

EAST AFR. PROT
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20 APR '15

Howling
Govt 239
1915
March
Last previous Paper.
14573

ESTRICH FEATHER AMENDM TO ORDC 1915
M. S. G. ALLEN'S PETITION
The copy of petition of S. G. Allen, dated
no case has been made. It is not possible
possibly it may be held that the
treaties an objection which applies to all
the 1907 Ordc.

See A. We had better await
it first what the Govt will
do doubt with refs to Mr Allen
of the in of March

H. J. R.

29/12/15

Telegraph to

Sent 5.30 pm
26/12/15

Governor

Nairobi

unburelle

Your despatch No. 239

Resubrain
26 July
amplified

are you sending

disagreeable
regarding Allen's letter

To Govt tel cons 26 July 15
To 70 5 Aug. 1915

25/12/15
29/12/15

AFRICA PROTECTORATE

GOVERNMENT HOUSE,
NAIROBI,
ENGLISH EAST AFRICA.

No. 239

March 29th, 1915.

Sir,

I have the honour to refer to my telegram No. 86 of the 10th instant respecting a petition against the Ostrich Feather Amendment Ordinance 1915 from Mr. B.G. Allen and to transmit herewith a copy of the document in question.

See
11/1/15

Mr. B.G. Allen
6.3.1915.

2. As you will perceive from paragraph 10 of the Attorney General's Memorandum enclosed in my despatch No. 120 of the 16th ultimo it was anticipated that objections might be raised to the Ordinance on the ground that it interferes with freedom of trade and there is no doubt something to be said for such a view, but it was thought nevertheless that the protection of the ostrich breeding industry justified the enactment of legislation.

RIGHT HONOURABLE

SIR FRANCIS BURNETT, BART., K.C.,

SECRETARY OF STATE FOR THE COLONIES,

10, WHITEHALL,

LONDON, S.W.

3. Mr. Allen on the other hand has taken up the cause of the feather-merchants who are not breeders of ostriches and his letter is an ingenious piece of special pleading on their behalf.

4. The first paragraph is not quite accurate, as the Bill has not yet been assented to and there is therefore at present no question of disallowance.

5. As regards paragraph 2 there is at the present time no necessity to take out a licence for the sale of imported feathers, if at the time of importation they are declared for sale, but the Ostrich Ordinance 1907 restricts the sale of locally grown feathers and such restriction would appear to be as much a contravention of treaty rights as that contemplated by the provisions of the Ordinance now under discussion. Therefore the Ordinance of 1907 is considered unobjectionable I cannot see that Mr. Allen has any grounds logically for his present challenge.

6. Again in paragraph 3 Mr. Allen is inaccurate. Mr. Sim sat as an unofficial Member at the meeting of the Council at which the Ordinance was passed.

7. The object of the Bill is inexactly set out in paragraph 4 of Mr. Allen's letter. It is, as stated in the Attorney General's Memorandum, to afford a market to local ostrich farmers for their inferior feathers so that the lean years of development may be tided over. The effect, however,

is, I admit, to give ostrich farmers a monopoly of the sale of feathers in the Protectorate.

8. Mr. Allen's fifth paragraph is partially correct. The amendment was urged by the Director of Agriculture after representations made to him by the Ostrich Farmers Association that the industry was doomed unless the local market for inferior feathers was preserved for the local producer. The very large import of South African feathers referred to by Mr. Allen had, the Director of Agriculture was informed, swamped the market and the local producer could not sell at anything like a price which would make it worth while continuing the business of ostrich farming in view of the losses which must otherwise be incurred before by selection in breeding the better class feathers were of value for export. There was at no time question of a monopoly for a few favoured persons.

9. There has been, I believe, considerable capital invested in the ostrich farming industry and as by treaty we are unable to raise the customs tariff on feathers it appears probable that unless some protection on the lines of the ~~proposed~~ ^{proposed} that such capital ~~is~~ ^{is} at and the industry ~~is~~ ^{is} our ~~own~~ ^{own} and an opportunity of establishing itself.

10/10/14

10. As regards paragraph 5 and those portions of paragraph 2 which insinuate that the Ordinance was ~~was~~ framed in the interests and at the instance of the Ostrich Farmers of the Protectorate it may, I think, be admitted that this is true to very much the same degree as Mr. Allen's protest is made in the interests and at the instance of the Feather Merchants.

11. It is unfortunate that the Director of Agriculture, who takes a great interest in the ostrich farming industry and is thoroughly conversant with its details, is now on leave and there is no one in this office who can speak with the same authority on the subject, but I am informed that there are 138 registered ostrich farmers in the Protectorate, and though some of them have parted with their birds owing to the unfair competition which it is the object of this Ordinance to defeat, there are still a much larger number owning birds than Mr. Allen would lead us to suppose. On the other hand between April 1913 and June 1914 only 25 Feather Merchants licences were taken out, ~~even~~ ^{even} them being for ostrich farmers. ~~Not~~ ^{Not} ~~have~~ ^{have} in very few cases does the trade ~~of~~ ^{of} ~~merchants~~ ^{merchants} constitute the main or even a considerable part of the business done by the holder of a licence, ~~unless~~ ^{unless} the ostrich farmers did, so long as ~~the~~ ^{the} ~~was~~ ^{was} ~~at~~ ^{at}

prospect of success, devote the greater part of their time and capital to that industry. Their families are probably proportionately as large as, and in the aggregate more numerous than, those of the feather merchants and are doubtless equally deserving of support. Mr. Allen's appeal ad misericordiam on behalf of the latter need not therefore, I think, be given much weight.

12. As regards the beneficial effect of the unrestricted sale of feathers to Kavirondo natives I would invite attention to the attached letter from the Assistant Provincial Commissioner, Nyanza, from which you will see that he is very far from sharing Mr. Allen's views on this aspect of the question.

13. In conclusion I would submit that no case has been made out against the Ordinance except possibly that it may be held to conflict with existing treaties, an objection which, as I have stated, would appear to apply equally to the Ordinance of 1907.

I have the honour to ~~be~~ ^{be}

Sir,

Your humble, obedient servant,

J. B. Bony

Accepted & approved by the
GOVERNOR

Asst. P.C.
Nyanza.

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C. O.
19032
APR 15 1915

STANDARD

AFRICA

STANDARD

1915

S. S. ALLEN,

COMMISSIONER

U. S. DEPARTMENT OF COMMERCE

for the Colonies

... that ... His Majesty's ...

... representations to you in the name that His Majesty's ...

Under the present law relating to ostrich

B. G. ALLEN,
SOLICITOR
RESIDENCE: 21, NAIROBI
P. O. BOX 1000

NAIROBI,
EAST AFRICA

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6th March 1915

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feathers, which is contained in the Ostrich Ordinance, 1907, an Ostrich Feather Merchant's Licence may be granted to any responsible person (see Section 14 sub-section 1 of the Ordinance), and there is no prohibition against the importation of Ostrich feathers for sale (see Section 21 of the Ordinance).

At the present time there are no unofficial members on the Legislative Council of this Protectorate (for reasons which will be within your knowledge). The Government is, therefore, occasionally unable to ascertain fully the views of all sections of the inhabitants on proposed legislation, and has to depend, to a large extent, on representations from individual members of the public who may not in all cases be disinterested in their advice.

4. The object of the Amendment Ordinance referred to above is to protect the local industry of ostrich farming against the importation of ostrich feathers from South Africa and elsewhere and so maintain or inflate prices

B G ALLEN
SOLIDATOR
WILKINS ALLEN NAIROBI
CODE 2E - 2ND EDITION

NAIROBI
EAST AFRICA
8th March 1919

... the feather trade in favour of
... persons who carry on the
... other persons under the Ordinance.

The import of Austrian feathers cannot
be protected by means of
an import duty on account of treaty
with other nations. It is believed that this
is the reason why the matter has been dealt with
the Austrian Amendment.

It is believed that the amendment of the law
proposed by one or two is
a Director of Agriculture for the purpose of
view to obtaining for themselves a monopoly of the
Austrian feathers in this

that the protection of
is quite necessary

for reasons:-

- (a) It is well known that the present Federal Government in Mexico is opposed to the protection of local industries and monopolies of individuals or classes. It is admitted that it would be inconsistent with the policy of the present Government that the knowledge of finances should be allowed.
- (b) Ostrich farming in this Protectorate has not been a growing industry for some years. Several years ago a considerable number of farmers took up ostrich farming as part of their general farming operations by collecting and incubating the eggs of wild ostriches and by watching wild ostrich chicks. Most of these farmers have given up the undertaking and now only a very few persons engaged in the work. Some of these still maintain ostrich farms but have very few birds left.

H. G. ALLEN
SOLICITOR

NAIROBI.

EAST AFRICA.

6th March

1915

and one or two of the others would, I am instructed, willingly dispose of their ostriches if they could only obtain purchasers for them.

The principal ostrich farmers at present in the country are Messrs Paul Rainey, Henry Mariten, Wilson & Lambert, Hill Brothers, H. J. Barry, F. C. Robson, and G. M. Harvey. Of these Mr Paul Rainey is the only one possessing a considerable number of birds.

The feathers imported from South Africa are almost entirely those of the ostrich. They are used by the feather manufacturers to the natives in the native reserves to use them for constructing head dresses to be used in dances, at weddings, and at festivals.

The feathers are sold very largely to the natives, who are located near the main roads, and the houses of which are very

F. G. ALLEN,
SOLICITOR
TELEGRAMS: ALLEN, N. A. N. G. B. I.
CODE A. B. C. 5th EDITION.

NATROBI.
EAST AFRICA

6th March

1918

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for ornaments and are now wealthy owing to the crops ~~they~~ ^{are} ~~also~~ ^{now} for sale and the wages resulting from the labour they perform for Europeans and the Government.

(d) There is a large and steadily increasing trade in imported ostrich feathers and I am informed that the value of the feathers which passed through the customs at Mombasa last year amounted to Rs 20,000.

On the other hand the value of the feathers produced in this country is comparatively small and ~~the~~ ^{the} ~~value~~ ^{value} of the feathers last year ~~is~~ ^{was} half the value of the imported feathers.

As ~~the~~ ^{the} ~~local~~ ^{local} production ~~is~~ ^{is} ~~restricted~~ ^{restricted} ~~to~~ ^{to} ~~the~~ ^{the} ~~requirements~~ ^{requirements} of ~~the~~ ^{the} ~~market~~ ^{market} which ~~is~~ ^{is} ~~used~~ ^{used} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~country~~ ^{country} ~~and~~ ^{and} ~~the~~ ^{the} ~~value~~ ^{value} of the ~~remaining~~ ^{remaining} feathers ~~is~~ ^{is} ~~insufficient~~ ^{insufficient} ~~to~~ ^{to} ~~supply~~ ^{supply} ~~the~~ ^{the} ~~requirements~~ ^{requirements} of ~~the~~ ^{the} ~~market~~ ^{market}.

B. G. ALLEN
ENLIGHTEN
PROGRAMS, ZILLEN NAIROBI
CODE A & C BY EDITION

NAIROBI
EMBARCADERO
Sta. Haraa 1913

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requirements of the native market, would be very small indeed.

I am informed that the total local production of lower grade feathers for 12 months would not supply the local market for one week.

(e) If the Amendment Ordinance should come into force these ostrich farms may be licensed under section 2, sub-section (1), still not, of course, be allowed to import feathers, but there will be nothing to prevent unscrupulous farmers purchasing and remailing to natives reported feathers. It is suggested that a quantity of feathers at present find their way into the country by means of Somali, Arab, and other, without passing through the Customs.

(f) One advantage of the unscrupulous importation of lower grade feathers for sale to the

NAIROBI

EAST AFRICA

24 March

a plentiful supply of these feathers to the natives at reasonable prices has a tendency to restrict the theft of ostrich feathers from farmers - a crime which has been a fruitful source of irritation and trouble in this country.

It obviously suits the native better to buy the feathers he requires at a reasonable price than to run the risk of very heavy punishment for theft.

(g)

I am given to understand that there are a good many more licensed ostrich feather merchants in the Protectorate at the present time than registered ostrich farmers and it must be recollected, as mentioned above, that the ostrich undertakings of several of the farmers are quite inconsiderable.

These licensed feather merchants are all

B. G. ALLEN,
SOLICITOR
TELEGRAMS "ALLEN" NAIROBI
CORNER 451, 453, 455

NAIROBI

EAST AFRICA

6th March

1915

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Established themselves in the trade of dealing in
feathers and most of them have wives and families
to support. It is submitted that it is wholly
iniquitous that their businesses should be
destroyed and a monopoly in the sale of feathers
created in favour of a few Austrian farmers.

(a)

The members of the Kavirondo tribe,
above referred to, will not sell their live stock
(of which they have considerable numbers) for cash
or the usual articles of barter, but they willingly
part with their female cattle on the usual
terms for the Austrian feathers they so much prefer.
This fact explains the farmers in the Kavirondo
to stock their farms with such stock and even
than they would otherwise be able to do without
taking out an Austrian feather which is
and dealing with the natives.

B. G. ALLEN,
SOLICITOR
TELEGRAMS: ALLEPLIN, EDUAC
CODE: 425 2710/11/12/13/14

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NAIROBI

EAST AFRICA

6th March 1918

established themselves in the trade of dealing in
feathers and most of them have wives and families
to support. It is submitted that it is wholly
iniquitous that their businesses should be
destroyed and a monopoly in the sale of feathers
created in favour of a few ostrich farmers.

- (a) The members of the Kavirondo tribe,
above referred to, will not sell their live stock
(of which they have considerable numbers) for cash
or the usual articles of barter, but they willingly
part with their female cattle on very reasonable
terms for the ostrich feathers they so much require.
This fact enables the farmers in the district to
stock their farms with live cattle and sheep
than they would otherwise be able to do either by
taking out an ostrich feather monopoly licence
and dealing with the natives directly or by

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MR. B. ALLEN,
SOLICITOR
MURRAY & ALLEN, NAIROBI
LAW OFFICES

NAIROBI.

EAST AFRICA.

4th March 1919

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Referring from Ostrich Feather Merchants the
famaic cattle the latter have obtained from natives.

I have the honour to be,

Sir,

Your most obedient servant.

B. R. Allen

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C O
19032
26 APR 15

Serial No.

Kisumu,

Nyanza Province,

8th March, 1915.

Sir,

I enclose a letter from the District Commissioner
Kisumu.

2. Ostrich Feather merchants are daily wiring for large supplies of feathers from South Africa.
3. The sale of such feather spells retrogression in the reserves and will materially retard the sale of clothing and imported goods.
4. Under these circumstances if we cannot prevent to indiscriminate sale of these feathers we should at least be permitted to check and control it.
5. I, therefore, ask that sub-section 3, Section 5 of the Ostrich Amendment Ordinance of 1914 be deleted. In my opinion these recent wired orders for extra feathers are the result of Amending Ordinance.

Honourable

The Chief Secretary,

N a i r o b i .

I have the honour to be,

Sir,

Your obedient servant,

W. H. Hastings

Assistant
Provincial Commissioner.

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G.O.
19032
20 APR 15

Serial No.

76/1

Kisumu,

Nyansa Province,

8th March, 1915.

Sir,

I enclose a letter from the District Commissioner Kisumu.

- 2. Ostrich Feather merchants are daily wiring for large supplies of feathers from South Africa.
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Honourable
The Chief Secretary,

R e s p e c t a b l y

I have the honour to be,
Sir,
Your obedient servant,

A. Hastings

Assistant
Provincial Commissioner.

26 APR 1917

Reference No. 890/144/18.

Dist. Govt. Commissioner's Office,
Nyasaland Province,
Kilimanjaro, 27th March, 1917

The Honourable,
The Provincial Commissioner,
K I S U M U.

I enclose copy of a letter received from Messrs.

~~Stevens & Kennell~~ which is undoubtedly to report that

~~the Government of Nyasaland has been advised by~~
~~the Messrs. Stevens & Kennell that they have~~
~~proposed to import a large quantity of~~
~~feathers from the East Indies and that they~~
~~propose to sell these feathers in Nyasaland~~
~~at a price which would be very low.~~

It was considered that the
feathers themselves be sufficient protection
and that no further regulation

was necessary, but should this not
be sufficient to represent the matter.

It is suggested that you should write and
advise Messrs. Stevens & Kennell that the contemplated

importation is in order, and I may add that

you should advise that other dealers in feathers
in Nyasaland contemplate similar action and there is

the possibility of the reserves being flooded with imported

I will await your answer before advising Messrs.
Stevens & Kennell as the matter applies to the Province
and not to Kilimanjaro only.

[Signature]
District Commissioner

Nairobi, 26th Feb., 1915.

Our clients Sheikh Martin and Mahomed of Nairobi and Kimumu have contracted to buy 100 lbs. of imported South African Ostrich feathers some of which they propose to sell in the Kavirondo country.

The Ostrich Ordinance of 1907 Section 21 provides that the Ordinance does not apply to imported feathers so declared at the time of introduction and therefore it appears that South African feathers on which duty has been paid can be sold without restriction anywhere in the Protectorate. We have enquired from Asst. Provincial Commissioner, Nairobi, and he quite agrees with our view of the law as stated above.

Our clients however before commencing to sell these feathers at Kimumu wish to be quite sure of their ground and we shall be greatly obliged if you will give us an assurance on their behalf that you will not interfere with the sale of Ostrich feathers by them provided you are satisfied that they are imported and declared for sale at the time of introduction under Section 21.

Yours faithfully,

Sd. Stevens & Kendall

District Commissioner,

K I S U M U.