

1934

Kenya.

No. 17175

SUBJECT

C0533/411

Separation Scheme.

Previous

16035/30

Subsequent

38542/42 Kya

Keel  
with 12/17/53  
Kenya

Dr. Sturison  
~~Asst. Commissioner~~

It was decided at today's C.A. Union C.A. that Lord Lugard should circulate a memo, as to what he would propose in connection with the separation scheme. Apparently, he has now gone beyond a division of Kenya & places a tri-une state: - (a) Uganda (b) Kenya native areas (c) Kenya non-native areas - all under one A.C. with a Lt. Gov. in charge of each.

In the circumstances, we had better not expect that extreme?

I do not think it will be accepted by anyone. The Uganda part will have to be accepted by the British.

I do not think he will find much support for it in the C.A., except the Uganda part.

In any case the I.O. make it clear that Kenya & Uganda parts must have a say in any such scheme, & that most the C.A. could do would be to suggest that it be carefully considered by the Government.

Doc of State (through officials)

I agree with "A"

B.H.B.

"A"

8.6.51

Wed 1/6

Accordance

5.6.51

Keel  
with 12/7/31  
Kenya

Dr. Shorton  
~~for C. B. ...~~

It was decided at today's C.A. Union Ctee that Lord Lugard should circulate a memo, as to what he would propose in connection with the separation scheme. Apparently, he has now gone beyond a division of Kenya & places a tri-une state :- (a) Uganda (b) Kenya native areas (c) Kenya non-native areas - all under one A.E. with a Lt. Gov. in charge of each.

In the circumstances, we had better now advise what scheme?

I do not think it is a plan anyone, the Uganda part will join and not be complete

I do not think he will find much support for it in the C.A., except the Uganda part.

In any case the I.O.F. make it clear that Kenya & Uganda parts must have a say in any such scheme, & the next the C.A. could do would be to suggest that it be carefully considered by

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Japanese with "A"  
B.H.B. "A"

Commissioner to H.V. Maxwell, before joint  
Committee on Closer Union in S. Africa, on  
15 April 1931.

2 Copy of minutes of evidence given by Mr H.V. Maxwell  
before Joint Committee on Closer Union in S. Africa,  
on 28 April 1931.

3 Copy of minutes of evidence given by Mr  
H.V. Maxwell on 29 April 1931.

Mr C. Bottemley

Mr Maxwell will come at 3 o'clock  
tomorrow to explain his evidence  
in detail. You have in your  
room the map etc. he prepared.  
I think Mr Allen might be in  
this; if you do not mind - in  
which case perhaps he could look  
through them etc. before 3 pm.  
Tomorrow.

all Parliament  
S.V. 31

W.L.S. 5.5.31

4 Note of discussion with Mr Maxwell 6 days

Mr C. Bottemley

Note for Mr Maxwell on case.

There are two other copies. One is at the

- to the Chamber sent to Mr Bottemley

W.L.S. 8/5/31

Mr. Parkinson and I had no opportunity of discussing Mr. Allen's note of the position before he went on leave. We have now discussed with Mr. Allen and I attach a short note of the objections which we see to the separation scheme. In anticipation of Mr. Allen's note of the discussion, I should like to add the following:-

1. The note contains no reference to railways, etc. because Mr. Maxwell had made a claim in his evidence before the Joint Committee that these services were to be entirely a matter for the "central" Government, that is to say, the Government with the Legislative Council.

2. When Mr. Maxwell agreed that loan charges would have to be a joint and several liability of the two component States, I am not sure that he realised that the whole of Kenya's borrowings, including the transport loans, must be counted in for this purpose. That is to say, the revenues of the native area would start off with a potential liability of some £700,000 a year. This is a particular illustration of the general objection which I see to any constitutional reservation of part of what must be regarded as Kenya revenues. It is one thing to make every effort to spend the proceeds of native direct taxation on native services, but quite another to take it out of our own power to spend them otherwise in case of crisis.

3. Mr. Maxwell said that his skeleton budget was, so far as purely native services were concerned, an actual budget and not a mere conjectural allocation of ~~the~~ sums to various services. He had prepared an itemised estimate

of

of staff, etc. for each service, and the totals he had inserted in his skeleton budget represented the totals of these items.

These totals included the new staff necessary for separate supervision in cases (such as agriculture) where separate supervision was contemplated. That is to say, this scheme with all the new appointments involved, is intended to be covered by the present amount of direct taxation.

*Our impression is that the S. G. did not contemplate putting in any formal memo: in reply to the Separation Scheme, & in fact that the statements of objections will be sufficient.*

*Dr. C. G. G. G.*

*The Spt. <sup>has</sup> <sup>been</sup> <sup>sent</sup> <sup>to</sup> <sup>Mr</sup> <sup>Maxwell</sup> <sup>had</sup> <sup>perhaps</sup> <sup>better</sup> <sup>be</sup> <sup>replied</sup> <sup>to</sup> <sup>urgently</sup> <sup>to</sup> <sup>the</sup> <sup>House</sup> <sup>if</sup> <sup>we</sup> <sup>repl.</sup> <sup>(as</sup> <sup>we</sup> <sup>are</sup> <sup>doing</sup> <sup>by</sup> <sup>Commons</sup> <sup>armed</sup> <sup>the</sup> <sup>House</sup> <sup>settles</sup> <sup>memo.</sup> <sup>on</sup> <sup>separate</sup> <sup>budgets.</sup>*

*I submit sp. for common  
All Parkinson  
11.6.51*

To Gov. 405

20/7/31

12 JUN 1931

Copy to Director of Evidence, note  
of discussion and map

6. Gov's Dep. tel. 192 23 June  
Unable to agree to separate administration  
of native area; propose merged Indian  
tribes and native quarters in European  
zones; submit other objections to scheme.

Su.C. to Government

It is very helpful to have this  
clear and definite expression  
of opinion from the Kenya  
Govt., which may be taken  
as approving equality to  
Lord Lugard's scheme or any  
scheme for the division of  
Kenya. In a day or two  
we shall know what Sir  
W. Garbutt thinks of the  
Lugard modified scheme  
for Uganda + Kenya natives  
+ Kenya non-native  
under one Governor.

The Dept. agrees with  
the line taken in this  
telegram. I did not be  
prepared to say that  
it was absolutely met  
by the question to arrange

a division of Kenya geographically  
into a native & non-native  
state: few things are impossible,  
if you are required to do them;  
but it is extremely  
difficult & unsatisfactory.

But granted the geographical  
division, there are all the  
other objections here urged.  
A separation would be a  
policy of despair - & there is  
really no need to despair.  
It wd. be entirely retrograde, too;  
and as the Governor suggests,  
the outcome wd. be to intensify  
antagonism between the  
natives & the Europeans.  
The point as to the natives  
in the non-native state,  
when no measure so lightly  
ignored, is a strong one;  
and I am glad to see that  
the Governor has taken the  
point that the Indians & Arabs  
are left out of the picture.

I am not sure whether  
the Dept. will now need  
separate lists of objections,  
such as was proposed in

Your minute ~~of~~ on No. 4 -  
but in any case it seems  
better that this should go  
forward at once, and  
that if a vote is to be  
preached we should answer  
Mr. G. G. G. G.'s comments.

A. C. Brown  
24.6.31

I agree. I feel sure that  
there is nothing to be built  
up on reputation which will  
compensate for the breaking down.

And no one has dealt  
satisfactorily with the problem  
of the non-European in the  
non-white area.

W.C.S.  
25.6.31

Sec of State  
(through D. G. G.).

I agree. The Governor's  
objections are weighty ones.

~~W.C.S.~~ In addition to  
these main drawbacks I can't  
help thinking that, if one attempted  
to work out a scheme in detail,

it would be found that the  
practical administrative difficulties  
would be very great in any scheme  
of segregation.

A. C. Brown

25.6.31

Yes! But we must have an  
alternative, e.g. a Strong Native  
affairs Dept., with a capable  
and responsible head, free from  
the influences which sap  
courage and initiative.

T.S.  
25.6.31

A. C. Brown

This file was received from the  
Sgt. but he does not want  
to have it again now - & it  
should be circulated when Parliament  
meets again, as the Joint  
Ctee will then be considering  
their report.

Y/C  
6a I attach memo. of Mr. G. G. G.,  
which has been circulated  
to the Ctee - & which the Sgt.  
& I discuss therefore have.

It is an interesting intervention  
to a considerable  
extent it represents,  
I think, the view which  
a number of the Committee  
are disposed to take.

There is no point in  
committing upon it  
in detail: whether or  
not it will be published  
with the Committee's  
report, we shall not  
know until they decide  
upon what is to be  
published.

? Put by.  
re-arrange when  
Parliament re-assembles  
see Parliament  
1.8.31

Pres: with  
several other  
1931  
18/8

Sir, Sir Wilson

I do not know if you have  
seen this. I agree that detailed  
comment is not needed.

Wed. 3.8.31.

Green, Hartigan.

at home  
12.8.31.

7 let see spec.  
Returns sketch not forwarded in ho 5.5  
July  
Pres  
[Signature]  
14/8/31  
at home

MW

Mr Eastwood

Further action required  
revisions to be made  
C. [Signature] 12/8/31

no further  
to Allen.

No action is I think  
required on this file. The Call  
name will be published.

? [Signature]  
[Signature]  
17.8.31

This will come up in meeting with the  
relevant section of the report was  
kept in that paper  
[Signature]

18/8  
at home

The C. in comment that the  
reporter should be carefully studied



in case it is later thought desirable to have recourse to separation.

In the Capt. de la Roche's report it is being said that this will no doubt be done.

I now put by.

B.U. when his comments on the Report are received.

J. G. 17/12/32  
at once

7/10/32

the

the above is unincorporated  
R 29, 27/12/32  
Oct 27/32, 20/12/32

- 8. P. R. Westlake (CA) — 3/6/32  
for map for reproduction  
(for Land Commission)
- 9. CA — J. — 6/4/32  
for 1 page white print of the map.
- 10. P. R. Westlake — 7/6/32  
as sent on 19/7/32  
no 14.

11. Extract from G. 11' de la Roche to G. 11' de la Roche 8  
to G. 11' de la Roche dated 14/7/32 a sent on  
27/10/32

To round off this subject it seems desirable to insert para 81 of the Moyne Report and to have in mind para 91 of the Report and the correspondence relating to the status of the Colonial Secretary vis a vis the Chief Native Commissioner.

H. P. 22/7/32

Partly

A. H. 5/8

at once

9 11  
dated 13.7.19

Extract from S. of S's despatch No 499 to  
Gov. Kenya. sent on 27001/32 S.A.  
Closer Union.

Paragraphs 85 - 86 Administrative Separation.

The Joint Committee do not advise any  
departure from the unitary system of Government  
at present prevailing for the administration of  
the native and non-native areas in Kenya.

I concur in their view.

10  
Downing Street.

7 June, 1932.

Dear Sir Morris.

I enclose one dozen white prints of the map. The negative has been retained in case further copies are required. Perhaps you will let me know in due course whether you are likely to want any more.

On the last occasion owing to limitation of size and lens distortion the reproduction was reduced to 24/27 of the original size and this has accordingly been done in the present instance. The scale has been left on and will I understand be correct for any measurements.

Yours sincerely,

(SIGNED) T. ALLEN

SIR MORRIS CARTER, C.S.E.

911

*Handwritten:*  
H.T. Allen Esq.  
Colonial Office  
15/12  
7/6

4, MILLBANK  
WESTMINSTER,  
LONDON, S. W. 1.  
(VICTORIA TILES)

6th June, 1932.

Dear Mr. Allen,

As arranged I enclose one dozen white prints of the map which you require. We have, as you suggest, retained the negative in case further copies are required.

I find that on the previous occasion, owing to limitations of size and lens distortion, we reduced the print to 24/27 of its original size\* and this has accordingly been done again in the present instance. I trust that this small reduction is of no consequence.

As on the previous occasion no charge is being made for the job.

Yours sincerely,

*R. Westbrooke*

H. T. Allen Esq.,  
Colonial Office.

\* The scale has been left on, and will, of course, be correct for any measurements.

*Am 12*  
Downing Street,

3 June, 1932.

*Sir H. Westbrook*

As arranged over the telephone, I enclose the map which we are anxious to have reproduced for the use of Sir Morris Carter, the Chairman of the Kenya Land Commission. We should be much obliged if you would arrange to let us have twelve copies at your earliest convenience. It is just possible that further copies may be required later so, in view of that possibility, perhaps you would kindly retain the negative for a few weeks. This is the same map which you were kind enough to reproduce in the Autumn of last year for the use of the Joint Select Committee on Closer Union in East Africa. In that case I believe you did not make any charge, but if it is necessary to make any charge on this occasion it must be at the expense of the Government of Kenya. I think you will find that I had semi-official correspondence with Mr. Tisdall, and perhaps also with Mr. *Grant* about the earlier reproduction some time in September last year.

*R. B. Westbrook*  
*RBN*

R. B. WESTBROOK, ESQ.

17175 / 13



THE SECRETARIAT,  
NAIROBI,  
KENYA.

RECEIVED  
24 JUL 1931  
COL. OFFICE

1st. July, 1931.

WHEN REPLYING  
PLEASE QUOTE  
No. S. ADM. 1/7. III.  
AND DATE

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and has the honour to return herewith sketch map the forwarded with Secretary of State's despatch

no 5

No. 406 of 12th. June, 1931.

14  
The Marshall's map

3. B. Original sent to the President

for reproduction for the H. A. Council

JRM

4/9/51

4. B. One sent to the West Coast (CA)

for reproduction in the North Atlantic

to Grossett

It is the name

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Here - Gros

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WMS

47



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ABYSSINIA

TURKANA

NORTHERN FRONTIER

PROVINCE

Marsabit

SUK

ELGEYO  
WOODS

KINNASIA

INANDI

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KENYA

EMBU

FORT HALL

MIAMI

NAIROBI

KITUI

UGANDA

PROTECTORATE

NORTHERN  
KIVU

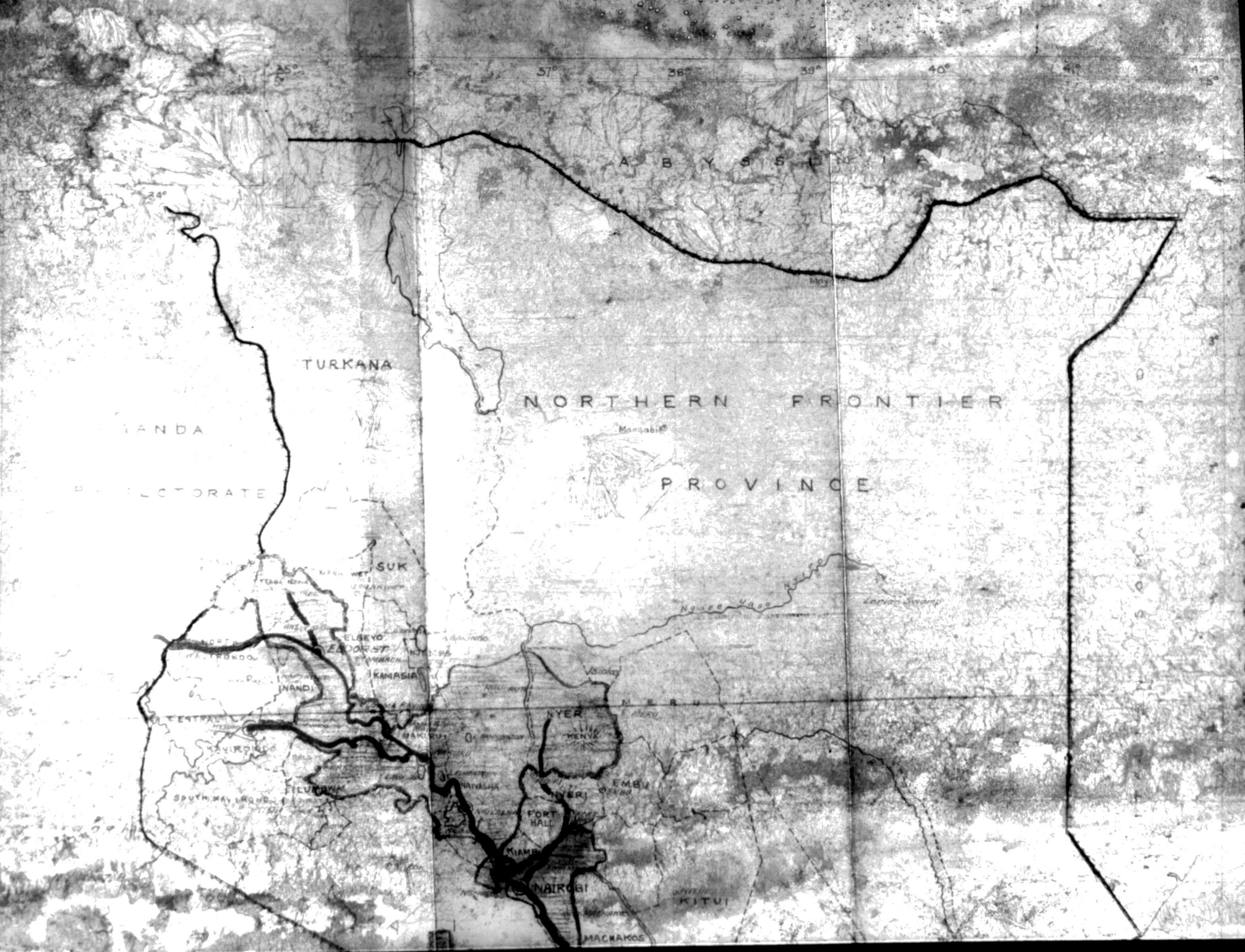
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A B Y S S I N I A

TURKANA

UGANDA

PROTECTORATE

NORTHERN FRONTIER PROVINCE

Marsabit

PROVINCE

SUK

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NAIROBI

KITUI

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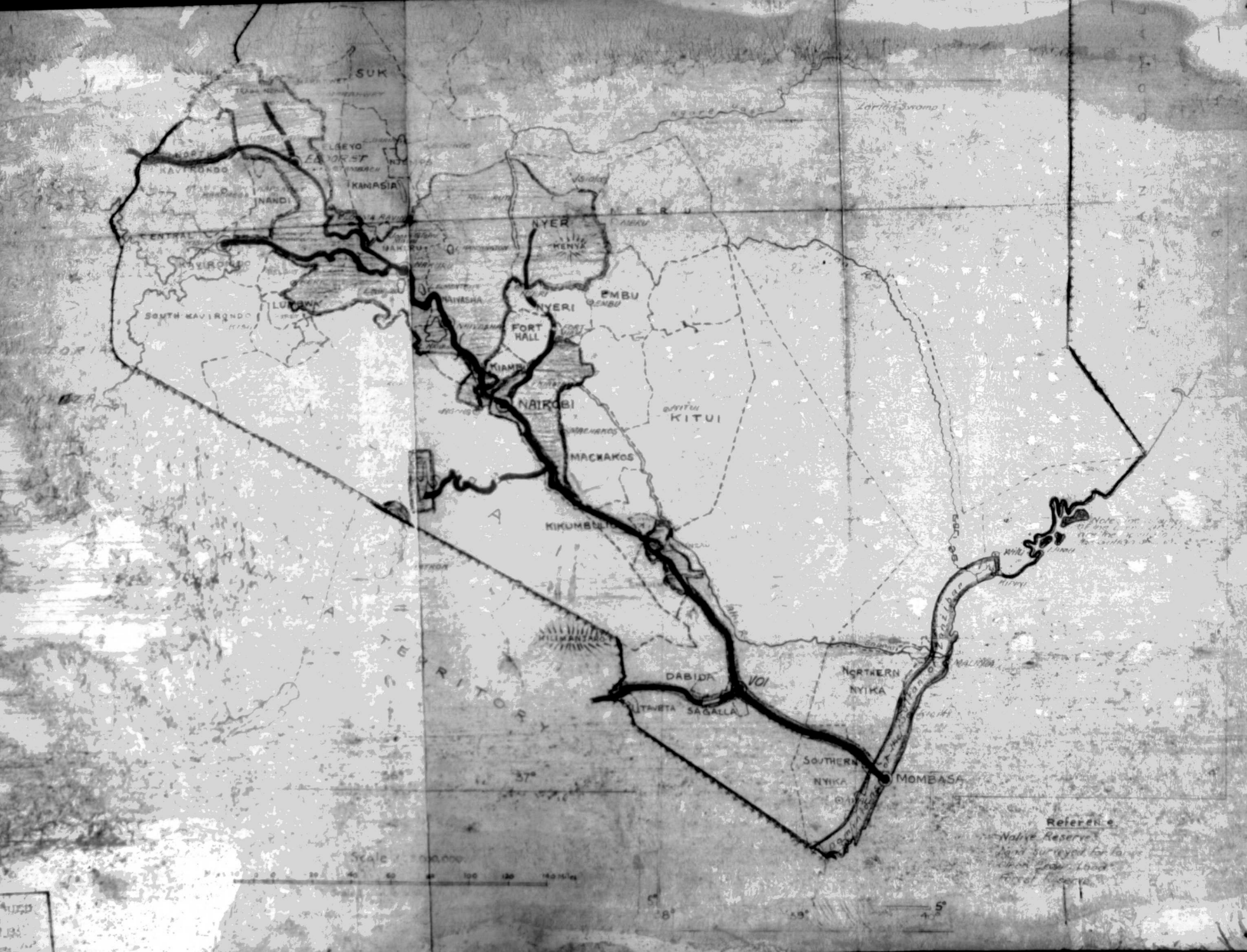
CENTRAL

SAVIRONDO

SOUTH MAWIRONDO

Nairobi

Lorian Swamp



SUK

ELGEYO  
LAND OF ST

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EMBU

FORT HALL

KIAMBU

NAIROBI

MACKAKOS

KIKUMBU

KITUI

DABIDA

ITANETA  
SAGALLA

NORTHERN  
NYIKA

SOUTHERN  
NYIKA

MOMBASA

Zarifa Swamp

**Reference**

Native Reserves  
Land surveyed for Crown Land  
Roads

Scale 1:100,000



6a n

MEMORANDUM on CERTAIN ASPECTS of the PROBLEM of  
EAST AFRICA

- by -

J.A. CABLE, B.A., L.L.B., Barrister-at-Law  
Sometime an Adviser to the Government of Siam;  
Founded "Times of East Africa", and edited it  
in 1928-29. Settler in Kenya 1925-31, and as-  
sociated with large farming interests.

PRINCIPLES TO BE APPLIED.

I assume that the British Government intends to honour its solemn pledges to regulate its conduct of East African affairs in conformity with the principle of Trusteeship for the native races of Africa.

NATURE OF THE PLEDGES GIVEN.

Covenant of the League of Nations Article 22:- 'To those colonies and territories which as a consequence of the late war have ceased to be under the Sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant'.

WHITE PAPER 1923 Cmd. 1922.

Acceptance by the British Government of the principle of Trusteeship as applicable to Kenya and Uganda .... 'As in the Uganda Protectorate so in the Kenya Colony the principle of Trusteeship for the natives, no less than in the Mandated Territory of Tanganyika, is unassailable'.

Again from the same White Paper .... 'Primarily Kenya is an African territory, and His Majesty's Government think it necessary definitely to record their considered opinion that the interests of the African natives must be paramount, and that if and when these interests and the interests of the immigrant races should conflict, the former should prevail'.

WHITE PAPER 1927. Cmd. 2904.

Suggests the possibility of associating members of the immigrant communities with the exercise of the Trusteeship... 'In any such changes it will be essential to maintain the principle that the administration of the Eastern and Central African territories is based on the exercise by His Majesty's Government of a trust on behalf of the African population, and that while they may now be prepared to associate with themselves the members of the resident immigrant communities, they are still under an obligation to ensure that the principles of the Trusteeship shall be observed'.

## DEDUCTIONS FROM THE PRINCIPLES FORMULATED.

The Trusteeship is a trust for the advancement and well-being of men and women; not merely for the development of their lands and possessions. The British Government has solemnly undertaken the task of teaching and guiding the native tribes of Africa and developing among them a civilisation suited to the genius of their race, such as will enable them to face the strenuous conditions of the modern world.

The experience of centuries has demonstrated that for the honest performance of such a trust the trustees must be disinterested, independent, and intimately acquainted with the subjects and objects of the trust.

From the special pledges quoted above it follows that:-

1. The building up of a native civilisation is a 'sacred trust' and a worthy end in itself to which the political ambitions and economic interests of immigrant races must be subordinated. A possible clash of the interests of Africans and the immigrant races is foreseen.... 'if and when those interests ... should conflict'. When such a clash of interests takes place the interests of the Africans are to prevail. Examples of such possible conflict of interests are: (a) European demands for native wage-labour to the detriment of the home life in the Reserves; (b) Combinations of settler-employers to reduce native wages or to prevent them from rising, as against organised attempts by natives to raise wages. There is a strong feeling among European employers against allowing natives to form trade-unions although they themselves commonly combine to arrange district rates of wages. (c) Competing claims of settlers and Africans for unalienated Crown lands.
2. The principle of trusteeship with its implications is applicable to Kenya and Uganda, that is to say those territories are to be governed as if they were subject to the pledges that we have taken for Tanganyika. Hence it follows that the forms of government adopted in those territories must be such as to satisfy the principles of Trusteeship.
3. The British Government contemplated associating with itself the immigrant races in the Trust for the natives. It can effect this association in two ways:- (a) in a legislative capacity; (b) in an advisory capacity. Clearly the immigrant races ought not to be given effective legislative control over native affairs unless it can be shown that they can act as independent and disinterested trustees for native interests. On the other hand it is both possible and desirable to associate the immigrant races in the trusteeship for native policy in an advisory capacity. The Imperial Agents for carrying out the trust can then make use of their experience while giving due weight to the effect of self-interest.

The phrase in the White Paper of 1933 stating the considered opinion of His Majesty's Government 'that the interests of the African natives must be paramount', though accepted by the Kenya politicians in 1933, was violently attacked by them when it was reiterated as the considered opinion of the present Government in its White Paper on Native Policy of 1936. They admit now that they swallowed the doctrine without making grimaces in 1933, though it was a bitter pill to them, in order to disarm the Indians, but that under the combined irritants of the Report of the Hilton Young Commission and the White Paper of 1936 their gorge rose in pondering the phrase, and they suddenly realised how it imperilled every white man and woman in Africa. Though by temperament I have not been liable to the sudden and excitable conversions and perversions which so frequently follow the political revival meetings of the Delamere Party and the Kenya Convention, I do think that the phrase is unfortunate though its intention is clear. His Majesty's Government has pledged itself to act as Guardian towards the undeveloped and ill-organised native tribes of East Africa; it cannot therefore expose them to the unrestricted competition of the highly-developed and well-organised immigrant races. Hence in any conflict of interests between the Africans and the immigrants His Majesty's Government must take its decisions with especial reference to its protective duties towards its native wards. This conception would be suitably expressed by an explanation of Paramountcy of Native interests in some such way as the following: - 'His Majesty's Government interprets Paramountcy of Native Interests to mean that its accepted obligations as Trustee to secure the well-being and development of the backward races of East and Central Africa, not yet able to stand by themselves in the strenuous conditions of the modern world, set a standard by reference to which any competing interests of immigrant races must be judged'.

The phrase 'immigrant races' has been formally objected to by the Kenya politicians. This is another two-year-old grievance dating from the publication of the Hilton Young Report. Up to that time the phrase was unobjectionable and was used by Kenya elected members themselves in the Legislative Council. The phrase is accurate and convenient and the objections are puerile. When, instead of being thirty years old, Kenya's origins are hidden in the mists of antiquity then will be the time to claim mythical origins for early pioneers coming *de la mer* and suckled by lions on Mt. Kenya. Until then emergent sensitiveness about origins are premature.

#### APPLICATIONS OF THE ABOVE CONSIDERATIONS.

The territories with which this memorandum deals are Kenya, Uganda and Tanganyika.

The Governments of Tanganyika and Uganda do not by their organisation infringe the principles of a trusteeship. They make mistakes, no doubt, but the mistakes are those of properly constituted Trustee Governments. The nominated members of the Tanganyika Legislative Council are in effect associated trustees from the immigrant races giving their advice in public.

The Government of Kenya is not organised as a Trustee Government nor has it acted as such. It has been essentially a white-settlers' government which has tacitly assumed that the future of the natives of East Africa is to be wage-earning under white supervision, for the advantage of both White and Black. This is not the ideal of Trusteeship that the British Government has accepted.

For the purpose of this Memorandum we may consider Kenya as consisting of:-

1. The Settled Areas in which the agricultural land, outside the limits of the coastal area, is owned almost entirely by whites. To these areas alone can the word "Colony" be properly applied, seeing that colonisation is not permitted in the Native Reserves, and the Northern Frontier Provinces are said to be unsuitable for colonisation.

|                            |     |                  |
|----------------------------|-----|------------------|
| Approximate area           | ... | 11,000 sq. miles |
| Approximate populations:-  |     |                  |
| Whites                     | ... | 16,000           |
| Arabs                      | ... | 11,000           |
| Indians and other Asiatics | ... | 31,000           |
| Natives                    | ... | 125,000          |

2. The demarcated Reserves for native occupation

|                       |     |                  |
|-----------------------|-----|------------------|
| Approximate area      | ... | 48,000 sq. miles |
| Population (estimate) | ... | 2,800,000        |

3. Other territories:-

|                            |   |                   |
|----------------------------|---|-------------------|
| Northern Frontier Province | } | 100,000 sq. miles |
| Turkana                    |   |                   |

4. Remainder, including limited areas (2000 to 3000 square miles?) of unalienated Crown lands suitable for agricultural development
- |     |                   |
|-----|-------------------|
| ... | 30,000 sq. miles. |
|-----|-------------------|

These areas and populations are under a single government consisting of a Governor, Executive Council, and Legislative Council all of which are, and have been in the past, subject to the paramount influence of white colonists, in spite of the official majority.

The Governor is subject to great political and social pressure by the white community of Kenya. His position is one of exceeding difficulty. If he acts as Member-in-Chief for the settled areas he is hailed with satisfaction; if he devotes his energies to encouraging the development of the almost unrepresented native reserves, he runs the risk of being denounced as pro-native. Few, if any, Governors have been able to withstand organised white pressure, and native rights have been violated, and native interests neglected. [See particularly p.29 of the Ormsby Gore Report for some references to the ways in which native rights have been sacrificed by Governors. Precisely the same influences that led Governors to neglect their duties to natives in the past are operative to-day.]

The Legislative Council consists of:-

|                              |                                |     |           |
|------------------------------|--------------------------------|-----|-----------|
| 1. <u>OFFICIAL MEMBERS</u>   |                                |     |           |
|                              | Appointed ex-officio           | ... | 11        |
|                              | Nominated British officials    | ... | 8         |
|                              | Nominated Arab Official        | ... | 1         |
|                              |                                |     | <u>20</u> |
| 2. <u>UNOFFICIAL MEMBERS</u> |                                |     |           |
|                              | Elected Europeans              | ... | 11        |
|                              | Elected Indians                | ... | 5         |
|                              | Elected Arab                   | ... | 1         |
|                              | Nominated to represent natives |     | 1         |
|                              |                                |     | <u>18</u> |

(a) At present only one elected Indian member sits owing to the Franchise controversy.

*None of the members are*  
*able*

The official members are under the orders of the Governor, who can not only order their votes, but can silence their public criticism on legislative measures. This is a most important matter for it gives a weak Governor, amenable to the heavy political and social pressure to which he can be subjected in Kenya, an opportunity to put through the Legislative Council legislation contrary to native interests, and claim for it a unanimous vote of the Council, which in fact means no more than the solid vote of the only political group, for which the village population of Whites, numbering a fraction of one per cent of the population, can find men of leisure, and the official puppet vote ordered by the Governor.

#### THE ELECTED EUROPEAN MEMBERS.

The eleven European elected members represent whites only, and exercise large control over general legislation and Budget expenditure. Though in a permanent minority in the Council they are given considerably greater actual powers than their numbers would normally warrant. (See Hilton Young Report). The first duty of the Elected Members is to their white constituents. They have little if any knowledge of the languages, customs, and home life of the Native Reserves, and are chiefly interested in the native as a present or prospective wage-earner. Most settlers treat the natives humanely and even generously, but my own experience is that they regard the idea of trusteeship in the sense of building up a civilisation for the natives, irrespective of such advances as they may make from contact with white employers, as an idle dream of unpractical sentimentalist.

The European elected members are obviously interested to obtain as large a share as they can from the Common Budget. (Refer to the Ormsby Gore Report 1925, p.187 for an example of what can occur when the expenditure from a common budget is in the hands of a Legislature on which natives are virtually unrepresented, and to the attempted appropriation in 1930 of £9000 from the Native Vote for the arming of white settlers). It is wrong in principle and wrong in practice to rely on the white elected members and the tied vote of an official majority under the orders of a Governor who may know nothing of native requirements, to secure equitable financial treatment for the Kenya Native Reserves.



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The Elected Members are clearly disqualified to act as associated trustees in legislating for the Native Reserves of Kenya because they are neither independent, disinterested, nor have they sufficient knowledge of the subject matter of the Trust.

### THE OFFICIAL MEMBERS

The official members of the Legislative Council are emphatically not, as is sometimes suggested, virtually representatives of native interests. The majority of them know even less of the Native Reserves than the settler members, and in any case their vote is under the orders of the Governor. A striking example of how little the official members are able to do in protecting native interests was furnished by the debate on the Native Lands Trust Bill in 1928. This was admitted to be the most important measure ever brought forward for the protection of native interests. Colonel Atkins was sitting as an official member of Council. He rose during the debate on the second reading of the Bill and made some very moderate but very effective criticisms of the Bill. By common consent he is one of the greatest living authorities on the Kenya natives. His attempt to remedy a clear injustice to native interests in the Bill earned him the severe displeasure of the Governor. It was pointed out that he had an opportunity of expressing his views privately in Executive Council where they were overruled. That is true. But it is also true that a system is radically bad under which it is possible, on a critical occasion, for the rights of millions of Africans to be sacrificed in deference to alleged niceties of official deportment.

The same occasion provided an interesting commentary on the working of the veto of the Secretary of State. Kenya politicians assert in favour of the continuance of the present system that there is always the final authority of the Secretary of State to prevent injustice and that they agree that this is necessary. When he did intervene to hold up the Native Lands Trust Bill for further examination the Elected Members treated the intervention as an outrage on their dignity and threatened to walk out of the Chamber.

I am not referring to events of past History in order to expose past mistakes, but because I believe that past evils are a natural result of the thoroughly bad political system in which Kenya is enmeshed. The comparative absence during the last five years of the grosser violations of native rights and the greater attention paid to native development is in my opinion not due to the emergence of the Kenya political system from its dark ages but to the fact that during this period Kenya has been almost continuously under the shadow of Commissions casting their shadows before or behind them and has been compelled to walk delicately.

### NATIVE REPRESENTATION.

Two and a half million natives are represented by one missionary. The missionary belongs to a subsidised mission, and this fact must, I submit, affect his independence. Quite

apart from this a missionary is not a fit and proper person to represent native interests in a Legislative Council. He has, it is true, some knowledge of the people whom he represents, but he suffers under the fatal handicap that he is first and foremost a Christian missionary who naturally feels very loth to identify his and other missions with one side or the other on a political issue where feeling is running high. It is, however, just on the issues between Black and White that feelings do run high, and where the intervention of the missionary member is apt to lead to the cry that the Church is meddling in politics. Perhaps the first requisite for a representative of native interests in the Kenya Legislative Council is that he shall be a resolute and fearless fighter, willing to be a pro-native in the best sense of the word, and represent Africans with just the same energy and vigour as he would represent a constituency of his own fellow-countrymen.

THE KENYA ADMINISTRATION and THE AFRICANS.

The Administration is subjected to exactly the same influences in favour of the white areas as the Governor and Legislature. Heavy indirect pressure can be brought to bear on Heads of Departments in the Legislative Council, by the Convention of Associations, and the Press, to devote their main energies to furthering white development. In that direction lies their path of advancement, appreciation and popularity. Work done for the native carries but little appreciation and reward.

GENERAL CRITICISM of the PRESENT SYSTEM.

Imagine Ireland under the legislative control of a Parliament located in Edinburgh composed of Scotch officials and a powerful group of Scotch employers of Irish labour. Two or three of the officials have a close acquaintance with Ireland; the remainder have only paid it casual visits. The Scotch employer-members derive their knowledge of the Irish from their contact with the Irish labourers who come over to work at gathering in the grain and potato crops. The Scotch employers and the Irish employed cannot speak each others language, but both know a pidgin French in which they communicate with one another. A Scotch Governor is selected from Nova Scotia every five years, who has never yet visited Scotland or Ireland, and has a not unnatural desire to secure the goodwill of his brother Scots, and enjoy the social amenities of Edinburgh. It is his privilege to undertake the high and honourable task of associating with himself the Legislative Council of Edinburgh in securing the well-being and development of the people of Ireland and their fair share in a common budget, seeing that they are as yet unable to fend for themselves in the strenuous conditions of the modern world.

This is no mere imaginative flight in Wonderland political systems, it is a Looking Glass reflection of the main features of the actual Kenya system. The idea that such a system could secure satisfactory home rule for Ireland would be scouted as a disordered political fancy, yet such a system is still believed by some to be a suitable basis for government for securing the well-being and development of the millions of Africans in the Kenya Native Reserves.

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In view of the repeated and solemn pledges taken by the British Government in regard to the natives of East Africa I am unable to understand how it can contemplate leaving legislative powers for the Reserves in the hands of the Kenya Legislative Council, with the knowledge that in a few years there may be an unofficial, if not a European elected majority, and in face of the explicit declarations of the European Delegation that they do not wish to see, nor do they believe possible, the participation of the millions of natives in the so-called democratic system which they expect to control in ever-increasing measure. If this system be perpetuated in the pretended belief that under it the freedom of development of the native tribes of Africa can be adequately assured, that will add one more to the long list of crimes committed in the name of Liberty:-

1. It will continue a system whereby the forms of democratic government, which should be the weapons of freedom, will be used to entrench the political power of a minority of less than one per cent of white employers not only over the white occupied areas, but also over associated black areas on which this minute minority relies for the labour on which its economic existence depends.
2. This white minority is profoundly ignorant of the languages, aspirations, customs, and modes of life in the Reserves. The European Delegation furnished the Committee with a striking example of this when they gave the Committee to understand that they were not aware of any particular feeling among natives on the subjects of native registration and land, and their admission that their means of communication with the natives was through the medium of bad Swahili.
3. On the plea that there are administrative difficulties in the way of removing the administration of the native reserves from that of the settled areas, millions of natives whose upbringing is a sacred trust of the British Government are to be dragged up in a political system for which the very European Delegation declares its belief that they are unfitted, and in which they will not be welcomed. Administrations are made for men and not men for administrations.

The developments looked forward to by the Delegation are a prostitution of Democracy and are the path towards the ultimate enthronement of an employer oligarchy decked out in the trappings of democratic freedom. This is no mere rhetoric it is the truth.

In making these observations I wish it to be clearly understood that I am attacking an evil political system and not Kenya settlers, who are a fine body of men among whom I count many friends. Perhaps the best tribute that can be paid them is that with all the temptations to which their privileged position has exposed them, and the opportunities of exploiting it offered them by certain venal Governors, there are any native rights left to protect. The proud industrialists of the middle of the nineteenth century would have done far better for themselves. I say none the less that it is wrong, and has always led to injustice in Kenya and elsewhere, when large

K  
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political influence has been given to an employer-minority, especially when that minority lives in a world apart from the worker-majority, and the majority are economically unorganised and politically helpless.

The cry is raised in favour of keeping the natives under the legislative control of the white settled areas that you must trust the 'man on the spot'. This queer apotheosis of 'the man on the spot' is peculiar to the tropics. The assumption is tacitly made that any white man who merely resides in the tropics absorbs knowledge of the native life around him so as to be entitled to express dogmatic opinions on all political, social, and economic questions affecting natives. The truth is that the great majority of Kenya settlers, whether in town or country, have no more knowledge of natives and their affairs than employers elsewhere have of the home life of the class from which they draw their workers, and probably a good deal less, because they neither speak the mother tongue of the natives nor do they belong to the same race. There are, of course, men in Kenya who do know the natives and understand them, but they are officials, missionaries, or, in a few cases, settlers who do not associate with Kenya politicians.

Another strange slogan used to justify settler control over the native areas, which are the reservoirs of native labour, is that the native must be taught the dignity of labour. The view is very widely held, however, that the full measure of this dignity can be laboriously acquired only when the native works for a white employer, when he is too proud or too submissive to fight in combination for raising the district rate of wages which it has pleased God and his white employers to arrange for him; when he attacks his tribal blanket in preference to an open shirt, k kaki shorts, stockings, and shoes; and when he remains ignorant of English, which is apt to make him independent and 'cheeky'. The average Kenya settler regards the native as a lower type of human being to be kindly and firmly treated, but not educated except as a competent worker. I think that these remarks, fairly convey the usual opinions expressed by settlers to one another as perhaps contrasted with the window-dressing sentiments displayed by politicians before Commissions. The political stock-in-trade of home and colonial stores are necessarily somewhat different.

#### WHITE REPRESENTATION IN KENYA.

One of the most fruitful sources of trouble in the recent history of Kenya has been the premature granting of electoral representation to the white community. A minimum population is required for the support of any kind of representative government in a country; that minimum is even to-day far from being reached in Kenya. At the 1927 elections the aggregate votes cast for all candidates at all contested elections in Kenya did not number 1000, and at a by-election in 1929 in Lord Delamare's constituency - the Rift Valley - the joint vote of the two candidates numbered only 150. I have not yet seen what fraction of the fractional one per cent white population of Kenya went to the polls recently to express the irresistible will of the 'Colon' as expounded by the present Delegation. The

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member returned for Mombasa the most important town in East Africa fought and won his election on political views similar to those held by the present writer. Mombasa's slogan is 'sea-level and sanity'.

Kenya would have developed far more quietly and successfully if each race had participated in the government through members nominated to represent various interests and the granting of representative institutions had been deferred until the white population had reached 50,000 say and had shown its willingness and ability to work in harmony with the other races. An irreducible minimum population for the support of representative government irrespective of the character of the population is defined by the smallest number that can furnish two political parties and maintain at least two newspapers. The absence of an organised Opposition in Kenya distorts and perverts political life; minority views have no recognised channel for their regular expression. The present politicians owe their position less to any positive approbation by the few hundred people who take any interest in politics than to the impossibility of finding any other men with leisure willing to touch politics at all. Only some three years ago there was a by-election for Nairobi North and the utmost difficulty was found in getting anyone to stand. Finally a candidate was obtained who frankly warned his supporters that he would be away from Kenya a good deal of his time and said he would not stand if he were opposed. Although his reluctance was finally overcome the circumstances indicate something of the utter farce to which elective representative has been reduced in Kenya. In the provincial constituencies it is very common to hear the remark: 'After all what's the good of criticising X? We can't get anyone else to stand. He's the only man who'll give the time to the job'. The great majority of the village-sized population of Kenya are indifferent and apathetic to politics and want as they put it 'to get on with their jobs'.

Public opinion in Kenya is difficult to ascertain, as difficult, according to the late Governor, as to 'spot the lady'. The present politicians solve the difficulty by declaring that it is unanimously with them; it is a convenient fiction. Even on a matter such as Daylight Saving which concerns the everyday life of the farmer the Convention of Associations, which claims to be a representative body, changed its mind four times in a few years and twice unanimously. Finally a Bill was passed in the Legislative Council establishing it but was afterwards repealed at the instance of the Convention.

The Chairman of the present Joint Committee referred the Delegation to evidence Kenya's representatives had given before the Hilton Young Commission, and I understood them to say they now repudiated that evidence. It may astonish the Committee, but it is none the less true, that Kenya's representatives have always refused to publish the evidence they gave before the Hilton Young Commission, and no doubt described as the opinion of the Colony. We have now therefore the singular spectacle of Kenya's Delegation repudiating before a Committee in England evidence which they and others gave on behalf of

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Kenya before the Hiltor Young Commission of which the people of Kenya know nothing. This is what I have called in Kenya blank-cheque representation. Within the last three years Kenya's political caucus has reversed its policy on most important topics except that of retaining a hold over the Native Reserves where they admit continuity of policy is of the highest importance.

The most serious feature of this deformed embryonic democracy is that it has placed a small caucus in power which adopts the slogan 'We must all speak with one voice' on most important occasions. The Colony seldom knows the pros and cons of legislative measures since they are not discussed in public. Hence the Colony is deprived of the material for forming continuous political judgments and is being positively diseducated for self-government. The consequence is seen in the contemptuous apathy towards political questions. Most settlers are far too indifferent to politics to wish to incur social disfavour or damage to their businesses by attacking the dominant political clique. The almost unvarying unanimity which the political clique claims is not, as unkind critics might infer, due to the mental paralysis of settlers but is due to their lack of knowledge of the other side of the picture in political questions and consequent entire lack of interest. This accounts for the ease with which hysterical political outbursts can be engineered. The delegates at a Conference are told for example that the doctrine of paramountcy of native interest in the 1930 White Paper is a threat to their hearths and homes. The tocsin sounds; the men rattle their sabres; the women rend their hair; then after a few weeks some gallant soul reminds them that the Colony accepted the doctrine years before in order to 'dish the Indians'; they recollect that their home fires are still burning; the excitement dies away without leaving a trace other than a few fiery epistles to the Colonial Office.

The retort may be made that the damage the settler suffers from his apathy will teach him by experience. I agree; and if the community which tolerates the present political caucus was the only community which suffered from their 'prentice hands I should be the last to advocate a change. The reason why I have dealt at some length with some features of European electoral representation is because the European elected members are striving for power to juggle with the future of the native tribes of Africa - a matter of life and death.

#### SOLUTION OF THE PROBLEM

I have tried to indicate in the briefest possible compass that the Government of Kenya which attempts to run in double harness a Trustee Government for the African territories of Kenya, and a type of government adapted to the immigrant races, has failed to carry out and is unsuitable for carrying out our obligations to exercise a trusteeship for the Africans. The failure is due to defects and vices inherent in the system. The African territories need a 'close time' for two or three generations and protected homes; the colonised areas are striving for self-expression through the medium of democratic institutions.

The solution of the problem of East Africa in general and of Kenya in particular is to be found by faithfully applying the doctrine of Trusteeship to which we are pledged. Honesty is the best policy.

I would make the preliminary observation that Kenya, as at present constituted, is not 'primarily an African territory' in any but a statistical sense. The settled areas, mainly owned and occupied by Europeans, are primarily non-African territories, and in them European interests are unquestionably paramount. The remainder of Kenya is African territory and questions of primary and paramountcy do not arise.

My first proposal, therefore, is to deal with the problem of Kenya, by reducing it to its simplest terms. The Kenya problem is a racial problem. That problem arises only in the settled areas; the remainder of Kenya is occupied by Africans and can and should be administered in conformity with mandatory policy in the same way as Tanganyika.

Hence the present territory of Kenya should be given two distinct administrations, adapted to the entirely different needs of the populations they are designed to serve: one for the mixed colonised areas including the Coast Protectorate, in which non-African capital has been heavily invested, and the economic interests of the immigrant races are overwhelmingly predominant; the other for the purely African territories of Kenya.

Each administration would have and control its own budgets, but would make agreed contributions to common services. There seems to me to be a convincing case against the pooling of taxation revenues in a common fund when 6 per cent of the population is a mixed population located in certain areas, and the remaining 94 per cent is an entirely African population located in demarcated reserves. It is abundantly clear that a very great deal of the expenditure from the common fund gives practically exclusive benefit to one or other of the two territories, and it should not be left to vague guesswork whether an equitable division of the common fund is made between them. Extreme accuracy of assessment of what is due to each territory may and probably will prove impossible, but a deliberate though perhaps somewhat arbitrary attempt to do justice is preferable to groping blindly in the dark. The type of problem involved in assessing revenues and expenditures to two such contiguous areas has been frequently solved in national federations and in international arrangements.

An objection to separate administrations, which is often quoted by opponents of the proposal as insuperable, is that the boundaries of the demarcated Reserves frequently jut out in an inconvenient manner into the colonised areas, and that isolated islands of reserve occur here and there. My reply is that administrative boundaries must in case of need be adjusted accordingly, and small patches of reserve be administered as part of the colonised areas and vice versa. Problems of adjusting administrative boundaries constantly arise all over the world and are successfully solved.

The settled areas would progress under the forms of government now applied towards greater powers of local control. These powers and the consequent responsibilities would, however, be limited to the areas effectively colonised so that they could be exercised with knowledge and intelligence.

This separation of administration would solve many difficult and thorny problems. Two principles of action are accepted by all political parties (1) that colonies of British subjects shall be given ever-increasing control over their own affairs and destinies as soon as they are fitted to assume it and (2) that a free field must be assured the backward native tribes of Africa for a continuous and harmonious development of a civilisation consonant with the genius of their race. In other words we are pledged to give the backward races of Africa equality of racial opportunity with our own race. These two objectives cannot possibly be attained under the present scheme of government in Kenya, but both become attainable under separate schemes of administration. A sane educationalist would not attempt to run classes composed of 99 per cent first-form boys and 1 per cent sixth-form boys under one curriculum and one set of masters. If such an attempt were made either the big boys or the small boys or both would be sacrificed. Kenya politicians bitterly ask the British Government whether they must await the grant of further political power until the African millions have advanced far enough to participate in their political institutions. The obvious reply is to ask whether the obligations of the British Government to its backward wards are adequately met by dragging them at the chariot wheels of a democratic system of which they understand nothing. If the idea is that they shall be in the scheme, but not of it, the breach of duty is still more flagrant. The manifest solution is to have two administrations and not to prejudge the question of what mould is best fitted to receive and shape the natural political aptitudes of Africans.

I am by no means persuaded that all political roads lead to the ballot box; that humanity is bankrupt in evolving means for giving expression to the communal needs of races differing profoundly in character from our own; and that all primitive social organisations must of necessity disintegrate into a welter of competing individuals before new social organisations can be created suitable to a new environment. I like to think of native tribal organisations being transformed by easy stages into a social system developing on co-operative lines and able, by means of social groupings for mutual service, to face the 'strenuous conditions of the modern world' without fear.

Under the present system of government in Kenya it is essentially impossible for the British Government to do justice either to Black or white.

Moreover, under the present system it is impossible for the white settler to do justice to himself. Interest and duty constantly conflict. The European elected members have to express their opinion on the allocation of Budget expenditure between the settled areas and the Reserves. They have a duty towards their white constituents to get what funds they can for roads, schools,



hospitals and other public works, and yet have to take into account the needs of the native areas. They are placed in an ambiguous position.

Again, suppose that the elected members urged the introduction of some increase of taxation for the natives on perfectly sound and proper grounds. Once again the ambiguity of their position strikingly betrays itself. Increased taxation brings out more labour into the white areas, and critics can, with a good show of reason, attribute to the white employers interested motives in using their weight to secure the imposition of higher taxes. All such difficulties immediately vanish if the Reserves are given their own budget.

White settlement is and has been of great benefit to the native tribes of East Africa, and it is a matter for keen regret that incompetent political leadership and the ambiguous position in which elected European members find themselves in the Kenya Government have provoked criticism which tends to mask the kindlinesses, the hard-working lives, and the splendid example set by hundreds of settlers in Kenya, who never dabble in politics, but who deserve well of their country. Though I myself have been a keen critic of Kenya's politicians I wish to record my admiration and affection for the splendid and lovable body of settlers, among whom I have passed more than five years of my life. That their true character may be able to express itself through a less distorting medium than their present type of government is not the least of the reasons for which I have for three years urged a separate administration of the Native Reserves. They can then concentrate their attention on their own affairs.

The proposals of the Hilton Young Commission to give an unofficial majority to the Kenya Legislative Council ought not to be adopted unless the Governor is given powers of certification and veto with especial reference to questions affecting Railways, Customs, Defence and Research; a separate Administration and budget are given to the Native Reserves; the Indian question is satisfactorily solved; and provision is made for the adequate representation of the native population living in the Settled Areas.

The natives living in the Settled Areas are either detribalised natives who may be described as domiciled in the Settled Areas, or natives retaining their tribal attachments to the Reserves, who might be described as a migrant population. The latter have strictly no right to representation in the Kenya Legislative Council, but form so large a population that it would be well to assign them two nominated members from the immigrant races. The former should also be given representation by nominees, but with the distinct understanding that these nominees should be replaced by natives at the earliest opportunity.

The Native territories would be administered by a special service which would be devoted to realising the ideals for which Trusteeship stands. Officials appointed to this service would dedicate their careers to the establishment of a native civilisation adapted to native capacities, aptitudes, and needs. They would learn the native languages, study native customs and modes of life, and develop, in conjunction with Native Councils, a true native Home Rule. The homes of the natives would be protected by an independent administrative system providing

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continuity of policy and development and not merely by the personalities of a succession of Governors or High Commissioners. I know of no better protection for the childhood of developing native races than a picked service of British Officials.

The Chief Native Commissioner would be primarily responsible for the good government of the African Territories under the Governor of Kenya in his capacity as High-Commissioner.

He would be assisted by a Council for Native Affairs, composed of past and present Provincial Commissioners, native delegates from the local Native Councils, two members representing the immigrant races in the Kenya Legislative Council, two representatives of the natives living in the Settled Areas, and two missionaries. This Council would discuss all legislation proposed for the Reserves. The proceedings would be in Swahili. A good deal of legislation might be simply adopted from the Kenya Legislative Council; other legislation would be enacted specially for the Reserves. The chief object of the Council is to give the natives full freedom of opportunity to hear and discuss legislation to be applied to them after first discussing it in their local Native Councils.

Legislation for the Native Reserves would be promulgated by Proclamation by the High Commissioner.

The Council would be the first step towards educating natives of various tribes to take part in intelligent discussion of their own affairs, and would help in developing a sense of African nationality. The presence of members from the Settled Areas would enable the Council to hear the views of employers and natives in the Settled Areas on legislation that might affect them.

The African territories of Kenya would be represented on all inter-territorial Councils or boards.

No restriction whatsoever would be imposed on the free movement of Africans in and out of the Reserves. If natives wished to disassociate themselves permanently from the Reserves and domicile themselves in the Settled Areas they would come under Colonial control and take their places as members of a small British Colony run on the usual Colonial lines. Natives remaining in the Reserves would be members of a native State developing naturally in a direction congenial to their modes of life.

The essence of this part of my proposals is that the legislative control of the Kenya Council over natives must be restricted to those natives in the Settled Areas where it can be exercised with knowledge and intelligence.

#### NATIVE LANDS TRUST ORDINANCE

The recent Lands Trust Ordinance after assuring the demarcated Reserves to the natives for ever, provided means under elaborate safeguards for the granting of concessions in the Reserves. I think the Ordinance in the form it took was a mistake. The Boards of Officials and un-officials which will make recommendations on the granting of concessions leave a loophole for the entry and influence of the interested trustee. Perception of this danger has led to the introduction of complicated conditions

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in the Ordinance as attempted safeguards against any abuse in the granting of concessions. I hold to the opinion, which I expressed before the Bill became law, that the demarcated Reserves should have been vested in the Chief Native Commissioner in virtue of his office on behalf of the Crown. Then when an independent Imperial administration had won the confidence of the natives the Chief Native Commissioner with the consent of the Native Councils, and the consent of the Council on Native Affairs and the Secretary of State could introduce schemes such as the Sudan Plantations Scheme or Co-operative Schemes to assist native development and for the consequent benefit of the wards'. This seems to be more in keeping with the spirit of Trusteeship than the actual Native Lands Trust Ordinance.

#### UNALIENATED CROWN LANDS.

Unalienated Crown Lands should on no account be alienated for white occupation or settlement for longer than one generation. It is certain that the Kikuyu Reserve will require further accessions of land within the next fifty years, and it is probable that the medical and sanitary measures we are taking in the Reserves will lead to a rapid increase of the native population in the near future. The permanence of white settlement is problematic. The native deprived of his land is like a bee lost from the hive. If we create a landless native population in East Africa we shall sow the seeds of unrest and revolution.

#### THE INDIAN QUESTION.

In view of the actual political and economic circumstances of Kenya, I am of opinion that the best course to adopt is to maintain the Communal Roll.

British traditions of government have been introduced into Kenya and the maintenance of these traditions is of great importance for the Africans both inside and outside the Settled Areas. Englishmen are born and brought up in these traditions; at the best Indians can apply them only secondhand. Mere attainment of certain educational standards does not serve to bridge the gulf between Indian and European, so as to enable the one race to enter into the spirit of the traditions of the other. Mr. Wedgwood Benn may meet and discuss a wide range of subjects with Mr. Gandhi on terms of understanding and equality, but he will not, clothed in a loin cloth urge his constituents to cure unemployment by destroying machinery and returning to cottage industries. Indians ought not by mere force of numbers to be allowed to make a peaceful conquest of the government of Kenya through the vote. The Indian leaders have frankly admitted this and say that they repudiate any claim to political predominance in Kenya, but want adequate representation of their interests through a Communal Roll, with reservation of Seats, and a property and educational test.

Since they are willing to accept the undoubted political disability of permanent minority representation it is difficult to understand why they so passionately reject representation of European and Indian alike on Communal Rolls seeing that a Communal Roll provides the most direct and vivid possible means for the representation of minority interests. The prejudice exists however

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that Communal representation is a slur on them and therefore an attempt might be made to adjust in compromise between settlers and Indians on the basis of (1) a Common Roll with (2) Reservation of Seats and (3) Educational and property qualifications, provided that no alteration in future shall be made in any settlement reached on the proportionate Indian representation agreed on without the consent of the unofficial European and Indian members of the Legislative Council, that is by a majority vote of 11 Elected Europeans and 5 Indians. This proviso ought to allay the fears of settlers that the introduction of a Common Roll would be the prelude to the domination of the Colony by India.

In my opinion the Communal Roll is a most useful electoral device in a community composed of races of widely different civilisations, such as Kenya, for gradually bringing the various communities to realise one another's aims and aspirations until the time when they approximate sufficiently closely to enable them fully to understand one another. It would be through a Communal Roll that the African would naturally take his place in the Legislative Council. He would begin by representing his own people and their views as no European could possibly do and at a later stage might be able to represent the views of the whole community.

I wish to make perfectly clear that my proposals in regard to the solution of the Kenya political problem are attempts to suggest the best practical methods for dealing with a situation which has been reached by paths that cannot be retraced, but which should never have been followed.

The creation of native Reserves provides no final solution of the native problem. Reserves are well adapted to prolong the existence of ethnographical curiosities mouldering to decay; they will not serve permanently to provide for the maintenance of the fertile native tribes of Africa. We have dedicated them to native use for ever; but it is certain that they will serve only as a temporary shelter and training ground in which the natives will rightly have an opportunity of showing whether they are capable of adapting themselves to fit in an everchanging and ever more complex world. More than this we cannot be expected to do for them.

#### CLOSER UNION.

Closer Union was one of the chief planks in the programme of the Delamere Party in 1937, coupled with a demand for a European majority in the Kenya Legislative Council. They have now reversed their policy and desire no changes in present arrangements.

Both in evidence before the Hilton Young Commission, and since then, I have always opposed political union between the three East African territories, but am in favour of arrangements for promoting the closer economic union of the territories.

The appointment of a Governor-General, without the provision of the usual apparatus of Federal Government, would be a political freak. The appointment of a Governor-General with the usual apparatus of Federal Government would

reproduce in East Africa, on a vast scale, precisely that conflict of opposing racial interests, which vitiates the Kenya political system, and makes trusteeship for the natives impossible. Moreover, I do not think it would be easy to find a man who would be a 'projection of the personality of the Secretary of State', nor is it desirable that the Secretary of State should confer great executive powers on a second-hand copy of his personality, and yet burden the original with all the responsibility. In practice a High Commissioner coming new to East Africa would, if he were a man of strong character, be apt to take decisions on his own without sufficient knowledge; if he were a weak man he would be apt to become a 'projection of the personality' of the strongest of the three East African Governors.

(To secure the furtherance of closer economic Union the present Annual Governors' Conference should be continued. The Agenda of forthcoming Conferences should be sent to the Secretary of State three months in advance, so that he could, at his discretion, send one of his officials as a delegate to represent his general attitude towards any questions of great importance down for discussion, and to listen to the arguments both official and unofficial put forward in debate. He would return and report to the Secretary of State. I think such a delegate would be very useful in removing some of the grievance alleged by settlers that they were governed from Whitehall 6,000 miles away, which knows nothing of local conditions. It is a great solace to a truculent politician to speak his mind before someone whom he believes will report what he said to O.H.Q. After the Conference the delegate should make a point of mixing for a few weeks with men of all races in East Africa as a listener. I believe the practice of sending out such delegates would have very considerable effect; it is so much more preferable to speak to a man than to figure in a dispatch. The delegate himself would derive both profit and advantage from periodical visits to the territories with which he was accustomed to deal in the Colonial Office. Those of us who know the officials of the Colonial Office are frankly amazed at their wonderful knowledge of the Colonies with which they deal. Opportunities of coming into touch with the men and circumstances which they have hitherto had to visualise mentally must be of value to them.

The Governors' Conferences would be assisted by a Consultative Economic Committee and a Consultative Committee on Native Affairs. The Economic Committee would chiefly deal with questions of Customs and Railways. Competent men would be chosen to serve on the Committee and not merely members of Legislative Councils. The utmost freedom should be shown in co-opting men to the Committee on special occasions to assist in the discussion of topics on which their help might be valuable.

Recommendations on Customs, Railways, Defence or Research of the Governors Conference, formally approved by the Secretary of State would be put through the Legislative Councils of the three territories as Government measures with the help, if necessary, of the official majorities. By this method executive effect

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would be given to the decision of the Central Authority on matters of primary importance to East Africa. This is essential.

The Committee on Native Affairs would contain representatives of the Native Affairs Departments of all territories, missionaries, ex-officials, settlers, and men who had special knowledge of the natives. Politicians would not have most-favoured treatment. The Committee would provide opportunities for friendly discussion of practical administrative difficulties, frontier questions and so on. Much good work might be done, especially in securing more uniformity in the general treatment of native affairs.

In addition to these Committees frequent informal meetings should be arranged by the Secretariat of the Governors' Conference, with the consent of the Governors, between departmental chiefs of the different territories. Many friendly agreements might be reached in this way for co-operative technical working, and disagreements would by friendly agreement be put down on the Agenda of the Economics Committee for further consideration.

Closer economic union must be a natural growth accomplished so far as possible, by friendly and not forced co-operation between officials and non-officials of the three territories.

Political and racial issues of first-class magnitude are not many in East Africa, and those that there are must be decided by the Secretary of State. A Central Authority is needed to provide a forum for the discussion of international questions, to attain agreement where possible, in which case the respective Governors can make the agreement effective in their territories; and in default of agreement to resolve matters in dispute to their simplest terms for final settlement by the Secretary of State.

A convenient centre for the holding of Governors' Conferences would be Moshi or Arusha at the foot of Mt. Kilimanjaro. The surroundings are more restful to the eye and mind than those of Nairobi.

APPENDIX I.CENTRAL AUTHORITYANNUAL GOVERNORS' CONFERENCES.

attended by De. Legate from Secretary of State and assisted by

Consultative Economics  
Committee  
(Railways, Customs &c.)

Consultative Committee  
on Native Affairs

Recommendations of the Central Authority when approved by the Secretary of State to be put through the Legislative Councils as Government Measures.

Kenya Colony

African Territories  
(Mandatory Policy as guaranteed them)

Governor

Kenya African territories

UgandaTanganyika

Executive Council

High Commissioner  
(Governor of Kenya)

Governor

Governor

Legislative Council

Chief Native  
Commissioner

Council  
with  
nominated  
not  
elected  
members

Council  
nominated

(Representation  
for natives in  
Settled Area)

Council for  
Native Affairs  
representing  
all Native tribes

(Masai Reserve  
should be unified  
under  
Tanganyika)

Local Native  
Councils

Protected homes  
for Natives

(Sgd.) J.A. CABLE

23/6/31.

A good deal of use has been made of Agricultural Statistics in evidence before the Committee. I suggest that enquiries be made as to the methods of collection of these statistics, especially those relating to Native Agriculture, before much use is made of them. The newspaper article produced below, though written for popular consumption, deals accurately with published figures and illustrates their unreliability and the biased use made of them.

REFLECTIONS OF "THE TRAMP"  
(J.A. Cable)

On Agricultural Statistics.

(From The Times of East Africa, 23 March 1929).

I have always been profoundly interested in the study of statistics; they are most illuminating when properly used. Last night, after finishing an exciting detective story, I felt that I needed a little light literature to soothe me to sleep, so I began to read the Agricultural Census for 1927.

I saw that an area of 4,737,920 acres was occupied in Kenya by 1,902 Europeans, and that they had brought under cultivation 512,543 acres or 10.8 per cent. of this area. I think that at this point I should have gone off to sleep, haunted by the thought that this amount of development was not very large, had I not suddenly recollected with a start that I was on holy ground, the scene of a statistical battle royal between Major Leonard and Mr. O'Shea in which Mr. O'Shea pointed out to Major Leonard that he had taken account of only a trifling part of the total development effected by white Colonists. My interest in the Census Report was thoroughly aroused, and I pursued my reading. The Report goes on to say that on a basis of 5 acres per head of cattle, and 3 acres per head of sheep and goats, the development per centum on account of live stock is 581 acres and 338 acres respectively. On these assumptions I calculated that 2,544,847 acres or 53 per cent of the total white occupied area had been developed; a most remarkable achievement. The Eldoret David had indeed slain the Nairobi Goliath.

The Report had now become fascinating and I read on until I came to the statistics of Native Live Stock. The estimated stock in possession of natives, other than those on European holdings, is as follows:- Cattle 3,260,000; Sheep 2,600,000; Goats 3,600,000; Horses 200, Mules 300; Camels 60,000; and Asses 35,000. I resolved to apply the approved and irreproachable official statistical methods to the examination of the question of how far the under-development of the native reserves had been over-exposed by our politicians. The Hilton-Young Report tells us that the native reserves cover an area of



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48,297 square miles or 30,910,080 acres. A large but unknown area of the reserves is under cultivation. On a basis of 6 acres per head of cattle, and 3 acres per head of sheep and goats, the development per native on account of live stock is 9 acres and 8 acres respectively. On these assumptions I calculated that 36,160,000 acres, or 123 per cent. of the native occupied area, had been developed on account of cattle, sheep and goats, exclusive of land under cultivation, and of animals which also ran. This eclipses anything approached by white settlers. I felt greatly troubled about the fate of the 35,000 asses, the proletariat of the reserves, who had been given Braytonomy and nothing besides under the official statistical scheme, but I comforted myself with the reflection that they had not read the Hilton Young Report, and therefore would not make an asinine rebellion.

I am a simple and trustful soul and believe everything that the Government tells me. I must enquire from the Department of Agriculture how the natives manage to carry on this intensive development of their super-charged reserves. I can only conjecture explanations. It may be that native animals are ascetics, or that, like leguminous plants, they absorb nourishment from the air by means of nodules; or perhaps they feed on one another's ticks; or it may be that native herds of cattle contain a vast number of Irish bullocks which maintain their fertility by drawing on their own reserves of meat and milk. There is a flaw in the argument somewhere, for we know from our politicians, who are never inaccurate, that the natives have been given reserves which are far too big for them. But if the possession of cattle, sheep and goats is to be counted as equivalent to the development of the quoted number of acres per animal the reserves are already over-developed. The explanation must be that the possession of animals is counted as development of acreage only to help settlers to escape an undeveloped land tax. I must at once appeal to the Agricultural Department to assess the development in acreage that they are willing to assign to me on account of 2 dogs, 2 full-grown cats, 3 kittens and a cockatoo. I must also appeal to them to lease unalienated Crown lands for the support of those 35,000 asses.

These nocturnal mental calculations nearly exhausted me, and I fell asleep. In reflecting on them the next morning I felt very humble, because I mentally compared my powers of work with the gigantic intellectual effort of Mr. Conway Harvey in reading the Report of the Hilton Young Commission ten times over in two months. The Report contains 354 pages, so he must have read on an average 60 pages a day. This means that at 2 minutes a page he must have read the Report on an average for 2 hours every day between the time that the Report appeared and his visit to Mombasa in order to discover that the British Government had banged the door on Responsible Government. Any ordinary person who had followed the antics of the irresponsible elected Members and the Convention during the past year would have concluded that the Almighty and not the British Government had rendered Responsible Government impossible.

TELEGRAM from the Governor's Deputy Kenya to the Secretary of State for the Colonies.

Dated the 23rd June, 1931. Received at 6.20.p.m. on the 23rd June.

No. 5

No. 192. Your despatch of 12th Jun. No. 405. Native Administration. On the grounds of both (a) high policy and (b) practical application I am unable to agree to separate administration of Native Areas. As regards (a) dual policy to be successful must be complementary separate administration would inevitably tend to become antagonistic and would foster race antagonism rather than co-operation. Ultimate aim is to educate Natives to realise that they form integral and essential part of co-operative State. To such aims their relegation to a separate and independent administration would be definitely antipathetic.

The proposals disregard both Indian and Arab communities and also interests of Native Squatters on European farms. These number 120,000 and if it is considered essential for security of reserve Natives that they should be removed from control of a Legislative Council with elected European majority I fail to appreciate logic of committing Squatters to such control particularly as they constitute an integral and most difficult part of Native problem. As regards (b) geographical objections are very real. Conditions in Kenya as is apparent from map bear no relation to those of the Federated Malay States. Kenya is a mosaic of reserves and alienated lands and there is constant inter communication. Divisions of administration must lead to difficult problem and bitter controversy over medical and veterinary policies and quarantine regulations. Suggested policy of

DECODE

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Dated the 23rd June, 1931. Received at 6.20.p.m. on the 23rd June.

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/road

roads and Public works difficult if not impossible.

Practical objections equally strong on financial grounds.

Separate Budget must mean separate departmental heads

with duplication of headquarters charges if friction

is to be avoided. Other important considerations are

that Natives would be deprived of participation in policy

governing Customs Tariff and ipso facto though their

contributions to revenue by duties on imports particularly

Cotton piece goods are heavy.

7  
[something  
wrong in  
translation  
here  
see]

C. O.

X. 17175731 Kenya. 5-41  
For air mail of 12 June

Mr. Parkinson. 11/6/31

Mr.

Mr.

Mr. Parkinson

X Sir C. Blomfield 11.6.31

Sir J. Shuckburgh.

Sir G. Gosdie.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State

Consun

Handwritten note: *Handwritten note*

DOWNING STREET,

12 June, 1931.

Sir,  
I have, etc., to transmit to you the enclosed copies of the précis of evidence which was submitted by Mr. F. W. Mackenzie, C.M.S., as Chief Native Commissioner in Kenya to the Joint Select Committee of Parliament on East Africa.

It will be seen that the second part of the précis deals with a proposal for the separate administration of the native areas in Kenya. In putting forward the proposal, Mr. Mackenzie was acting upon his own responsibility, as had been arranged, and not as representing your Government.

A proposal on these lines has been advocated from time to time,

more

DRAFT.

Kenya

Ref. 405

Gov. Byrne.

Précis of evidence  
(copies being kept in C.D.)  
Note of discussion  
of the same  
(herein)

more particularly by Lord Lugard,  
and I have no doubt that the  
Committee will wish to consider  
the proposal in making their  
report. It is clearly a  
matter on which I should have  
your views, and I should be glad  
if you would telegraph to me at  
the earliest possible date, after  
receipt of this despatch, any  
observations which you have to  
offer. In this connection I would  
draw attention to paragraphs 207  
et seq. of Sir Edward Craig's  
dispatch of the 11th September  
1907 which is published as No. 1  
in the papers relating to the  
question of closer union of Kenya,  
Uganda and the Tanganyika Territory  
(Colonial No. 59). The question  
of separating the white and black  
areas in Kenya is also discussed  
on pages 26-28 of the report of

the Commission on Closer Union  
of the Dependencies in Eastern and  
Central Africa (Cmd.2324).

4. I may add that after  
Mr. Maxwell has given his evidence  
I arranged for him to come to the  
Colonial Office in order that his pro-  
posals might be more closely examined,  
and I enclose a note of the discussion  
Mr. Maxwell had in this Office.

5. I enclose also a sketch  
map furnished by Mr. Maxwell indicating  
the territorial division which he  
would contemplate. I should be glad  
if this could be returned at the  
first opportunity.

I have, etc.,

(Signed) PASSFIELD.

Note of discussion on Wednesday, 6th May with Mr. Maxwell, Chief Native Commissioner of Kenya regarding his proposals for the separation of the Native and European areas in Kenya.

*Draft  
at 11.6.44  
for C.O. Secretary  
11.6*

Present:

- Sir G. Bottomley;
- Mr. Maxwell, Chief Native Commissioner;
- Mr. Allen.

At the outset, Mr. Maxwell explained that what he had in mind was a definite geographical separation of the two areas, something on the lines of the Straits Settlements and the Federated Malay States.

In the course of his remarks he referred to ~~non-Native~~ areas as a Protectorate, and Sir G. Bottomley pointed out that that would involve the loss to the Natives of their status as British subjects, and would necessitate an Act of Parliament, ~~and he did not wish to suggest that this could not be done.~~

Mr. Maxwell apparently thought that the loss of status would not involve a great difficulty, but apparently he had only used the word "Protectorate" loosely, and he was quite prepared to regard both areas as Colonies.

As regards Departments staffed in the two areas from a common pool, he had in mind that there would be a definite number of posts in the pool, and if any of the posts in the Native area were from time to time left vacant owing to insufficient staff to fill them, no charge would fall on Native area funds in respect of such vacancies. Each area would pay for its own establishment including a proper proportion for leave;

and

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and in computing the charges, the starting point in respect of a tour should not be the date of arrival in the Colony but the date of commencement of return leave. <sup>Policy</sup> ~~The first thing~~ would be a local matter, and in the event of differences of opinion as to the distribution of personnel between the Native and European areas, the decision would, ~~as a matter of~~ be taken by the Governor and High Commissioner who, of course, would be a single individual.

*Handwritten note:* Handwritten note  
*Service*

Mr. Maxwell also explained that his reason for taking Customs revenue and Native Hut and Poll Tax separately allotting one to the European area and the other to the Native area was that that was the only distinct <sup>in</sup> and <sup>of</sup> dubitable separation possible.

The Senior Officer under the High Commissioner would be the Chief Commissioner who would have under him a Secretariat and administrative staff. The arrangements which he <sup>Mr. Maxwell</sup> proposes in regard to the administrative staff represent generally the existing position. The staff would form a common pool for the two areas, and what he had done was to contemplate a definite number of posts in the Native area, say x, and a definite number of posts in the European area, say y. But more than x plus y officers would be required to allow for sick leave, reliefs, etc. Assuming the addition to be x, he took the total of x plus y plus x and divided <sup>the total</sup> between the two areas in the proportion of x to y. The discussion then turned on to Mr. Maxwell's proposals for dealing with each Department separately. ~~This record follows not the order of the discussion, but~~

~~the order in which the Departments appear in the current Estimates.~~

ADMINISTRATION. The staff would form a common pool, and be distributed as already explained above.

AGRICULTURE AND VETERINARY. There should be a separate Agricultural Department in the Native area under a Superintendent. He should be independent of the Director of Agriculture in the European area, but there should be liaison with the Research Departments. The position as regards the Veterinary Services should be the same.

AUDIT. As regards this Department, Mr. Maxwell had an open mind. He thought the question whether there should be any separate audit in the Native area should be considered by the Director of Colonial Audit, and if <sup>DIRECTOR</sup> ~~the would~~ advised that it would be better to have a common service, Mr. Maxwell would agree.

COAST AGENCY. Native area funds would contribute half the cost as a contribution.

CUSTOMS. This would be a common service charged against indirect revenues.

EDUCATION. The Native area should have a separate Education Department under a Superintendent, but there should be liaison with the Department in the European <sup>area</sup>.

FOREST  
area. In dealing with this Department, Mr. Maxwell distinguished between the forests which are a collective national asset and the produce, the exploitation and profits of which are the concern of the <sup>country</sup> ~~son~~ of the soil to an extent which would not impair the forests ~~and~~ forests. He considered

that

*in the Native areas*  
 that the Forest Reserves should be subject to the same conservation regulations as other Forest Reserves, and he thought that there should be two officers appointed to the Native area to administer the regulations and to advise as to the exploitation. These officers might form part of a common pool for the two areas, between which there should certainly be liaison.

GAME. *the two* Although Game Reserves are situated in the Native areas, Mr. Maxwell <sup>s</sup> was of opinion that there should be no separate Department or separate staff for the Native areas.

JUDICIAL. Judges are mainly engaged on civil work, and all they do which affects the Natives is an occasional circuit to try a Native criminal case and an occasional appeal. He did not propose a separate Judiciary for the Native areas, but considered that the funds of these areas should pay as a reimbursement in aid the equivalent of the cost of <sup>one</sup> Judge and a Clerk. He regarded this allowance as generous, and the Attorney-General agreed with him. No Resident Magistrates would, ~~of course,~~ be required in the Native areas where magisterial duties are carried out by the Administrative Officers.

LEGAL. On this Mr. Maxwell had an open mind. If it were suggested that there should be a common Department, he would be prepared to agree, although he was inclined to think that it would be better to have <sup>two</sup> ~~a couple of~~ separate Legal Advisers <sup>specifically</sup> for the Native areas.

*in the Native areas*  
 that the Forest Reserves should be subject to the same conservation regulations as other Forest Reserves, and he thought that there should be two officers appointed to the Native area to administer the regulations and to advise as to the exploitation. These officers might form part of a common pool for the two areas, between which there should certainly be liaison.

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LEGAL. On this Mr. Maxwell had an open mind. If it were suggested that there should be a common Department, he would be prepared to agree, although he was inclined to think that it would be better to have <sup>two</sup> ~~a couple of~~ separate Legal Advisers <sup>speakers</sup> for the Native areas.

MEDICAL DEPARTMENT. This Department should be staffed from a common pool.

MILITARY. This will be a common service charged against indirect revenues.

POLICE There should be a separate force for the Native area which would mainly be policed by tribal police. Where ~~the~~ other police were necessary, the Native area should borrow them on reimbursement terms in the same way as the Kenya and Uganda Railway. As regards the Northern Territories and <sup>Turkana</sup> Tanganyika, the normal police would be tribal police, but in as far as military police doing garrison duty as at present were necessary, they could also be borrowed on reimbursement terms.

POSTS AND TELEGRAPHS. This would be a common service, the Native area to be credited with one-half the profits.

PRISONS. The Prisons Service in the Native areas should be ~~quite~~ separate as it was not concerned with Natives convicted in the European areas.

PUBLIC WORKS: There should be an entirely separate Department in the Native area, but the main trunk roads should be a central service covered by about £50,000 of the contribution of £70,000 under Public Works Recurrent.

REGISTRAR GENERAL'S DEPARTMENT. <sup>Mr. Maxwell</sup> This Department did not regard this Department as affecting the Native area, but if necessary some contribution might be made in respect of it.

STATISTICAL DEPARTMENT. Mr. Maxwell included as a contribution half the cost of the Native registration of finger print services.

SURVEY He had included a sum of £2,000 in the Native area budget as a non-recurrent charge for fixing the boundary between the two areas.

TREASURY. There should be a quite independent Treasury establishment in the Native area as it was essential to keep Native funds quite separate.

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LOANS. Security for loans should be a joint and <sup>separate</sup> separate liability for the two areas.

LOCAL TAXATION. Mr. Maxwell considered that this was a matter for the local Native Councils and that the position should remain as at present.

Reference was then made to the position of Natives in non-Native areas. Mr. Maxwell did not recognise that there was any such thing as a detribalised native, as all Natives outside the Reserves retained a connection with the Reserves and fully intended to return at some time or another. Similarly squatters do not necessarily remain in one place but move about and cannot be regarded as detribalised. If Natives came permanently to the town and wished to alter their domicile, the matter would have to be investigated, and they would have to resign any tribal rights, but presumably would have to be given other rights such as municipal rights.

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## NOTE:

1. No reference is made in the above to railways, etc., because Mr. Maxwell held in his evidence that these services were to be entirely a matter for the "Central" Government.

2. Mr. Maxwell agreed that loan charges would have to be a joint and several liability of the two component States, but it is not clear that he realises that the whole of Kenya's borrowings, including the transport loans, must be counted in for this purpose, that is to say, that the revenue of the native area would be saddled with a potential liability of, say, £700,000 a year from the outset.

3. Mr. Maxwell said that his skeleton budget was, so far as purely native services were concerned, an actual budget and not a mere conjectural allocation of sums to various services. He had prepared an itemised estimate of staff, etc., for each service, and the totals which he had inserted in his skeleton budget represented the totals of these items. These totals included the new staff necessary for separate supervision in cases such as agriculture, where separate supervision was contemplated, that is to say, this scheme, with all the new appointments involved, is intended to be covered by the present amount of direct native taxation.

Colonial office

May 1931.

Any Member of the Committee who desires to make any alterations in the Questions addressed by him to a Witness is requested to communicate the same to the Committee Clerk at the next Meeting of the Committee.

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17.

Joint Select Committee on East Africa.

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## MINUTES OF EVIDENCE

TAKEN before the JOINT SELECT COMMITTEE ON  
EAST AFRICA.

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*Die Lunar, 27 Aprilis, 1931.*

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*[Great inconvenience having arisen from the Publication of Minutes of Evidence taken before Committees, and of Papers, &c., laid before them, it is particularly requested, that Members possessing such Minutes and Papers will be careful that they are confined to the object for which they are printed—the special use of the Members of such Committee.]*

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DIE LUNAR 27 APRILIS, 1931

## Present

Lord Stanley of Alderley (Lord  
Sheffield).  
Lord Cranworth  
Lord Deakin  
Lord Lawson  
Lord Lugard  
Viscount Morley  
Lord Pembroke  
Lord Phillimore

Lord Ponsonby of Shulbrede.  
Sir John Sandeman Allen.  
Mr. Buxton  
Mr. Robert Hamilton  
Mr. Ormsby-Gore  
Mr. Parkinson  
Dr. Sichel  
Lord Stanley  
Mr. Weir

Lord STANLEY of ALDERLEY is the Chair

Mr. (LORD) GERALD VEREER MAXWELL (Chief Native Commissioner in Kenya), called and examined.

## Chairman

3700. Mr. Maxwell, you have been Native Commissioner in Kenya for the past ten years?—Yes, my Lord.

3701. Are you returning after this interlude?—I do not expect to return.

3702. But, however, you have had ten years' experience, and before that, were you in the Kenya Civil Service?—No. I was in Fiji for twenty-three years, and then I was transferred to Kenya as Chief Native Commissioner.

3703. So your experience in Kenya is that of ten years' close association in one job as Native Commissioner?—That is so.

3704. I do not think there is any need to go line by line through the Memorandum which you have submitted, because it is before the Committee. Perhaps one could summarize it in this way, that you see a doubtful whether Close Union of a political character is comprehensible to the natives, but, in so far as it is comprehensible, they are a little suspicious of any Close Union which might increase the power of rule of the minority of white settlers?—That is so, quite definitely.

3705. And that, rightly or wrongly, the native is under the impression, as you put it, that "the European is invariably determined to keep the native under, to take his land, and to use him simply as a labourer at the smallest possible wage"?—What I have said is that that is the impression that they gather from the Reports of meetings and other things that appear in the public Press. I think it is unfortunate, be-

cause many of the things that are said and written do not commend themselves to the majority of the settlers, who are very sound men, but that the extra-political ones among them allow their tongues and their pens to run away with them, and very unfortunate things appear in the Press, and are said at public meetings which give a very strong impression to the natives that they are definitely to be subjected to the will of a minority.

3706. And it is not altogether surprising that the native should take what appears in the Press, as being in fact the case, if that is done by a higher politically or developed race?—That, I am afraid, is so.

3707. You advocate a separate administration for the native areas, and a separate Budget for local services within those areas? It would be possible to have a separate Budget, or largely a separate Budget with regard to native affairs, as has been developed, in some extent, in Tanganyika, without having a territorial sub-division, would that not?—That would be possible, my Lord, but I think it is necessary to have this territorial division, because you cannot develop natives on the lines that are suitable for European colonization, that is to say, Parliamentary institutions through the ballot-box; these are entirely foreign to native ideas, and the natives themselves would not handle such institutions.

3708. No. I think we have a considerable amount of evidence that the right line on which to develop the native political consciousness is through his own

27<sup>th</sup> Aprilis, 1931.]

Mr. GERALD VEREER MAXWELL.

(Continued.)

institutions, and not to impose upon him a British or a European system of democracy which he would not comprehend?—Quite. We must build up on institutions which they have of their own, and they can be by degrees shaped and modernized to a certain extent, though not completely. I should visualize building up from the present local Native Councils which have been instituted since I came to the Colony. It was an idea which I brought from Fiji, where they have been very successful for the last fifty years, to develop from those local Councils possibly provincial Councils, and in course of time to reach a central Council which might even possibly in a very long time hence practically develop into a legislative body for the native areas, but that would be very far ahead.

3709. Your aim is that a Central Council in the first place should be advisory to the Government?—Entirely advisory.

3710. And not at any period coalescing with the existing Legislative Council?—No, quite separate.

3711. Even when it became a Legislative Council it would still remain quite separate from the existing Legislative Council and be a Legislative Council for Native Affairs, parallel to, but not subordinate to?—Not only for native affairs but for native affairs and other affairs within their geographical area which is the area of native administration.

3712. That is supposing your suggestion for a division of the territory geographically is adopted?—Quite.

3713. But it would be possible to have that scheme of developed native Councils leading up to a central native Council without the geographical division which you suggest?—It would be possible, but I do not think it would be satisfactory.

3714. You combine the idea of a geographical division and development of native Councils, into one scheme?—Yes.

3715. You have placed before the Committee maps indicating what the geographical division might be; perhaps you would like to say a word or two generally on that point?—Well, my Lord, they are very small maps I am afraid.

3716. Perhaps if you use the geographical areas, we have maps in our possession which we will be able to follow?—The areas coloured red on that map are the present areas of European settlement, the brown areas the towns areas in Nairobi and development here.

The green are forest reserves. This is a forest round Mount Kenya. These are other forest areas. The yellow is land which has been definitely declared under law to be native Reserves. This large area in the west of mauve line is native area, that is to say, the Turkana Province, and the Northern Frontier Province. These are the big arid areas which have not been specifically legally declared to be native Reserves, yet, but they are entirely native areas.

3717. That pink coloured area is in fact Turkana and the Northern Frontier Province?—Only down to here, this uncoloured area here is land lying between the Kikuyu native Reserve and the Taita Hills; I do not think anybody has ever been over it.

3718. What is described as Kikuyu?—Yes, but this land to the east of that is practically unknown land. It is dry land, practically waterless. There is probably a good deal of game there but no people there as far as except a few stray poachers, probably—1 mean game poachers—elephants.

3719. Kikuyu elephants without a permit?—Yes. That is a favourite pastime of Ours.

## Mr. Ormsby-Gore.

3720. What are the white areas in the middle of the coloured areas?—There are two or three small white areas, and one marked to the west of the Kikuyu Reserve?—That is the Yatta Plateau; it is not part of any native Reserve, but the Wakamba cattle at present graze on it by permission. There is a proposal at present for alienating a part of it. The part up here is likely to be required for the development of electric power. That is the place they call Seven Forks.

## Chairman.

3721. Broadly speaking, one may say that all the area which is served by existing railways is within the European Reserve?—Of course the railway goes through the Native Reserves in some places. This line from the branch going into Uganda goes right through the North Kavirondo; the Nyero branch railway goes through Fort Hall. This is purely a line for bringing out the produce from the Milk Lake.

3722. I take it that round about Masindi is fairly desolate country?—It is just open grazing country.

DIE LUNAE 27 APRILIS, 1931

27<sup>th</sup> April, 1931.]

Mr. GERALD VENNIE MAXWELL.

(Continued.)

Present:

Lord Stanley of Alderley (Lord  
Sheffield),  
Lord Cranworth,  
Lord Dickinson,  
Lord Lambton,  
Lord Lugard,  
Viscount Mersey,  
Lord Passfield,  
Lord Phillimore.

Lord Ponsonby of Shillburne,  
Sir John Sandeman Allen,  
Mr. Buxton,  
Mr. Robert Hamilton,  
Mr. Ormsby-Gore,  
Mr. Parkinson,  
Dr. Shackel,  
Lord Stanley,  
Mr. Wellock.

Lord STANLEY of ALDERLEY in the Chair.

Mr. GERALD VENNIE MAXWELL (Chief Native Commissioner in Kenya), called and examined.

Chairman.

3750. Mr. Maxwell, you have been Native Commissioner in Kenya for the past ten years?—Yes, my Lord.

3751. Are you returning after this inter-  
val?—I do not expect to return.

3752. But, however, you have had ten years' experience, and before that, view-  
ing in the Kenya Civil Service?—No, I  
was in Fiji for twenty-three years, and  
then I was transferred to Kenya as Chief  
Native Commissioner.

3753. So your experience in Kenya is  
that of ten years' close association in  
the job as Native Commissioner?—That  
is so.

3754. I do not think there is any need  
to go line by line through the Memo-  
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to the natives, but, in so far as it is  
comprehensible, they are a little uncon-  
scious of any Closer Union which might  
increase the power of the rule of the minority  
of white settlers?—That is not quite  
doubtful.

3755. And that, rightly or wrongly,  
the native is under the impression, as  
you put it, that the European is in-  
cessantly determined to keep the native  
under, to take his land, and to use him  
simply as a labourer at the smallest  
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3757. You advocate a separate adminis-  
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Budget with regard to native affairs, as  
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Territories without having a territorial  
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3758. No. I think we have a consider-  
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not completely. I should visualize build-  
ing up from the present local Native  
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I came to the Colony. It was an idea  
which I brought from Fiji, where they  
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Councils possibly provincial Councils, and  
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very long time hence practically develop  
into a legislative body for the native  
areas, but that would be very far ahead.

3759. Your aim is that a Central  
Authority in the first place should be  
advisory.

3760. And not at any period coinciding  
with the existing Legislative Council?—  
No, quite separate.

3761. Even when it became a Legisla-  
tive Council it would still remain quite  
separate from the existing Legislative  
Council—and be a Legislative Council for  
Native Affairs, parallel to, but quite  
subordinate?—Not only for native affairs  
but for native affairs and other affairs  
within their geographical area which is  
the area of native administration.

3762. That is supposing your sugges-  
tion for a division of the territory  
geographically is adopted?—Quite.

3763. But it would be possible to have  
that scheme of developed native Councils  
leading up to a central native Council  
without the geographical division which  
you suggest?—It would be possible, but I  
do not think it would be so satisfactory.

3764. You combine the two, a geo-  
graphical division and development of  
native Councils, into one scheme?—Yes.

3765. You have placed before the Com-  
mittee maps indicating what the geo-  
graphical division might be; perhaps you  
would like to say a word generally on  
that point?—Well, my Lord, they are  
very small maps I am afraid.

3766. Perhaps if you use the geo-  
graphical areas, we have maps in our  
possession which we will be able to  
follow?—The areas coloured red on the  
map are the present areas of European  
settlement, the farm areas; the lower  
areas is Nairobi; of course being here.

The green are forest reserves. This is a  
forest round Mount Kenya. These are  
other forest areas. The yellow is land  
which has been definitely declared under  
law to be native Reserves. This large  
area in the west of native land is native  
area, that is to say, the Turkana  
Province, and the Northern Frontier  
Province. These are the big arid areas  
which have not been specifically legally  
declared to be native Reserves yet, but  
they are entirely native areas.

3767. That pink coloured area is in fact  
Turkana and the Northern Frontier  
Province?—Only down to here. This  
unshaded area here is land lying  
between the Kitui native Reserve and  
the Tana River; I do not think anybody  
has ever been over it.

3768. What is described as Kitui?—  
Yes, but this land to the east of that is  
practically unknown land. It is dry  
land, practically waterless. There is  
probably a good deal of game there but  
no people there at all except a few stray  
poachers, probably—I mean game  
poachers—elephants.

3769. Kikuyu elephants without a por-  
tion?—Yes. That is a favourite past-  
time of theirs.

Mr. Cranby-Dave.

3770. What are the white areas in the  
middle of the coloured areas?—There are  
two or three small white areas, and one  
marked to the west of the Kitui Reserve?  
—That is the Yatta Plateau; it is not  
part of any native Reserve, but the  
Wakamba cattle are present grazing on it,  
by permission. There is a proposal  
present for alienating a part of it. The  
part up here is likely to be required for  
the development of electric power. That  
is the place they call Seven Forks.

Chairman.

3771. Broadly speaking, one may say  
that all the area which is served by  
existing railways is within the European  
Reserve?—Of course. These railways pass  
through the Native Reserve in some  
places. This line from the branch going  
into Uganda goes right through the  
North Kayunga; the Nyser branch  
railway passes through Fort Hall. That  
is purely a line for bringing out the  
tea from the Ngurd' Lake.

3772. I take it that round about  
Magadi is fairly desolate country?—It is  
just open grazing country.

Mr. GERALD VERNER MAXWELL

[Continued.]

27<sup>th</sup> April, 1931.]

3772. It is in the middle of the Masasi Reserve. It is in the middle of the Masasi Reserve. Of course here, this line from Voi to Mosh runs partly through the native Reserve. This gold strip indicates the dominion of the Sultan of Zambarwe.

3774. Do you propose that this should be included?—Not in the native area.

3775. You mean the area administered by the Governor? Quite, because it is in the hands of the Arab (Inventor).

3776. You have no doubt (perhaps you have not—I wonder) read the Dispatch of the late Governor, Sir Edward Greig, of the question of a geographical division?—Yes, I saw that before it was sent very hurriedly, and I had a look through it again yesterday. I had not seen the printed copy before.

3777. He indicates that in his opinion there would be great practical difficulties in carrying out the suggestion which you make?—Quite so. I am afraid I do not agree. I noticed he had made a suggestion that because there is a small island of white settlement here in the Kikuyu country it would be necessary to take the Kikuyu country out of the white area. I do not agree at all, it would be making the line contain that greatest disadvantage of the present boundary, the fact that there is no need to do either. There is a definite native Reserve going right there.

3778. I am going merely to ask various members of the Committee to question you upon this point, and your personal feeling at present is that this is a suggestion which should really be put up for deliberation and consideration by the District Office that is the Committee, who really should have been here, having had the opportunity before them of a survey and a hearing. The advantage of your proposal, in my very early substantial regard, this is the principle you feel would be the object of holding the members of the District Office and the Committee responsible. I am not sure that I agree that it is in the best interests of the country, it is only a question of the moment.

3779. I certainly do not withdraw my suggestion from the Committee, but I should be happy to appear, or to appear if you like, on the information that I have on your left. The only one that I think will not contain any of the points which are given on the other map, is

3780. This indicates, if I may use the word, a colony, the remainder being the Protectorate. I have not included in that some very scattered little pieces of European settlement down here, I think they might perfectly well remain in the native area.

3781. Just the native settlers or squatters will remain in the European area?—They are not permanent settlers; any squatter retains his right at any time to go back to a native reserve, and personally I am not prepared to admit that there is such a thing as a detached native area.

3782. Is there no resident population in Nairobi? There are natives who go and live in Nairobi and other places for considerable terms, but their places for- eadily retain their interests in some native Reserve and fully intend at some time or other to go back there.

3783. There is no permanent resident population in Nairobi?—No, not of the Kikuyu tribes, there are natives of other parts of the country who have another home in Kenya Colony; there are Shikani and people from Nyamaland and Tanganyika, but as to detached definite lands have been set aside. I do not think there are any of them which could be described as definitely detached. If you care to ask them.

3784. Have you not any all-India Commission that would advise on this?

3785. Just one question. In your view is the tribal system in Kenya an living system? It is not the other two I refer to, which I do not think any of us will dispute a definite living system. But I had not thought, when I first talked about British administration, the notion of Kenya had not reached the stage of tribal system, that you had, in effect, decided, and taken upon you, the whole question (then, that is, you will find I am not elsewhere than in your statement) that when you have natives who have really come to that stage of tribal evolution, when they have really got to hereditary chiefs, you will always find definite customs of themselves and definite tribal customs. There is a difficulty that has to be observed in appointing a Chief, in shaking hands with him or with a man, is he really his man, all these things, are very definite and would be

27<sup>th</sup> April, 1931.]

Mr. GERALD VERNER MAXWELL.

[Continued.]

seen whenever you find a tribe that has reached a very definite stage of social evolution, you get these native titles. Talking the Kingdom of Buganda, you have the native King of Buganda, he is the Kabaka, that is the hereditary title. Whatever comes after him must be a Kabaka? There is the Kotikiro, and whatever comes after him must be the Matikiro. You have these titles which are subject to native lines of succession. We have practically none of that in Kenya; the tribes have not reached that stage, not within themselves and particularly with regard to their land and their custom of land tenure; they have very definite native hereditary possessions, but they are very small and scattered. Among such a tribe as the Kikuyu, there is no such thing as a Chief of the Kikuyu tribes. There are hundreds of petty Chiefs, and they are merely a sort of small Chief over definite areas of the tribal land. The tribal land is broken up into definite areas known as Muramsi, and every tribe has its Muramsi. I have only been able to investigate this closely in two districts, in Kikuyu and North Kavirondo. In North Kavirondo certainly the land is divided into what they call Muramsi. Every Muramsi there has its manager, who is its Lagura and also of them acknowledge a combined Chief, but it is clearly in Kavirondo that it is in Kikuyu, there is no place where the whole of Kenya where there is acknowledged hereditary Chief of one tribe.

3786. With the result that, in some instances, either the Chiefs have been created by British power and influence rather than by the general opinion of the tribes concerned? Yes. The administrative officers have to work through the best they can get. They always endeavour to appoint native chiefs, and always appointing an official head-man, but the official head-man really uses most of his authority in his administrative position, due to his general influence. You endeavour to get an influential man, and you cannot always get their nomination because they sometimes nominate a completely unsuitable man.

3787. That, I suppose you would not, has any vitality in the systems which has grown up in which the Chiefs are the acknowledged leaders of a considerable community?—Yes, it has; but

come a Chief in those conditions does personally command a great following who will not desert him in any circumstances.

3788. But with the machinery of your proposal and the creation of Chiefs who have to be made by the governing authority, you still think that there is a vitality in that system which can be developed in Kenya?—Yes, I think so, especially if in selecting those Chiefs one has sufficient regard to the native social system and particularly with regard to land. The result of those enquiries that I have undertaken lately has given me quite the definite impression that a great many wrong head-men have been appointed, purely through ignorance of what was really the native system.

3789. Is the head-man appointed on your recommendation by the Governor, or have you the appointment?—Nowadays the Provincial Commissioners have power to appoint official head-men. By law the power is vested in the Government, but it is delegated to the Provincial Commissioners.

3790. Who act on your advice?—No, they act independently on the advice of their District Commissioners probably.

3791. Where do you as Chief Commissioner come in?—I do not come into that.

3792. Is that a satisfactory system in my view?—I think that is quite satisfactory, because the Provincial Commissioner who is the Resident Chief Executive Officer in a Province, is really in the best position to know who is the most suitable man.

3793. With the result that you can give me is a few words what your functions are as Chief Native Commissioner?—None, my Lord, you have asked me a very difficult question. I can tell you what they used to be. When I was appointed Chief Native Commissioner my functions as laid down were to supervise the whole of the native administration of an executive officer, all officers in the native area being under my orders. It is a very difficult question. I have said what they used to be. When I was appointed Chief Native Commissioner my functions as laid down were to supervise the whole of the native administration of an executive officer, all officers in the native area being under my orders. It is a very difficult question. I have said what they used to be. When I was appointed Chief Native Commissioner my functions as laid down were to supervise the whole of the native administration of an executive officer, all officers in the native area being under my orders. It is a very difficult question. I have said what they used to be.

3794. That, I suppose you would not, has any vitality in the systems which has grown up in which the Chiefs are the acknowledged leaders of a considerable community?—Yes, it has; but



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course, the position has been altered. The Chief Native Commissioner has been relieved of all his executive duties and is now merely in all intents and purposes an officer assistant to the Secretary. I have not been through a Native Reserve practically for two years.

2703. Your time has been fully occupied in office work in Nairobi?—Yes. In those last two years I think with the exception of two visits for native land enquiries I have only spent a few days in native Reserves. I have not been to the Lunan district since 1927, and I have never been to Turkana; I have not been to South Kavirondo for three or four years.

[Chairman.] Perhaps I had better lead my questions for the present and ask the other members of the Committee to put their questions to you.

## Viscount Mersey.

2704. I only want to ask you two questions, Mr. Maxwell. I will try to put the first one discreetly. I am sure you will answer it discreetly. You say on the first page of your paper of evidence,—"Even the most enlightened of them have but a vague conception of the machinery of their own Colonial Government and cannot appreciate or understand the reasons of State and respective functions of the various Departments." That is with reference to our subject, Crown Colonies. Do you mean by that that this Committee will not be able to derive very great information of value from the native witnesses?—It is difficult to say, my Lord. What I mean by that is that not one of the Kenya natives, I think, could explain to anybody what are the functions of the various departments of a Government and their relation to one another.

2705. But have they a concept of what is meant by Crown Colonies between the three territories of Uganda, Tanganyika and Kenya?—I think they only gather that there could be one Governor for all the three territories as they call it, and they believe, they think, would be very much mixed up with other things, and they are, rather frightened of it.

2706. But they do visualize it in some way?—Only in a very vague way, I think.

2707. You do not think we are likely to derive very great information from them?—I should think it.

2708. The other question is with regard to the activities of the Press. You

say that the natives have the general conception that the policy of the European is to keep the native under, to take his land and to use him as a labourer, and then you elaborate that by saying it is very unfortunate that it is mostly from what appears in the Press that the natives judge the British community. Is there any understanding at all of the Press? However inaccurate and stupid an article may be, has the Governor no power of limiting it?—There is no censorship whatever that I know of. Occasionally we draw attention of the editors of papers to it, and remark that we think it is very unfortunate that they should have published so and so, but that it is too late; it has been published.

2709. But however exaggerated and imaginary articles in the local Press are, nothing can be done?—Nothing could be done unless it were to break the colonial law.

## Lord Poincaré.

2710. Mr. Maxwell, you express the opinion that, in the view of the natives, Crown Colonies would involve an increase in the power of the whites?—That is their general opinion, so far as you have been able to gather.—They are afraid of it.

2711. Is it your personal view that it would involve an increase in the power of the whites?—I should say that that is not necessary, but the colonial members of the Legislative Council at present would what, in my personal opinion is a very modest amount of influence. They take complete charge of the Budget in the Subject Committee practically, and that is the main thing of the whole year.

2712. But if Crown Colonies only involve the co-ordination of the economic services such as the railways and telegraphs, in your view, would you consider any extra power to the natives?—Oh, no, it would not. The native point of view, as they have expressed it to me, that there is insufficient native representation in the Legislative Council, and that there is no representation by anybody who has been selected by them, I mean without representation by anybody who has been selected by themselves, or who sits in consultation with them. Their complaint is, that the colonial representatives on the Legislative Council are in no way that they are rightly or wrongly, but they do not know what he is going to say and

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they do not know anything about his actions until they know what he has said.

2713. Would it, in your view, be a desirable thing for the general administration of the three territories to have a co-ordination of the economic services?—For the economic services, most certainly.

2714. You think it would be preferable to the present system?—I think it would be a good thing to have co-ordination of posts and telegraphs, customs, defence and research.

2715. Railway?—Railways, but it seems to me that all these matters could be arranged through a Governor's Conference.

2716. The Governor's Conference to be held once irregularly (then it has been in the past)—Certainly an annual conference, I should suggest in my opinion an annual conference of the three Governors with an independent chairman representing the Secretary of State, and there should be, perhaps every three years, a conference of the three Governors held in London with the Secretary of State in person presiding, in order to get perfectly definite and authoritative decisions on outstanding questions of major policy.

2717. But so far as native policy is concerned, any co-ordination of that between the three territories would be but of the question?—I think so, because the circumstances are so very different throughout. I could not express a very definite opinion upon that, my Lord, because I have not had sufficient opportunity of examining or knowing enough of the native tribes and their various customs in either Uganda or Tanganyika. I have only made short visits to both territories, but it is certainly my impression that custom and conditions vary so much that any attempt at co-ordination except on fundamental matters, would be impossible.

2718. Because they vary very considerably even within each territory?—Very considerably, indeed, in our own tribes we have probably about 30 tribes, we have our pastoral and agricultural tribes, and some of our tribes are friendly to each other, some are old hereditary enemies.

## Lord Jackson.

2719. I just want to understand quite clearly what is the effect of your scheme of dividing by geographical. You pro-

pose that there should be large areas and they should be called, I suppose, Reservations for the natives?—The actual Native Reserves have already been declared.

2720. Now would you add to these Reserves, or what would be those new areas?—The other areas I would bring under the Government of the native territories, so if they were required for native occupation and for a surplus population of native tribes in the future, they would be available. On the other hand, if they could be leased on short terms for farming or something they would be leased by the Government of the Native areas.

2721. But when this arrangement that you foreshadow comes into operation, would those districts that would be restricted for the use of natives, I suppose and not for Europeans, be districts in which Europeans would not be allowed to come?—Oh, no.

2722. Do you know Basutoland at all?—I have never been there, my Lord.

2723. Because there the European is practically prohibited from coming in, or rather the white people have no right, I thought that that was your idea. What is your idea with regard to those areas which are to be geographically separated from the colony?—That they would be administered as native states, just in the same way as you keep the colony of the Straits Settlements and you have the Federated Malay States. They are under separate administration, but there is no restriction whatever on Europeans.

2724. Then you would have European settling in them?—Possibly.

2725. Would you not have precisely the same situation growing up there as has already grown up in the parts you would leave reserved for the colony?—I do not think so, because there is not a large enough territory to maintain a large European population. I do not think there is enough territory to maintain a large European population, because the native would not agree to the lease, and the lands are so small that they would not carry a large European population.

2726. Would not the Government of the colony have power over these people?—I do not visualize that any more than the Government of the Straits Settlements has power over the Federated Malay States.

2727. It seems to be difficult to see how that would work. It seems to me a very complicated system, and I do not see

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that it achieves very much, if you are going to allow the white settlers to take lands amongst these native populations?—What I hope it will achieve is that you would then allow the natives within that area to be developed along their own lines, and that if any other people than natives wanted to come into that area they would have to conform to whatever were the laws of that area; that the area to be governed through a Legislative Council which would be run through the ballot box would then govern itself, and find its own revenues, and be a separate institution by which the native races to be developed, along lines which are suitable to them, and European to be developed along lines to which modern civilized people are accustomed.

3818. But where would you draw the line in the powers of administration? They are at present held by the Government of what you call the colony, and those would have to be administered in these separated areas. Is it the responsibility of my proposal that the one officer would look the tax Commissioner from the King, whereas any Governor of these settled areas would also be whatever you like to call him, probably High Commissioner of the native areas; that is essential. He would legislate in the colony in the usual way, with the advice and consent of the Legislative Council. For the native areas he would legislate by Order in Council or Proclamation, or whatever its legal term may be. He might do that, either by enacting particular laws which would only be applicable and suitable to the native areas, or he might, by Proclamation, apply an ordinance of the colony to the native areas as well, where it was intended that the same law should run throughout both. That would be the case in many original enactments and others.

3819. It would entirely deprive the settler population of any influence over native questions in these districts?—Yes.

3820. And that would be the case even if there were an influx of white population into those districts?—Yes.

3821. And you think that that will be all right?—I think so.

3822. Now I see you say that the composition and population of Kenya is strikingly different from that of Tanganyika and Uganda. Do you know sufficiently well to say whether this idea of yours would be applicable to either of those

territories?—I think not. I do not think it is necessary in either Tanganyika or Uganda, because the European population there is so small, and it has not the dominance or influence that the European population has attained in Kenya over native affairs.

3823. But the population might grow. Then would you contemplate it being treated over to the white population, if it becomes a white colony, like parts of Kenya?—I doubt if there is the hope or the likelihood of Uganda or Tanganyika having a white population anything like that of Kenya.

3824. Now when you come to your plan it may be far better, but I do not quite understand it. Have you got your points there before you?—Yes.

3825. It is on page 7 and 8 where you make your definite proposals. You propose that there should be two people, a High Commissioner and a Chief Commissioner, do you not?—Yes.

3826. The High Commissioner, as I understand it, being a higher office whose jurisdiction will extend to both the white populations of Kenya and the black; and the Chief Commissioner being concerned merely with the natives?—Yes. I intend that post to be analogous to what is called the Chief Secretary in the Federated Malay States.

3827. Then you go on to say "The Government of the Colony would be the central Government and would receive all customs revenue." What do you there mean by central Government? It is a fairly large word. What do I mean regarded as the central Government, because, in addition to its internal affairs, it would legislate for, and make a financial provision on its estimates for the postal and telegraph, military, research, aviation, and it came about.

3828. And that is a Government whose jurisdiction extends only to the part that you call the colony, the white part?—Yes. But of course, where its enactments relate to the general services, the High Commissioner, who is also the Governor, would automatically extend them by Proclamation to the native areas; but he would retain the power of veto in case any provision were inserted in any of these enactments which bore harshly on the native population in the native areas.

3829. I do not quite understand. A central Government then would be, according to you, a central Government for

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the whole area? Perhaps the word "central" may be possibly misleading in that respect. I only meant that such services as these which exist throughout the territory, transportation and communication services, must be under one or the other, and it should be under the one which has the Legislative Council, the settled areas one, because the people in the native areas, the Councils and people like that, could not possibly at present, at any rate, understand the implications of an Act relating to a customs tariff.

3830. You would have a central Government that would have power extending over the whole district, but the power would be limited, in so far as the native areas are concerned, to these particular branches of works, such as customs and railways and so forth?—Yes.

3831. That central Government would not have anything to do with the natives?—The central Government would have no power over the native areas. Its enactments would have to be extended to native areas by Proclamation by the High Commissioner.

3832. Would no native question arise often with regard to what I call the white areas, the colony area, do you think?—The native population, I think, in what you call the white areas is practically entirely a floating population. There are a great number of natives living in the town of Nairobi, about 25,000 to 30,000, but they are mostly natives in employment, who are there perhaps for a few weeks or months; some of them, such as personal servants, remain there for years, but they are really a floating population, and are only in the town by reason of their employment, and very very few are in trading or business. The permanent native population of towns is drifting, I think.

3833. But outside the town, in the country parts, are there no land questions, questions of native property and so forth, which arise within this area of yours?—Practically none.

3834. How is that; is it all taken up by whites?—Yes, it is all taken up. There is just this one difficulty, there are cases arising from time to time and we are trying to deal with them, where natives still retain some rights of occupancy over leased land, but these are only a few cases, have not been given out to say, where issues have been given out with native settlement on them, and

those are deemed by law to be excluded from the lease.

Lord Lugard.

3835. I understand your scheme to be generally very much like the South African scheme, but the Governor would hold two Commissions: as High Commissioner over the native territories, and as Governor over the remainder?—Yes.

3836. If I understand you rightly, in your paragraph at the top of page 9 you say that the native administration would be responsible for medical, educational, agricultural and veterinary services; do you mean that the administrative services and those other services should be debited to the native funds?—My proposal was that they should be carried on the native Budget.

3837. That would include the whole of the fiscal provisions?—Yes.

3838. Which Mr. Edward Grigg told us was too heavy a burden for the whole of Kenya to carry?—Of course, if we were to relieve of any part of the burden we should be very glad, but I do not see how we can get away from it at present.

3839. Would there be a necessity for dividing the services? Would not a common Civil Service be possible?—I suggest a common Civil Service, and that Officers should be interchangeable, but that the cost of the Officers who are employed definitely in the native areas should be entirely borne on the native area Budget.

3840. You are dealing of course, primarily with the White Paper, not with the Hills, Towns Commission's Report. The White Paper says that "The development of native social and political institutions of native lines wherever such institutions exist, even in germ, in a form worthy of preservation should be the ideal of government." If this proposal of yours for separate geographical divisions were not accepted, do you think it would be feasible to carry out this dictum?—I do not. I think the only way of carrying out that proposal would be by separation.

3841. That would be irrespective of whether there is a Clear Union or not between the three territories?—Yes.

3842. You say in Schedule (B) of that paper, under 5, that the native "would express the inclusion of any beneficial regulations unless natives were fully consulted as to their selection." That is on what, I presume, would be

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eventually a central native advisory council?—Quite.

3843. Why should not white officers be on that council if they are resident in the native areas, whether missionaries or settlers or traders, or any other Europeans, or Indians? They would have no representation on the legislative council, I take it?—No.

3844. They would have no representation anywhere?—I was referring to the proposed Native Affairs Board, in the first instance, which was to advise the Chief Commissioner.

3845. The Native Affairs Board would be the only advisory council that the High Commissioner had, would not it?—Yes.

3846. And you would exclude from that any representation other than native?—I, personally, would not.

3847. But these are your personal opinions are not they?—No, I said that native opinion would object to any official on a Native Affairs Board.

3848. But you would recommend it?—I myself think that there should be unofficial representation.

3849. It would seem reasonable that they should have representation somewhere. If they are excluded from the legislative council they should, at least, be on the advisory council?—Yes, and I think that for the purpose of native administration it is extremely valuable to have the advice of officials, provided that they are selected for their disinterestedness and knowledge of affairs in general, but I should not propose that the fact that a man has been elected by a European constituency to represent it in the legislative council should give him a right to claim to sit on a council of this kind, which is something quite different.

3850. Do you contemplate, then, that there would be a process of the elective principle which should be introduced into the Native Board?—No.

3851. They would be nominated by the High Commissioner, I presume?—I hope so.

3852. Or selected by the interests they represent—by Chambers of Commerce?—Yes, I found it necessary to put it into my Précis, because at present there is always a demand by the elected Members of Board, whether it is representing Europeans or not.

3853. With regard to the existing local native councils, are they strictly native

institutions, or are they in any way nominated or selected officially by the Governor or by his representatives?—The Members of local native councils consist partly of a number of natives nominated by the District Commissioner and partly of others, who are selected by the Native Reserves at an open meeting; the whole idea being to get representation of every shade of native opinion. The President, of course, is a District Commissioner.

3854. They have no grants of any sort from the public revenue?—None.

3855. How do they get their funds?—Their funds are derived from various things. Since 1929 the rents on native land have been paid into native funds; before those Councils were established they were paid into the Native Trust Fund, but now that the Councils are in being the rent of leased land and Native Reserves is now paid over to the relative local native council. They also raise very large sums by way of rates and they get a certain amount of fees for forest produce—anything arising from their own areas.

3856. Are there corresponding European councils?—Yes, they now have a European district council ordinance in the white areas.

3857. Do they get any grants from Government?—Very large grants from Government and they raise no rates. I have a statement of the revenue and expenditure of these local active councils for the last five years, if it would be of use to the Committee.

3858. I presume that the allocation of the whole of the customs to the area under the legislative council, and the allocation of certain other funds to the natives, would be purely tentative. You cannot say for me, I suppose, whether that would be a fair division, or whether it would require to be modified later?—I have worked out a skeleton budget and I myself am convinced that it would be a fair division. (A document is handed in.)

3859. When questions arise in debate in the legislative council which clearly affect native interests, questions regarding railways and so forth, which clearly affect the native interest, how would those be dealt with? The Governor would be presiding in the legislative council in his capacity as Governor of the European areas?—Spitfire succeeds, such is true; some and things like that, say, go to the Governor in the inster-

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territorial Railway Council, not in the legislative council.

3860. You say, in paragraph 13, that you would not oppose the unification of the following services. What do you mean by the unification of the following services? How would they be dealt with? By the Governor who holds two Commissions as Governor and as High Commissioner? Would that be his relation to this unification of services; would they be discussed in a common sitting, or how?—I suggested that the body to deal with that would be the Governor's Conference.

3861. The Governor's Conference is inter-colonial?—Yes.

3862. These two divisions you are talking of strictly refer to one Colony only, namely, to Kenya?—For that purpose, yes.

3863. They would not be dealt with. Some of them would perhaps, but questions inside Kenya itself, relating solely to the Kenya railway, if there were no Closer Union, how would they be dealt with?—Of course, the Kenya Railway is the Kenya and Uganda Railway. There is that much unification already, of course, and it has its own separate Budget. The finances of the railway are entirely separated from the finances of the Colony.

3864. There are just one or two minor questions I wanted to ask you. You were speaking of your own position as Chief Native Commissioner to the Chief Native Commissioner. Would the legislative council, or in the absence thereof, be represented by the majority or with the Governor, as representing native interests, or could he speak at all?—He could not, as a member of course, in the legislative council, he is a Member of the Government. He would suggest whatever has been decided.

3865. It is allowed to speak freely in one's views or need he require consent?—This is a very delicate question, my Lord, I would prefer to answer it in a private session, if I might.

3866. Is it your opinion that the reserves are overworked? We have heard witnesses that come in from all parts, are overworked, and a letter appeared in "The Times" some time ago to the effect that a great deal of the land reserved in the reserves was very desert and unworkable land. Is that your opinion?—There is a great deal of arid land in some reserves. I do not know

of any area that I would say is insufficient to carry a population. Many of them are overworked with livestock.

3867. Can native take land outside the reserves? They have not taken up any so far. The Wakamba tribes are alleged grazing on the Yatta Plateau.

3868. There would be no objection to their taking land outside?—I do not know. There has been hitherto, for since the recent instructions, I take it there would be no objection.

3869. Would they be allowed to have a past before they settled down outside?—I do not know what would be the proposal. I take it that if natives were to leave the land outside the reserves they would have to take it up as lease.

3870. One other question as regards the labour: Do you think that the number of adult males withdrawn from school life is excessive or not?—That is a very serious matter to which I have not yet fully answered. There are native reserves in which the native population is at present very, very congested in small parts. There is very great congestion in the part of the Kiambu Native Reserves.

3871. Is that due to the concentration of the natives?—I have that area, because they cannot get any other part. It is their own land and they have no other.

3872. You say they are congested there now?—They have not other land to go to. They have part of the North Kiambu and the native reserves of Kapanga and Miringi, which have not yet been opened, and which they go to in the rainy season. I think that is all.

3873. In my opinion, about 1925, I did not think it better that there was concentration in that area, but I think that the number who are now being brought there for work would be a detrimental effect upon the land which they are now using. Nothing has done to settle in the reserved reserves, so far, and I think that is a great deal due to the fact that so much of it is land reserved, that it is so far, a matter a year for a few months. Then the people have to stay a long time. It is not as though there were a population of that magnitude that permanently moved itself from its homes, but I do not think it would be safe to increase very much the labour supply, and that is why I think that any suggestion for an enormous increase of white settlement is in-

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possible, because there would not be the labour supply to serve it. I saw a suggestion that you could have 100,000 settlers. The available labour supply for settlement is only about 100,000 people, which would not supply them with households, let alone plantation labour.

Sir Robert Hamilton.

3874 With reference to the question of the congestion in the native reserves, have you any views on the continued alienation of land at the present time?—I have very strong views.

3875 We should like to hear them?—There, again, some of them are rather delicate. I would prefer to answer them privately if it is possible.

Chairman.

3876 I see your difficulty. Perhaps, if there are a substantial number of questions of this sort to be asked, we could arrange a private sitting?—If it were possible I should be very grateful. I am sure your Lordship will realise that I am a serving Officer of the Government, and I am put in a delicate position to answer some of these questions.

Chairman.] It may not be fair to answer those questions in fact.

Sir Robert Hamilton.] I understand we shall have a private session. Certainly these questions are of considerable importance.

Chairman.

3877 Yes (To the Witness) You are not returning immediately, anyhow. Mr. Maxwell?—No, my Lord.

Chairman.] It would be possible to arrange a sitting at which these delicate questions can be asked and answered with greater freedom.

Sir Robert Hamilton.

3878 I will ask you another question, which I think you can answer with all freedom. In your suggestion as to the division of the two administrations you propose that all native hut and polltax, wherever paid, should go into the native Budget?—Yes.

3879 Leaving the Customs, which is drawn to a certain extent from native sources, and other revenue, to go to the Colonial Budget?—Yes.

3880 Supposing that that were done, would you not have enough revenue to administer the polltax areas, the

northern province, and so on?—I think

3881 You are fully of opinion that the whole of the native polltax should go to the native Budget?—Yes. It would be impossible, in my opinion, to have any other arrangement, because if the native polltax were to go to whatever area it was collected in you can imagine the scramble there would be.

3882 Quite. When I said the whole of the native polltax, I meant you would not allow any portion of it to be set aside for general purposes. You would take the whole of it and put it into the administration of native areas?—Yes; on the other hand, I suggest that the non-native hut and polltax might go to the other, in order again to avoid a scramble.

3883 If that were done, I gather it would be unnecessary to raise additional cesses, which is done at the present time for certain purposes, I believe?—I think it might be unnecessary. Whether they might prefer to do so or not, I do not know. For instance, there is naturally a very large programme for the hospitalisation of native reserves. One would like to have a very large programme for the establishment of schools, to an extent which your Budget could not manage. If, on the other hand, natives were to say: "Rather than not have this service for a few years we would like to raise some local cesses to enable it to be undertaken earlier," I see no reason for refusing that.

3884 But, speaking generally, would you say it was desirable to have one form of tax, and one form of tax only, in a native reserve, rather than to have additional taxes for certain purposes?—I think there is no objection to having other rates for certain purposes: for instance, it is the policy, presumably at present in the Government that we have the ordinary taxation of the Colony, and these District Councils in the settled areas have been established, presumably with the idea that they would raise rates to pay for certain services, such as district roads and things of that kind, and I think there would be no difficulty in carrying on a similar policy in the native areas.

3885 There is only one other question I wish to ask you. Some questions have been directed to the point as to whether Chiefs and Councils are indigenous in Kenya, and you have referred to the dif-

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[Continued.]

culty of getting Chiefs because they have not been developed in the same way as they have in other parts, but I think it would be correct to say, would not it, that the system of Councils is general among all the Bantu tribes?—Yes, because where you have a man who is a sort of local hereditary headman over a certain area of the land and the people living on it, he would not act autocritically. He would always consult certain recognised rulers.

3886 It is essential to the Bantu system?—Yes, entirely essential.

Sir John Sandeman Allen.

3887 There were just two subjects I wanted to ask you about: One is with regard to what you say about the co-ordination of services. You seem to think that it would be fairly well carried out by the Governors' Conference?—Yes.

3888 Is not it a fact that a great many of the difficulties (I am talking of the three territories) are due to the fact that each territory wants its own way?—That is why I have proposed that it should always be a neutral Chairman, who would be an emissary of the Secretary of State, merely conducting the proceedings, and then reporting to the Secretary of State.

3889 You mean to suggest that these difficulties exist only when they can be brought up, and that a certain line could be laid down, and that ends it?—Yes.

3890 Is it not your experience that, however much the line is laid down, it is very much overlooked by the official in charge if he has only charge of one territory? Take, as an illustration, the present system of the work of the Post Office: Is it not rather a ridiculous thing that, although Tanganyika is so close to Mombasa, no attempt has been made to serve the merchants and business centres of Tanganyika with mails which can easily be sent down to Mombasa, just because it happens to be across the border?—I take it that in a matter of that kind, if any agreed policy were not being carried out locally, somebody concerned or injured would make representations to the Secretary of State, who would probably take up the matter.

3891 It has happened for a long time and nothing has been done. Then, take the railways of the Customs: surely questions are coming along all the time, are not they? Would not it be much

more satisfactory if the whole thing were under one control, under one management?—I do not know whether any difficulty has arisen.

3892 Constantly, I think?—It seems to me, with regard to this local control on the spot, that, speaking in the abstract, the Secretary of State will either give carte blanche to somebody or he will not.

3893 Of course, you say, in your opinion, there ought always to be somebody there who is representing the Secretary of State?—No. What I was going to say was that either the Secretary of State can give carte blanche to somebody, or he cannot; but if he can give carte blanche, I think it should be given to the Governors.

3894 Then exactly you have the same trouble over again. Each Governor is looking after his own State?—But where there is a territorial matter, the matter would have to be brought to the notice of the Secretary of State.

3895 At any rate, you think that is all that is needed?—That is my opinion.

3896 The other question I want to ask you is with regard to the estimate of the native share of Customs. You say here it is estimated that the natives pay indigently £170,000 to £200,000 in Customs revenue?—Yes.

3897 Would you mind telling me how that is arrived at, because the Customs is a pretty big figure, is not it?—Yes; I got those figures by asking the Statistician to the Governors' Conference for them. He gave me the figure of £170,000.

3898 We have had that figure?—Yes, I asked the Commissioner of Customs of Kenya, and unofficially I hope this will be treated as unofficial, he gave me the figure of £200,000, but he admitted that that was a guess. Personally, I should have thought the figure was much higher.

3899 I am convinced it is higher myself, and I think others who have any knowledge of it are also convinced that it is higher. The matter we want to know is on what basis was the figure estimated, because it seems to me quite impossible that the amount should be as small as that?—I agree with you, Sir, I myself would have put the figure very much higher, but I felt that I had to



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[Continued.]

make my case on the figure given me by the Statistician, the lowest figure.

Mr. John Sandeman Allen.

3000. I think my Lord Chairman, you ought to feel somebody during the course of our inquiry to satisfy to point this point, because it is a vital matter, namely, the native population of the Customs revenue in considering these questions. The figure here stated of the native sharing of the Customs is £170,000 to £200,000. The Witness agreed with what came of it or were quite satisfied about, namely, that there is something that needs explaining in this, because the figure must be really a good deal higher, and I hope you will find some Witness from whom we can get the real basis of information. [To the Witness.]

You have the explanation of the last year which those figures are calculated. No, it is an extremely difficult calculation, I expect, to make because when you take the total area of the port, you have the land area of which they are going to be purchased by. The fact about the plan and area the natives, lots of thousands of them, who are all wearing khat, dhoti, and short kurti, and lots and lots of these things that they have to pay duty on, you go through the native Revenue and you see all the trading receipts with Indian shops filled with these all in detail, you see natives looking at their shops, some of them buying sugar, some of them buying tea, they are a very large population, and they have a great deal of detailed merchandise.

Chairman.

3001. Another, in brief, you say that if you put the native contribution to Customs at £170,000 to £200,000, you are under-estimating what the natives actually pay. I should have thought, not without figures, I am not in a position to make an assertion. I would put it this way, that when I was given that figure of £170,000 was very much improved.

Mr. Buxton.

3002. Mr. Maxwell, on page 4, and 4, you deal with the question of native people on various questions. Might you put it broadly that there is what one might call a native opinion, though it may be vague, on quite important

political questions as to their government?—Quite definite.

3003. You speak of the politically-minded element as being small. I suppose it is small in every country, but I suppose you would say that the politically-minded element was growing, would not you?—I think it is growing all the time.

3004. Am I right in saying that from your evidence the politically-minded element is an element deserving an emphasis upon other elements?—Yes, I think that is undoubtedly so.

3005. With regard to what you say about the local papers and so forth, you say it is the politically-minded element that reads the local papers, but as a result of what they read there they spread abroad an impression which goes rather more widely round?—Yes, because they take these papers and read them in the vernacular to a very large crowd of Indians.

Chairman.

3006. Are various papers published?—No, they read the paper, and reported it all in the vernacular to an admiring crowd.

3007. What are the papers which they favour?—There are one or two local papers that can be read.

3008. Now "The Times" Overseas Edition, I suppose, I was thinking more of the local papers. There are various and weekly. There is the "East African Standard," which is the paper which is very widely read. Then there is "The Times" of East Africa, which is a paper issued in Nairobi. The East African Times—the Manchester Times, if I may be permitted to mention it.

Lord Curzon.

3009. There is a native paper, is it not?—There is one in Kikuyu paper. I have not seen any for some time.

Chairman.

3010. Printed at Duggill's—in Kikuyu's.

Mr. Buxton.

3011. You said at the beginning, I think, that the idea of government through a legislative council, either in name or in fact, Parliamentary form, was alien to their ideas?—Quite.

3012. But, on the other hand, you said, did you not, that they complain in

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[Continued.]

certain respects, or some do, that they have not got sufficient representation on the legislative council; they are not thoroughly satisfied with the representation they have on the legislative council?—What they feel is that the whole of their activities are settled in this legislative council in which they have so many distinct voices. They would prefer that their disputes should not be settled there.

3013. You would say, under those circumstances, as that is so, they do claim or desire to have more representation on the legislative council?—Yes, if the present system were continued, they would certainly wish to have far greater and more effective representation upon it.

3014. But would you say that the idea of a strictly separate tribal administration, or native administration, did recommend itself to native opinion generally as a thing that they would like to be introduced in its present form?—I have never discussed it with the natives generally in the Colony. I did not care to make such a proposal to them, but on my informing the native witnesses on board ship, after I had received what they had to say, they were giving me an outline of what I was going to say, and they expressed agreement with it and were enthusiastic about it.

Chairman.

3015. It is a constitutional scheme which might be difficult to understand. I already many British citizens in this country would find it difficult to understand the scheme you have outlined?—Yes, I explained the general effect of it upon them.

Mr. Buxton.

3016. As you have mentioned the native witnesses, could you give us just a little idea, just as much as you care to say, as to how they were selected, upon what principle they were selected, and whether, generally speaking, you believe that they will speak to us quite freely and will be quite independent in their views? May I just add this, have you any reason to think that they might be afraid in any way that they would offend in what they said if they spoke freely?—There are two questions there, Sir. As regards the selection of witnesses, I was not proper that as the Kavirondo, the Kikuyu and the Wakamba are the three most numerous

tribes, the fairest representation for the natives generally would be to take one member from each of these tribes, so the Provincial Commissioners of those areas were asked to consult native councils and opinion generally, and to nominate representatives. As a result, these representatives were so nominated, and as far as my knowledge and belief go, I think they represent the wishes of the people of those tribes. As regards speaking fearlessly, they have been quite definitely told that they are to speak absolutely fearlessly to the Committee, and in exactly what is in their minds, and I do not think they will have any hesitation (I hope not) in speaking out quite fearlessly.

3017. Take, for instance, a question such as forced labour: You do not think they would have any apprehension that if they spoke strongly against the system, which, after all, is an established system, they might in any way suffer for it?—No, I do not think so for a moment.

3018. There is another question, which possibly you may prefer to answer in a Private Session, but I can indicate to you what it is. Sir Edward Geigg gave a dispatch on the native areas, I have it before me. It was dated the 31st March, 1930, stating that certain services were native services, giving the cost of those that they were directly beneficial to the natives, and giving figures which showed that the native areas received back a great deal more than they paid, generally speaking. I want to ask you this question, but I am the pressing you to know it. Sir Edward Geigg told me that it had been approved by you, I asked him the definite question, but I would like to know in what sense it was approved?—What was approved?

3019. The figures given in the dispatch?—I should prefer to answer that question privately, if I may.

Chairman.] The Witness may not like to criticise the Governor under whom he served. He certainly would not like to do it in public.

Witness.] I should prefer that that matter should be brought up in the Private Session.

Chairman.] There are some questions which you might not want to answer even in private.

Mr. Buxton.

3020. I am not quite satisfied about the separate administration proposed. I

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MR. GERALD VERNER MAXWELL.

[Continued.]

make my case on the figure given me by the Statistician, the lowest figure.

Sir John Sandeman Allen.

3900. I think my Lord Chairman, we ought to find somebody during the course of our Inquiry to satisfy us upon this point, because it is a vital matter, namely, the native proportion of the Customs revenue in considering these questions. The figure here stated of the native sharing of the Customs is £170,000 to £200,000. The Witness agreed with what some of us were quite satisfied about, namely, that there is something that needs explaining in this, because the figure must be really a good deal higher, and I hope you will find some Witness from whom we can get the real basis of information. (To the Witness.) You have no explanation of the basis upon which these figures are calculated?—No; it is an extremely difficult calculation, I expect, to make, because when dutiable goods arrive at the port, one has not the least idea, of course, whom they are going to be purchased by. One goes about the place and sees the natives, tens of thousands of them, who are all wearing khaki shirts, and shorts, boots, and hats, and all these things that they have to pay duty on; you go through the native Reserves and you see all the trading centres with Indian shops doing trade there all in dutiable goods, you see natives buying watches, some of them buying motor-cars, buying all the time; they are a very large purchasing power, buying a great deal of dutiable merchandise.

Chairman.

3901. Anyhow, in brief, your view is that if you put the native contribution to Customs at £170,000 to £200,000, you are under-estimating what the natives actually pay?—I should have thought so, but without figures I am not in a position to make an assertion. I would put it this way: that when I was given the figure of £170,000 I was very much surprised.

Mr. Buxton.

3902. Mr. Maxwell, on pages 4 and 5, you deal with the opinions of native people on various questions. Might we put it broadly that there is what one might call a native opinion, though it may be vague, on quite important

political questions as to their government?—Quite definite.

3903. You speak of the politically-minded element as being small. I suppose it is small in every country, but I suppose you would say that the politically-minded element was growing, would not you?—I think it is growing all the time.

3904. Am I right in saying that from your evidence the politically-minded element is an element exercising an influence upon other elements?—Yes, I think that is undoubtedly so.

3905. With regard to what you say about the local papers and so forth, you say it is the politically-minded element that reads the local papers, but as a result of what they read there they spread abroad an impression which goes rather more widely round?—Yes, because they take these papers and read them in the vernacular to a very large crowd of friends.

Chairman.

3906. Are vernacular papers published?

—No; they read the paper, and expound it all in the vernacular to an admiring crowd.

3907. What are the papers which they favour?—There are one or two local papers that can be read.

3908. Not "The Times" Overseas Edition, I suppose?—I was thinking more of the local papers. There are dailies and weeklies. There is the "East African Standard" which is the paper which is very widely read. Then there is "The Times" of East Africa, which is a paper issued in Nairobi. The "East African Times"—the Mombasa "Times," of course, is published at Mombasa.

Lord Charnworth.

3909. There is a native paper, is not there?—There is now a Kikuyu paper. I have not seen one for some time.

Chairman.

3910. Printed in Swahili?—In Kikuyu.

Mr. Buxton.

3911. You said at the beginning, I think, that the idea of government through a legislative council ran on more or less Parliamentary lines, was alien to their ideas?—Quite.

3912. But, on the other hand, you also said, did you not, that they complain in

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[Continued.]

certain respects, or some do, that they have not got sufficient representation on the legislative council; they are not thoroughly satisfied with the representation they have on the legislative council. What they feel is that the whole of their destinies are settled in this legislative council in which they have so inadequate a voice. They would prefer that their destinies should not be settled there.

3913. You would say, under those circumstances, as that is so, they do claim or desire to have more representation on the legislative council?—Yes, if the present system were continued they would certainly wish to have far greater and more effective representation upon it.

3914. But would you say that this idea of an entirely separate tribal administration, or native administration, did compound itself to native opinion generally as a thing that they would like to see extended in the present form?—I have never discussed it with the natives generally in the Colony. I did not care to make such a proposal to them, but on my informing the native witnesses on board ship, after I had received what they told me they were going to say, not till that point did I give them an outline of what I was going to say, and they expressed agreement with it and were enthusiastic about it.

Chairman.

3915. It is a constitutional scheme which might be difficult to understand. I daresay many British citizens in this country would find it difficult to understand the scheme you have outlined?—Yes. I explained the general effect of it upon them.

Mr. Buxton.

3916. As you have mentioned the native witnesses, could you give us just a little idea, just as much as you care to say, as to how they were selected, upon what principle they were selected, and what one may, generally speaking, assume that they will speak to or quite freely, and will be quite independent in their views? May I just add this, have you any reason to think that they might be alien in any way that they would suffer for what they said if they spoke freely?—There are two questions there, Sir. As regards the selection of witnesses, it was felt proper that as the Kavirondo, the Kikuyu and the Wakamba are the three most numerous

tribes, the fairest representation for the natives generally would be to take one member from each of these tribes, so the Provincial Commissioners of those areas were asked to consult native councils and opinion generally, and to nominate representatives. As a result, these representatives were so nominated, and as far as my knowledge and belief go, I think they represent the wishes of the people of those tribes. As regards speaking fearlessly, they have been quite definitely told that they are to speak absolutely fearlessly to the Committee, and to say exactly what is in their minds, and I do not think they will have any hesitation (I hope not) in speaking out quite fearlessly.

3917. Take, for instance, a question such as forced labour: You do not think they would have any apprehension that if they spoke strongly against the system, which, after all, is an established system, they might in any way suffer for it?—No, I do not think so for a moment.

3918. There is another question which possibly you may prefer to answer in a Private Session, but I can indicate to you what it is. Sir Edward Grigg gave a dispatch on the financial question with regard to the native areas. I have it before me. It was dated the 31st March, 1930, stating that certain services were native services, giving the cost of these; that they were directly beneficial to the natives; and giving figures which showed that the native areas received back a great deal more than they paid, generally speaking. I want to ask you this question, but I am not pressing you to answer it. Sir Edward Grigg told me that it had been approved by you. I asked him the definite question, but I would like to know in what sense it was approved?—What was approved?

3919. The figures given in the dispatch?—I should prefer to answer that question privately, if I may.

(Chairman.) The Witness may not like to criticise the Governor under whom he served. He certainly would not like to do it in public.

(Witness.) I should prefer that that matter should be brought up in the Private Session.

(Chairman.) There are some questions which you might not want to answer even in private.

Mr. Buxton.

3920. I am not quite satisfied about the separate administration proposed. I

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[Continued.]

simply want to get my mind clear on the subject. I have always felt certain objections. Is it not the case (I think Lord Dickinson's questions brought it out) that the Governor of the Colony, as you call it, would be really effectively the central government of the country in a great many respects?—I only meant that it would be central, in that it would carry on its Budget of provision for those services, which have to run both throughout the Colony and the native areas. I did not mean to imply that it should have any legislative power over the native areas, that once any law had to be enacted relating to those services it would be then automatically proclaimed, as a matter of course, by the High Commissioner as having effect in the native areas as well. It would be necessary to do so.

3921. My difficulty is this, if I may put it so: there are certain services which, if they are controlled by the central government, affect everybody in the whole area?—Yes.

3922. There is the customs. If the Central Government controls the customs how are you going to ensure that the interests of the native population in respect of customs duties are secured? Just to make my point clear: if the Central Government is to control railway development, the construction of branch lines, how are you to make sure that that railway policy is a policy that is going to be in the interests of the natives? Thirdly, I give it as an example, the question of labour regulations. Supposing they go in for pass laws or registration laws, you cannot have registration laws which are applicable on one side of an imaginary line and not on the other. Are not these things which must inevitably affect the native very closely, and are vital functions of the Central Government?—If I may answer those questions just one by one; as regards customs or railways, it is inconceivable that any Bill would be framed for railways or for customs tariffs until the question had been gone *into* by an Interterritorial Board. I have suggested here on page 9, sub-clause 13: "Native areas to be specifically represented on all Interterritorial Boards or Committees." It is, in my opinion, essential. There is no specific native representation on the railway council which does alter tariff rates.

3923. Did you intend that there should be Interterritorial Boards or Committees

covering the questions of customs and railways, and labour legislation?—Not necessarily Standing Boards, but I imagine that before a Bill, we will say a proposal to alter the customs tariff, were passed, there would have to be consultation between the three territories, and that would presumably take place by means of an *ad hoc* meeting between the representatives.

3924. Would not the representation of the native areas inevitably be in a weak position as compared with the representatives of the Central Government, who were constitutionally supposed to have the final voice?—I do not think so, because any Bill, we will say, altering customs tariffs, if there were a Customs Union, would have to be enacted then by the Government of Uganda, by the Government of Kenya, and by the Government of Tanganyika. If there were something for the railway or customs it would have to be enacted by the two legislative councils, and that as the result of some territorial agreement.

3925. That ~~is~~ as between the two territories?—Yes; but they would have to be separately enacted. If there were a Customs Union and customs tariff, of course, Tanganyika and Uganda are more native governments than anything else.

3926. But do you go so far as to suggest a similar arrangement as between the native and non-native areas in a territory? If you do, of course, that is going a very long way?—No, for the purposes of the customs, the customs law would run throughout.

3927. So their position would be somewhat weak. It is not like the position of Uganda which has got to enact the thing in its own Council for itself?—That is why it is very necessary, as I have stated in sub-clause (4), that "The Governor of Kenya would have powers of Certification and veto in respect of Colonial Legislation in order to safeguard native interests, to prevent unfair racial discrimination, and to ensure the due continuance of essential services."

3928. Do you think that would cover sufficiently such questions as railways and customs?—I think so, particularly if there were specific native representation on the Interterritorial Railway Council.

3929. And you think it would sufficiently cover the question of labour regulation?—I hope so, because if the Governor, who would also be High Commissioner of the native areas, saw that

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[Continued.]

any Colonial enactment contained clauses which were obviously unfair to the native, he would simply veto them and refuse to assent to the ordinance, and I am sure in that he would receive the approval of the Secretary of State.

3930. With regard to the natives of the settled areas, you say they are a floating population, but they are, at any given moment, a pretty large population, are not they? You have the squatters and the people who, for the time being, are working on the whole of the settled areas?—Yes.

3931. Could you give us roughly a figure; would it amount to 200,000 at any given moment?—Including squatters and including the towns, yes, I should think it would amount to that figure, with their families.

3932. It is a very large number?—Yes.

3933. And you would agree, would not you, that they may keep up some attachment to their native area; for the time being they are very closely affected by any legislation in force in the settled areas?—Yes.

3934. The whole of the question of labour regulation?—Yes, of course, every Bill, before coming before the legislative council, is published in the Gazette for information. It would be the duty of the officers of the native areas, particularly the Chief Commissioner, if there were one, to watch these things very closely, and to make immediate representations to the High Commissioner if any Bill contained clauses which he thought were unfair to the natives.

3935. Even to natives living in the settled areas?—Yes.

3936. And do not you think the population of natives living in the settled areas is destined to increase?—Not if the farms are fully developed. You have already had figures showing that of the land that has been alienated, the actual cultivated proportion at present is in the neighbourhood of twelve per cent. To that you have to add a certain amount that is taken up as grazing land. If those farms were developed, of course, there is no room for the squatters and their families and the stock.

3937. Is not there room for native labourers?—A few, but not to that extent. The squatters go mostly to the farms in order to get grazing for their stock. If they could not get that grazing, many of them would simply return to their reserves.

3938. But surely this new development, if they do develop these alienated lands a great deal more, will also take the form of plantation development, and development of one kind or another which needs a very large supply of native labour?—I think it would be to an increasing degree all the time done by mechanical tractors and mechanical processes.

3939. With regard to the holding of land, you said that, since recent arrangements, you thought that possibly natives might be able to acquire individual holding outside the reserves?—Yes, I gathered that to be the policy indicated in the recent White Paper.

3940. Is there anything now in the laws or practices of Kenya to prevent a native obtaining an individual ownership freehold of land outside the reserves?—There is nothing in the law. I have never seen a specific application from a native.

3941. You do not believe it has ever been done?—I do not know of any.

3942. You think it ought to be open to a native to obtain an individual freehold if he likes?—Yes, up to a point. I mean, I think that anybody should have the right to obtain the land on development conditions, but I do not think it should be open where native reserves have been set aside, to allow natives to let land lie derelict in the reserves for the purpose of taking up a lease elsewhere. I do not think that would be economically sound, but apart from any reason of that kind I see no reason why a native should not obtain an individual freehold.

Sir Robert Hamilton.

3943. In fact, no freehold is granted at the present time?—No; it is a long leasehold.

Mr. Burton.

3944. On the same terms as white people can get it?—Yes, which, of course, includes specific development conditions.

3945. Do you think, as a matter of fact, that this taking up of individual holdings is likely to increase on the part of the natives?—I think it is a thing that might very well happen just outside the larger towns.

3946. That would tend to increase the native population living in the settled area?—Yes; only for the purpose of taking up places for market gardening and that sort of thing.

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(Continued.)

3047. Still, whatever the purpose, the population is increased.—Yes.

3048. Then another point. Do not you consider that with the very large native population, and the sources of labour supply being in the native areas, there would be a pretty constant agitation on foot for getting them back again under control?—There might be, but I hope it would not be yielded to.

3049. And if they remained outside under a separate system of government, would not that mean, as effect, keeping them back, keeping them in a backward condition permanently? All the progress and all the growth of town life are existing in the settled areas; all the communications very nearly are there. Would not the other develop into a kind of backwater that would never change?—I do not think so at all. I think you would get quite progressive towns starting with native traders and native people, especially as education advances.

3050. You did say that the native tribal systems, although they could be brought up-to-date, could not be completely modernised?—Of course, one cannot tell what will happen in the course of generations by the process of evolution. It certainly cannot be done rapidly. It has got to be evolution, not revolution.

Mr. Wellock.

3051. Mrs. Maxwell, with regard to the Governors' Conference, is it your idea that by separating the administrations, the Governors' Conference will be more effective than it has been in the past, by being able to concentrate more definitely on native problems?—I think it would.

3052. Is that one of the chief ideas in your mind in making this suggestion?—No; it was not one of the basic ideas, but I think it would have that effect incidentally.

3053. Are the native Councils developed as well as in Kenya as in Tanganyika for example?—I do not know a great deal about the Tanganyika Councils. The local Councils in Kenya have only been going for about five years, but their progress is very remarkable.

3054. You are extending them everywhere?—There are native Councils practically in every district now.

3055. Are you encumbered at the present time by any sort of restrictions upon native cultivation with regard to the

crops and so forth?—Up to the present time natives have not been encouraged to grow coffee. Personally I think it is a thing that will come. In one particular district there are proposals under consideration for growing coffee because of the extreme difficulty that the natives of that district have at present in raising their tax. I am particularly referring to the district of Mera; they are so very far from railroad, and the weather conditions make their road at times completely impassable that a crop like maize is perfectly impossible for them; because by the time it has reached railroad it has been swamped by transport costs, and it is essential to find some less bulky product to enable those people to acquire their wealth and meet their obligations.

3056. The Uganda Cotton Association, in their memorandum, say this: "The native in Kenya is not encouraged to develop in a commercial way; he is undoubtedly discouraged, as is clearly indicated by the action taken in Kavirondo." Is a criticism of that sort valid? I think that cotton production in Kavirondo has always been encouraged to the full.

3057. You would dispute this conclusion?—I should want to know a great deal more about it. It may be that the price of cotton fell so low and the natives got discouraged in producing the cotton. I am not sure that there was not as a matter of fact some arrangement between the ginners themselves to choke down and do all the ginning themselves in the other.

3058. This statement is probably based on a misconception, you think?—It seems to me so.

3059. With regard to any serious clash between your two sides of the administration over the question, say, of the development of the white colonization, how would you be able to adjust that under your proposed scheme? If you had on the one side native Councils and native administration, and you had on the other side a Council that was perhaps strengthened so far as its unofficial members were concerned by virtue of its being separated, would you not have a greater tendency to have more divergent points of view which it would be difficult to reconcile?—That may now, but that is one of the reasons why I consider it is absolutely essential that the one man should hold the two Commissions; that the Governor of Kenya should be High

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(Continued.)

Commissioner for the native areas, and that he should hold the balance. I think that it is essential to the whole thing that the Governor of Kenya must be High Commissioner for native areas, because in the event of any divergence of interest he must hold the balance. I admit it is a very grave responsibility, but somebody must undertake it.

3060. It would really require a very strong man in that position?—It would indeed, but whether he is Governor or High Commissioner, or whether he is even the Secretary of State, somebody ultimately has to take a decision.

3061. With respect to your financial arrangements, as given on page 8, I suppose you would probably agree that the arrangement you make is rather artificial, and that there would have to be a very definite enquiry into the question of finance to know what was a just allocation to be spent on the native areas?—Yes. I have gone into the figures as much as I can, but they are by no means final figures; it is a tentative skeleton budget.

3062. You say "The Government would be the central Government and would receive all Customs and Revenue, and would be responsible." That would mean, of course, that they would have as their disposal the expenditure of that money which came in from the Customs?—Yes, and that is why they have got to take the responsibility for the services which I have enumerated as a set-off against their receiving that revenue.

3063. Most of this money, at least the Customs and the railway rates, would be determined by three governing bodies?—The railway finance is at present quite separated from the Colony's finance; it has its own budget and completely separate finance.

3064. Probably a three-party arrangement would be made in regard to Customs and other services as time went on?—Yes; that would be so of course, just as at present there is the Commissioner of Customs in Kenya, who is also the Commissioner of Customs for Uganda. There is only one Customs service.

3065. Would you suggest that if a separation took place there should be an unofficial majority on the Kenya Council, or would you regard that as being out of your province?—That is rather out of my province. Personally I do not see why there should, because, as a witness expressed it the other day, I do not

think there is any halfway house; you have either got to have Crown Colony Government, really or representative Government. If you once have an unofficial majority you cannot possibly stop going on to the full thing.

Chairman.

3066. There may be different opinions, but that is your opinion?—That is my opinion. I do not think you would ever be able to call a halt; you must go on progressing, and go the whole hog.

Mr. Wellock.

3067. When you referred to the question of not being able to carry out your instructions, had you any other reasons?—I should prefer to give those at a Private Session; that is very delicate, if I may say so.

Lord Lamington.

3068. Following Mr. Wellock's question with regard to paragraph 10 of your *precis*, leaving Tanganyika out of the picture, suppose you carried some such system of separate budget for the native Reserves and for the settled area, would it be possible to have one Native Commissioner for the Kenya Reserves and Uganda as a whole?—I do not think so; the Uganda Government is quite a separate protectorate.

3069. They were not separate at one time; Uganda had a good deal of Kenya?—And certain of the Nyanza Province was at one time in the Uganda Protectorate, but of course the native areas of Kenya go right down to the coast practically; they go within ten miles of the sea. I do not think you could run those as one whole.

3070. You imagine it would be too big an area to be looked after by one person?—Yes. I have never considered that question; I do not know how it would work out with the treaties under which the Uganda Government is bound; but I must admit that I have never examined that question; I have not contemplated that at all.

3071. But your proposal would be quite feasible to carry out, having a separate budget for the Reserve area and for the settled area?—I feel confident myself, my Lord, that it is quite feasible.

3072. Then with regard to education. Have you got any opinion about what systems should be adopted for the education of the natives, whether it is rather

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[Continued.]

matter of *lingua franca*?—The difficulty in making for the time being a *lingua franca* of anything but Swahili lies, in the fact, I think, that you simply have not got the teachers. The native population of Kenya which might be considered to be of school age is probably 500,000. Now in order to take pupils straight from a vernacular to good English you have got to have teachers who know the vernacular and also who know the English language properly and thoroughly and can speak the King's English. Now, for a population of 500,000 natives, if you divide them into classes of 30, you would require somewhere like 16,000 teachers. You clearly have not got them and could not get them in the course of many years, and for many years to come we must use Swahili: it is the adopted language, it is the Bantu language, it is the language of trade and to a great extent of employment, and most natives speak a little Swahili.

Chairman

3973. Is Swahili understood in the Reserves?—You could not go through any native Reserve without finding somebody who could understand you in Swahili.

3974. It is not a dialect in the sense in which we say the lowland Scot is a dialect of English?—No, Swahili is the coast language, the word Swahili means the coast. It is the language that was spoken by the Arab and the Swahili population on the coast.

3975. But it is as different from, let us say, the language spoken by the Kikuyu as English from Portuguese?—No, it is a Bantu language, and there is a great similarity in certain respects.

Lord Dickson.

3976. What percentage speak Swahili, should you say, now?—It is very difficult to estimate, but of the adult males anywhere I should think over 50 per cent speak Swahili of a sort. That is a wild guess, I admit.

Chairman.

3977. Anyhow, to put it briefly you say it is much easier to teach Swahili as a second language than it is English?—Yes, because you can get the people who can teach it, and who already talk it. You get many natives who have no schooling at all, but who speak Swahili. It is not pure Swahili, it is Swahili of a sort, but it is a *lingua franca*.

3978. One is possible and the other is impossible?—Yes.

Lord Lamington.

3979. Is it desirable for the Government here to lay down a general system of what the education should be, or to allow each territory to develop its own lines?—I think the major policy of education should be laid down by Government and then followed out.

3980. On page 2 of your press you say in paragraph 2 "comprising as they do many different and mutually hostile people." Is there much hostility in feeling at the present time? Does it take any violent form, or is it just jealousy?—It is just here and there. For instance, there are always little raids here and there: on the border you will have little raids between the Masai and the Lumbwa. We have recently had very minor things. We used to have the Turkana raiding the Suk and the Suk raiding the Turkana. But they are gradually dying out. The point that I was making was that you cannot talk of the natives of Kenya as a homogeneous body any more than you can talk of the natives of Europe as such.

3981. In paragraph 5 you say "some form of government which is incompatible with a communal system." "Communal" means tribal in that sense, does it not?—Yes, quite; the tribal system.

Lord Phillimore.

3982. Mr. Maxwell, I was going to ask you some questions about language; you have, however, just said that it would be hopeless; you have compared the language question, in Europe to the language question in Africa, and you know we have not got to a European Legislative Council yet. So that when you talk about a central Legislative Council, or you hint at it, in the native areas for all the natives, that must be some way ahead, I suppose?—I think that would be very far ahead.

3983. May we say hundreds of years?—Several generations, I think.

3984. How many different languages are there in Kenya, or groups of languages, so that without the use of a common speech like Swahili, a *lingua franca*, one native can make himself thoroughly understood by another?—I think there are five language groups.

3985. How many of your native officers can speak one of those groups?—We

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[Continued.]

have officers who have passed their examination in Masai, and in Kikuyu; not many I am afraid. The difficulty is the constant changes. It is an old old story. The administrative staff is not quite sufficient to make all the provision for leave and sickness, and therefore to be constant changes, and it is never found possible to keep an officer in the same district as long as we should like to keep him.

3986. I was not asking for the reason so much as for the facts. How many are there who speak a native language?—It would only run to about a dozen.

Mr. Ormsby-Gore.

3987. They all pass in Swahili. You are thinking of a second real vernacular?—I can think of three or four who speak Masai, several who speak Kikuyu. I should say about a dozen.

Lord Phillimore.

3988. A dozen out of how many?—Call it 10 per cent; I certainly should not think it is more.

3989. I suppose you would not speak a vernacular yourself?—No, I am afraid not. The vernacular I speak is from another country.

3990. Or Swahili?—I would not like to sit for the higher proficiency in Swahili, but I can get along all right in Swahili.

3991. Can unofficial members now, on the existing Legislative Council who represent natives speak their language, because we have been told that the natives are not always satisfied with the representation?—The present representative on the Legislative Council is Canon Burns, who lives in Nairobi, and he certainly speaks Swahili very well. I do not know whether he speaks any vernacular; I should doubt it, because his work has lain in the town of Nairobi for many years, but there is an example of the necessity of Swahili. Canon Burns could never have carried out the work he has carried out, and very fine work at that, except by Swahili, because his congregation consisted of natives of every tribe in that country, and it is only through Swahili that Canon Burns could possibly manage what he does.

3992. Is it possible that some of the dissatisfaction expressed at their representation on the Legislative Council is

due to their representative not speaking the vernacular, in other words not getting properly into touch with them?—I do not know that it is a matter of language, because it would be impossible for him to speak a great number of vernaculars. Supposing he was a man who spoke Kikuyu, that would not help him with the other tribes.

3993. It is a reason, but it is possible that it might add to the dissatisfaction?—I think Canon Burns, speaking in Swahili as he does, would be able to converse with all the natives who would be likely to have political views inasmuch as they are the educated natives who would all speak Swahili. I think any natives who would be likely to consult the Legislative Council on general policy would be all natives who spoke Swahili.

Lord Phillimore.] I understand it would not be profitable to ask you on the budget.

Lord Cranworth.

3994. Mr. Maxwell, the area marked red on your map, I think I am right in saying, is 6,697,000 acres?—I am afraid I have not computed it.

3995. That comes out of the Census of 1929; and the total area of Kenya according to the same is 140,000,000. I take it that it is right?—Yes.

3996. Therefore the red area is considerably less than one-twentieth of the whole?—Yes.

3997. Which you suggest should under no circumstances be increased?—Yes.

3998. Do you think it would be fair and just that less than one-twentieth of the whole area should render the necessary financial provision for these things you put down: medical, educational, agricultural and veterinary services. Would that be fair?—If they collect the customs revenue, yes. I have worked it out on the figures and it seems to me to come out quite all right.

3999. That is a very great compliment to the white settlers, is it not?—I hope so.

4000. I think it is tremendous. Now you say the natives are, you think, in favour of your plan?—As I have explained to the Committee, I was very careful to say nothing about this because coming home as I did with natives on the ship.

4001. I do not mean the native witnesses; I meant the natives generally?—I have never proposed it to them.

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[Continued.]

affairs?—That possibly is so, but there is also this difficulty, that if an officer specialises in and learns vernacular and remains with one tribe, it becomes very difficult for him in the matter of promotion later on when he becomes a Provincial Commissioner, and the only possible place in which you could become a Provincial Commissioner is by going to the other end of the Colony.

4034. You say there are five main language groups?—Yes.

4035. Surely there is sufficient promotion, not within the range of small vernaculars, but within the range of areas embraced by those five groups, except people right at the top who are probably in their offices all the time?—Yes. Of course the real remedy, I think, is to increase the administrative staff, and we would have less changes.

4036. Do you agree that the administrative officers are called upon now to do a great deal of work in the way of tax collecting and petty justice, and the like, that might well be left to native organisation, so that your Native Commissioner's staff could really be made more useful for these higher purposes?—I think at present tax collection could only be done by administrative officers. We have occasionally made experiments in having it collected by Native Chiefs; it has not been altogether very successful, but it should be developed later on.

4037. That Kenya is quite peculiar to the rest of tropical areas, is it not?—That is so. Similarly, I think the administration of justice between the natives is better done by officers who understand them and their customs.

4038. Is it not very important in the matter of justice that native law and customs should be within the knowledge of whoever is judging the cases?—Yes, that I think is of vital importance, because otherwise the presiding Judge or Magistrate, if he does not understand native customs, misses the significance of the evidence; though he may understand the actual words or have them interpreted to him, what he misses is the real significance of the evidence.

4039. You agree that the use of interpreters in Courts of Law leads to a great deal of injustice all over the world?—It is bound to; I have seen so much of that.

4040. And the less you rely upon interpreters the better?—Entirely. The only way ever to understand people properly is to be able to speak to them in their own vernacular.

4041. About these newspapers, you still publish the "Habesi," and that is the Government paper?—Yes.

4042. What is its circulation?—I am afraid I could not answer you straight away.

4043. 2,000 or 4,000?—I was going to say that is the figure.

4044. And that circulates through all the language groups, does it, among those natives who have had some Swahili education?—Yes, the natives who have had some school education.

4045. Do you gather that the number of people who are literate in Swahili is increasing in Kenya?—I should think that is so; it must be so, I think as a result of the schools.

4046. Has it been your wish and your policy to extend the use of Swahili?—I myself think that Swahili must be used, for the reasons I have given.

4047. In fact, in that respect you follow the policy both of Tanganyika and Uganda?—Yes.

Chairman.

4048. Mr. Maxwell, there are one or two questions which may be asked you in private, to which you may or may not be able to reply. Perhaps we could do that to-morrow afternoon, after the witnesses we have got for the morning have been heard. You will be able to be here?—I will make a point of being present throughout, my Lord.

Lord Lamington.

4049. As regards Tanganyika, you will not have any difficulty in administration between the two territories, Tanganyika and Kenya as regards the natives, will you?—There have been difficulties, which we are trying to adjust, over the veterinary arrangements on the Masai border. The only other difficulty that arose related to the access of the Masai to certain water, which was across this rather arbitrary boundary, and in that connection I had a meeting with the Secretary of Native Affairs in Tanganyika, and we were met in the usual way.

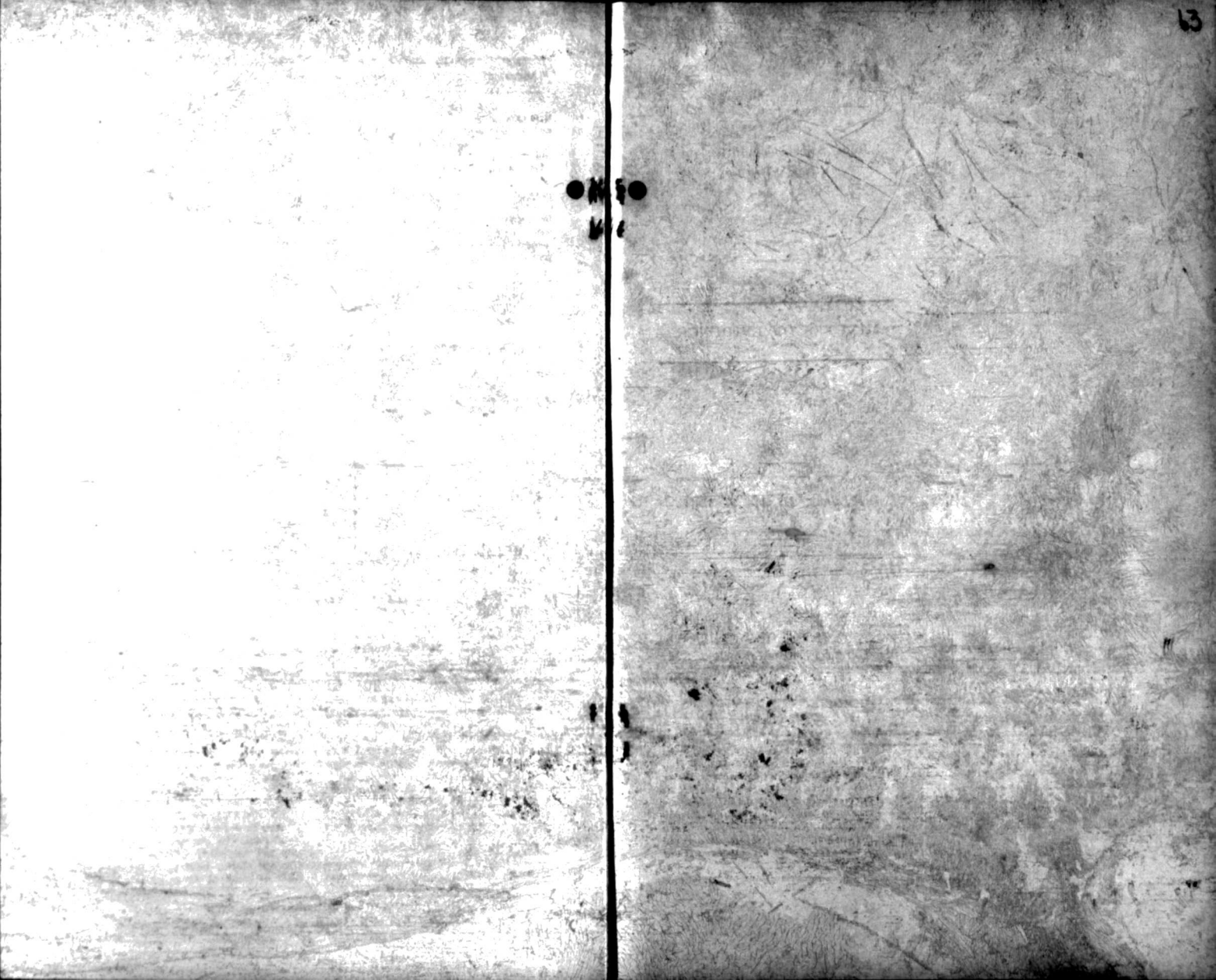
4050. Before the time, on the side of Germany, was there any difficulty there, any administration trouble at all?—I was not in the Colony then, my Lord; I do not know what was happening then.

Chairman.

4051. The meeting, of course, when we hear you again, will be a private meeting. Mr. Maxwell?—I have please, my Lord.

(The witness is directed to withdraw.)

(Ordered: That the Committee be adjourned to to-morrow, 10.30 a.m.)



Joint Select Committee on  
*East Africa.*

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MINUTES OF EVIDENCE.

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*Die Lunae, 27<sup>o</sup> Aprilis, 1931.*  
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Mr. *Gerald Verner Maxwell* PAGE 376

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CONFIDENTIAL

MINUTES OF EVIDENCE

taken before

THE JOINT SELECT COMMITTEE OF THE HOUSE OF LORDS  
AND THE HOUSE OF COMMONS

on

E A S T A F R I C A.

Die Martis, 29<sup>o</sup> Aprilis, 1931.

Present:-

LORD STANLEY OF ALDERLEY  
(LORD SHEFFIELD) (Chairman)  
LORD CRAWFORTH  
LORD EICKLINGS  
LORD LAMINGTON  
LORD LUGARD  
VISCOUNT MERSEY  
LORD PASSFIELD

MR BUXTON  
SIR ROBERT HAMILTON  
DR SHIELS  
MR WELLOCK

MR GERALD VERNER MAXWELL is called in  
and examined as follows:-

CHAIRMAN: Now, Mr Maxwell, I think there were one or two questions which were asked you as to which you expressed a desire not to answer them in public, and possibly there may be one or two that you may feel some hesitation in answering at all. I am not going to ask you any inconvenient questions, but perhaps you would prefer to answer questions rather than make inconvenient statements of your own? A. What I felt was that as an officer still serving under the Government, there were certain things which might be regarded by the public as a criticism of the Government, and that I should therefore feel very unhappy in making those criticisms in public if they appeared to be criticisms. At the same time, I felt that there were facts that the Committee should know. It is so very different making statements to a responsible committee of Parliament so that they end there, and making them to the general public where they may be misinterpreted and misunderstood. I was asked one question as to whether I had agreed to some figures which purported to represent the native share of taxation. I think there is a possibility of misunderstanding there because I had not agreed to those figures, and I still do not agree with them, and I have stated in writing officially my disagreement with them.

Q. Are those the figures of Sir Edward Grigg in which he comes to the conclusion that roughly speaking one-third of the taxation is borne by the natives? A. Yes. It related to that particular Despatch, No. 202, I think.

MR BUNTON: As I asked the question, might I explain it, because what you were speaking of is only part of the matter, Mr Chairman. What you were speaking of is the contribution of the natives to the revenue, which Sir Edward Grigg stated, I think, was one-third. I have not got the exact figure. The Despatch-

was a Despatch of the 31st. March, 1930, and in answer to a question of mine in the House of Commons it was placed in the Library, and it is therefore available to the public. It is a long Despatch of about 15 pages, purporting to shew that the sums expended on services which were of direct benefit for the natives in the Colony, taken all together, amounted to very considerably more than the total native contribution to the revenue?

A. May I explain, my Lord, that of course it is a subject which is open to very much controversy as to what may be regarded as a direct native service, and what may be regarded as a service which yields indirect benefit to the native population. The statement that had been made in the Legislative Council was that every penny of direct taxation drawn from the natives was expended in direct services to the natives in the native reserves. That statement I do submit cannot be upheld for one moment. Then afterwards, figures were taken out and shew that the natives derived certain benefits from taxation, but in my opinion — it is only my opinion — there was a hopeless mix-up of direct and indirect services and as I have already said, it is a matter which is open to a great deal of controversy, and it is very much a matter of opinion. I was unable, myself, to agree with the figures that were got out. What I said was that so far as I was concerned I did not mind what figures were sent to the Secretary of State, provided that the basis of the calculation was fully revealed, because then they could be checked, and it then became also a matter of opinion. I was not in a position to challenge figures, because naturally I was not in a position to say that my opinion was better than anybody else's opinion. I just wanted to make my position clear with regard to that, my Lord; that is all.

CHAIRMAN: Was there any other general statement that you wished to make? A. The points that I should like to make, purely on behalf of the native population, as I have been invited to

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speaking from the native point of view, are these? Looking backwards far as I have been able over the history of things in Kenya, and speaking from my own experience during the last 10 years, I do think that the natives of the Colony have not had a fair deal in the matter of finance. They have been heavily taxed, and by no means an adequate return has been made to them in respect of that taxation. I was asked a question, and in fact the point was made to me yesterday, whether I did not think that my proposal for division was rather unfair, seeing that the European area was only 6,000,000 acres and that the native area was, I forget how much, but very very much larger area. I would suggest that anybody who owns land in that 6,000,000 acres, would probably not be willing to exchange one acre of what he holds in the Highlands for 30 or 50 acres of the land that there is in the Northern Frontier Province or in Parkana. There is no possible comparison in value. It is also the case, from what I can see of the figures, and from my experience of 10 years, that the very large bulk of the expenditure of the taxation derived from both native and other population has been poured into that 6,000,000 acres, to the detriment and deprivation of the remainder. My own suggestion for a division is not that the Europeans should bear the whole cost of defence and those services, but that they should be equitably divided, and the skeleton budget which I have prepared --- which I should like to explain in detail to any member of the Committee who can go into it with me --- I think bears that out. The present method of preparing the budget I think is unsatisfactory. As I explained, one of the functions of the Chief Native Commissioner was to propose expenditure in native reserves, and to control the expenditure when it was voted. For many years past I have never seen a budget in the course of preparation. I do not see it until it is laid on the Table at the Legislative Council, and I get my copy at the same time as anybody else. I have no opportunity

of seeing or ensuring that adequate provision is made for native services, and then, when I protest and say that they are insufficient, I am either told nothing, or else I am told that I am too late. The budget then goes to a Select Committee, which consists mainly of eleven European elected members, and I have not a chance. I should like to make it clear that I am speaking in no way about myself personally; I am merely speaking as the representative of the natives. At present the representation consists of the Chief Native Commissioner on the Legislative Council, and one European who is nominated, but the European nominated member is only one against eleven of this Select Committee, and the Chief Native Commissioner is not there at all. Even if he were there, at that stage he could do nothing, because it is too late. At that stage you can only challenge some particular item of the Estimates, but it is too late to say that the Budget ought to be reconstructed because it makes inadequate provision. I put in my protests, and put them in in writing, again and again, and I am always told "Oh, this is too late". But I have had no opportunity before that.

LORD PASSFIELD: You said that you had sketched out a budget?

A. Yes, I have.

Q. Could that be submitted to the Committee? A. I think the Secretary has got them ready for circulation. It is only a skeleton, a tentative budget, and I should like to have an opportunity of explaining it in detail to your Lordship or to someone at the Colonial Office.

MR BUXTON: May I ask one question arising out of that?

CHAIRMAN: I am not sure whether we had not better go round the table, but if your question arises immediately out of what has been said, perhaps it would be better for you to ask it now.

MR BUXTON: I do not know whether Mr Maxwell has finished that particular point about the finances? A. That is the outline of the point that I wish to make upon the matter of

finance, but the sort of things that I consider are very inadequately provided are the Agricultural and Veterinary Services, particularly the Veterinary Services. Practically nothing has been done for native animal husbandry, although there are six or seven million head of native cattle and countless sheep and goats. Up to about a year ago, when they have now started an institution for training in animal husbandry, practically nothing has been done for teaching the natives animal husbandry, although it is one of the most important things in the country. There are estimated to be between six million and seven million head of cattle in the native reserves, and there are countless sheep and goats, and I consider that there has never been sufficient provision for that.

LORD DICKINSON: There is £172,000 put down as provision for that on your list? A. For what?

Q In your Budget here the total amount estimated for Veterinary Research is £172,000. A. That is the present total vote of the Agricultural and Veterinary Department.

Q What are you complaining of in regard to that? A. Most of that is spent in the white areas.

Q That is the point, is it? A. Yes. Very little of that is spent in the native areas.

Q Your Paper does not shew us what is spent in the native areas?

A. The first column in the tentative budget shews the actual total expenditure throughout the Colony on those particular services to-day. Against that I shew in the next column what I consider might be the native share to be regarded as against their contribution to the Customs, and in the last column I shew what would be carried on a separate native budget if that system were adopted. The present Agricultural and Veterinary vote is £172,000, but very little of it is spent in the native areas.

Q You do not shew us that figure, of course? A. No.

LORD PASSFIELD: You shew £45,000? A. That is what I should propose. Of the figures which were got out the other day, I could only agree that upon present services the figure of Agricultural and Veterinary Services which could be regarded as of direct service to the natives is not more than £31,000 out of the £172,000.

LORD DICKINSON: You propose £45,000? A. Yes, because I should like to expand it.

LORD CRANWORTH: How many cattle do you say there are? A. There are between six million and seven million; that is the estimate of the Veterinary Officers. It has been shewn for years in agricultural censuses as being something over three million, but I have always challenged that figure. I got the Veterinary Officers to give it to us the other day on the results of the Stock Censuses where they have made them. It is probably not generally realised that the Kavirondo have more cattle than the Masai, and better cattle, but not in such large herds. Whereas an individual Masai might have 2,000 head, a Kavirondo family has a very much smaller number, but they are far more distributed.

LORD LAMINGTON: The poor condition of the native reserves is largely due, is it not, to the fact that the trees have been cut down? A. Yes, in some areas.

Almost entirely, is it not? A. Yes, in some areas that is so, but it is mainly due to over-stocking. The Masai Reserves have certainly been terribly denuded of timber. Within reach of the railway line it was all cut down by the Railway.

Q. There was an almost wholesale destruction of all arboreal vegetation? A. Yes, in the Masai Reserve and certain parts of the Akamba country, along the Railway line between Mombasa and Nairnbi. Up to a little while ago the Railway there depended entirely upon wood fuel, and they simply cut down anything that they could find within any sort of reach of the

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 railway line. That has been stopped. What was unfortunate about that was this, that where they used to ask permission to cut, and it was sometimes given, one of the conditions was that they should not cut timber within a certain distance of any flowing river or stream; but when they sent Indian contractors out to cut it, the first thing that they did was to strip the banks of the rivers and streams, with the result that the stream dried up.

- Q And the cattle eat the small trees? A. Yes, goats are particularly destructive, of course. In the old days there were ordinary means which kept the cattle down; there was a great deal of disease, and of course raiding to a great extent kept them down; but now that that has been stopped, if you do have inoculations and veterinary services in some of these native reserves where they cannot expand indefinitely, you only cure cattle disease in order that the cattle may eventually die of starvation.

JOHN CRANWORTH: The Maasai do not sell their cattle? A. That is right. They will not dispose of their surplus stock.

Therefore there is a great danger that however rich the country may be it must eventually get full up? A. Yes, that is why we have had to contemplate very definite arrangements for compulsory culling in some of the native reserves.

- Q That was objected to this morning? A. That cannot take place until we get out meat factory, because one must provide a market. I can give the Committee a good deal of information in regard to what was said this morning by the native witnesses about land, but possibly the Committee would wish that I should give that information to the Secretary of State, because it is a parochial matter.

IRMAN: These are matters which are not for this Committee, but really matters for the Secretary of State to deal with in detail. I think we could not possibly enter into a great many of their



complaints. A. I thought not, and perhaps I might explain that when I was coming home with these people on board ship they put all these matters to me, and my advice to them was that these were not matters for the Joint Committee, and therefore I put them in writing in a separate memorandum for the Secretary of State and handed it on to the Colonial Office on arrival. They can talk about what they understand, but they cannot discuss at large subjects which are rather foreign to their mentality? A. Yes, quite so.

MR BUXTON: I abstained from putting this question owing to your intervention, Mr Chairman, but it arose upon an earlier point. You said, Mr Maxwell, that the matter was very doubtful and controversial, as to what was a native service and what was not? A. Yes.

Q But under the main heading, the heading of administration in Sir Edward Grigg's Despatch in paragraph 12 he says that this was based upon an agreed classification of the establishment of provincial and district officers divided between native and non-native services, province by province, and an agreed classification was arrived at shewing that part which was to be regarded as native services. Now what I wanted to ask was by whom it was agreed. I should naturally assume that it was agreed by you. I do not say that I was told that, but I naturally assumed that. Now by whom was it agreed, if not by you?

A. If I might explain, I think that part was agreed. The question arose as to how we should divide the cost of native administration. There are a number of purely native districts, and there are a number of purely European districts, and there are a few mixed districts. We went into a list shewing the number of provincial and assistant District Commissioners who are doing purely native work, and those who are doing European work, and we have to make provision for those who are on leave, and we worked it out on that proportion, so that that part of

it is fairly nearly agreed, I think. But there were certain additions made to which I did not agree, because they did not represent actual expenditure. For instance, an addition was made to every salary for the purposes of that computation, of 45 per cent to represent partly the pension commitments, partly the cost of passages on leave, partly leave pay, or something of the kind, and partly housing. But if you are making an account as against cash paid, I maintain that you should only include items that are paid in cash. Now there is no pension fund being set aside, there is no cash being paid out for those pensions at the present time. The houses are there, and the people live in them, and that it is 15 per cent that the Government is paying, because it is a capital expenditure. We had on one occasion a figure of £1,000,000 every year for the purpose of housing. That figure is in the Budget. I do not agree.

Q: But the expenditure is not...  
 A: I do not agree.

Q: In the second column... it shows the amount which may be regarded as the native contribution. Do you mean that that is what you think they are now paying towards each of these items? A: On the assumption that the natives are paying £170,000 a year in Customs duty, I cannot allocate it in that way, possibly, that so much may be regarded as their share towards those particular general services, but as apart from that, the native Budget itself should be based firstly upon the direct native taxation, and secondly upon other revenue which would be received within those geographical areas. That would be a direct budget.

Q: That would be paid out of the direct tax? A: Yes, that would

be paid out of the direct taxation and the other revenue which would accrue. For instance, if you had a geographical division, naturally the native areas would receive such revenue as for example the fees and fines of their own Courts, certain trading licenses, and revenues of that kind, which is estimated altogether at about £35,000.

Q The total of your two figures comes out to £791,000? A. Yes.

Q The other figure will come out to about £805,000? A. Yes, I am trying to shew that we could very well budget for a surplus, but I have made no provision in this for the item of "Public works, Extraordinary", which always depends upon whether you have any surplus balance available or not.

VISCOUNT MURSEY: May I ask you one question upon the Budget? In preparing your Budget, did you take the total amount which would be allocated to each service, and then set aside for the native part of that service the amount that you thought was a proper amount for that, and then merely give the balance to the white population, or did you consider the needs of the white population in the same manner that you considered the needs of the native population, and then make a proportionate division? Do you follow what I mean? A. What I did was this: In going through the heads of the estimates, taking them one by one, I considered whether they were services which were of the general character which would serve all communities, or whether they were services for which separate provision would have to be made in the native Budget, and where I came to such a service as "Audit" I assumed that the Audit Department would audit the accounts of the Colony, and also, as I may so call it, the accounts of the Protectorate as well, and I simply put them down for half, dividing it between the two.

Q I was thinking particularly of the Veterinary item. Do you start by saying "Now the natives ought to have £45,000", or whatever it is, and then that the white settlers should have the

balance, or did you say: "The native need is so much, and the need of the white population is so much", and so get your result? A. With regard to that I said what I thought would represent the native needs, and we should have to provide that upon our Budget, but whether the people could provide the balance on their Budget would depend upon what funds they had available.

Q. You really looked at it rather from the native angle, quite properly, no doubt, and you said that the other portion of the community would get what was left? A. Yes, because on the calculations that were made as to how the services are at present distributed, my calculations made the cost of the actual services to the natives at present about £71,000, but I feel that particularly in the line of animal husbandry that should be extended, and that is why I put down the total figure of £245,000, including a contribution towards veterinary research and agricultural research.

LORD PASSFIELD: It comes to this, does it not, that the last two columns represent, not what is actually being spent? A. No.

Q. But the amount which you thought could be afforded for the natives out of the native contribution? A. Yes.

Q. It has no relation to actual needs? A. Yes.

Q. You do not say that £245,000 is all that is needed? A. No.

Q. But it is as much as you thought could be afforded? A. Yes, as much as I thought could be afforded at the present time. If money were available, I should like to extend those things. If I might I should like to explain something, apropos of that, which arises out of something which was said by the Natives this morning. They complain of what they call the taxation of women. What they mean by that is this, that the tax which is at present collected is, as your Lordship knows, a Hut and Poll Tax. It is based upon the number of huts, and very often huts are occupied by old widows, and that is what they refer to as

be very pleased that he has not got to pay more than £1, as he would otherwise have to pay.

- Q Would not that encourage him to have more wives, if he had not got to pay extra tax? A. I do not think it would operate in that way. I have heard that suggestion, of course.

LORD CRANWORTH: Would it be more difficult to collect? A. Oh, it would be far easier to collect. The difficulty of collection would disappear. There would be no necessity for all this hut counting, and instead of the administrative officers having to go out to collect the tax, if you had a male poll tax of £1 you could perfectly well insist that the man could walk to the Boma at least once in the year to pay the tax at the District Headquarters, or at some headquarters.

- Q The natives are not all known by name, are they? A. We have the Registry System, and I think we could compile a perfectly good register of them all; and I think we could employ our hut counting staff in compiling the Registers instead of going about counting the huts.

MR SHIELDS: In regard to the veterinary services, I suppose you are aware that the importance of what you say has been engaging the attention of the Kenya Government and the Home Government?

A. Yes.

- Q And Mr Stockdale has been going into the matter, and there is likely to be an increase in the veterinary establishment?

A. I hope so, yes.

- Q Do you consider that a meat factory is an essential element in cutting these stocks down? A. I think it is, because it is so difficult to say to a man "You have got to get rid of that beast", if there is no market for it.

- Q Do you think that even if the factory were there, the people could be persuaded to part with the beasts? A. I think in their own interests you have got to gather force if upon them, because there seems to be no alternative. At the same time, of

course they will have to come down to world values, and not fancy values for stock. I do feel that we have got to have some compulsory culling, because the natives will always go on collecting stock, and they will not reduce it at all. The paradise of an African is to own as many stock as is possible, and watch them graze. Africa is not big enough to hold the stock that the native would like to keep, and the difficulty at present is that certain reserves are becoming so destroyed by over-grazing that the grass is being eaten right out, and the roots are being torn out, and so you get more trouble from erosion. The result of that is that people have either got to starve or migrate, but there is nowhere for them to migrate to, and if they have to remain in that reserve, not only will the cattle die of starvation, but eventually the people would have to die as well. Therefore I feel that ~~was~~ a Government have got to take the situation firmly in hand in the interests of the people.

Q Now with regard to an earlier statement about the status of your own office, do you consider that the status and the powers as they were before the change was made which you have referred to were sufficient to give you power to look after the interests of the natives as you thought desirable? A. It was far better than it is at present.

Q But was it sufficient? A. It was not sufficient in this way, that, frankly --- I must now speak very frankly ---

Q Yea. A. --- I had no means of always getting the native point of view put to the Secretary of State, and I still have not. Again and again I feel that there are things that ought to be brought to the notice of the Secretary of State, and they are not brought to his notice, and I feel very helpless at times. I have on occasions managed to get that done. The Colonial Office will remember that <sup>the first battle</sup> I had to get something referred to the Secretary of State was with regard to the matter of

rents in native reserves. Up to the time when I arrived in Kenya, all rents for land in the native reserves, which was land entirely owned by the natives, were being treated as part of the ordinary revenue of the Colony, which was an unheard-of thing. I had a great deal of trouble, and in fact I battled over that locally for three years. I managed at last to get Sir Robert Coryndon to consent to transmit to the Secretary of State a memorandum I wrote on the subject, and the immediate result of that was that the rents were then paid into the native funds, as they ought to have been all the time; but it was only by getting to the Secretary of State that I got that done. The same thing applied to the Nandi land, that 100 square miles that was taken.

- Q What I am anxious to get at is the point where your status and position was insufficient to enable you to act in the interests of the natives as you wished to do. Do you say that you had not the right of direct access to the Governor? A. To the Governor, yes.
- Q Yes. A. But when I could not get any further with him, I could not get matters brought to the notice of the Secretary of State.
- Q Had you not the right to send a memorandum and ask that it should be forwarded? A. I have often asked that things should be referred to the Secretary of State which have not been referred. My only remedy then would lie in a personal petition, like any other British subject can petition the Secretary of State or the King, but that is a very unpleasant thing for an officer to do.
- Q What I mean is this: You say that in addition to the powers which you had, you should have the right to ask that any representation which you make regarding the affairs under your control should be transmitted by the Governor to the Secretary of State? A. Yes. I think it would be in the interests of the natives if, where the Chief Native Commissioner or officer holding that

appointment feels that the native case has not received adequate remedy, shall I say, he should have the right to have his memorandum submitted to the Secretary of State, through the Governor of course, and with the Governor's comments. I think that is necessary. I am sorry to say that my experience in Kenya convinces me that that is a very necessary protection.

Q The reason why I am asking you these questions is this: You have put up a scheme for separation of the European and native Budgets? A. Yes.

Q What I am trying to get at is this: As an alternative to that scheme, would it be possible to equip the Chief Native Commissioner and give him such powers as would be a protection to the native interests, which would achieve perhaps in another way the object of your scheme? A. I think it is very necessary

that there should be an officer who should have control of all services in the native areas, and complete control, because if you refer to what Chief Koinange said this morning, the Com-

missioner may remember that he said 'We very seldom see a Governor, and I never see a High Commissioner'. Of course, Governors occasionally go round into the reserves, but their attention is so much taken up by other claims that possibly they find it difficult to find time. The Colonial Secretary, while

in the Colony, never sees the native reserves; he is far too busy and harassed a man for that. The moment he becomes Governor, he goes out to see the native reserves, which he has never seen, but has often heard of. As Colonial Secretary he can never get out to the reserves. What you want is an officer who ought to be out in the reserves, travelling around the native reserves for 200 days in the year, and seeing to everything personally and keeping in touch with the Governor.

Q I am more concerned at the moment with the financial side, and considering the power of the Native Commissioner as head of the native services in regard to the matter of the provision of



services, and so on. Supposing that you had a Chief Native Commissioner with a good deal of power of that kind, and with direct access to the Governor, would you consider it desirable that he should not be under the Colonial Secretary? A. I think the Colonial Secretary simply has not time to deal with native matters.

Q It is not so much a question of having time to deal with them, but if you are under the Colonial Secretary you have to forward instructions to the Governor through him? A. Through the Colonial Secretary.

Q And he has to make his comments on them to the Governors?  
A. Yes.

Q I am asking if you visualise the position of having direct access to the Governor without going through the Colonial Secretary? A. Yes. The proposal that I make is that the Colonial Secretary, under the scheme that I propose, would be simply the Colonial Secretary of the Colony.

Q I am not talking about your Scheme. I am trying to think of the present system, with the position of the Chief Native Commissioner strengthened, as an alternative to your scheme?

A. I do not think it would be much use unless you had a separate budget.

LORD LUGARD: May I suggest to you that what you are describing is exactly the system that obtains in Nigeria as I left it, where the two Lieutenant-Governors have direct access to the Governor, and direct responsibility for their separate budgets? A. They prepare separate budgets?

Q The Budget is incorporated later? A. Yes.

DR SHIELDS: The position is somewhat different, in the sense that in Nigeria you have a homogeneous area, where you are really manufacturing to the needs of a purely black population, whereas the difficulty in Kenya is that you have two rival interests, or at least what have been described as rival interests, and you as

Chief Native Commissioner, are supposed to be the guardian over one set of people, and yet you have not the power to put their case, or to influence the financial provision which is made for them? A. Yes.

Q. I am trying to find out whether your position could be so devised as to meet, to some extent, the criticisms which you make of the present system. Supposing that you had these powers, would there not be difficulty from the point of view of Government in your relations to the Colonial Secretary? It certainly would not be so convenient, would it? A. It would not be so convenient. I am firmly of the opinion that the only remedy for the present situation is something along the lines that I have suggested. If you do not have a separate native affairs budget, and if you have various services to provide for and there are savings at the end of the year, they lapse back into the common pool, whereas they ought to lapse back to native funds.

LORD PASSFIELD: You could have a separate budget in the sense that you have drawn it up and in some analagous sense, without placing all the expenditure on that budget under the control of the Chief Native Commissioner. I mean, there is a very great difference. For instance, take the medical services. You are allotting in your budget a certain proportion of the total in the reserves of the natives? A. Yes.

Q. But you do not want to take the administration of the Medical Department and divide that in particular? A. No; I only want the Chief Native Commissioner to have the right to see that that money is being properly spent, and to have the right to see that proper accounts are kept.

Q. But you do not want him to give orders as to the expenditure? A. No; just to have the general control, in the same way as the Colonial Secretary has the general control to-day.

Q. I do not mind about that, but the word "control" is a little difficult. assuming that a thing is set out in black and white,

and accounts are kept in that way, and the auditor has to take them in that way, it seems to me that your object would be achieved so far, without any alteration in the control of the expenditure? A. Providing that the Chief Native Commissioner is entitled to call for statements and accounts from the Medical Department.

Oh yes. A. If I might explain, at the present moment I have been trying very hard to get figures from the Medical Department, but the Medical Department cannot tell me the cost of any hospital or any other institution in the Colony. They merely say that they do not know.

Q Then they know that they are afraid they cannot give you figures of any hospital or any other institution in the Colony? A. Yes, they are afraid of the consequences of the Government. I have asked them to show me how they can give me the figures. I have asked the Medical Service for the natives, and they have given me everything. They charged me 300 Nairobi. Figures of that kind are absolutely of no use ever.

MR SHIELDS: Do you think that if you were nominally under the control of the Colonial Secretary, and yet had the right to be consulted in the preparation of the budget, and also had the right to be present at meetings of the Select Committee, it would considerably strengthen your power to do things for the natives?

A. My experience of that under the old system was that as Chief Native Commissioner I had the Provincial Commissioners who were in the native areas entirely under my orders, but I found as a matter of practice that if a Provincial Commissioner did not like the order that I had given him, he would go and try to play

the Colonial Secretary against me, and it made a dual control which was quite impossible.

- Q Is it the case that there are many districts now where the District Commissioners and Provincial Commissioners have both European and native areas? Has that been increased? A. No. There are one or two, but I think they could be easily separated.
- Q Do you think it is desirable for them to be separated? There are not many of them? A. No, very few. Kiambu have practically been separated. With regard to Kericho, where you have practically native reserves, I think out of the administrative staff you could easily allot one officer to the white section.
- Q You think that it could be delimited? A. Yes, I think so, without any difficulty.
- Q Do you agree that without adopting your scheme a good deal could be done under the present system to remedy the difficulty of which you speak? A. I think so, provided that definite allotments could be made and could not be played with.

WELLOCK: You said yesterday that you had been rather pent up in Nairobi, and you said that you would rather speak about it in private session? A. My difficulty is that the staff of the Native Affairs Department is practically a skeleton staff; I have only two secretaries and a few typists to try and do the whole native administration of the Colony; and all the secretarial work that used to be under the Secretariat, that is to say the despatch work and all that sort of thing, which was done in the Secretariat before this reorganisation, has all been unloaded on to my department; but they have kept the staff, and it means that we are so much overworked that I have to do a great deal of work which would normally be done by a junior secretary, and the result is that between that and the interminable committees and meetings, I simply cannot get away, and native administration suffers. I am not in touch with the native areas, as I explained yesterday. I have never been to Turkana, and there are

certain districts that I have not been to for three or four years. I think that the Chief Native Commissioner should visit every district at least once every year and keep in touch with things.

- Q Who is responsible for that arrangement? A. The reorganisation is simply an official instruction whereby the Chief Native Commissioner is no longer an executive officer. I cannot give any orders now to anybody, and the only orders come from the Colonial Secretary, and the Chief Native Secretary has completely lost his personality. If I send an instruction to an administrative officer I have to sign it "For the Colonial Secretary", as if I were an office boy.
- Q Did you put all these matters before Sir Samuel Wilson when he visited East Africa? A. I was not in the Colony at that time.
- Q Did your Deputy do that? A. From what I know and from what my Deputy informs me, he was not consulted.
- Q Really? A. The man who was acting for me has now retired from the service and is on leave, but I think he is available.
- Q I notice that Sir Samuel Wilson said "I missed an opportunity of discussing the question of native policy with the Chief Native Commissioner and various bodies that I interviewed while I was in East Africa". That seems to be rather strange? A. I personally was out of the Colony, but I saw a report of that evidence in "East Africa", and I shewed it to Mr Dobbs, who used to come into my office, and who was then Commissioner, and he seemed surprised, because he said that he had not been consulted on those matters. I have no personal knowledge of that, because I was not in the Colony.

SIR ROBERT HAMILTON: There is one question that I should like to put to you, and I raised it the other day. Do you think that the continued alienation of land is having any effect upon the native interests at the present time? A. Do you mean alien-

SIR ROBERT HAMILTON: That is part of your proposal, is it not?

A. Yes.

Q. That that should all be excluded from the non-native area?

A. Yes, because after all, of the present land which has been given out, we know that only about 12 per cent is under cultivation. A certain amount more is used as grazing, but I do not suppose that on the most generous estimate 50 per cent is being developed. Surely that land must be developed before you can ask for any more.

LORD LUGARD: Might I ask a question apropos of what Sir Robert Hamilton has just been dealing with? Are there not three classes? There are the native reserves? A. Yes.

Q. Then there are other lands which you call native lands, which are not in the native reserves? A. They are not called native reserves. There is land which has been definitely either alienated, or definitely set apart for the purpose of alienation. There is land which has been specifically declared to be native reserves, and there is also here and there a certain amount of Crown land of which the disposal has not yet been decided upon. There are three classes, as you say.

Q. Do you call those native lands or not? A. Those are lands which I should propose under my scheme to include in the native area. I do not call them native lands at present.

Q. You call them Crown lands? A. Yes.

LORD CRANWORTH: That last area which you were talking about is in fact an enormous one, is it not? I do not say that it is suitable for anything in particular, but there is a vast area which is neither in the native reserves nor yet alienated to the Europeans, or anything else? A. Yes, and it is fairly large.

CHAIRMAN: Do you mean the Turkana and the Northern Provinces?

A. Yes.

LORD CRANWORTH: I was thinking especially of that bit that you

pointed out on the right of the line going right down to the Tana. A. Yes. <sup>Q.</sup> That is very little known, but it is an enormous area. We do not know yet what its value is? A. That is right.

SIR ROBERT HAMILTON: The essence of your proposal is to regard the whole of that land from the native point of view as either definite native reserve or possibly available, in contradistinction to the land which is either already alienated or surveyed ready for alienation? A. Yes, quite so; that is exactly right.

LORD LUGARD: You said a little while ago that the natives had nowhere to migrate to. If there are these vacant Crown lands, are not they available for them to migrate to? A. They are not available, because they do not belong to the natives, and in many cases, as regards the Akamba, the land contiguous to their reserves, to which they might migrate, is probably waterless country, which they could not occupy.

R. BUXTON: Is that the Yatta Plain? A. No; they are at present allowed to occupy them, and it is said that this was Wakamba country.

SIR ROBERT HAMILTON: It was where the Wakamba used to graze their herds, and then it was taken away from the Wakamba, and the land was taken away from them, and now they are only allowed there at the rate of 5s. per head of cattle? A. You know so much more about this than I do, because you were there before I was.

LORD CRANWORTH: I used to go to the Yatta Plain 20 years ago, and there was no cattle there at all.

SIR ROBERT HAMILTON: They were there regularly, at different seasons? A. It was seasonal grazing.

LORD CRANWORTH: Your suggestion is to put a ringfence round all the land that has already been alienated to the white people, and to treat that as a separate unit. I rather wondered why you had not taken the opposite view, that is to say, to take all the

native reserves which are now definitely alienated, and definitely demarcated, and why you had not taken the opposite course of putting a ring fence round them with what additions you thought desirable, and why you had not said that they should be under the Chief Commissioner and that the rest of the land should be under the Governor? A. Because I think that the native Government has got to be charged with the making of provision for the necessary expenses which obviously must arise if there is an increase of the population.

Q I said that there should be safeguards on that point? A. Yes. I think that all the land which has not been either alienated or surveyed for alienation must inevitably in the future be required for surplus native population. If we extend our agricultural services and everything else, we have to look forward to a very large increase of the native population, I think.

Q Quite so, but it does not seem to me to be logical. I dare say from your point of view it is. Now the only other question is this: I understand you to say that the Government Despatch of March, 1930, gave certain figures with regard to the expenditure in native reserves, including medical, 255,775, which were incorrect and wrong? A. I could not agree to the medical figures as given. They included all sorts of things which I thought were not direct services to the natives.

Q Those are the figures that we have got, but you say that they are not right? A. I have not got that particular lot of figures before me.

Q They were handed to me, I do not know by whom, but I have them here, and they say "The above is an extract from His Excellency the Governor's Despatch dated March, 1930".? A. The actual figure which was given to me by the Department was very much greater than that, because in my skeleton budget I think I have put down 2110,000!

Q The whole comes to 2380,000, but I was not quite clear as to



whether you disputed the Despatch? A. There was a good deal of controversy upon various items. For instance, the main trunk road from Nairobi to Moshi was put down as a native service, because it happened to pass through the Masai Reserve, but the people there do not use it, and it is an ordinary trunk road. There were various things of that nature that I had to query.

Q I was just thinking that if there was a dispute about the Governor's Despatch, one ought to have an opportunity of questioning about the Despatch, perhaps.

Q ORD: How far has the survey into farms still going on? A. No, I think the survey of farms has been very greatly cut down of recent years. I put down in my skeleton budget was to take the live reserves from the others, to do something about it.

Q A large area which has been surveyed into farms and has yet been sold? A. There are a good many farms surveyed for alienation and have not been taken, but that is probably because it was really not very profitable. Possibly there were difficulties about water in some

WICKINSON: There is only one question I want to put to you with regard to your skeleton budget, and that is with regard to Education. The total expenditure is £204,000 upon Education, and out of that is allocated £120,000 for native purposes. Does that proportion in your opinion represent a just proportion, that is to say, £120,000 for native education and about £80,000 for white education? A. Those are figures that I got from the Director of Education. The actual vote of that year for Arab and African Education I think is something like £93,000, but in addition to that there are Headquarters Expenses in the way of the Director of Education himself, the Inspectorate, and travelling expenses and various things, and the figure that the Director of Education gave me as what he considered to be the

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present cost of native education was that figure, and so I took it as he said.

Q From your knowledge of the conditions, do you think that that is enough to spend upon the native education? They complain very much that there is not enough education? A. No, I should like to see that tremendously extended, as well <sup>as</sup> that the medical services should be extended, but to extend them very much would cost more money than I could see available. But as the revenue increased I should like to expand both the education and the medical services. It is all a matter of money.

Q I suppose the education of the white population is sufficiently good, is it? A. That is at present very expensive.

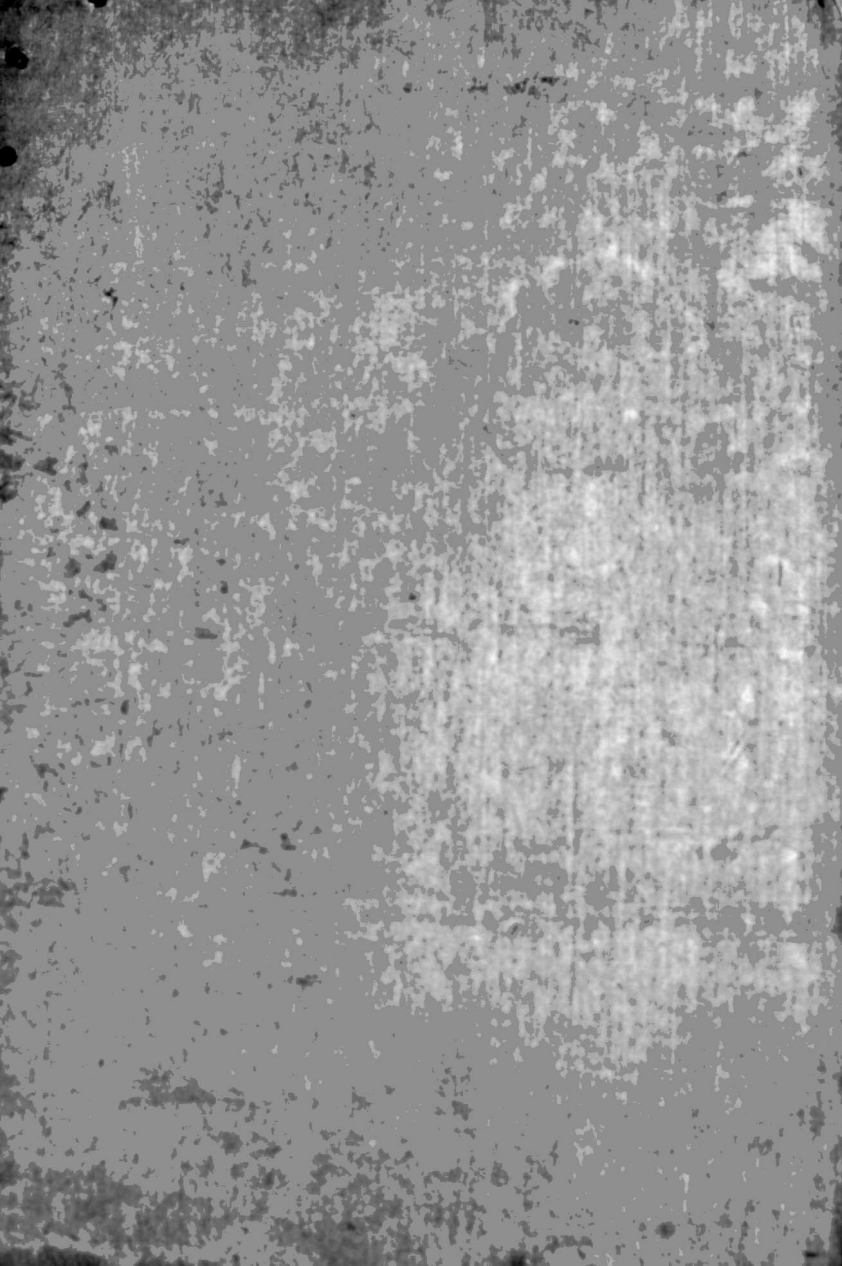
CHAIRMAN: I do not know that there are any further questions that I have to ask you. Lord Cranworth raised the question of whether, in view of the question upon Sir Edward Grigg's Despatch, we ought to call Sir Edward Grigg. I should rather like to consider that matter at a future meeting, because if we are going to recall all the witnesses whose evidence is being questioned, I do not know when our work will be finished.

LORD CRANWORTH: I only thought that if a Despatch was really logically queried upon an important point, it might be desirable to have Sir Edward Grigg back; but of course I agree that there must be a limit to the time.

MR. BUXTON: May I say a word about that, because I think it was I who raised the subject of the despatch. Sir Edward Grigg did tell us a good deal about it, but all that he said as to the expenditure in the Northern Frontier Province and the Turukana Province was arising directly out of the figures which I put to him in this Despatch. I did not of course put them all to him, because there is a lot of them, and I did not do so because I did not feel justified in taking up the time. I was quite ready to put the others to him also, but as regards those services he was definitely dealing with this Despatch.

A. Might I make one further explanation. I hope that your Lordship and the Committee will understand that in anything I have said about the post of Chief Native Commissioner I am not considering it for one moment from my personal point of view with regard to the effect of anything upon me. I am only considering the effect upon the ability of the officer, whoever he may be, who holds that post, to discharge his duty to the natives. I am only considering the native aspect, and not my own for one moment. I should like to make that clear.

CHAIRMAN: I think the Commission is understood to be a joint one which you have proposed chiefly matters to the Parliament. Under the Bill, it is all a matter that has to be done in 2 years. The Bill is to demarcate the outline of the land. Is there any land which has not yet been demarcated which have been reserved for the Government? But I think of the land. LORD ...



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at book office*

JOINT COMMITTEE ON CLOSER UNION IN EAST AFRICA.

PRECIS OF EVIDENCE TO BE TENDERED BY THE  
CHIEF NATIVE COMMISSIONER OF KENYA.

PRELIMINARY.

In submitting this precis of the evidence which I should like to tender to the Joint Committee I beg leave to make two prefatory observations. The first is that I am confident that the Committee will realise that, as a serving Officer of Government, I am placed in a delicate situation in endeavouring to represent the native point of view, for I must state what I believe to be the native feeling on certain aspects of the matter whether or not it accords with the policy of Government. The second is that any opinions which I may express in what I personally believe to be the best interest of the native population of Kenya must be taken as my personal views only, and not in any way as binding the Government of Kenya.

GENERAL.

2. In the present stage of political development among the native tribes of Kenya it would be futile to invite a considered expression of opinion even from such comparatively advanced bodies as Local Native Councils or Native Political Associations on such a complicated question of major policy as Closer Union. With the exception of tribes living on the actual borders, few natives of Kenya have even visited Uganda or Tanganyika otherwise than as servants or labourers in peace time, or as native troops or carriers during the War. Even the most enlightened of them have but a vague conception of the machinery of their own Colonial Government and cannot appreciate or understand the raison d'être and respective functions of the various departments. They only know the officers with whom they come into personal contact, such as administrative officers, doctors, veterinary and agricultural officers, schoolmasters, or public works foremen.

*Copy to Gov. A. O. S. - 12 JUN 1931*

A fortiori, they know absolutely nothing about the Governments of other territories, and the distinctions involved in such terms as "Colony", "Protectorate", and "Mandated Territory" are quite beyond their comprehension. The mental horizon of even the most prominent members of native political associations is usually limited to the parochial concerns of a small section of one tribe. In these circumstances if I were asked such a question as "What are the views of the native tribes of Kenya as a whole on the proposals for Closer Union in East Africa?" I should have to reply that they have none, because, in the first place, the native tribes of Kenya are by no means a united whole, comprising as they do many different and mutually hostile peoples, and secondly because, as communities, the various elements comprising the native population are quite incapable of understanding the question with all its political and financial implications.

3. It therefore devolves upon me as Chief Native Commissioner to offer what suggestions I can in the interests of uncomprehending natives, of the Colony as a whole, and of the Empire.

4. The Commission on Closer Union directed its attention to the examination of two principal questions, namely:- "(1) Is Federation or Closer Union between the different territories of Eastern and Central Africa to be adopted as a means to secure more effective co-operation between them?" and "(2) What form of constitution is suitable for those territories in which non-native immigrant communities have become permanently domiciled?" It stated at the outset its conclusion that "although there do, in fact, exist possibilities for more effective co-operation in these matters of such importance as to deserve serious attention, nevertheless these are of minor significance compared with the need for a common policy in dealing

RECORD OFFICE LONDON

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with all matters affecting the present position and future development of the natives, and their relations with the immigrant communities. The chief need in Eastern and Central Africa to-day is that there should be applied throughout the territories as a whole, continuously and without vacillation, a "native policy" which, while adapted to the varying conditions of different tribes and different localities, is consistent in its main principles." (Cf. p. 7 of Report).

The Commission further expressed the opinion that "the problem of devising some form of Imperial control confined to broad issues of policy and commanding the respect and confidence of the local communities, instead of their distrust and opposition, is one for which a solution is needed not only in Eastern and Central Africa but for the proper development of other non-self-governing dependencies." (p.8).

..... "It is not safe to allow policy in Kenya to be framed regardless of what is being done in Tanganyika and Uganda. It should be framed for East Africa as a whole" (p.9) ..... "Co-ordination of policy by the Imperial Government for the whole of Africa will be easier if the various small units are first united in homogeneous groups."

5. Native interests in Kenya will be affected in three main respects by the decisions which are eventually taken. The first relates to the extent to which tribal and native social systems will be preserved and have their best features developed, or will be broken down by the introduction of some form of Government which is incompatible with a communal system. The second is the extent to which natives may be called upon to meet, through taxation, the costs entailed by the appointment of a Central Authority and staff and the setting up of further machinery of Government which they can neither understand nor appreciate. The third and greatest is the effect which any such arrangements may have on the security of their tenure of their land.

6. The strength of a chain is the strength of its weakest link, and it is therefore necessary, before uniting the East African territories, to examine carefully the composition of the links of which the chain is to be made. In this respect I can only speak from my experience in Kenya, where I have spent nearly ten years as Chief Native Commissioner.

7. The composition of the population of Kenya is strikingly different to that of Uganda and Tanganyika. It may be roughly stated in round figure as 12,000 Europeans, 30,000 Asiatics, 10,000 Arabs and 2½ million Natives. The European, Indian and native communities have political ambitions and powers of articulation in inverse ratio to their numbers. The demand of the unofficial leaders and spokesmen of the European Community has been for a form of so-called "self-government" which would in effect amount to the subjection of the Asiatic, Arab and native Communities to the will of an European oligarchy. Although natives do not comprehend the inner workings of modern civilised constitutions, there is one vital point upon which they are quite clear and definite, and that is that they acknowledge and prize the authority and protection of His Majesty the King, his Ministers and his Governors, and they will never willingly accept any other. They will deeply resent any arrangement whereby they may be governed, taxed or legislated for by any other authority. They would strongly object to an unofficial majority in Legislative Council unless it were a majority representing the interests of the African population. The politically-minded element of the native population is small in comparison with the whole, but it contains many who eagerly read the local English papers. Much that they find there in the shape of "letters to the Editor", speeches at political meetings, proceedings of the Convention of Associations and even many utterances in Legislative Council convey to the

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native reader a firm impression that the European is inexorably determined to keep the native under, to take his land and to use him simply as a labourer at the smallest possible wage. This is most unfortunate, as many, if not most, of the deplorable things that are said and written are condemned by the sound but non-vocal majority of the settlers, but the fact remains that it is mostly through what appears in the Press that native political aspirants, no less than the British public outside the Colony, judges the British Community in Kenya.

B. It is obvious that there are certain activities of Government which profoundly affect Communities outside Kenya and in some cases outside Africa. Among these are Railway and Harbour services, Customs, Posts and Telegraphs, and Defence. These are matters of Imperial significance which natives cannot easily understand and which they gladly leave to the duly appointed officers of the King's Government. Although unable to appreciate their full significance or their relations with the outside world, natives realise the benefits which have accrued to them by the white man's organisation of transport and communications for they make personal use of these services; they appreciate also the protection afforded by the King's African Rifles and the Police. But they would be very uneasy at any suggestion of even these services being controlled by any authority other than that of officers directly appointed by the King or by His Majesty's representative.

C. The greatest anxiety which the natives of Kenya feel concerns their land, and that is a matter in respect of which certain tribes, and particularly the tribe which exhibits the greatest political activity, have a genuine grievance.

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10. The Commission on Closer Union in Eastern Africa considered that the first step towards the co-ordination of policy in Eastern Africa is to unite the various small units in homogeneous groups. With this I am in agreement and I am of the opinion that it is essential to the political and economic development of Kenya that there should be a separate administration of the native areas and a separate budget for local services within those areas. The alternative is to treat all the various communities in Kenya as a homogeneous whole, which they are not, and to govern them through the ballot-box, which is incompatible with tribal institutions and would in a comparatively short time precipitate a variety of disasters including a complete breakdown of tribal authority.

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PROPOSALS FOR SEPARATE ADMINISTRATION OF NATIVE AREAS.

11. The outline of my proposals is as follows :-

GENERAL

(1) The division would be a geographical and not a racial one. The non-native areas, which for convenience I will call the Colony, would contain the major settled areas and Crown Forests, together with the 10 mile Coastal strip which is held under lease from the Sultan of Zanzibar, but excluding any area that has been declared as native reserve. The "native areas" would contain all native reserves, including any leased land therein, all contiguous land that has not been definitely alienated or set aside for alienation or for other non-native or public purposes, and the Northern Frontier and Turkana provinces.

(2) The Governor of Kenya would hold two separate Commissions from the King - one as Governor of the Colony of Kenya, and the other as High Commissioner of the Native areas.

(3) The Governor of Kenya would legislate, with the advice and consent of a Legislative Council, for the Colony, i.e. the non-native areas only.

In his capacity of High Commissioner for the native areas, he would legislate for those areas by proclamation or Order-in-Council, whether by special enactment affecting the native areas only, or by applying Colonial Ordinances or English Acts with or without modifications.

(4) The Governor of Kenya would have powers of certification and veto in respect of Colonial legislation in order to safeguard native interests.

to prevent unfair racial discrimination, and to ensure the due continuance of essential services.

(5) The native areas would be administered by a Chief Commissioner under the High Commissioner; the latter would be concerned with questions of major policy only, leaving all matters of detail to the Chief Commissioner.

(6) The Government of the Colony would be the Central Government and would receive all Customs revenue, and would be responsible for the following services and for the necessary financial provision:-

- (a) The Governor's establishment.
- (b) The Supreme Court.
- (c) Customs administration.
- (d) Defence, whether Police or Military.
- (e) Posts and Telegraphs.
- (f) Audit.
- (g) Survey of boundaries.
- (h) Main Trunk roads.

as well as the internal requirements of the Colony.

The Central Government would also receive all non-native poll-tax, wherever paid, and all revenue received in the settled areas in respect of licences, fees, fines, etc., etc.

(7) The revenue of the native areas would consist of

- (a) all native hut and poll tax, wherever paid;
- (b) all revenue received in native areas, other than non-native poll-tax or money specifically due to the Central Government.

(8) There would be a completely separate budget for the native areas. The funds would be kept apart from Colonial Funds, and would be in no way under the control of the Legislative Council of the Colony. The budget of the native areas would

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be prepared by the Chief Commissioner for the approval of the High Commissioner who would enact the necessary legislation: this budget would make for all direct services in the native areas including administration, subordinate courts, native tribunals, tribal police, medical, educational, agricultural and veterinary services, district roads and bridges, local public works, etc., etc.

(9) A due proportion of the surplus balances as at 31st December, 1929, should be paid to the funds of the native areas.

10) All buildings and other public works in native areas, other than those relating to central services, to become the property of the Government of the native areas, which would take over the liability in respect of any loan funds expended upon them.

11) housing and office-accommodation in towns occupied by officers of the native administration to be similarly handed over.

12) Officers to be interchangeable between Colony and Native areas, cost being allocated in proportion to period of service in each.

13) Native areas to be specifically represented on all inter-territorial Boards or Committees.

14) Chief Commissioner of native areas to have a Native Affairs Board to advise him on such matters as he may desire to refer to them. The constitution of the Board is a matter of discussion, but native opinion would oppose the inclusion of any unofficial non-natives unless natives were fully consulted in regard to their selection.



12. A map and a skeleton native affairs budget illustrating these proposals are available in the event of the Committee desiring to examine them further.

13. Subject to what has been set out in this precise native opinion would not oppose the unification of the following services in respect of the East African territories, namely Railways, Posts and Telegraphs, Customs Defence and Aviation: but it would seem that the appointment of a High Commissioner with the staff necessary to control all these services would involve great expense, a considerable proportion of which would ultimately fall upon the native population.

14. It is suggested for the consideration of the Committee that any points requiring negotiation and adjustment between the Governments concerned could be dealt with by periodic conferences between the Governors, assisted by their respective technical and other advisers. Annual conferences in East Africa should be presided over by a special emissary of the Secretary of State, who would merely conduct the proceedings and have no vote, and would report to the Secretary of State for decisions. These conferences might be supplemented by a meeting every three years in London between the Governors and the Secretary of State at which outstanding questions of major policy would be discussed and authoritatively settled.

15. Of the special functions assigned to the High Commissioner on page 268 of the Report of the Commission on Closer Union: - "A (a) To inaugurate enquiries and joint discussions on questions of native policy as indicated in the annexure to Chapter VI, Part I."

"A (b) To promote unified control of certain services of common interest, and to settle on a fair basis any immediate causes of dispute or differences."

"A (c) To discuss locally and work out the arrangements for introducing the modifications proposed in the constitution of Kenya".

It would seem that A (a) and A (b) are matters which the three Governors should undertake, jointly or severally as circumstances may require, with the assistance of their own officers in the manner suggested in paragraph 14 hereof, and the A (c) is a matter for the Governor of Kenya to settle with the Secretary of State and the local population. It is in this connection that the proposals outlined in paragraph 11 of this paper are submitted as a practical means of giving effect to the fundamental principles underlying the conclusions reached by the Commission, and quoted in paragraph 4 hereof, as well as the conditions set out on page 103 of their

(Signed) J. V. MAXWELL

NATIVE COMMISSIONER, KENYA.

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(Signed) G. V. MAXWELL

CHIEF NATIVE COMMISSIONER, KENYA.

|         |   | Net.    |           |           |
|---------|---|---------|-----------|-----------|
|         |   | 17,880  | 8,000     | .....     |
| I.      | H.E. the Governor                               | 282,654 | 1,100     | 185,493   |
| II.     | Administration                                  |         |           | 20,000    |
| III.    | Agricultural                                    |         |           | 2,500     |
|         | "    Research                                   |         |           | 20,000    |
|         | "    "    Research                              |         |           | 2,500     |
|         | Veterinary                                      | 172,128 |           | 45,000    |
|         | "    Research                                   | 16,365  | 8,000     | .....     |
| IV.     | Audit   | 4,117   | 2,200     | .....     |
| V.      | Coast Agency                                    | 1,250   | 800       | .....     |
| VI.     | Conference of E. A. Governors                   | 34,120  | 2,000     | .....     |
| VII.    | Customs   | 204,850 |           | 120,000   |
| VIII.   | Education                                       | 39,122  |           | .....     |
| IX.     | Forest  | 12,459  |           | .....     |
| X.      | Game  | 18,356  | 7,700     | .....     |
| XI.     | Interest  | 36,234  | 2,000     | .....     |
| XII.    | Judicial  | 9,519   |           | 3,000     |
| XIII.   | Legal   | 90,638  |           | .....     |
| XIV.    | Local Government                                |         |           | 111,000   |
| XV.     | Medical   |         | 15,000    | .....     |
|         | "    Research                                   |         | 2,000     | .....     |
|         | "    Mental Hospital                            |         | 5,000     | .....     |
|         | "    Inf. Dis.                                  | 233,810 |           | .....     |
| XVI.    | Military  | 114,361 | 50,000    | 12,500    |
| XVII.   | Miscellaneous                                   | 51,133  |           | 50,000    |
| XVIII.  | Pensions and Gratuities                         | 124,098 |           | .....     |
| XIX.    | Police  | 158,394 | 7,000     | .....     |
| XX.     | Post Office and Telegraphs                      | 128,062 |           | .....     |
| XXI.    | Printing and Stationery                         | 39,384  |           | 5,000     |
| XXII.   | Prisons   | 51,745  |           | 10,000    |
| XXIII.  | Public Debt Funded                              | 08,070  | 44,000    | .....     |
| XXIV.   | Public Works Department                         | 154,520 |           | 20,000    |
|         | Public Works Recurrent                          | 183,470 |           | 70,000    |
| XXV.    | Registrar General                               | 8,092   |           | .....     |
| XXVI.   | Rent, etc. Zanzibar                             | 16,000  |           | .....     |
| XXVII.  | Secretariat and Legislative Council             | 22,590  |           | .....     |
| XXVIII. | Statistical                                     | 25,167  | 10,000    | .....     |
| XXIX.   | Survey and Registration                         | 39,325  |           | 2,000     |
| XXX.    | Trade and Information Office                    | 4,880   |           | .....     |
| XXXI.   | Treasury  | 28,084  |           | 10,000    |
| XXXII.  | Total (exclusive of Public Works Extraordinary) |         | £ 167,420 | £ 623,993 |

**Note A.** Column 1 shows net estimated expenditure 1931. Figures are taken from page 7 of the Colonial Estimates and are for comparison item by item with column 2.

**B.** Column 2 shows the amounts which may be regarded as the native contribution through Customs revenue, to each service.

**C.** Column 3 shows items to be carried on the separate "Native Areas Budget".

**D.** It is estimated that natives pay (indirectly) £170,000 to £200,000 a year in Customs revenue.

**E.** The 1931 estimate for native hut and poll tax is £200,000. Other revenues which would accrue to native areas budget is estimated at £25,000.

**F.** Post & Telegraphs Department estimates show an excess of revenue over net expenditure of £61,315.

**G.** Forest and Game Departments are self-supporting.

**H.** XVI, XVII, XVIII and XXI would not concern the native areas budget.

|         |   | Estimates 1931<br>Net. | Transfer  |           |
|---------|---|------------------------|-----------|-----------|
|         |   | 17,880                 | 5,000     | .....     |
| I.      | H.E. the Governor                               | 282,654                | 1,100     | 185,493   |
| II.     | Administration                                  |                        |           | 20,000    |
| III.    | Agricultural Research                           |                        |           | 2,500     |
|         | Veterinary Research                             |                        |           | 20,000    |
|         |   |                        |           | 2,500     |
|         |   | 172,126                |           | 45,000    |
| IV.     | Audit   | 16,366                 | 8,000     | .....     |
| V.      | Coast Agency                                    | 4,117                  | 2,200     | .....     |
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| XIV.    | Local Government                                | 90,638                 |           | .....     |
| XV.     | Medical Research                                |                        | 15,000    | .....     |
|         | Mental Hospital                                 |                        | 2,000     | .....     |
|         | Int. Dis.                                       |                        | 5,000     | .....     |
|         |   | 233,210                |           | .....     |
| XVI.    | Military  | 114,361                | 23,000    | .....     |
| XVII.   | Miscellaneous                                   | 51,133                 |           | 12,500    |
| XVIII.  | Pensions and Gratuities                         | 124,098                |           | 50,000    |
| XIX.    | Police  | 158,594                | 7,000     | .....     |
| XX.     | Post Office and Telegrams                       | 128,062                |           | 5,000     |
| XXI.    | Printing and Stationery                         | 39,364                 |           | .....     |
| XXII.   | Prisons   | 51,745                 |           | 10,000    |
| XXIII.  | Public Works Funded                             | 98,070                 | 44,000    | .....     |
| XXIV.   | Public Works Department                         | 154,520                |           | 20,000    |
| XXV.    | Public Works Recurrent                          | 183,470                |           | 70,000    |
| XXVI.   | Registrar General                               | 5,092                  |           | .....     |
| XXVII.  | Rent, etc. Zanzibar                             | 16,000                 |           | .....     |
| XXVIII. | Secretariat and Legislative Council             | 22,550                 |           | .....     |
| XXIX.   | Statistical                                     | 25,167                 | 10,000    | .....     |
| XXX.    | Survey and Registration                         | 39,325                 |           | 2,000     |
| XXXI.   | Trade and Information Office                    | 4,880                  |           | .....     |
| XXXII.  | Treasury  | 25,084                 |           | 10,000    |
|         | Total (exclusive of Public Works Extraordinary) |                        | £ 167,420 | £ 613,993 |

Notes A. Column I shows net estimated expenditure 1931. Figures are taken from page 7 of the Colonial Estimates and are for comparison item by item with column 2.

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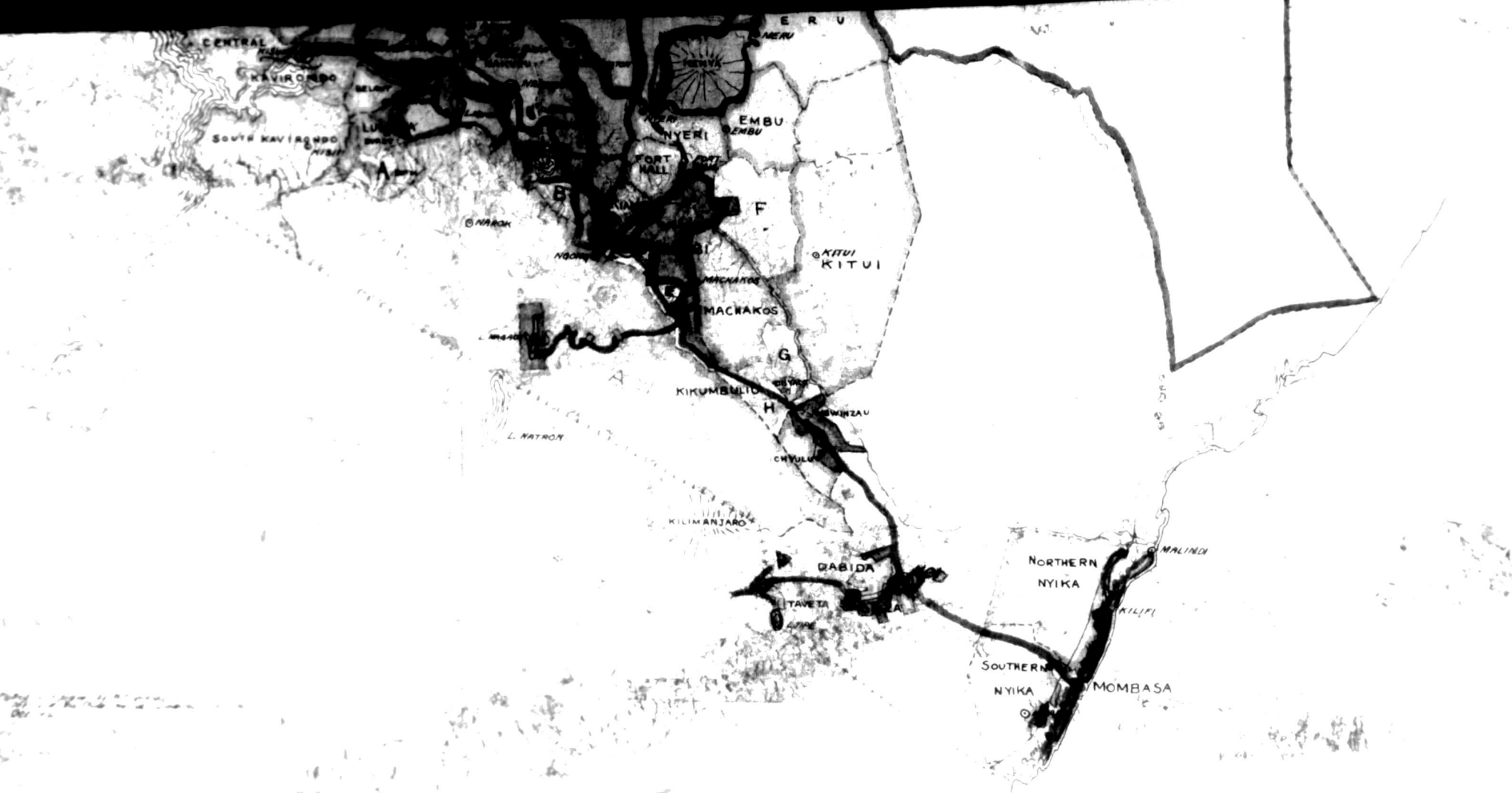
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Northern Frontier  
and TURKANA

1 Nov. til. 1944 Conf. \_\_\_\_\_ 1<sup>st</sup> May 2  
State Chief Justice has made strong recommendation  
that successor to Mr. Stephens, Senior Judge, be  
appointed immediately after expiration of latter's leave;  
states as to qualification and has no local  
recommendation to make.

At present Mr Stephens' leave  
expires on 23<sup>rd</sup> May. He is however  
applying for an extension on medical  
grounds.\* L.S. may take it  
that if that extension is granted  
it will not extend beyond the  
end of June & I imagine that  
it is unlikely that a new  
appointment can be made before  
then.

\* I have sent his file  
on separately.  
The exact date of  
his retirement  
should be ascertained  
before any offer is  
made.

V.F. h.w..

I am sorry for the delay  
in sending you these papers. They  
were stuck in X.S.A. for a good many  
days.\*

Planters  
12.5.31.

J.M. Miller  
17/5/31

See minutes on p. 100  
J.M. Miller  
16.5.31

\* No. 66  
please, 3 1/2 days  
of Mr. Eastwood  
was timely  
absent from the  
office for two  
of them.  
L.S. 20  
3/6



1 Nov. 11. 1914 Conf. \_\_\_\_\_ 10 May 2  
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V.F. Lusk..

I am sorry for the delay  
in sending you these papers. They  
rested in XSA for a good many  
days.\*

Johnston  
12.5.31.

J. H. Miller  
17/5/31

See minute on Brown 250  
25.5.31  
16.5.31

\* No. 22  
precise, 3 1/2 days  
Mr. Garwood  
was usually  
absent from the  
office for two  
of them.  
L. H. D.  
13/6.

Mr Allen

Please see ~~attached~~  
Slip attached from Prisons. For  
? was offer to rd least benefit  
Graph asking for help & reply  
on lines of offer to Dickinson  
in 339 Eq.

The fact that of  
Mr Thomas who also  
came from I'd as i  
he tells me  
1000  
yes. well

Mr Stephens' leave has not  
been extended so the post is  
now vacant.

When Mr D. S. has  
accepted, ~~the~~ ~~reply~~ must go to us 53  
on file of Smith (6248 Ea.)  
regarding that ~~over~~ ~~away~~  
have been made.

Edward  
576731

I think it will do to make  
the offer of def. in date of  
the presentence of No 1

yes well

Mr Allen

576731

Of course

well 576731  
close

To Mr. Linn Smith  
to find I had leaf (1/2 - 1/2) Com } 21/1  
offer (some judge Kings) } 12/6

NIS

3/8 million in  
Rural Bank account  
reply to no 53 on  
with E. B. (Pamela)  
will be required

Mr. H. H. Leaf  
Acquire federal property  
DESTROYED UNDER STATUTE  
filling the vacancy  
15 June

Mr Allen

I suppose we must  
hear the appeal  
to Mr Linn Smith  
of the 11th, dated  
in July (last  
replies  
250 pgs)  
I can have  
hardly be here before

All minute of 4/9/51 in  
file handle (6248 Ea.)  
Mr 47

Dr  
Edward  
576731

I suppose not although a  
statement that to Linn Smith has  
been made with a view to  
reimbursement of the same  
see the members of  
well and half

Public 2/28  
2/28

well not  
member on  
to Kings  
Mr Allen  
576731  
well  
27.6.51  
alone

5. 6. Ke looma. 1897. 197. 197. — 4. 197. 197.  
— 197. 197. 197.

X17781/K 54

R 23. Case closed and  
D. 24/11/1914 H. HOS  
27-6-31

*Handwritten initials*

- Mr. [unclear] 24/6
- Mr. Allen 25/6
- Mr. [unclear] 20.
- Mr. [unclear]
- Ser. B. Harding
- Ser. J. Shuckburgh
- Ser. G. Grenville
- Ser. C. Dainton
- Ser. S. Wilson
- Mr. [unclear]
- Lord [unclear]
- Mr. [unclear]

No 194:- confidential  
 your telegram no 189 Puisne  
 judge hope to that appoint-  
 -ment will be made early  
 July but, ~~it is unlikely that~~  
~~new judge will reach~~  
 Kenya before middle of  
 September, at earliest

DRAFT - [unclear] tel [unclear]

Yours [unclear]

Sear

1/17/12/31 Kenya

C. O.  
Hutton 9/6  
Mr. Pennington 9/6/31  
Mr. Allen 10/6

- Mr. ~~W. G. ...~~
- Mr. ~~...~~
- Mr. Tomlinson
- Sir G. Bristow
- Sir J. ...
- Sir G. Grindle
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

W. G. ...  
W. G. ...  
"So

C. O.  
R  
D  
11 JUN  
12 '12

had - on file Lurie-Smith

12 June, 1931

**DRAFT.**

Trinidad Conf

Dear Sir,

I have etc to inform you that,  
 provided that you see no objection, and  
 subject to ~~your~~ <sup>his</sup> being passed - physically,  
 fit for service in East Africa, I propose to  
 recommend Mr. J. A. Lurie-Smith, A.B.E.,  
 Second ~~Class~~ <sup>Class</sup> Puisne Judge, Trinidad, to  
 His Majesty for appointment as ~~that~~ <sup>Third</sup>  
 Puisne Judge in Kenya, with salary  
 at the rate of £1450 a year. A

G. W. ...

To Mr. Lurie-Smith through his ...

Letter setting out the conditions of the  
 appointment is enclosed for transmission

to Mr Justice-Smith.

2. If Mr Justice-Smith would

desire to accept the appointment,

arrangements should be made for

him to be medically examined

as to his fitness for service in

Kenya. Any expenses incurred

with the examination should be

payable by the Government.

Should he wish to accept the offer,

he should be authorized to do so

to accept the offer and to incur the

expenses of the journey, the

Magistrate's fees, and the cost of

and to make the necessary arrangements

for his departure. Pending the

receipt of the Magistrate's pleasure, no

C. O.

Mr

Mr

Mr

Mr Tomlinson

Sir C. Bottomley

Sir J. Shackburgh

Sir J. L. G. G. G.

Private L.S. of S.

Private L.S. of S.

Secretary of State

**DRAFT.**

public announcement should be made  
in the matter.

It should be appointed be completed,  
Mr Justice-Smith should proceed to

England as soon as possible, and he  
should be granted any leave for which  
he may be eligible from Trinidad.

This Kenya appointment should take  
effect from the day following the  
expiration of any such leave or  
the date of his arrival in Kenya,  
whichever is earlier. He would  
receive half salary of the Kenya  
appointment from the expiration of  
his Trinidad leave, if that should be  
earlier than the date of his arrival  
in Kenya, and the day preceding  
his arrival. If, on the other hand,  
he arrives in Kenya before his  
Trinidad leave has expired, the balance  
of that leave would be for full

4. Mr.

unhappy

Mr. Curie-Smith, if approved,  
will be eligible for a free first class  
passage to England and thence to Kenya  
at the expense of the Government of  
Kenya. The cost of his passage from  
London to England would be recovered  
from Kenya funds through the Crown Agents

for the Colonies. The Government of Kenya, at the  
relating to the grant of family passages do not apply  
in the case of a transfer from the Colonies, & if  
it were in the priority of an accompanying family in Kenya,  
the same passage would be granted in respect of their presence from  
Lagos to Kenya would be limited to the amount indicated  
in the report of the Comptroller-in-Chief of 1931 is £40.

Signed: PASSFIELD.

Agencies No. 912 (1st Edition)  
Agencies (2nd) No. 1107  
Notes for Officers (Kenya) 1931  
Book on Kenya (EA)  
Agencies (3rd) No. 1092

1/17/31 for Kenya

C. O.  
Mr. Vernon 9/16/31  
Mr. Allen 10/16

Mr. ~~Johnson~~ 11. 6. 31  
Mr. ~~Johnson~~  
Mr. J. D. Johnson

Mr. C. Boulton  
Mr. J. Shackleton  
Sir G. Grindle  
Permit U.S. of S.  
Partly U.S. of S.  
Secretary of State

11. 6. 31  
11/16  
11/16

and on file with Curie-Smith

U.S. Gov. 11/16

DRAFT.

Sir,

12<sup>th</sup> January, 1931.

J. A. Curie-Smith, Esq.,  
O.B.E., V.D.

I am etc to inform you that,  
subject to your being passed as physically  
fit for service in East Africa, the purpose  
is recommend you to His Majesty for  
appointment as Third Prison Judge in

Kenya, with salary at the rate of  
£1450 a year.

2. The conditions attached to the app't  
generally are shown in the Colonial  
Regulations and the following memoranda,  
copies of which are enclosed -

(i) Agenc

Mr. Luce-Smith, if appointed

will be eligible for a free first class passage to England and thence to Kenya at the expense of the Government of Kenya. The cost of his passage from

Kenya to England should be recovered from Kenya funds through the Crown Agents for the Colonies. The provisions of the Act relating to the grant of family passage tickets in the case of a transfer from British East Africa, or of a person with his family, to accompany him to Kenya, shall be applicable to him in respect of their premium from the date of his appointment to the amount indicated in paragraph 4 of the proposed Order 973, is £40.

Yours faithfully,  
G. G. Passfield

(Signed) PASSFIELD.

Approved No. 973 (1st Part)  
Approved (C.O.) No. 1107  
Not for approval (Kenya & Uganda)  
Sent on to Mr. G. G. Passfield (C.O.)  
Approved (C.O.) No. 1022

1/17/1932 Kenya

C. O. No. 916  
Mr. Luce-Smith  
Mr. Allen 13/6/32

11. 6. 32

Mr. Luce-Smith  
Mr. G. G. Passfield  
Mr. G. G. Passfield  
Mr. G. G. Passfield

not on file Luce-Smith

Sir G. Grindle  
Perm. U.S. of S.  
Partly U.S. of S.  
Secretary of State

U.S. G. G. Passfield

12th January 1932

DRAFT. Cardak

Sir,

J. A. Luce-Smith, Esq.  
C.B.E., V.D.

I am etc to inform you that, subject to your being passed as physically fit for service in East Africa, he proposes to recommend you to His Majesty for appointment as Third Puisne Judge in Kenya, with salary at the rate of £1450 a year.  
The conditions attached to the app't generally are shown in the Colonial Regulations and the following memorandum, copies of which are enclosed -

(1) African



(i) African No 973 - Regulations for the Employment of Officers in the East African Dependencies.

(ii) African No. 1107. Model Pensions Ordinance (adopted in Kenya).  
Note. Trinidad is a "rescheduled Government" for the purpose of Part II of the Regulations under the Kenya Pensions Ordinance.

|| after speaking to Mr. ...

Copies of "Notes for Officers appointed to Kenya and Uganda" and of "Book on the Preservation of Health in Eastern Africa" and a pamphlet regarding the East African Widows' and Orphans' Pension Scheme are also enclosed.

if you <sup>agree</sup> agree to accept this appointment, I am to request that you will inform the Colonial Secretary, Trinidad, who will make arrangements for you to be medically examined by a Government

medical officer as to your fitness for service in Kenya. The fee for the examination, if any, would be payable by you. The Governor of Trinidad will then communicate with the Secretary of State and His Majesty's pleasure will be ascertained.

If your appointment is proceeded with, you will be required to leave Trinidad for England, en route for Kenya as soon as possible. Your appointment as Third Pattern Judge in Kenya would take effect from the day after the expiration of any leave for which you may be eligible from Trinidad, or from the date of your arrival in Kenya, whichever is earlier. Half salary of your Kenya appointment would be payable

I understand that Mr. L-S will be eligible for 6 weeks leave (it is at the discretion who he is given further 3 weeks in respect of the proposed 2 his second half salary). We have been told your leaving 11th Dec, what arrangements for the voyage.

C. O.

Mr.  
Mr.  
Mr.  
Mr. Trenchard  
Sir G. Boscawen  
Sir J. Shackburgh  
Sir G. Grindle  
Parly U.S. of S.  
Parly U.S. of S.  
Secretary of State.

from Kenya funds for the period, if any,

from the date on which your Kenya

leave takes effect, up to and including

the day before your arrival at Mombasa.

Full salary would be paid from the  
at Mombasa

date of your arrival ~~if~~ if you should

arrive at Mombasa before the expiration

of your leave from Trinidad, the

balance of the leave would be forfeited.

5. A first class passage from Trinidad

to England, and thence to Kenya,

would be provided for you at the

expense of the Government of Kenya. You

would be asked to leave your baggage by

the first available steamer after your

arrival in the country. The provisions of Col Reg 11

relating to the grant of family passage would

apply to the case of a transfer from Trinidad to

Kenya, of your family, ~~and~~

accompanied you to Kenya, the

allowance which you would be eligible to be limited

to the amount indicated in paragraph 16 of

Memorandum No 473, i. e. £40.

C. E. M. T. ALLEN

East African.....Department

The Secretary of State has approved the ~~transfer~~ of promotion

Mr. J. A. Lewis-Smith, OBE, V.D., Second Grade  
(particulars of whom are annexed)

Judge, Limited..... to fill the vacancy for  
Junior Judge, Kenya.....

notified upon the attached vacancy form.

Please proceed with the necessary action.

Reference Number From..... 250.....

S. Robinson

Date ... 21/1/51.....

Promotions Branch,  
Personnel Division.

SMITH, J. A. Lucie - O. B. E. V. D. Born  
January 1888. Married, one child.

Education. Stonyhurst College, 1898-1905;  
Middle Temple, 1906-1910.

Professional Qualifications. Barrister-at-Law  
Middle Temple, 1910.

Civil Employment. Government Secretary's  
Office, British Guiana, 1905-1906; practised at  
Trinidad Bar 1910; Advocate and Solicitor,  
Straits Settlements, 1910-1914; returned to  
practice at Trinidad Bar, 1919-1920.

Military Service. Served in Gallipoli and  
Salonika, 1914-1919. Demobilised with rank of  
Major.

Colonial Service. Appointed Assistant  
Magistrate, Trinidad, 1920; President of a District  
Court, Cyprus 1924, Puisne Judge, 1927; 2nd  
Puisne Judge, Trinidad, 1929.

Present Salary. £1200.

Conf. Report.  
1.1.29.

Reports. O. A. G. Nicholson:- "The Chief Justice  
reports very favourably on him. He is tactful  
very industrious and expeditious a very fair  
lawyer and clear headed judge of facts".

P/2.  
37.29.

O. A. G. Nicholson:- "Is an efficient Judge with  
a good record of service during the War and on  
the Bench, and I consider him suitable for  
promotion to a Puisne Judgeship in any other  
Colony".

Conf. Report.  
1.1.31.

Gov. Hollis:- "Is regarded as a sound judge  
and is generally respected".

P/2.  
30.1.31.

Gov. Hollis:- "Is regarded as a sound judge  
and is said to be an excellent man in criminal  
cases. He is generally respected by both Bench  
and Bar".

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## VACANCY FORM

MR. Allen

REFERENCE X1778/2/K

## (1) PROMOTIONS BRANCH

## (2) PRIVATE SECRETARY (APPOINTMENTS)

COLONY

Kenya

VACANCY

Prime Judge

CAUSE OF VACANCY

Retirement of previous holder.

## EMOLUMENTS

including any special notes as to

£1450

(a) Terms of appointment.

2 Permanent &amp; responsible.

(b) Allowances.

Two quarters & an allowance  
in lieu.

(c) Quarters.

(d) Passages.

Two 3rd class passages one each way  
each time & an allowance of £40 toward  
maintenance of wife & a family.

## REMARKS

including any special notes as to

(a) Married Candidates.

Mr J.C. Gault, Resident Magistrate  
Kenya has applied for the post - see 624/50.  
We are not recommending him as any  
other local candidate.

(b) Duties.

(c) Qualifications required.

The Chief Justice considers it essential  
that any applicant to the Bench should be well  
familiar with the law, physically fit, who will  
not at the end of his career. The views  
are endorsed by the Governor, as well as by  
the Law Society of the Colony & the District Members

DECODE

TELEGRAM from the Governor of Kenya to the Secretary  
of State for the Colonies.

Dated the 1st May, 1931. Received at 4.6.p.m. on the  
1st May.

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No.144 CONFIDENTIAL. Chief Justice has made strong  
recommendations that successor to Stephens should be  
appointed immediately after expiration of latter's  
leave. He emphasises importance of selecting competent  
man and in this connection I entirely endorse views  
expressed by Moore in the last paragraph of his  
Confidential despatch No.2 of 8th January 1931. I  
have no local recommendations to make.

4052/7

12  
END