

EAST AFR. PROT.

C. O.
50114Rec'd
11 OCT 17

50114

Hilary 47.

1917

13 Aug.

Last previous Paper.

505/
44514

Enrichon of habits from Malindi, East.

Sends further common addresses to Hilary.

200-

Mr. Butler

This is an advance copy, & we may wait for the O.A.'s despatch covering the original. You will notice that Mr. de laey is in a position to 'cause' motions not only in the Legislative Council of the E.A.P. but also in the H. of Commons. But he cannot prove either that he helped the enquiry to be useful or that any attempt of his to raise investigation by the Commission into the events which he says were looked over & obstructed in any way.

J. P. Butler Oct 12, 1917

w/Read

Next subsequent Paper.

D/59100

same

Feb.

13-10-17

at once.

H. J. R.

157277

Attach a letter to Mr. [unclear] concerning
another copy of this.

WLR 20/11/17

usane

Feb.

13-10-17

at once.

H. J. R.

157/7

I attach a letter to the father concerning
another copy of this.

Walt 20/11/17

Copy of a letter addressed
to the Acting Chief Secretary
British East Africa, for the
information of the Secretary
of State, with M^r de Lays
compliments

502

Bombay

13th August 1917

(copy)

Mombasa

11th August, 1917

The Hon'ble the Acting Chief Secretary,
Secretariat, Nairobi.

C. O.
50114

Rec^d
(copies to the Secretary of State
and Members of the Legislative
Council).
501

Sir,

re: Your M.P. No. S.15335 of 24th April 1917

- and -
The stoppage of natives from food production
and its effects.

503

1. I have the honor - in continuance of my previous official communications - to again draw your attention to the Custom House statistics.
2. The amount of maize exported to foreign ports from Malindi including Mamburi for the year ending 31st March 1913 was Rs.57,473; for the year ending 31st March 1916 the amount of such export was Rs.75, for the year ending the 31st March 1917 there was no such export.
3. The export of maize to Protectorate ports from Malindi including Mamburi, Kilifi and Takaungu for the year ending 31st March 1913 was Rs.57,502; for the year ending 31st March 1916 such export was Rs.29,350, for the year ending 31st March 1917 such export was Rs.5,625.
4. Thus the total export of maize from ports of Malindi District for the year ending 31st March 1913 was Rs.125,807 for the year ending 31st March 1917 such export was Rs.5,625 (probably grown near Mtanganika) and a quantity was imported for - I believe - the first time in the history of the District.
5. This diminution of native food production is not the result of bad seasons, they have been excellent; it is not the result of the large number of young men joining the carrier corps for the women weed the cultivation plots and gather the grain; neither would the War have affected

affected food production in a locality so very far removed from all military operations, except to greatly stimulate it; I have stated the cause which has produced this effect; namely the illegal eviction of ex-slaves and Wanyika people from their holdings and the forcible prevention of all cultivation of food products by them.

505

6. As you are aware, Sir Henry Belfield appointed a Commission to enquire into certain evictions of natives in the Malindi District; such Commission never went North of the Sabaki; they visited one place only, Gaji Hill, in two large devastated areas, and were accompanied by Mr. Hobley, the author of all the persecution; his presence much militated against the possibility of correct information being gained; I have been given to understand that they came to the conclusion that, the burning of houses, the seizure of property, the despoiling of crops and the consequent hunger of the people and lack of any place whatever for them to sleep in, would not have any intimidating effect upon applicants to my Court, although these actions were committed because Government wanted the land; if indeed, they came to this conclusion, Sir Henry Belfield should very greatly appreciate the services they endeavoured to render him, in what may become a difficult position: Practically the appointment of the Commission appears to have been an expedient resorted to for what Mr. Asquith was informed, on another occasion, were purposes of "whitewash" and I doubt if such expedient was entirely successful; for I assert Sir Henry Belfield left instructions that I was not to be provided with a copy of the Report.

7. To my application for a copy of the Report the acting Chief Secretary for the time being replied para 2 M.P. No. 815335 of 24th April 1917 as follows:-

- * I am to say that the Governor before his departure
- * for England considered the report of the Commission
- * very carefully with his Executive Council and
- * arrived at the conclusion that you had entirely

" failed to substantiate any of the allegations made
 " by you. The report is being forwarded to the Secretary
 " of State and in the meantime it is not proposed to
 " furnish you with a copy ". 506

Now, Sir, if you refer to the terms of " A Commission " of 27th October 1916 you will observe that they had no authority to enquire into my allegations, it may nevertheless be convenient, in view of the paragraph above quoted, to recapitulate what these allegations are, the whole of which I maintain to be facts; they are, inter alia, as follows :-

- A. That the Government has only the right to acquire unoccupied land on the ten mile coast belt of land rented from the Sultanate of Zanzibar.
- B. That by Mahomedan Law, lands out of cultivation, are not necessarily unoccupied lands.
- C. That the so-called Baratumu line has no legal force or signification whatever.
- D. That by Mahomedan Law, it is not possible to convey freehold land from one person to another, or to Government, by Boraza or public meeting.
- E. That at the end of 1914 and beginning of 1915 the Government had no legal right to evict cultivators of any race from the holdings they were cultivating North of the Sabaki River in the ten mile zone, rented from the Sultanate, without judicial proceedings, that nevertheless Mr. Provincial Commissioner Hobley gave instructions that such people were to be evicted, that this was done, cultivation was stopped and the greatest distress ensued.
- F. That in the beginning of 1915 the Government had no legal right to evict cultivators from their holdings south of the Sabaki River and west of the so-called Baratumu line, in such ten mile zone, without judicial proceedings; that nevertheless Mr. Provincial Commissioner Hobley gave instructions

that such people were to be evicted, that this was done, cultivation was stopped and the greatest distress ensued; it was unfortunately impossible to induce the people to leave without making them shelterless, their houses and huts had to be burnt down, painful destitution was thus caused on account of the alleged desire of the Government to obtain possession of the lands these people were cultivating, and the occurrences naturally intimidated applicants to my Court from coming before me to exercise their legal right to establish their claims.

- G. That sending an officer of the Government, the best known arab Chieftain, who inherited great influence, to induce the natives to withdraw the applications they had made for their lands, in order to enable the Government to obtain those lands gratuitously, was an act of administrative immorality.
- H. Such were some of the facts to which I officially called the attention of the Governor, through the proper channels, in April 1915; they could easily and at once have been verified by him had he communicated with the Assistant Superintendent of Police and other officers who had to carry out Mr. Hobley's instructions and by obtaining copies of the official communications that passed between such officers; moreover the points of Law could have been referred to the Attorney General; the evil effects could at any rate have been partially remedied by rendering food production for the forthcoming season of 1916 secure and this it was the Governor's duty to do, and to do promptly: This obvious and straightforward course of proceeding, however, did not commend itself to Sir Henry Belfield whose efforts have been confined to preventing the facts from becoming known and incidentally suppressing me.

9. At Law the burning of other peoples houses without justification is ~~an~~ arson which is a felony and the unjustifiable seizure of other peoples property (even goats) by an armed force is robbery-under-arms, an ~~508~~ indictable offense: My fellow-countrymen will find phrases more descriptive than Sir Henry Belfields phrase of " possible irregularities " to characterise the stoppage of all food production in two large areas of country, the turning out of helpless and offenceless women and children into the desolation of an African bush devastated by fire, with only such food and property as they could carry and the reducing of a portion of the native population from extreme poverty to absolute destitution : They will not consider that the fact that these wretched ex-slaves and Wanyika people are defenceless and inarticulate, or that they were under the especial protection of Mr. Provincial Commissioner Hobley and Sir Henry Belfield is sufficient explanation of these " possible irregularities " or that the British tax payer should find pensions for an officer who causes them to be committed or one who acquiesces in them.

10. It would interest me if I should ever be enabled to peruse the Minutes of the meeting between the Governor and his Executive Council when they took the Report of the Commission " very carefully " into their consideration, this, however, will not be in my power unless the papers in this matter are laid upon the table of the House, in which case I will cause such minutes to be called for amongst the other documents: Meanwhile as it would be quite in accordance with Sir Henry Belfields methods to put a Report before his Executive Council for their consideration without laying before the members copies of the correspondence which caused such Report to be made, I will provide such members with copies of my communications herein to the Secretary of State.

11. The following extract from a letter addressed by the Indian members of the Mombasa Chamber of Commerce to the Secretary of the Chamber having been published in "The Mombasa Times" may presumably be regarded as public property and need not be endorsed strictly private and confidential in the manner of the official communications upon these matters; the letter was written 21st May 1917, respecting food supply, the extract is as follows:-

509

" We wish the Chamber to ascertain if the Government
 " is aware of these facts and is acting deliberately
 " and if so what policy they have for supplying food
 " to the civil population; the ordinary native supplies
 " on the coast, at any rate, having been stopped by the
 " native policy of the last few years ".

I have to reiterate that these evictions were illegal, evil in their origin and disastrous in their effect and that the acquisition of native lands without payment is dishonest; I have not any intention of unduly thrusting these matters into the attention of the Secretary of State, when his whole energies should be concentrated upon other events; neither have I lost my sense of proportion so greatly as to believe that the persecution of natives and the stoppage of their food producing powers is of great importance, relatively, at the present juncture; I am content to allow my files of documents to remain in the hands of my agent in London to be dealt with after the war is over, and merely at the next Budget, to cause the House to be moved that the estimates for the Colonial Service be reduced by the realizable value of the pensions Sir Henry Belfield and Mr. Hobley hope to secure, pending a real enquiry held into the maladministration of this Province since January 1914, by an officer of judicial attainments, not necessarily in the service of the

Colonial Office and influenced only by the principles
of integrity, not expediency.

I have the honour to be,

Sir,

Your obedient servant,

W. E. F. de Launay

Barrister-at-Law

510

Dear Mr. [unclear] Post Office Box No. 25

Please do what you like with
Mormon case - B.S. Office

Herbert Rutter of [unclear] 10th Sept. 1917

Downing Street, S.W.

510

Dear Sir

A mutual friend of ours has
assured me that you would be no party to the
suppression of facts, the knowledge of which in the
proper quarter, would enable wrongs to be
rectified. I am convinced that a large portion
of my communications to the Secretary of State
through the Governor and of the letters I have
written to the Secretary of State with copies to
the Secretariat here, have failed to reach
his destination.

511

I beg to point out that under the
present system, the only person the Secretary of
State can apply to for information as to any
legislation committed in this Protectorate, is
the Governor who would ask for a report from the
Provincial Commissioners. In this case the
Provincial Commissioner has caused the illegality
of the requirements of the Governor, so
that the Secretary of State is in a position

Dear Pottery Post office Box N° 25

Please do what Mom says. B.S. Office

Herbert Rutter Jr like with M.B. 10 Sept 1917

Downing Street. S.W.

510

Dear Sir

A mutual friend of ours has
convinced me that you would be no party to the
suppression of facts, the knowledge of which on the
proper grounds, would enable wrongs to be
rectified. I am convinced that a large portion of
my communications to the Secretary of State
through the Governor and of the letters I have
written to the Secretary of State with respect
to Secretariat house, have failed to reach
his destination.

511

I beg to point out that under the
present system, the only person the Secretary of
State can apply to for information as to any
legislation committed to this Protector, is
Governor who would ask for a report from the
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tantamount to that of a Judge who is
debarred from obtaining evidence other
that of the principal and the accessory
respect to a crime; under these circumstances
the evidence is not likely to be of a reliable
nature.

The report 1907 on Equerry (sent for purposes
concernment) was held at Signa Island, and
into certain observations committed there
noted as Counsel for the islanders, the
made a report, the officer responsible, in
to save his position, paid compensation
the matter was recorded as far as possible.
then informed me that all the documents
matter were "lost". I am therefore justified
in concluding that some of the documents
the matter I want of are "lost" also.

Had Mr. Bonar Law remained at
Colonial Office I could have obtained
personal access to him and recorded
steps would have been taken; I have

cannot reach the Secretary of State qua
Secretary of State, it is obvious that no attempt
of restoring the food productivity of these
great lands can be made by the local
Government, in fact the passing of any
such attempt would be impossible under the
purposes of Mr. Hobley, if you can induce a paper
before you - like attempt to restore the status quo
of your generation.

I am and apologise for a personal letter as?
I have heard that the further away with which
endeavourers are made to keep the facts of
complacency of, would not be likely to afford to
you. I enclose a copy of my last letter

Faithfully yours
W. L. F. de Laing

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Had Mr. Pomeroy been examined at
Colonial Office I could have obtained
personal access to him and recorded
steps would have been taken; I know

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Secretary of State, it is obvious that no attempt
of restoring the food productivity of these
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supervision of Mr. Hobley, if you ever receive a paper,
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private Hobley you would be of great service
to your generation.

I am not apologizing for a personal letter as?
have heard that the fraction society with which
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you. I enclose a copy of my last letter

5:1
812
F. F. de Lancy
W. L. F. de Lancy