

EAST AFR PROT

49 86

REC-10-17

449-86

45
494

Covering

1917

1. Aug

at previous Paper.

LABOUR RECRUITING IN KENYA PROVINCE
MR W.G. PARKER'S ALLEGATIONS

The Commission and Report from which it will be seen on grounds disclosed for complaints. Requests sanction to lay report on table of League Council and also for general ruling as to laying of similar reports and in matters of general interest printing and sale.

Mr. Read.

This is a storm in a teacup. The District Commissioner, Mr. Stone, is fully exonerated from the charge of having endeavoured to impede recruiting by Mr. Parker, a licensed labour recruiter. I do not however, find in the report that eulogy of Mr. Stone's general administration of his district, ^{apart from some construction,} which from the last words of paragraph 2 of the despatch one would expect to find. I do not suggest that there is anything adverse to Mr. Stone in the report, only that the Acting Governor appears to have gone out of his way to give Mr. Stone a ^{rather for general} positive testimonial.

One interesting point in the report is the use made of the native labour put at the disposal of the Administration by the local Chiefs. 250 boys were used for 150 days in one year in attending to the station at Embu. The clearing round the station consists of a camping ground, a golf course and a garden. I rather gather from the remarks of the ^(see p. 5) ~~Commissioner~~ ^{a large part}

at subsequent Paper.

Mr. 795. 18 Oct 17

of this considerable amount of labour must have been expended on the golf course.

There is no objection to this report being laid on the Table of the Legislative Council, but I do not think that all such reports of Commissions of Enquiry should be laid indiscriminately. I would ask that they may be submitted to the Secretary of State in the first place. If this is done, the question of printing and sale can be considered on each occasion. I do not think there will be many such reports which can be printed for sale without ~~the risk of considerable~~ ^{being at a} loss. I cannot imagine any great demand for this report, for instance.

H.A.B.

6 10

I agree - & in writing to the O.A.C. say that the S. P. B. has noted what is said in para. 15 regarding the excessive use of native labour for the Station at Embay + that care should be taken to prevent the recurrence of such ^{abuses in the future} practices, whether at Embay or other stations.

to me.
J. B.
16/12/77

W. B. Bolingbroke

of this considerable amount of labour must have been expended on the golf course.

There is no objection to this report being laid on the Table of the Legislative Council, but I do not think that all such reports of Commissions of Enquiry should be laid indiscriminately. I would ask that they may be submitted to the Secretary of State in the first place. If this is done, the question of printing and sale can be considered on each occasion. I do not think there will be many such reports which can be printed for sale without ~~the risk of considerable~~ ^{being sold at a} loss. I cannot imagine any great demand for this report, for instance.

J.A.B.

6 10

I agree - & in writing to the O.A.C., say that the S. J.B. has noted what is said in para. 15 regarding the excessive use of native labour for the station at Embu, & that care should be taken to prevent the recurrence of such ^{abuses in the future} practices, whether at Embu or other stations.

J.A.B.
16/2/17

W. B. ...

AFRICA PROTECTORATE
NO 494.

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA

August 24th, 1917.

Sir,

I have the honour to inform you that, in consequence of certain representations which were made by Mr.W.G.Parker, a labour recruiter in the Kenya Province, to the effect that his efforts to obtain labourers were hampered by the action of the District Commissioner, Embu, the Governor, with the advice of his Executive Council appointed a Commission of Inquiry to investigate Mr.Parker's statements. The Commission was signed on the 27th of March.

REPORT
COMMISSION

2. On July 31st the Commissioners submitted their report, a copy of which, together with a copy of the Commission as signed, is transmitted herewith. It will be seen that the investigations made disclosed no grounds for the complaints put forward by Mr.Parker,
and

THE RIGHT HONOURABLE
WALTER LONG, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W.

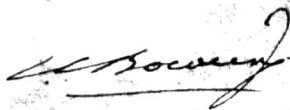
and I have caused Mr. Stone, the District Commissioner, Embu, to be informed that I am glad to have received the Commissioners' endorsement of the excellent manner in which he has administered his District.

3. I should be glad of your sanction to lay the report of this Commission on the table at a future session of the Legislative Council. I consider that it would be advantageous to adopt this procedure in the case of all similar Commissions, and, in cases where the report of a Commission is a matter of general interest, I would suggest that the reports be printed and sold. I trust that this suggestion will meet with approval.

I have the honour to be,

Sir,

Your humble, obedient servant,



ACTING GOVERNOR.

In Despatch No. 494 of August 24th 1917

The Commissioners appointed on the 27th. March by His Excellency Sir Henry Conway Belfield to inquire into and report on the facts relating to the recruitment of labour in the Embu District by Mr. W.G. Parker during 1916 and on the facts relating to the employment of native labour by the District Commissioner of the aforesaid Embu District during 1916 beg to submit to Your Excellency the following report:-

R E P O R T.

1. The cause of the appointment of the Commission was a complaint made on behalf of Mr. Parker by Messrs. Tonks, Daly and Figgis dated the 3rd March, 1917, to the effect that prior representations made by Mr. Parker in his letter of the 5th January, 1917, to Mr. T.S. Thomas alleging that the District Commissioner was guilty of improper conduct in that he had interfered with and put obstacles in the way of Mr. Parker's work as a recruiter of labour had been the subject of an ex parte inquiry only by Mr. Tate. The letter of the 3rd March, a copy of which is annexed hereto, (Exhibit 6 A), formulated serious accusations against the District Commissioner, Mr. R.G. Stone, and asked for a full inquiry.
2. The Commissioners sat at Embu on the 6th, 7th, 8th, and 9th. of June for the purpose of taking evidence. The notes of evidence taken by the Chairman and exhibits are annexed hereto in original.

Despatch No. 494 of August 24th 1917

The Commissioners appointed on the 27th. March by His Excellency Sir Henry Conway Belfield to inquire into and report on the facts relating to the recruitment of labour in the Embu District by Mr. W.G.Parker during 1916 and on the facts relating to the employment of native labour by the District Commissioner of the aforesaid Embu District during 1916 beg to submit to Your Excellency the following report:-

R E P O R T.

1. The cause of the appointment of the Commission was a complaint made on behalf of Mr. Parker by Messrs. Tonks, Daly and Figgis dated the 3rd March, 1917, to the effect that prior representations made by Mr. Parker in his letter of the 5th January, 1917, to Mr. T.S. Thomas alleging that the District Commissioner was guilty of improper conduct in that he had interfered with and put obstacles in the way of Mr. Parker's work as a recruiter of labour had been the subject of an ex parte inquiry only by Mr. Tate. The letter of the 3rd March, a copy of which is annexed hereto, (Exhibit 6 A), formulated serious accusations against the District Commissioner, Mr. R.G. Stone, and asked for a full inquiry.
2. The Commissioners sat at Embu on the 6th, 7th, 8th, and 9th. of June for the purpose of taking evidence. The notes of evidence taken by the Chairman and exhibits are annexed hereto in original.

3. The Commission was of opinion that the best place in which to hold its sittings was at Embu. The majority of the witnesses who could give direct evidence on the facts alleged by Mr. Parker were natives who lived in the District at places at some distance from each other and they included the majority of the headmen of the Embu and Emberri divisions of the District. Owing to the existing circumstances of the Protectorate it was obviously advisable that the District Commissioner and headmen should not all be away from the District at the same time.
4. Mr. Cresswell appeared for Mr. Parker and Mr. Stone was unrepresented by Counsel.
5. Mr. Parker recruited labour under the usual permit issued under the Master and Servants Ordinance, 1910, until 30th September, 1916, when his permit expired and he was informed by Mr. Tate the Provincial Commissioner of Kenya Province that owing to the demand for labour for the Carrier Corps it would not be renewed (vide Exhibit 2). On the 11th September, 1916, Mr. Parker entered into an agreement with the British East Africa Fibre and Industrial Company whereby his whole time was at the disposal of the Company as a labour supervisor and recruiter (vide Exhibit 3).
6. On 22nd September Mr. Parker was at Embu and saw Mr. Stone who gave him some advice as to where to get boys and some boys were accordingly obtained from Ngondia. Mr. Parker returned to Embu and waited for 21 boys whom he stated he had

had recruited at Theirikwas and Mnyakkas. He then proceeded to Emberri. While in Emberri he wrote to Mr. Stone about the non-appearance of the 21 boys from Theirikwas and Mnyakkas and Mr. Stone gave the reasons for the non-appearance of those men in Exhibit 4. On careful consideration of the evidence we are of the opinion that Mr. Stone was justified in interfering on the facts alleged to him. It seems certain that these men were not leaving their homes of their own free will. Mr. Parker said that in recruiting he had not seen these boys. He had however seen boys who were willing to come so presumably these boys were not identical with those whom Mr. Parker saw.

7. In Emberri Mr. Parker made a tour of the principal headmen who, he says, promised to send him boys who were to meet him at Kombas on the 17th. October, 1916. Instead of the 300 which Mr. Parker expected 12 arrived. Mr. Parker returned to Embu and he has said in evidence that he recognised some of the boys who were working on the golf links as boys who were brought before him in Emberri. The practice in the District is to require not more than six days work on roads or at the station at a time from among the members of the male population of any location. In practice a man is required to work for periods of six days about three times in any one year. It would appear after giving Mr. Parker ample time to recruit in Emberri that the usual demand for the proper quota was sent to some of the divisions

in Emberri for labour for the station. There is in our opinion no justification for the suggestion that tribal retainers were sent by Mr. Stone or at his instigation to collect labour in order to render Mr. Parker's task harder or impossible. We think it very probable that the headmen of Emberri made promises to Mr. Parker with regard to the boys whom they would send but that they had no intention of keeping their promises. We are satisfied that there was no active or passive obstruction caused by Mr. Stone to Mr. Parker's recruitment of boys in Emberri. We are also satisfied that Mr. Parker was given the opportunity to recruit any of the boys who were working at the station. He did not avail himself of the opportunity as he did not think they would care to go with him after having worked four or more days out of their six.

8. Mr. Parker implies that the construction of a market building had a bad effect on the labour supply. He was annoyed at seeing so many men at the market on one occasion when he visited it in company with Mr. Stone. Although possibly for a very short space of time a number of men were employed in bringing in material for the construction of the market in our opinion the market is a most useful institution and should be a factor in encouraging the natives to settle and cultivate land nearer the station than they do at present thus increasing the accessibility of a possible labour supply.

9. The next series of charges that are alleged against Mr. Stone refer to --- incidents connected with the recruitment of boys from Kichugu of which the principal headman is Kutu. We will deal first with the facts relating to the desertion of the 180 boys who were being sent to Fort Hall from Kutus. It is amply shewn by the evidence that Mr. Stone had nothing to do with the desertion of these men but that they deserted because they were going to do work at, they apparently thought, an unpopular place i.e. Gazi which had acquired an unsavoury name among the natives. More than a suspicion is borne in on one that these men were far from willing recruits and that some form of pressure had been used by their headmen otherwise why should they desert at the outset of the Safari?

10. On another occasion Mr. Parker went to Kutu to get boys. Kutu told him it was no use to stay there and, Mr. Parker states, he professed to be annoyed because 500 boys had been sent for to do the usual six days work at the Embu Boma. Kutu in his evidence expressed annoyance and anger at the employment of men at the Boma because they were neither paid nor fed. He had no feeling with regard to work on the roads. Prejudice was further imported by Mr. Parker by a reference to young girls being required to work at the Boma and to sheep and goats, matters with which this report subsequently deals with, we have no doubt that Kutu did do all he could to arouse in Mr. Parker's mind suspicion and distrust of Mr. Stone.

Kutu is an extremely able native perfectly capable of playing off one European against another. In his evidence before the Commission he states that after Mr. Parker returned from the war men did not want to work for him. From Kutu's and Mr. Stone's evidence it is clear that Mr. Stone who was in Emberrri at this time had no knowledge of the fact that Mr. Parker required boys from Kichugu or of Mr. Parker's movements when tribal retainers were sent from the Boma by the Assistant District Commissioner to collect boys for work at the Boma. Kutu admits that he had received instructions from Mr. Stone and other District Commissioners that he is to assist persons recruiting labour and he further admits that he and his headmen know that persons who want to go to work voluntarily can go. He also understood that getting men for Mr. Parker was an order of the Government. On another occasion Kutu refused to assist Mr. Parker because, he said, the Provincial Commissioner was coming and he did not know what orders he might get.

11. It is apparent from the evidence of Ndaa, Kutu's personal boy, that one reason why Mr. Parker failed to get labour was that Mr. Stone had made it clear that compulsion was not to be used. Another reason suggested by Mr. Stone was that the Embu had formed their own connections and had acquired the habit of going voluntarily out of the district to seek work and that they preferred that rather than being recruited by Mr. Parker.

12. The evidence of Mboke who is one of Mr. Parker's moran gave us the impression that he was most anxious to make his testimony agree with

with Mr. Parker's case. It did not impress us with its credibility.

13. The only place in which Mr. Parker was satisfied with his recruiting was Chuka where, because he was sick, Mr. Allen, the Assistant District Commissioner, assisted him and got men in for him, otherwise, if Mr. Allen's statement that Mr. Parker is disliked by the Chuka and Embu be correct, it is not likely that he would have been more successful there than in Embu. Mr. Allen suggests that the cause of Mr. Parker's waning popularity is that the natives think he sends them to bad places. They object to working on fibre at Kibwezi. Mr. Allen further gave a reason which would operate against all professional labour recruiters and that is that natives have said they object to being sold. The fact that Mr. Parker receives so much a head from the actual employer is apparently known to the natives.

14. From the evidence of Mr. Stone and Mr. Parker's Moran, Jiguna, we are satisfied that Mr. Stone did all he legitimately could to assist Mr. Parker's efforts in Embu by sending ^{a tribal retainer} with a message that any people who wanted to go with Mr. Parker were to go and by taking steps to insure that he should be supplied both with pesho and porters when he was in difficulties.

15. Mr. Stone has admitted that he has used native labour freely on roads and in the Station. He can testify to the good use made of the labour on the roads. He traversed the Fort Hall-Meru road from the boundary of the District through Embu to the Thushi River

26½ miles beyond Embu. The road is well made, well bridged and well graded and reflects great credit on everyone concerned in its survey and construction. We are informed that it is the work solely of the officers and the natives of the District. Some of the bridges on the road such as those over the Thiba and the Thuchi are engineering works of importance. If this road may be taken as a fair sample of the roads in the District the District Commissioner must be congratulated on the excellent use to which the powers given by the Native Authority Ordinance 1912 have been put. Good roads must tend to economise very greatly the labour used in the District. The clearing round the Station at Embu which may be divided into camping ground, golf course and garden does not appear to be too large for the health and amenities of the place. We are of opinion that the clearing of bush and laying out the station with suitable grass are improvements for which it is legitimate to use native labour but we are of opinion it is not desirable to use a large amount of free labour for the maintenance of the grass in such a state of excellence as a golf course requires. The figures of the boys employed at Embu are not very exact but we gathered that approximately 250 boys were used for 150 days in one year thus giving 37,500 labour units per annum. In the existing state of the labour market we regard this as excessive. The District Commissioner apparently recognised this and endeavoured to economise labour by asking or according to Kuru, ordering Kikuyu men to send in sheep which at Kuru assist in keeping the grass short. At Kuru Mr. Stone states the natives were glad to bring the sheep in to graze. Although the grass is the same species on which sheep feed when at home the

unfortunate

unfortunate epidemic which caused the death of many of the sheep made the experiment a failure. The suggestion that not only men and sheep but young girls were enlisted for station improvements has not much foundation in truth. No women have been employed in the Boma since early in 1916. The only women Mr. Stone has allowed are women to repair the tribal retainers' huts. Kutu in his evidence states that the Government does not send for women to work but that headmen in their discretion supplied women. Any women that came did so with the consent of their headmen and through pressure being put by the headmen on the women. In 1915 and possibly in the beginning of 1916 women brought in grass and planted it. They got a pinch of salt and if possible went home the same day. They were girls from the Ambu and Kienugu divisions and not from the more distant divisions.

16. The incident at Chombas where Mr. Parker stated Mr. Stone on or about the 28th January, 1917, sent a tribal retainer without his official cloth is explained by Mr. Stone who says ^{that} in consequence of reports made to him of Mr. Parker's remarks to natives of the District about himself and in consequence of information received by him that headmen had seized men he thought it necessary to find out if Mr. Parker were repeating the remarks and if men were being seized. Mr. Stone regrets that such a course of action was necessary ~~but in the interests~~ ^{in the interests} and the safety of the District warranted his action in the absence of any other means at his disposal. The tribal retainer had no instructions to hinder or affect Mr. Parker's recruiting by proper methods.

17. Mr. Stone denies that he ever said anything to the effect that settlers were not wanted in this country as alleged by Mr. Parker. From our impression of Mr. Stone formed from the manner in which he gave his evidence and in view of his denial we think it highly improbable that he should have uttered the statement attributed to him. It is possible that Mr. Parker may have misconstrued something which was said.

18. There is no doubt in our minds that Mr. Stone did encourage the natives of his district to go out to work and the evidence of Mr. Allsop and Mr. Skewes Cox shews that there is no difficulty in getting voluntary labour from the Umbu District. There is much in the opinion given by Mr. Stone that the system of free labour on public works is an incentive to natives to procure work for wages outside the reserve. We have no reason to disbelieve Mr. Stone's statement that natives who wished such work or to go to a known employer could go and that there was no compulsion to stop and work on roads or other Government projects. Mr. Stone, informed us---that in districts where labour is not going out freely natives were told to go out.

19. At the conclusion of the evidence Mr. Cresswell stated that his client had instructed him to say he had had a patient hearing, that the subject had been thoroughly inquired into and that his original statement had been made in good faith. We have no doubt that his statements were believed by Mr. Parker and it is naturally true a person trained in giving evidence or a person who would be likely to distinguish between admissible evidence and hearsay. We think it very probable that Mr. Parker was misled first by interviewing headmen and subsequently by hearsay.

nearsay. Having given evidence of a rising animosity to Mr. Stone nothing is more probable than that his own servants or other natives of his acquaintance should provide him with facts which fitted in with what they imagined he wished to know and believe. Although all the headmen and others required by Mr. Cresswell for the purposes of supporting Mr. Parker's allegations by direct evidence were present at Embu during the inquiry, the only headman called was Kutu. We gather that the others were not called because it was discovered that their ex parte statements to Mr. Parker were hearsay or because they receded from those statements and refused to substantiate them. Mr. Stone's statement recommended itself to Mr. Cresswell and Mr. Parker as being frank and business like and Mr. Cresswell expressed the opinion that had it been in their possession the inquiry would have been saved much time and the necessity for a Commission would have arisen. Mr. Parker was prepared to accept Mr. Stone's statement that he did not personally give instructions to obstruct him either directly or indirectly. Mr. Parker although not satisfied that there was no hindrance from some cause or other to his recruiting said he was satisfied with the inquiry and with Mr. Stone's statement. In view of the statements made by Mr. Cresswell and Mr. Parker Mr. Stone did not desire to call any further evidence.

Our opinion coincides with that apparently formed by Mr. Parker. It is very likely that he was fooled by headmen possibly because Ribwezi had got a bad name among the natives or for some other reason connected with Mr. Parker himself. Headmen would be reluctant to give Mr. Parker a directly unfavourable answer in view of their instruction

from the District Commissioner to assist labour recruiting. We are, however, convinced that there was no intentional obstruction placed by Mr. Stone in the way of Mr. Parker's recruiting either direct or indirect and that all the specific charges have failed in so far as they allege any improper motive.

21. Attached to the evidence and Exhibits is a plan marked X made by Mr. Stone showing the dates Mr. Parker was in Emberry and the dates on which labour from each headman was in the station. The former dates have been corrected in blue pencil from Mr. Parker's evidence.

J. W. Barth

CHAIRMAN.

Nairobi.

The 21st day of July 1917.

W. MacLellan Wilson.

THE COMMISSIONS OF INQUIRY ORDINANCE, 1912.

A COMMISSION.

I, Henry Conway Belfield, a Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the East Africa Protectorate, do by virtue of the powers conferred upon me by the Commissions of Inquiry Ordinance, 1912, by this my commission under my hand appoint:-

- The Honourable ~~J.W.~~ Barth and
- The Honourable W. MacLellan Wilson

to be Commissioners to inquire into and report on:-

- (a) The facts relating to the recruitment of labour in the Embu District of the Kenya Province by Mr. W.G. Parker during 1916
- (b) The facts relating to the employment of native labour by the District Commissioner of the aforesaid Embu District during 1916

AND I do hereby direct that the said Honourable J.W. Barth be Chairman of the Commission.

AND I do hereby direct that the aforesaid inquiry shall be held at such place or places in the Protectorate as the Chairman may think fit.

AND I do hereby command all persons whom it may concern to take due notice hereof and to give their obedience accordingly.

GIVEN under my hand at Wairoa this Twenty seventh day of March, 1917.

Henry Conway Belfield,
GOVERNOR AND COMMANDER-IN-CHIEF.

18 Oct. 1917

Sir,

I have etc to ack the receipt of your despatch, No. 414 of the 24th of August, enclosing copie of ~~the~~ report of a Commission of Inquiry, appointed to investigate ~~the~~ facts relating to the recruitment of labour by Mr. W. G. Parker and ~~facts~~ relating to the employment of native labour in 1916 by the Dist. Comm^r of the Embu District, and ~~of the~~ Commission as signed.

2. I have no objection to ~~the~~ ^{your} proposal to lay the report of this Commission on the table at a ~~future~~ session of the Leg^{is} Council, but reports of similar Com^{ms} can

RAP
No 795DRAFT

CAC

MINUTE.

16/10/17
v. D. H. M. 17.10.17 f

Mr. ...
Mr. Lambert.
Mr. Reid
Sir G. Follen.
Mr. Steel-Maitland.
Mr. Long.

~~laid on the table~~

I consider that reports of similar Commissions in the future should be submitted to me in the first instance for decision as to whether they should be laid on the table. If this is done, the question of the printing and sale of such reports can be considered on each occasion.

3 I have noted the finding of the Commission in para. 15 of the Report regarding the excessive use of native labour for the station at Embu. Care should be taken to prevent the recurrence of such abuses in the future, whether at Embu or at other stations.

J. H. H. etc.

~~be laid on the table.~~

I consider that reports of similar Commissions in the future should be submitted to me in the first instance for decision as to whether they should be laid on the table. If this is done, the question of the printing and sale of such reports can be considered on each occasion.

3 I have noted the finding of the Commission in para. 15 of the Report regarding the excessive use of ~~alternative~~ labour for the station at Embu. Care should be taken to prevent the ~~for~~ recurrence of such abuses in the future, whether at Embu or at other stations.

J. H. H. etc.