It is also recognised that, if junior officers cannot look to promotion, except in special cases, into the non-native branch there will be a very serious block in promotion in a few years time. The only remedy for this would appear to be the creation of a higher grade of assistants in the native branch though the recommendation made by the Committee in connection with the improvement of emoluments generally that all duly qualified junior officers shall be raised to the maximum of their grade, or £400 per annum, after five years service would help if it could be adopted forthwith.

As regards the "Outlying Territories" stress is laid on the fact that their status is only temporary and that they will before long be absorbed into the "native areas" and possibly partly into "non-native" areas. Therefore appointments in the native branch and the administration of outlying territories branch should

should be regarded as wholly inter-changeable. Similarly inter-changeability of appointments will be necessary between the native and non-native branches, always to a limited extent, and, in the first instance, i.e. until a greater proportion of legally qualified magistrates have been appointed, to a very considerable extent.

16. I will now refer to the variations proposed by the Committee from my previous recommendations as regards the numbers and emoluments of the appointments in the Native Affairs Department. These variations can best be shown in the following table:-

Designation.	Original Proposals.		Committee's Proposals.	
	No.	Scale of emoluments.	No.	Scale of emoluments.
Chief Native Commissioner	1	£1000 + £100	1	£1000 + £100
Deputy ditto	1	£600-£800 + £50	-	-
Assistant ditto	-	-	1	£500-£700 + £50
Travelling Commissioners	3	£500-£700 + £50	3	ditto
Superintendent of Native Settlements	1	£400-£500 + £50	-	-
Controller of Labour	-	-	1	£500-£700 + £50
Assistant to Chief Native Commissioner	1	£400-£500 + £40	1	£250-£400
Labour Officers ditto	2 2	£400-£500 + £40 £250-£400	4	£400-£500 + £40
Native Commissioners I Grade	9	£400-£500 + £50	22	ditto
ditto II Grade	14	£400-£500 + £40		
Assistant Native Commissioners	45	£250-£400	-	-
Cadets	-	-	44	£250-£400

I have already stated the reasons for substituting an "Assistant Chief Native Commissioner" for a "Deputy", for omitting for the

the time being the appointment of "Superintendent of Native Settlements", and for the creation of the post of "Controller of Labour". The Committee propose to place each labour camp under an officer of the rank of District Commissioner instead of two under District Commissioners and two under Assistant District Commissioners. The reasons for this are in a measure personal and I shall refer to this later when dealing with the personnel. I see great advantage in the first instance in including all five of the "Staff" appointments in one grade and thus effecting greater interchangeability amongst the holders thereof. I also agree that a junior officer can be substituted for a more senior one as Personal Assistant to the Chief Native Commissioner. Mr Ainsworth in suggesting an officer of the District Commissioner grade was influenced to a great extent by personality, but as will be seen later a different and more important post is now suggested for Mr (temporary Major) Watkins, D.S.O.

17. Taking now the existing Provincial Commissioners and senior District Commissioners the following table shews how it is now proposed to employ them as compared with the recommendations made two years ago:-

Table



Present Designation.	Name.	1914 Proposals. Designation and Emoluments.	Present Proposals. Designation and Emoluments.
Provincial Commissioners @ £500-£700 + £50 duty allowance	C.W. Hobley	No post available	No post available
	J. Ainsworth	Chief Native Commissioner, £1000 + £100	Chief Native Commissioner, £1000 + £100
	C.R.W. Lane	No post available	Commissioner, Jubaland, £500-£700 + £50
	J.W.T. McClellan	Deputy Chief Native Commissioner, £600-£800 + £50	I Grade Resident Magistrate, £500-£700 + £50
	F.W. Isaac	Travelling Commissioner, £500-£700 + £50	Travelling Commissioner, £500-£700 + £50
	H.R. Tate	Superintendent Native Settlements, £400-£500 + £50	Travelling Commissioner, £500-£700 + £50
District Commissioners @ £400-£500 + £40 duty allowance	R. Skene	District Officer, £400-£500 + £40	Labour Officer, £400-£500 + £40
	F.S.F. Traill	ditto	I Grade Resident Magistrate, £500-£700 + £50
	J.O.W. Hope	Travelling Commissioner, £500-£700 + £50	Assistant Chief Native Commissioner, £500-£700 + £50
	R.E. Salkeld	Jubaland	District Officer, Outlying Territories, £400-£500 + £40
	R.W. Hemsted	Travelling Commissioner, £500-£700 + £50	Travelling Commissioner, £500-£700 + £50
	R. Weeks	Native Commissioner, £400-£500 + £40	Native Commissioner, £400-£500 + £40

The following changes among the senior members of the staff have occurred since 1914:-

Mr Hinde, Provincial Commissioner, has retired on pension.

Mr Tate has been promoted from District Commissioner to Provincial Commissioner.

Mr E.L. Pearson, District Commissioner, has retired on pension.

Except

Except in the case of Mr McClellan posts of equivalent or greater emoluments are now suggested for all of the senior staff as in 1914 and in addition a post has been found for Mr Lane who was to have been retired under my proposals of two years ago. Since those proposals were made I have had further opportunities of judging Mr Lane's work and now feel justified in recommending his retention in the Service. He is at present performing the duties of Provincial Commissioner, Jubaland, and under my new proposals he would continue to do so. He would at the same time be available if necessary for a Staff appointment in the Native Affairs Department.

It will be seen that except in the case of Mr Skene and Captain Salkeld higher grade appointments have been found for all of the senior members of the staff. I cannot conscientiously recommend the former for such an appointment, and I find great difficulty in making any definite recommendation regarding Captain Salkeld who ever since his transfer from the Military in 1906 has performed the duties of Acting Provincial Commissioner, Jubaland. He has no experience whatever outside that Province, and I therefore propose that he shall continue to be employed there or in the Northern Frontier District, and he is accordingly shown in the new proposals as a District Officer for the outlying territories.

18. It is necessary however to draw attention to the special promotion now proposed for Mr Watkins. This officer, though low down on

the list of District Commissioners, is older than his contemporaries in the Service. He has had past experience in South Africa and has made a close study of native affairs since he joined the East African Service. The manner in which he has discharged the duties of Director of Military Labour during the present war has earned the approbation not only of myself but of the Military Authorities and his services in this respect have already been acknowledged by the grant to him of the Distinguished Service Order. I have no hesitation in recommending that he be selected for a Staff appointment in the new Native Affairs Department, and I can think of no better candidate for the important post of Controller of Labour.

19. The names suggested for the posts of Labour Officers are Messrs Skene, Talbot-Smith, Farrant and Luckman. These gentlemen are all District Commissioners but none of them have shown any marked ability for administrative work either in native or non-native areas. I consider they can best be employed in the manner now suggested and as vacancies occur in the rank of Labour Officer two at least of the posts could be filled by officers of the junior grade.

20. The Committee in Appendix 'E' of their report have made certain recommendations regarding the emoluments to be fixed eventually for the administrative staff. I realize, however, that the present time is not favourable for the consideration of such matters and beyond recording my opinion that the importance of the duties to be performed amply justifies the increases suggested I do not wish to press them until a more favourable

opportunity

opportunity occurs.

21. One of the difficulties which would otherwise have tended to delay the introduction of the new system is solved by the Committee's recommendation that concurrent jurisdiction in overlapping areas controlled by executive order should be granted to Magistrates pending the eventual redivision of the Protectorate into "Districts". It will obviously be necessary later on to revise completely the boundaries of all Districts as at present proclaimed so as to separate the native from the non-native areas and to define the spheres of activity of the individual Resident Magistrates and Native Commissioners. But the surveys alone incidental to this work would extend over a very considerable period and could not be completed for many months even if the necessary survey staff were available. In the meantime I see no reason for rejecting the Committee's suggestion.

22. I am in full agreement with the recommendations in paragraphs 20 and 23 of the Committee's report as to the administration of what is described as the "Outlying Territories". In my previous despatch I intimated that Jubaland and the Northern Frontier District were excluded from the general scheme of native administration and must continue so for the present. Hitherto, especially in the Northern Frontier District, the boundaries of which have never been defined, the jurisdiction of officers has not been regularised. Tribute is collected from tribes without any legal authority, the "Armed

Constabulary"

Constabulary" have no legal status either as troops or as police, Court Records are conspicuous by their absence and administration is carried on so to speak by "Act of State".

23. I recognize the fact that this condition of affairs must necessarily continue for the present, but, as the tribes become more effectively administered and when the Somali problem has been solved, there is no reason why the "outlying territories" should not be absorbed into the more constitutionally administered areas of the Protectorate, either "native" or "non-native". In the meantime, however, I agree that special powers must be vested in the Officers in charge of these areas and that the laws generally applicable to the Protectorate must be modified to meet the peculiar requirements of the districts which are not likely for some time to come to be brought into close contact with the modern influences which are affecting the rest of the Protectorate. I shall refer to the problem of the "outlying territories" later on, when commenting on the recommendations of the Committee on the subject of legislation.

24. The Committee in paragraph 24 of its report recommends that Magistrates posted to purely judicial work should be so posted after consultation with the Chief Justice. Under the existing system certain "Magistrates" borne on the establishment of the Judicial Department have in fact also carried out the duties of "District Commissioners". Instances of this can be cited in the case of the administrative stations at

Nakuru and Eldoret in the Naivasha Province. These are very good examples of the change of system which has been forced on the Administration by reason of the influx of European settlers, and the occupation and development by them of areas not tribally or economically exploited by the natives. At the same time though the Judicial Department would naturally be consulted as regards appointments where any special magisterial qualifications were necessary, it is I think obvious that as the scheme develops the administrative branch of the Service will become completely independent of and distinct from the judiciary.

25. In paragraph 31 of its report the Committee has referred specially to the legislation which will be necessary for the introduction of the new scheme. I have nothing to add to the conclusions at which it has arrived and the Attorney General has been instructed to frame the necessary amendments to the existing laws in anticipation of your approval of the proposals. No radical changes are necessary and the existing Orders in Council will not be affected. As regards the "Outlying Territories" however, certain legislation will be required to give effect to the powers which have in actual practice actually been exercised by the Officers in charge of the districts in the past. In this connection I wish most heartily to endorse the views of the Committee as expressed in paragraph 32 of its report. The first important requisite is to proclaim the boundaries of the Northern

Frontier District and to grant by legal methods, to the Commissioner of that area and his subordinates, the necessary powers to carry on as in actual practice they have done in the past by executive orders and consent.

26. I attach great importance to the recommendation contained in paragraph 33 of the Committee's report that all administrative officers, whatever posts they hold, should stand on one general administrative staff list for the Protectorate. In the earlier stages at least of the new system it is eminently desirable that officers shall be inter-changeable between the three classes of administration proposed. At the present time, owing to the complexity of the duties of individuals, it is very difficult to decide in which branch of the administration any officer could most profitably be employed and only experience will be able to indicate the class in which each individual will be able to render the best service to the State.

27. In conclusion I have the honour to repeat my request that I be informed by telegram, as soon as you are in a position to do so, whether Mr Hobley may be instructed to proceed on leave and whether provision may be made in the Annual Estimates 1917-1918 for the new scheme in whole or in part.

I have the honour to be,

Sir,

Your humble obedient servant,

*H. Comay B. Esq.*

GOVERNOR.

Govt  
In Despatch No. 1460 A - 11 - 1916

INCLOSURE No 1 REPORT BY COMMITTEE

ON THE

62012  
REC  
PER 26 DEC 16

PROPOSED SCHEME OF REORGANISATION OF THE ADMINISTRATION.

Committee.

1. A Committee convened by the Hon. the Chief Secretary, consisting of:-

Mr. Ainsworth, Provincial Commissioner.

Mr. Barth, Attorney General.

Mr. Bowring, Chief Secretary,

presided over by

Mr. Hamilton, Chief Justice.

sat at Nairobi on the 16th, 18th, 19th, 20th, 21st. and 25th October 1916.

scope of Inquiry.

2. The main points to which they directed their attention were the following:-

- a. To consider the proposed scheme generally and to make recommendations with regard to it.
- b. To consider what legislation will be necessary for the introduction of the scheme, having particular regard to the alteration of existing administrative boundaries and the making of Reserves.
- c. To consider at what date the new scheme may best be introduced.
- d. To consider the financial aspects of the scheme.
- e. To consider how the existing staff may be adapted to the requirements of the new scheme.

present unsatisfactory state of affairs.

3. Throughout their deliberations the Committee were impressed by the difficulties and dangers attendant on the present methods of native administration, which are detrimental to the welfare of the Protectorate as a whole, and by the necessity that exists for initiating

the/



the new scheme at the earliest possible date. Now that the pressure of the war locally has been relieved the present appears to them to be a favourable opportunity for taking the matter in hand and starting the reorganised administration so as to be in a position to meet the new conditions that will inevitably arise on the conclusion of the European War.

financial  
considerations.

4. They have, however, felt it to be their duty to have particular regard to existing financial conditions and to frame their recommendations on a basis that will permit of the scheme being introduced without incurring more than an infinitesimal increase of expenditure (see Appendix "A"), but at the same time they have taken the opportunity of putting on record the basis on which they consider the scheme should be worked as soon as the finances of the country permit. (See Appendix "B").

scheme may be  
introduced in April  
1917.

5. Much of the details of the scheme, particularly with regard to boundaries of areas and districts, can only be worked out in practice with the light of further experience but the recommendations contained in this report will, in the opinion of the Committee, allow of the scheme being introduced as from the 1st of April 1917, and avoid the delay that would be inevitable were an attempt to be first made to define boundaries and fix them with the aid of the Survey Department.

position of  
Mr Ainsworth.

6. The conclusions and recommendations of the Committee are unanimous throughout, but Mr Ainsworth desires it to be recorded that while not wishing to dissociate himself from any of the proposals made he

feels/

feels that he should not be understood as recommending suggestions affecting himself personally.

main object of  
scheme a consistent  
native policy.

7. The main object of the scheme being to secure the application of a consistent policy to natives and native affairs as a part of the general administration of the Protectorate as a whole, it naturally divides in the first place into two heads, viz:-

- (i) Protectorate Administration.
- (ii) Native Administration.

To this latter heading there should, in the opinion of the Committee be added a further division relating to the administration of the native tribes at present not closely administered and which must for some time to come owing to geographical and other considerations remain more or less on their present footing.

The areas which these tribes at present inhabit are known as the Northern Frontier District and the Province of Jubaland, for which names the Committee would substitute "The Northern Territory" and "Jubaland" the two being collectively known as "The Outlying Territories".

scheme divided  
into three heads.

8. The scheme has therefore been considered with the view of making it applicable to

- (i) The general administration of the Protectorate.
- (ii) The administration of the more closely administered native tribes.
- (iii) The administration of the Outlying Territories.

The guiding principle on which this consideration has been conducted is that "All those portions of the Protectorate which are not under the general administration fall under the native administration or the administration/

administration of the Outlying Territories". Proceeding on this basis it is possible to start with those areas which are not at present and which will not be in the future required for the use of native tribes, and after eliminating them to deal with the residue either as "Native" or "Outlying", and it is possible to some extent to foresee the extension of the general administration as the settlement of the country proceeds; and it is in this direction as the country develops that the main increase of administrative staff must be expected.

9. It will therefore be convenient to deal with the heading "General Administration" first; but before doing so a general proposal of the Committee as regards the Staff should first be noted.

At present Junior administrative officers are appointed under the title of "Assistant District Commissioners", but the Committee propose that in future they should be appointed as 'Cadets' and that as such they should be available for service in and be interchangeable between either of the three branches of the administration.

10. The officers who should administer the settled areas under the "General Administration", should be designated 'Resident Magistrates', the majority of whom should be barristers of some standing with experience gained either in chamber-work or practice. These Resident Magistrates would be ultimately divided into three grades with rates of pay shown in Appendix "A", but having regard to existing conditions and the necessity for absorbing the existing staff, the

Committee/

Committee propose two grades only at first at the rates of pay shown in "Appendix "C".

Districts to be administered by R.M.s.

11. The settled portions of the country would be divided into nine districts at first, each of which would be in charge of a Resident Magistrate who would have to assist him in the administration, according to the requirements of the district, one or more Junior Resident Magistrates and or Cadets.

It would also be necessary as at present that Resident Magistrates should have jurisdiction, both Civil and Criminal, to deal with matters arising in native areas which are beyond the jurisdiction of the Native Commissioners, such as a Civil claim exceeding Rs 500 between Indians, or a serious Criminal charge against a European.

This jurisdiction would have to be extended over a group of specified native districts.

Each Resident Magistrate in charge of a district would correspond direct with the Chief Secretary and the present system of grouping into Provinces be abolished.

All suggestions of names tentative.

12. The areas as suggested by the Committee with their names as districts to be administered by Resident Magistrates, together with the names of the Resident Magistrates who might be posted thereto follow: but the Committee desire to state that wherever names are mentioned in connection with posts they are to be taken merely as tentative and illustrative proposals and not necessarily as final recommendations.

Suggested lists of Nyanza District, i.e. Railway Line Kisumu to Kedowa and farms in Landi, Senger, Tindoret, on the Lumbwa-Kericho Road, in Muret and Setik including the Chipulungo Forest and the Kapwari farms.

Headquarters Kisumu.

One 1st Grade Resident Magistrate Traill and two cadets.

Uasin Gishu District, i.e. the present district and the Trans Nzeia farms.

Headquarters, Eldoret.

One 2nd Grade Resident Magistrate Scholefield and Two Cadets.

Rift Valley District, i.e. Railway Line Kedowa to Escarpment, the Ravine, all farms in Nakuru and Naivasha districts and the Kedong farms.

Headquarters, Nakuru.

One 1st grade Resident Magistrate Donald, and two Cadets.

Nairobi District, i.e. present district of Nairobi and the Lukenia, Mua and Kiu farms.

The Railway line from where it enters the District from the west to Mitito Andei and the Magadi Railway.

Headquarters, Nairobi.

One 1st Grade Resident Magistrate Pickering, one 2nd Grade Resident Magistrate Barton and three Cadets.

Kiambu District, i.e. present district, excluding Kedong Farms, but bounded on North East by Kuiru River, railway line from Nairobi district up to and including Escarpment Station.

Headquarters, Kiambu.

One 2nd Grade Resident Magistrate Hamilton and one Cadet.

Chania District, i.e. bounded on South West by Ruiru River, all farms in Fort Hall District and in neighbourhood of Dohyo Sabuk.

Headquarters, Chania.

One 1st Grade Resident Magistrate Sheridan and one Cadet.

Kenia District, i.e. North and West Kenya Harig and Laikipia.

Headquarters, Nyeri.

One 2nd Grade Resident Magistrate McClure and one Cadet.

Mombasa District, i.e. present Seyidie Province

exclusive of tribally occupied land and Railway line to Mititio Andei.

Headquarters, Mombasa.

One 1st Grade Resident Magistrate McClellan, one 2nd Grade Resident Magistrate Johnson, and two Cadets.

Lamu District, i.e. Tanaland Province, exclusive of tribally occupied land.

Headquarters, Lamu.

one 2nd Grade Resident Magistrate Carnelley, and one Cadet.

From this list it will be observed that the creation of one district only, i.e. Chania, is contemplated in which at present there are no available offices or quarters, but the cost of building sufficient temporary quarters in the climate of Chania is negligible. To staff the eleven spots mentioned 14 Resident Magistrates will be required.

13. After eliminating the districts mentioned above it will next be convenient to deal with those areas which will be administered by Native Commissioners under the immediate control of the Chief Native Commissioner.

The Committee are of opinion that it is undesirable

was administered  
Native  
Commissioners.

undesirable to attempt to define the boundaries of those areas. In some cases existing districts have not been defined and in others some alteration of defined boundaries will be necessary, but for all practical purposes existing native districts will serve as a basis for the administration of native tribes by Native Commissioners.

concurrent  
jurisdiction in  
overlapping areas.

14. Such difficulties as might arise in all those cases where this is overlapping administration owing to unsuitable, ill defined or not defined boundaries can in the opinion of the Committee be best obviated by the grant of concurrent jurisdiction the exercise of which would be controlled by administrative and judicial orders.

Outlying  
territories not  
under the Chief  
Native Commissioner.

15. In order, however, to arrive generally at the area to be controlled by the Chief Native Commissioner it will, after eliminating the settled areas as above, be necessary also to eliminate the 'Outlying Territories', i.e. the existing province of Jubaland and the 'Northern Frontier District' which latter area may best be defined as "All that portion of the protectorate not included in existing proclaimed Provinces".

The result would be that the Chief Native Commissioner would control the native administration of all tribal natives in the Nyanza, Kenia, Laivasha, Ukamba, Meridie, and Tanaland Provinces, and the administration of any small townships or trading centres or other non-native interests situated in such native areas.

Native Administration Staff Appointments.

16. For this purpose, there would be required (40) the first instance what may be termed the Staff appointments of:-

- Chief Native Commissioner
- Assistant Chief Native Commissioner
- Four Travelling Inspectors.

The names proposed for these posts on the staff of the Chief Native Commissioner which the Committee recommend should at the outset be regarded as interchangeable appointments of one grade are

- Staff { J. O. W. Hope
- { W. W. Isaac
- { H. H. Tate
- { R. W. Hemsted
- { O. F. Watkins.

Controller of Labour.

17. Of the four Travelling Inspectors the Committee recommend that one should be designated "Controller of Labour" and that it would be suitable that Major Watkins should be appointed to this post bringing with him the organised scheme on which he has been successfully dealing with the Carrier Corps.

Pay of Staff posts.

18. The pay which the Committee recommend should eventually attached to these posts is set out in "Appendix B" while that which they consider necessary for the inauguration of the scheme appears in "Appendix C".

Transfer of Mr Ainsworth to Seyidie desirable.

19. In considering the number of Native Commissioners and Cadets required for the administration of Native Districts the Committee were hampered by a want of definite data on which to base the requirements of the Coast area. They are consequently of opinion that

that



that it would be of great advantage to the inauguration of the scheme if Mr Ainsworth could take over the administration of the Seyidie Province at an early date so as to inform himself as to the local conditions. But they desire to state that they consider that it would be undesirable that Mr Hobley should under these circumstances be transferred to the Nyanza Province.

Majority of  
N.C.'s become N.C.'s  
and Labour Officers.

At present it will be sufficient to state that the great majority of the existing District Commissioners will be taken over as Native Commissioners and Labour Officers as illustrated by "Appendix C".

Administration of  
Outlying Terri-  
tories.

20. Having dealt with the General Administration and the Native Administration there remains the question of the "Outlying Territories". As regards the administration of the Northern Frontier District the Committee had the advantage of examining Mr Kittermaster the present Officer in Charge. As already stated the Committee are of opinion that the administration of these Territories must for the present stand on a separate footing and they propose that the Officer in Charge of each Territory should be known respectively as Commissioner for the Northern Territory, and Commissioner for Jubaland. Each of these Commissioners would be assisted by four officers termed "District Officers" with the addition of nine Cadets divided between the two territories.

Administration of  
Northern Territory

21. Having regard to the inaccessibility of the Northern Territory and the conditions existing there the Committee are of opinion that it is desirable that steps should be taken to regularize the present

exercise of jurisdiction by officers in that area and to give a wider jurisdiction to the Commissioner, and at the same time to exclude the application of certain laws to specified native tribes within the district.

Steps should also be taken to pave the way for transferring the irregular armed constabulary into a unit of the Protectorate Police Force.

The tribes at present administered in the Northern Frontier District extend into Jubaland, Tanaland, Kenya, and Laivasha, and it will be necessary to give the administrative officers in the Northern Territory concurrent jurisdiction (as mentioned in paragraph 14) with the administrative officers in those provinces.

Constabulary to be transformed into Police.

22. As regards the transformation of the Constabulary into Police Mr Kittermaster and Colonel Botley agreed that this might gradually be done by the institution of a depot under a Police Officer and the force would eventually become a self-contained unit of the Protectorate Police.

The legislation necessary to effect the other recommendations is dealt with later (of paragraph 31).

Jubaland to be administered on similar lines.

23. The interior of Jubaland and its administration offering much the same problems and difficulties as the Northern Territory the Committee believe that it will be advantageous to the Government that it should be administered on similar lines, the Commissioner for either Territory corresponding with the Chief Secretary direct.

Relationship of three branches of Administration to Government.

24. Having now dealt with the three proposed branches of the Administration, the general lines of relationship between them and the Government may be summarised as follows:-

Cadets on appointment would be interchangeable between any branch.

On promotion to be Native Commissioners or District Officers they would remain interchangeable and would be posted to specified areas by the Government in consultation with the Chief Native Commissioner or the Commissioner of a Territory as the case might be.

Assistant Resident Magistrates would similarly be posted in consultation with the Resident Magistrate in charge of the district in which there was a vacancy.

But Resident Magistrates posted to purely judicial work would be so posted in consultation with the Chief Justice.

correspondence

25. As regards correspondence the Committee are of opinion that it should generally be conducted on the following lines:-

Assistant Resident Magistrates should correspond with the Resident Magistrate in charge of the area, who would correspond with the Chief Secretary direct, but in matters involving native questions the Resident Magistrate would correspond with the Chief Secretary through the Chief Native Commissioner.

Native/

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Native/

Native Commissioners should correspond with the Chief Native Commissioner direct, and the Chief Native Commissioner would correspond with Government through the Chief Secretary.

District Officers should correspond with the Commissioner in charge of their territory, and the Commissioner would correspond with the Chief Secretary in the same manner as the Resident Magistrate.

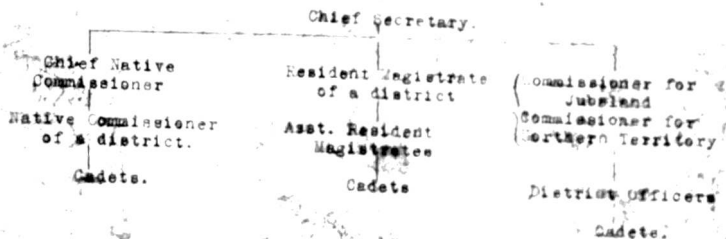
In judicial matters all Magistrates would correspond with the High Court direct, and would in such matters retain the same supervisions as at present.

16. The staff officers of the Chief Native Commissioner would exercise no ministerial jurisdiction, and the duties of the travelling inspectors would be purely directory and supervisory, and though such an officer would properly bring to the notice of the Native Commissioner or Resident Magistrate in charge of a district any irregularities or malpractices which he observed he would have no authority to interfere in any way; and should he think fit to report to the Chief Native Commissioner on questions of native policy arising within the district the Resident Magistrate or Native Commissioner concerned should be furnished by the Chief Native Commissioner with the information of the report and the decision of the Government in the matter.

able showing  
Relationship

17. The general relationship of the three branches of the Administration to the Central Government may therefore be tabulated thus:-

Chief/



**Description of  
existing Staff.**

28. The Committee realise that in adapting the existing Staff to the new scheme some of the senior officers will have to be absorbed as Resident Magistrates and that some little time must elapse before the Protectorate can obtain the requisite proportion of barrister Resident Magistrates of sufficient standing to fill the more important posts. But they are confident after the trial allocation of posts as shown in Appendix "C" that there are no serious difficulties in launching it with the existing staff.

They regret, however, that they feel themselves compelled to state that they are unable to find a place for Mr Hobley in the new scheme and trust that the Government may be enabled to take such measures as will prevent this being an obstacle to the introduction of the scheme.

The general lines of the proposed absorption of the existing staff are set out in Appendix "B", while the trial suggestions with names of officers are shown in Appendix "C".

**Set of scheme  
Proposed.**

29. Appendix "A" shows the "General Financial Aspect" of

of the new scheme, if introduced on the lines proposed by the Committee, and Appendix "I" the "Immediate Financial Aspect" of the change from which it will be seen that the minimum additional cost of the scheme will be £390 and the maximum £990 in excess of the proposed estimates for 1917-1918 while the immediate effect would result in a saving of £195 in salaries and £230 in duty allowances or £425 in all.

This result appears to the Committee to be particularly satisfactory when it is borne in mind that the scheme covers the creation of Labour Officers for the proper control of the labour supply, officers who do now exist but who will be most necessary directly the country returns to normal conditions.

under advanced  
scale.

Appendix "E" shows the "Additional General Financial Effect" on the basis of the advanced scale of emoluments which the Committee hope may be ultimately adopted. As part of this scale, but not altering its ultimate maximum cost, the Committee propose that Cadets after five years completed service who have qualified in law and language should become "Senior Cadets" and go to the maximum of their grade, viz, £400 in order to compensate for the block to promotion that to some extent must occur in the case of those cadets in non-native areas who cannot aspire to promotion to those posts for which barristers are considered necessary.

no financial or  
administrative  
difficulties.

30. In the opinion of the Committee therefore, seeing that the existing staff can be absorbed on the proposed basis at an immediate saving, and

without/

without involving an ultimate maximum increased expenditure amounting to £1,000, there are neither financial nor administrative difficulties to prevent the scheme being introduced on the 1st of April 1917.

Legislation necessary.

31. With reference to the legislation necessary for the introduction of the scheme the Committee are of opinion that general legislation will be necessary:-

- (i) to provide for the designations and magisterial powers of the new offices created by the scheme, keeping generally to the same powers as at present, that is to say Cadets would be 3rd class Magistrates.

Native Commissioners and District Officers would be 2nd class Magistrates.

Resident Magistrates and Commissioners would be 1st class Magistrates.

- (ii) to cover the transfer of 'ex officio' duties attached to existing offices to new offices.

and as regards the Outlying Territories:-

- (i) to proclaim the boundaries of the Northern Territory
- (ii) to increase the powers of the Commissioners of Jubaland and the Northern Territory respectively so as to give them full powers over Natives without the existing exceptions as to homicide and offences under Chapter VI of the Penal Code.
- (iii) to give the Governor in Council power to except the application of certain laws

to/



17.

to specified tribes in the Outlying Territories and to make other Regulations therefor.

Scheme should not be delayed by questions affecting Northern Territory only.

32. It may be thought that the proposals with regard to the Outlying Territories do not strictly speaking effect the immediate scheme in view, but the Committee are of opinion that they could not be well omitted from any general view of the reorganisation of the administration of the Protectorate, though any question raised thereby should not be allowed to interfere with the introduction of the scheme, as at the worst the Northern Frontier District might be allowed to carry on for some time in the future as in the past.

In any event, should it not be thought fit to pass all the legislation suggested for the Northern Territory the present state of affairs could be largely regularised by granting the Commissioner and District Officers suitable jurisdiction throughout a legally proclaimed Territory.

Administrative Staff List.

33. As a minor detail of the general scheme the Committee are of opinion that all administrative Officers whatever posts they hold should stand on one general administrative staff list for the Protectorate.

34. In conclusion the Committee would submit as strongly as possible that, should there be objections to the introduction of the general scheme at an early date, the Chief Native Commissioner should in any event be appointed as from the 1st of April next, as they are confident that that appointment would be a long way towards establishing a uniform native policy

and/

and would pave the way for some established form of native administration whether that now before them for consideration or in some other shape.

The present want of such native policy and administration is at the present time, in their opinion, injuriously affecting the interests of the country as a whole and unless soon remedied its ill effects will be experienced in an ever increasing degree as the country receives an increasing white population.

sgd, R. W. Hamilton.

C. C. Bowring

J. W. Partridge

J. Ainsworth.

25th October 1916.

A

NEW SCHEME OF CIVIL ADMINISTRATION FOR THE EAST AFRICA PROTECTORATE

GENERAL FINANCIAL ASPECT OF NEW ADMINISTRATIVE SCHEME

(a) Staff as provided in Annual Estimates 1912-1913 under the existing system.

No.		Rate	Min.	Cost. max.
	Provincial Commissioners	£500 - 700	£3,000	£4,200
	Duty Allowance Prov. Com:	50	120	120
	" " "	50	50	50
	Language Allowance Mr. Hobbie	50	50	50
	" " Mr. Isaac	50	50	50
	Personal Allowance Mr. Almer	50	50	50
	Entertainment " Mombasa	50	50	50
	Duty Allowance Asst. Prov. Com:	50	100	100
	" " District Com:	40	1,520	1,520
	District Commissioners	400 - 500	17,800	22,000
	Duty Allowance M. & L.	150	150	150
	" " Masai	100	100	100
	Asst. District Commissioners	250 - 300	12,000	25,000
	Duty Allowances A. & S.	25	75	75
	Magistrates	400 - 500	1,800	1,800
	Duty Allowance	40	75	75
	Personal allowance " Donald	200 - 100	100	100
			£48,391	£65,111

Actual Staff

Provincial Commissioners	£500 - 700	1	Duty Allowance
District Commissioners	400 - 500	40	"
Magistrates	400 - 500	40	"
Assistant District Commissioners	250 - 300	19	"

which includes the following relief staff:-

- 2 Magistrates
- 2 District Commissioners
- 19 Assistant District Commissioners

## (B) Proposed Staff under new Scheme.

71

No.	Rate.	Costs.	
		Min.	Max.
1 Chief Native Commissioner	£1,000	£1,000	£1,000
1 Duty Allowance	100	100	100
1 Asst. Chief Native Com:	500 - 700	500	700
3 Travelling Inspectors	"	1,500	1,100
1 Controller of Labour	"	500	700
1 Commissioner (Jubaland)	"	500	700
1 Duty Allowances for above	50	300	300
1 I Grade Resident Magistrates	500 - 700	2,500	3,500
1 Duty Allowances	50	250	250
1 Language Allowance Mr Isaac	50	50	50
1 Entertainment Allowance Mombasa	50	50	50
4 Labour Officers	400 - 500	1,600	2,000
2 Native Commissioners	"	8,800	11,000
3 District Offices (Outlying Terrt)	"	3,200	4,000
3 Duty Allowances for above	40	1,320	1,320
1 " " " R.F.D.	150	150	150
1 II Grade Resident Magistrates	400 - 500	3,600	4,500
1 Duty Allowances	40	240	240
16 Assistant Native Com: (Cadets)	280 - 400	11,500	18,400
15 Assistant Resident Magistrates (R.F.D.)	"	3,780	6,000
1 Assistant District Officer (Outlying Territory)	"	2,250	3,600
1 Personal Asst. to Chief Native Com:	"	250	400
3 Duty Allowances R.F.D.	75	75	75
10 Cadets (For reliefs)	250 - 400	5,000	8,000
		£48,985	£59,135

## Total Staff

1 Chief Native Commissioner	£1,000
11 Posts	500 - 700
48 " "	400 - 500
31 " "	250 - 400

which includes following relief staff:-

3 Resident Magistrates  
20 Cadets

23.

## -(C) COMPARISON

Comparison between the existing system of administration and the new proposals on the assumption that they were to be applied to a completely new administration, and ignoring the emoluments actually attained under the incremental system by the staff to be absorbed.

Minimum additional cost of new scheme	£390.
Maximum " " " " "	590

NEW SCHEME OF CIVIL ADMINISTRATION.

B

72

Method of absorbing existing staff into the new scheme.

As proposed for 1917-1918 according to existing scheme modified as to substitute 2 Assistant District Commissioners for 1 Provincial Commissioner (Bellefleur) and 1 Magistrate (at present vacant).

Provincial Commissioner	District Commissioners	Magistrates	Assistant Dist. Commis.
1	2	3	2
£2700	£2400 - £2600	£2400 - £2600	£2250 - £2400
duty all.	£240 duty all.	£240 duty all.	

NEW SCHEME.

		1	Chief Native Commissioner	3	£1000 p.m. £100 duty all.
1		1	Assistant to -do-	2	£500 - 700 £50 " "
1		1	Controller of Labour	3	" " " " "
1		1	Travelling Inspector	"	" " " " "
		1	Commissioner for Sub land	"	" " " " "
1	3	1	I Grade Resident Magistrates	2	" " " " "
22		22	Native Commissioners	2	400 - 500 40 " "
4		4	Labour Officers	2	" " " " "
8		8	District Officers (Outlying territory)	"	" " " " "
6	3	9	II Grade Resident Magistrates	3	" " " " "
		46	Assistants to Native Commissioners		250 - 400
		15	Assistants to Resident Magistrates		" "
		9	Assistant District Officers (Outlying Territory)	3	" "
		1	Personal Assistant to Chief Native Commissioner	2	" "
		20	Cadets for Relief Purposes	3	" "
44	6	91			

146

146

NEW SCHEME OF CIVIL ADMINISTRATION FOR THE EAST AFRICA PROTECTORATE.

Suggested redistribution of Staff to fill the appointments provided under the new scheme.

with emoluments.	Nominee	Present post held by nominee	Present emoluments of nominee
Chief Native Commissioner £600 duty allowance	J. Ainsworth, D.M.C.	Provincial Commissioner	£750 £600 duty allowance
Chief Native Comm: £500 250 duty allow	J. O. W. Hope	District Commissioner	500 400
Controller of Labour £300 250 duty allow	G. F. Watkins, D.M.C.	"	450 400
Deputy Inspectors £300 250 duty allow	W. W. Leake R. K. Tate R. W. Hemsted	Provincial Commissioner District Commissioner District Commissioner	550 500 500 500 100
Commissioner for Jubaland £300 250 duty allow	T. R. Lane	Provincial Commissioner	700 500
Assistant Magistrates £300 250 duty allow	J. A. B. McClellan R. G. F. Trill K. Donald G. M. Pickering J. A. Sheridan	Provincial Commissioner District Commissioner Magistrate Magistrate Magistrate	700 500 600 400 500 400 440 400
Junior Officers £250 240 duty allow	K. Skene G. Talbot Smith H. G. Parrant A. C. Luckman	District Commissioner " " " " " "	" " " " " "
Senior Commissioners £300 240 duty allow	H. Weeks R. W. Hemsted J. M. H. Horne E. H. Horne E. P. Pickford C. A. S. Northcote K. Monkton J. H. Gatorne C. G. Dotts C. E. Spencer A. E. Chamier K. G. Creve Hand W. A. F. Platts W. F. G. Campbell V. L. Deacon S. F. Deck A. F. H. Feech H. J. Stone R. H. Montgomery L. J. Lightbody A. Huce E. W. Hamant	District Commissioner "	" "
Assistant Magistrates Outlying £2400 - 500 duty allowance	J. L. Balkell E. Lee Power D. H. Crampton W. B. Barrett J. H. Thomson L. D. Browne C. C. F. Dundas M. E. Kittermaster	District Commissioner "	" "
Assistant Magistrates £240 duty allow	G. A. Geryon Blake R. H. McClure W. A. J. Asholefield F. G. Hamilton <i>for (vacancy)</i> C. H. Barton E. H. Cunnelly E. T. Johnson F. W. Brett	District Commissioner " " " " " " " " " " " " " " " " " " Magistrate " " " " " " " " " " " " District Commissioner	" "

Pay according to length of service in present appointments which are remunerated on the same scale as for the proposed new appointment.

Senior Appointments £400

Existing staff of Asst. District Commissioners and officers selected to fill vacancies

Asst. District Comms.

£250 - 400 except that the post filled by Mr Hobley @ £750 £600 duty, and £50 personal allowance will be replaced by a junior officer at £250 - 400 and the vacancy in the cadre of Magistrates at post at £400 - 500 + £40 will similarly be replaced by a junior officer.

NEW SCHEME OF CIVIL ADMINISTRATION FOR THE EAST AFRICA PROTECTORATE.

74

IMMEDIATE FINANCIAL ASPECT OF THE CHANGE.

Increased emoluments which individual officers will receive under the new scheme.

Name of Officer	Present scale	New scale	Immediate Increase.
Wainworth	£2500 - 700 80 duty 50 personal	£1000 - £160	£250 + £40
W. Hope	400 - 500 40 duty	500 - 500 50 duty	25 + 10
Watkins	400 - 500 40 duty	-do-	40 - 10
Wensted	400 - 500 100 duty	-do-	25 - 60
W.F. Trull	400 - 500 40 duty	-do-	25 + 10
Donald	400 - 500 40 duty 100 personal	-do-	25 + 10
Pickering	400 - 500 40 duty	-do-	25 10
Sheridan	400 - 500 40 duty	-do-	40 + 10
			£2455 + £240

SAVINGS EFFECTED UNDER NEW SCHEME.

	Amount saved	Amount substituted	Immediate saving.
Elimination of Mr Hopley's appointment and substitution of a new A.D.C.	£750 260 duty	£250 - £400	£500 + 260
Substitution of post of A.C. for Magistrate	£400 - £500 40 duty	250 - £400	150 + 40
Travel allowance for visiting P.C.s Jubaland	150		150 duty
Difference between D.C.'s and Asst. P.C.'s duty allowance (two officers)	20		20 duty
			£650 - £270

Thus eight officers will benefit immediately under the new scheme to the aggregate extent of £455 + £40 duty allowance, while the readjustment will effect economies to the extent of £710 salaries + £110 duty allowance.

75

The numbers of the staff will remain the same, there will be an immediate saving of £110 in salaries and £110 in duty allowance or £220 in all.

The vast majority of the staff, viz. 134 out of 138 will be absorbed into the new scheme on the scale of emolument which they enjoy at present.



NEW SYSTEM OF CIVIL ADMINISTRATION FOR THE EAST AFRICA PROTECTORATE.

Additional general financial effect of new system of administration if the revised scale of emoluments suggested by the Committee were to be adopted.

Grade and numbers.	Scales of emoluments as in Schedule (A)	Revised scale recommended	Increase.	
			Minimum	Maximum
Grade Staff Appointments N.C.A.	£500 - 700 + 50	£700 - 900 + 70 duty	£400 + £40 duty	£400 + 40 duty
" " " "	" "	600 - 700 + 60 "	300 + 30	30
Commissioner for Jubaland	" "	600 - 700 + 60	100 + 10	10
Grade Native Commissioners	400 - 500 + 40	500 - 600 + 60	600 + 60	600 + 60
Grade District Officers	" "	500 - 600 + 60	200 + 20	200 + 20
Grade Resident Magistrates	500 - 700 + 50	700 - 900 + 70	600 + 60	600 + 60
Grade " "	{ 2 @ 500 - 700 + 50 3 @ 400 - 500 + 40	600 - 700 + 60	600 + 60	600 + 60
Grade " "	400 - 500 + 40	500 - 600 + 50	600 + 60	600 + 60
			£3,600 + £360	£3,000 + 360

Conf. ENCLOSURE No 2  
146 4 11 1914  
A

EAST AFRICA PROTECTORATE.

Confidential.

77

The Honourable,

The Chief Secretary,

Nairobi.

Reference Colonial Office Despatch of the  
18th December, 1914.

Para 7 of the Colonial Office despatch reads as follows:- "The proposals for dealing with the Coast strip appear to me to be somewhat vague and I should be glad if they could be re-submitted in more concrete form."

I am requested in His Excellency's minute to add my remarks in full.

2. From all I can learn about the control of natives in the Coast Districts it would appear that the system of district administration has never reached the standard obtained in most of the interior Districts.

3. The African populations in the areas now alluded to are very considerably scattered and in some places very mixed. For obvious reasons the people have, except along the Tana river, not penetrated far from the Coast line.

4. I attach hereto a revised map to show the areas dealt with in this memorandum. This map will supplement the one submitted with my memorandum of May 8th, 1914, but in so far as the Coast areas are concerned should be taken to supersede the map of May 8th.

5. Because of the somewhat unformed and peculiar nature

CO Libran  
M.P.

nature of the Native Administration in the Coast Districts, it was felt last year that any proposals for its reorganisation might with some advantage be left until the formation of a Department for Native Affairs, when direct contact with the existing conditions would allow of a better appreciation of the actual position to be dealt with.

6. As, however, the Secretary of State has asked that the proposals for the reorganisation under a Department of Native Affairs of this part of the Protectorate shall be put in a more concrete form, I now submit the following which in my opinion will be a preliminary for dealing with the question.

7. The whole of the present Seyidie and Tanaland Provinces to be known as Administered Division No. 5 and to be divided into four main Districts. I show on the revised map the approximate limits in colours of the administered area and the proposed boundaries of the different districts which are numbered one to four.

8. DISTRICT NO. 1. (coloured blue on the map.) To be called the MUELE DISTRICT at present known as the Vanga District with the headquarter station on the MUELE Range which is considered healthy and has a good water supply. The limits of this district to be from the Anglo-German boundary up north along the Coast line to the main-land boundaries of the Kilindini harbour and Port Reitz, and following the shore of the latter to the Railway boundary, thence along the Railway boundary (see remarks later re Mombasa Island in this connection) to a point indicated by the western limits of native inhabited land near SAMBURU Station, thence by the western limits of inhabited land to the Anglo-German boundary. The

district thus indicated is peopled mainly by the Barotsi and M'digo sections of the NYIKA tribe. A few Arabs, Swahilis and Indians are located at various points, particularly at Vanga, Gazi, Tiwi and near to and along the Railway boundary. Vanga is the most important town, it is, however, mainly inhabited by M'digo with a few Arabs, Swahilis and Indians. A Liwali is in charge of the town, I believe, however, that he resides principally at Gazi. Mudirs reside at GAZI, TIWI and CHANGANGWE. These native Officials are responsible to the Civil Officer in charge of the District, such control could continue under a Native Affairs Department. (Changangwe is at present included in the Mombasa District). The present Headquarters of the VANGA District are at SHIMONI which is not central enough for working the District. This station is also hardly in touch with the native populations, there being simply a settlement of WAREGELA (ex-slaves from Pemba) near thereto.

9. Some very large areas of land in this district either are or were in the possession of Europeans. The present state of development and the actual extent of land held is unknown to me, also I am unaware as to what extent, if any, the alienation of these lands affect the native interests. As, however, European development of Estates in the tropics must be effected by means of African natives subject to European control, there would appear to be no reason why, for administrative purposes, they should not be included within the District limits under the jurisdiction of a Native Commissioner.

10. The native population of this District is estimated at about 48,800.

11. I would

11. I would propose,

1 Native Commissioner

1 Assistant Native Commissioner

with the existing Native Officials for this district.

12. DISTRICT NO. 2 (Coloured pink on the map) To be called the GIRIAMA DISTRICT at present known as the Malindi District (Rabai now included in this district is at present a Sub District of Mombasa). The boundaries to be as follows:-

From the North Shore of Mombasa harbour extending thence along the shore of the creeks to the Uganda Railway Northern boundary, thence along the northern limits of the Railway area to the limits of the inhabited area near SAMBURU Station, thence following the western confines of inhabited land to the Sabaki thence crossing the Sabaki to Lake KARAWA, thence to the river KALIFI to its mouth, thence down the Coast to the point of commencement.

The Headquarters of the District which are at present at Malindi to be ultimately at KWA-NURDU or KISUMERINI either being a better centre from which to administer the Giriama.

13. The following places amongst others would be included in this District:-

RABAI, RIBI, CHONI, KAUMA, TAKAUNGU, MALINDI and MAMERUI.

14. This district is mainly peopled by that section of the Nyika tribe known as the Giriama (this name is taken from the country they occupy viz: "Giriama"). Smaller sections of the Nyika are the CHANCONI, JIBANI, WARIBI and the WARABAI, amongst the two latter are numbers of

Wakaaba

Mombasa. The greater part of the Coast line and the land extending inland for from eight to ten miles, is not tribal land, it is held by Arabs, Seehilis, Indians, and, in parts, by European Companies.

15. The total native population of what is described as the Orlana District is estimated at about 180,000.

16. Livalis are appointed to

TAKAUNOU and MALINDI;

Mudirs are appointed to

MTOWAPA

MTANOGANIRO

ROKA

ARABUKO (resides at Malindi)

Cadis are appointed to

TAKAUNOU, MALINDI and MAMBEKI.

Native Headmen are located at various points.

All the Arab and Native Officials are subordinate to the District Commissioner in charge. This arrangement could continue under the Native Department.

17. A considerable amount of land has been taken up by Europeans near Malindi, the Sabaki and Kilifi and also north of Mombasa. As, however, any development which takes place will mean the employment of African labour, while the introduction of Europeans will be limited to Managers and Overseers, it will be reasonable, for purposes of Administration, to include these areas, as also the centres where Livalis, Mudirs and Cadis are stationed within the jurisdiction of the Native Commissioner.

18. The European Administrative Staff for this district will be

will be

1 Native Commissioner

3 Assistant Native Commissioners

with possibly one additional Assistant Native Commissioner for Rabai, together with the Arab and Native Staff now employed.

19. It will be noticed that the arrangements in the two foregoing named Districts exclude the Island of Mombasa.

In view of the opinion that the Forest on the Island should be definitely recognized as a non-native area. The less civilized natives could be placed in locations or defined areas, and if necessary the Native Affairs Department could appoint an Officer to control the same. The other native inhabitants of the Forest Island are already for all practical purposes subject to Protectorate law and controlled by the Forest Police and Conservancy. Offenders are dealt with by the Local Magistrate. Any areas on the Mainland adjacent to Mombasa, possibly including such places as English Point, Changanwe, Kasaras, etc. which, on closer adjustment, it may be found necessary or desirable to include in the Mombasa non-native District, could be dealt with accordingly and an Officer having the title of District Officer be placed in charge.

20. The Railway Zone from the point where it enters the Mainland to any named point up the line to be included for administrative purposes in the Mombasa area. (This Zone coloured red in the supplementary map).

21. DISTRICT NO. 3 (Coloured yellow on the map) to be called the Tana River District with the District headquarters up the river at BURA. To comprise the

territory

(7)

territory lying north of the Giriana district northern boundary up to the LAMU district boundary. (Vide map) and all the inhabited lands along both banks of the Tana river from its mouth to SANKURI. The town of KIPINI, which is now the headquarters of this district, so, on the removal of the district station to BURU, be included in the LAMU District from which place it could be more easily supervised, this would also apply to KAU.

22. The tribes or sections of tribes which would come into this district would be the POKOMO, who form the principal part of the inhabitants and number probably about 30,000, Gallas, Somalis, KOROORO, and BONI all varying in numbers but in the aggregate not exceeding probably 10,000, thus giving a total population for the Tana River district of about 40,000.

23. I would estimate the European Staff necessary for the control of this district as follows:-

1 Native Commissioner

2 Assistant Native Commissioners

with the Arab and native Staff now employed.

24. There are Akidas at KAU and KIPINI.

25. DISTRICT NO. 4 (Coloured green on the map). To be called the Lamu District with the District Headquarters at Lamu. This district to comprise that part of the territory lying East of the Tana River District and along the Coast up North to a point opposite KWAYAMA Island about 1°25' north, and to include the native State of WITU, the Lamu archipelago and the BAJUN Coast as far as Kwayama Island. The total population is probably about 45,000.

26. The Town and Island of Lamu with a total population of about 12,000 which includes about 800 British Indians.



is the most important centre in this District. There are very few Europeans resident here. There would appear to be no particular reasons why this area should not remain under the control of the Native Commissioner. It may, however, be desirable to have a Resident Magistrate posted to the area.

27. The Sultan of Witu is in charge of Witu, while there are Livalis at Lamsi and Fasa, Cadis at Lamsi, Siyu, Fasa, and Witu and Mudira at MKONUMBI, KIUNGA and WANGE, all of whom are now supervised by the Provincial Commissioner and District Commissioner at Lamsi; there is no reason why such an arrangement might not continue under a Native Affairs Department.

28. The population of the Lamsi District comprise Swahilis, Arabs, Bajuns, Somalis, Gallas, and Beni Freed slaves, and British Indians at various points.

29. I would propose one Native Commissioner and one Assistant Native Commissioner together with the various Native Officials.

#### GENERAL.

30. Salaries for the various native Officials are provided for in the Estimates.

31. The present proposals, in so far as the European Administrative Staff is concerned, entails some alterations in the Schedule "B" submitted with my memorandum of July 29th, 1914. I therefore submit an amended Schedule.

32. There are serious questions concerning the economic development of the Coast areas and the various peoples therein awaiting our attention. In my opinion they have

have already been long delayed; a consistent and definite policy is necessary for their achievement. I would in this connection like to refer to the report on the administration of the Tanaland Province submitted by a special commission on the 7th October, 1909.

Provincial Commissioner.

Kisumu,

2nd June, 1915.

RECEIVED  
[Signature]

Sent 7.25 p.m.  
A.C. 29/12/16

Jnd

Your despatch of the 4th of  
November confidential No. 146 will

DRAFT.

requires very careful and detailed  
consideration. I regret that in

GOVERNOR NAIROBI

present circumstances it is quite

MINUTE.

impossible to promise a definite reply

Mr. Butler ~~12/16~~

within any short space of time. You

Mr. 29.12.16

should therefore at once submit

Mr. Grindle.

Estimates for coming financial year in

Mr. Lambert.

Mr. Road. 29/12

usual form if they have not been sent

X Sir G. Fiddes. 29/12/16

already. Question of Hobley's leave

Mr. Steel-Maitland.

must in the circumstances be decided

Mr. Bonas-Law. Long

without any reference to proposed

scheme.

Reason

[Large handwritten signature]

LONG.

Downing Street,

31 July, 1917.

Sir,

On the receipt of your

Confidential despatch No. 67 of the 17th of April, I have given further consideration to the proposals made in Sir Hans Belfield's Confidential despatch No. 1 of the 4th of November last for the establishment of a Native Affairs Department, and for the separation of the administration of native and non-native districts of the East Africa Protectorate.

2. I am very sensible of the care and attention bestowed on the consideration of these proposals in the Protectorate and I am grateful to the Committee, presided over by the Chief Justice,

**DRAFT.**

(30915)

EAST AFRICA PROTECTORATE

CONFIDENTIAL

THE C.A.C.

MINUTE.

Mr.

Mr. Butler 20.7.17

Mr.

Mr. Grindle

Mr. Larnbert

Mr. Read 26

Mr. G. Pichon

Mr. Steel-Maitland

Mr. Long

*for comment*

Downing Street,

31 July, 1917.

Sir,

On the receipt of your

Confidential despatch No. 67 of the 17th of April, I have given further consideration to the proposals made in Sir Henry Bellfield's Confidential despatch No. 4 of the 4th of November last for the establishment of a Native Affairs Department, and for the separation of the administration of native and non-native districts of the East Africa Protectorate.

I am very sensible of the care and attention bestowed on the consideration of these proposals in the Protectorate and I am grateful to the Committee, presided over by the Chief Justice, for

the

**DRAFT**

(30915)

EAST AFRICA PROTECTORATE

CONFIDENTIAL

F. E. O. A. C.

MINUTE.

Mr.

Mr. Butler

Mr.

Mr. Grenville

Mr. Lambert

Mr. Reid

Sir G. Fiddes

Mr. Steel-Maitland

Mr. Long

26

*[Handwritten signature/initials]*

*[Handwritten note]*

Special ... ..

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of his services being available for the purposes of the new scheme before the conclusion of hostilities. In all the circumstances I feel that there is no alternative but to postpone further consideration of the proposal until the end of the war.

A I have noted with pleasure what is said in paragraph 2 of your despatch No. 67 as to the work of Mr Skene, and I have taken a separate opportunity of expressing to you my appreciation of his services in connection with the movement of natives in the Malindi district.

I have &c.,

(on the Malindi papers)

LOMA

of his services being available for the purposes of the new scheme before the conclusion of hostilities. In all the circumstances I feel that there is no alternative but to postpone further consideration of the proposal until the end of the war.

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I have &c.,