

1936

1936

38088/1

KENYA
CO533/466

38088/1

Native Hut + Poll Tax.

Archdeacon Burns's allegations as to collection.

Previous

~~Mr. Wood~~
~~Mr. Wood~~

Mr. Laskin 20/1

Mr. Wood 20

Room 309 1.

298 23/1

297 25/1

309 25/1

Subsequent

1934

Mr. Laskin 27/1

297 3/3

309 5/3

Mr. Laskin 7/3

297

2/1/36

297 7/3

309

3/1/36

Mr. Wood 12/3

Mr. Wood

R. 297

6/1/36

R. 297 19/11

309

7/1

R. 309 4/12

Mr. Wood

7-1

Mr. Laskin 24/37

Sir C. Bottomley

7-1

297 5/5

R. 309

7/1

Sir C. Bottomley 6-5

298

8/1

R. 297

297

9/1

309

10/1

Mr. Wood

298

11/1

297

15/1

309

15/1

FILE A.

Normal
BUANS.

1. Extract from "TIMES" of 29.12.35.

Questions were asked in Parliament in the early part of 1935 about the detention of wives of tax defaulters in Nyasaland. (See 44046/35/Hand P.R.)

The press statement in the Times of the 20th December will be almost certain to give rise to further P.Q.s.

? We should call for a full report.

Submit Draft despatch
C. H. W. Smith
31/1/36

By Air Mail
4/1/36

6/1/36.

2 To Kenya 6 (v/c1) cons 4 JAN 1936

Handwritten initials

3 Society of Friends — 4.1.36

Comments regarding reports in the Times of "E.A. Standards" as to the detention of women in order to secure the paymt. of taxes by their husbands. Assume that the Sec. of State will call for a full report from Kenya and to be supplied with a copy on its receipt.

? Acknowledged to say that the Dept. is in communication with the Governor of Kenya

Kenya regarding the allegations made
by Archbishop Burns in the Legis. C^o,
and that a copy of any published
report on the investigation into
those allegations will be sent
to the Committee on Protection of
Native Races. (A. G. G. Smith)
7.1.36

The Society appears to think it has a claim
to see reports sent to the Council and soon
and generally to experience the S. of S.

? Reply that Mr Thomas's attention has
already been called to the report in the Times & that
he has invited the Governor of Kenya to furnish his
observations. And say no more.

V.S.W. Hand

7.1.

at 7.1.36

To Mr Alex G. Wilson (3 and) 8/1/36

DEBTOR UNDER STATUTE

Anti Slavery & Aborigines Protection Society - 7.1.36

Inquires whether the Govt. of Kenya will be asked
to furnish a report concerning certain alleged abuses
in regard to the collection of native taxes.

The Society of Kenya refer to the debate
in the Legis. C^o, neither they
nor Mr G. G. have seen the verbatim
report of the debate yet!

Draft on the lines of No 4
Herewith. (A. G. G. Smith)
10.1.36

To Anti Slavery & Aborigines Protection Society 10/1/36
DEBTOR UNDER STATUTE (S. and)

1 Extract from "TIMES" of 15.1.36

Anti Slavery & Aborigines Protection Society - 15.1.36

Re: (6) would appreciate a reply to same para. of 15

from 6.2.36

DEBTOR UNDER STATUTE

9 Extract from "TIMES" of 16.1.36

No 7. It is satisfactory to
note that the Governor has agreed
to the appointment of a committee
to enquire into the conditions
of the collection of taxation in
Native Reserves.

No 8. The Anti Slavery ^{Committee} will have
read about the report of the
local Committee, is it?

Put by

(A. G. G. Smith)
20/1/36

None so blind as
those who won't see!

It can hardly have escaped their
notice.

J. G. G. Smith
20/1/36

I don't know why I cut out the last sentence from
draft of 6.

However

Say that the Govt. has already been asked to furnish
his terms & that so they may have observed from
reports in the Press it would appear that he has
appointed a local committee to consider the matter.

V.S.W. Hand

20

To Anti Slavery & Aborigines Protection Society 23/1/36
(S. and)

DEBTOR UNDER STATUTE

12

Sir J. Byrne (Parliament) - S.O. -

23-1-36⁴

Comment regarding Archbishop's letter.

W. Boyd

4/2/36

Sir J. Shackburg

X ||

Perhaps the Secretary of State should see the letter from Sir J. Byrne which I annex.

As regards the accusations, we have seen local Press cuttings. There may be questions in the House but as a Commission of Inquiry has been set up there is nothing to be done till we get its report.

With regard to the attitude of the Elected Members, one has to remember throughout that what they will agree to from their point of view and what they expect from the Governor are two widely different matters. They are wise enough to see that if a fully representative Commission is appointed the Governor cannot overlook the Indians. But they refuse to "countenance" such representation.

The ~~matter~~^{protest} will no doubt "fizzle out", but it is rather amusing to find that the European Unofficials on Executive Council have - when they get outside - to protest against what they have agreed to in Council.

W.C.S.

S.O. '36.

J.F. 4/2/36

Mr. Roman has now seen

Liddard

12/3/36

13 Gov. Byrne - No. 61

31.1.36

Reports that after careful investigation the majority of the allegations in former letter without foundation and others are exaggerated. In view of the evidence indicated however a Commission of Enquiry is being set up to Report here to facilitate in due course.

In paragraph 3 it is stated that Mr. McKeown Burns has found a mare's nest.

Put by sending the receipt of the Report of the Commission of Enquiry

C. P. Ross with
7/2/36

J. J. Burns
7/3

at

to go forward

✓

7/2/36
4/8/36

To Kenya, 582 (w/c Q. A. 5.) on P. & file 1 AUG 1936

13 forward

15. Extract from Legislative Council Debate of 19.12.35.

Registered for record in accordance with minutes on 38032/3/35 Kenya.

Put by G. P. Ross by R. G. Johnson 7/3

16. Gov. Kenya 552 23.10.36

Normal (14)

Enclose copies of complaint sent from one Karanja via Manning and of reports by the District Commissioner & District Officer, Fort Hall; comments thereon and state that he does not consider that any further action is necessary.

The allegations against Chief Njiru were mentioned in the Chief Justice's Question of the 27th of July (No. 5 on the P. & F. file)

The investigation into these allegations has been very thorough and I see no cause to differ from the views expressed in the despatch.

? Action on this despatch may be deferred pending the receipt of the Governor's despatch on the Report of the Commission (No. 15 on 38032/36)

C. P. Ross with
4/12/36

This despatch is in reply to one sent because of a question in Parliament. It appears that the incidents referred to in the question occurred after the Commission had been to Fort Hall that they were very fully investigated and that the general conclusion is that the complainant is a liar & there is no foundation for his allegations except possibly as regards Chief Njiru's son.

No action is necessary because all that was promised was that the matter would be brought to the Governor's notice with a view to investigation. It appears that it was investigated before the despatch got out & very fully investigated too, so however is satisfied.

? Put by J. J. Burns 20.1.37
G. P. Ross
I think this meant

Must have been circulating with
the file about the Webb Commission

Partly used.

6857
alone

Must have been circulating with
the file about the Webb Commission

Partly used.

6507

1000

File

16^b

KENYA

No 552

RECEIVED
1936



GOVERNMENT HOUSE
NAIROBI,
KENYA

23 OCTOBER, 1936.

Sir,

14

With reference to your despatch No. 582 of the 1st August, 1936, regarding certain allegations made against Chief Njiri of the Fort Hall District, I have the honour to inform you that this particular matter was not dealt with by the Commission appointed to investigate abuses in the collection of Non-Native Poll Tax and Native Hut and Poll Tax, because the events complained of occurred after the Commission had visited Fort Hall. The allegations were, however, reported to Government in June last, and have been the subject of a very exhaustive investigation by the District Commissioner, Fort Hall.

1.6.36
Complaint.

2. I enclose for your information copies of

the complaint received from one Karanja wa Mwangi, and of reports by the District Commissioner and District Officer, Fort Hall. The Provincial Commissioner is of the opinion and I agree, that the accusations against Chief Njiri himself are quite unfounded, and that in respect of his son they are at least doubtful. Action is pending against the latter, the result of which is not yet available.

13.7.36
D.O.
14.7.36
D.C.
2.8.36
D.O.
18.8.36
D.C.
24.9.36
Extract
P.C.

-1-

THE RIGHT HONOURABLE
W. ORMSBY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,

LONDON, S.W. 1

3. In the course of enquiries, it appeared that a headman, subordinate to Chief Njiri, by name of Wamuri, had in the past accepted bribes in connection with exemptions and on his own admission in one case had attempted to enforce the payment of tax by a woman who was a fit subject for exemption. This headman has, in consequence been dismissed from his post.

4. In regard to Chief Njiri, the Provincial Commissioner, Central Province, writes as follows:-

"My personal experience of Chief Njiri during nearly three years at Fort Hall was that he was a good chief, thoroughly loyal to the Government, deeply respected by his people, and thoroughly disliked by the disloyal elements of the location to which Karanja wa Mwangi appears to belong."

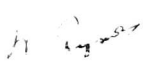
I see no reason to disagree with the views expressed by the Provincial Commissioner, and do not consider that any further action in the matter is necessary.

I have the honour to be,

Sir,

Your most obedient,

humble servant,


BRIGADIER-GENERAL,
GOVERNOR.

June 1st. 1936

To the Hon. the Provincial Commissioner,
Central Province,
Nyeri.

Sir,

You may remember that the Taxation Commission of Enquiry on hardships and abuses in collecting taxes in the Native Reserves visited and held its sitting at Fort Hall in February 1936. A great number of the Akikuyu taxpayers in Chief Njiri's location, including poor women, brought cases against him before the Commission. The cases against the Chief were corruption and other forms of bribery which he used to take in order to recommend poor women and rich men to be exempted from paying Hut and Poll tax; the following taxpayers gave Chief Njiri their money to pay it to Government for their taxes. When he took hold of the money he did not pay it to Government, but he reported to the Government that they had died. They therefore were cancelled from paying their taxes. Those who were reported as dead are now registered again to pay their taxes, because they took action against the Chief before the Taxation Commission. Their names are as follows:-

1. Kaamuhia wa Gichiuu
2. Mugwe wa Wanyeki (reported as dead, is alive but not registered 1936)
3. Gichuru wa Gakunyi (ditto)
4. Wangari wa Nyaitira (woman)

2. When the Commission was hearing evidence at Fort Hall, Chief Njiri threatened witnesses with reprisals saying that when they go back to his location he would punish them. On April 15th, 1936 the District Officer, Mr. Kennaway, informed Chief Njiri that he would come to his location to collect taxes. When the officer arrived in location, the Chief arrested twenty one persons and brought them before the officer, telling him that they were disobedient taxpayers. The officer fined three of the accused without allowing them any means of defending themselves. He fined them shs. 10/- each on the top of their ordinary taxes, and he ordered that the rest of the accused should be brought before the Native Tribunal at Kigumo, where they were fined shs. 2/- each.

3. The reason why the Chief took action against the accused and caused them to be fined while they were paying their taxes is because some of them were taking part in bringing bribery cases against him before the Taxation Commission. The following are the names of the accused persons who paid their taxes in full and the amount of fine money which they were ordered to pay by the District Officer (European) who was collecting taxes at Chief Njiri's location last April.

	Shs.
1. Gitundu wa Kinere	10
2. Muthewo " Mwachai	10
3. Karanja " Mwangi	10
4. Mutonyi " Gathatwa	2
5. Ndwati " Runo	2
6. Kago " Kamuhia	2
7. Mwangi " Kaguru	2

8.	Kamiri wa Macharia	Sns.
9.	Nathan " Ng'ani's	"
10.	Magachugu Mutonyi	"
11.	Kieru wa -bubui	"
12.	Karanja " Mau	"
13.	Hezekia Kanyama	"
14.	Kagichiri wa Karuri	"
15.	Runana wa Muniyoro	"
16.	Karega wa Gathu	"
17.	Gitukui wa Magoina	"
18.	Kiragu wa Kuna	"
19.	Samueli Gathwara	"
20.	Kimwere wa Mwena	"
21.	Ngunjiri wa Neanga	"

4. When the D.O. left the Chief Njiri's Location he returned to the Fort Hall Boma, and was replaced by the District Commissioner whose Camp was at Chief Pamben. Thangiru, son of Chief Njiri, now Tribal Petitioner, took Kahare wa Gatuikukuan, Wangari wa Maina, Nyanyugu (poor old widows) and asked them for their taxes for the year 1936. The tax handed over to Thangiru shs. 13/- and both these widows handed over to him 12/- each. He told them that he would take the money to the District Commissioner. When Thangiru and the taxpayers arrived at the D.C.'s camp Thangiru did not give the money to the D.C. He only told the D.C. that the 3 persons were poor and kept the money for himself.

5. When Hut Counter was making records for taxpayers for the year 1936, he informed the former that widows who had been exempted from paying the tax would not be liable for their taxes in 1936. The following widows who have been exempted in previous years are now being asked to pay their taxes for this year in spite the fact that they have been already exempted owing to their poverty.

1.	Naumi wa Gitneri	22.	Gacnambi wa Ngumba
2.	Nyandia wa Ndungata	23.	Wanjiku wa Ngumba
3.	Mugure wa Macharia	24.	Ndiira wa Hama
4.	Wambui wa Gathinji	25.	Mugure wa Hama
5.	Wanjari wa Ruchuhu	26.	Munjiru wa Kuriai
6.	Wanjiru wa Wamboyo	27.	Waithira wa Kamau
7.	Wangari wa Gacane	28.	Nyakiego wa Kirega
8.	Njeri wa Kungu	29.	Nyambura wa Kirere
9.	Wanjiru wa Maara	30.	Mugwe wa Waitini (man)
10.	Nyakibibi wa Kago	31.	Ngahu wa Mutonya "
11.	Wairimu wa Kaniaru	32.	Ngahu wa Kungu "
12.	Wangui wa Gitonyo	33.	Kamenju wa Kuria "
13.	Njeri wa Njau Mukuru	34.	Gikandi wa Muchiru "
14.	Njeri wa Kiragu	35.	Kinanya wa Thitu "
15.	Nyamone wa Gacnani	36.	Karanja wa Njomo "
16.	Wanjari wa Kamuhia	37.	Kagwe wa Gacnege "
17.	Waithira wa Kagure	38.	Magathe wa Njuguna "
18.	Wangari wa Kagure	39.	Kanubii wa Maina "
19.	Wanjiru wa Kinyanjui	40.	Nyoko wa Mwangi "
20.	Wairimu wa Kinyanjui	41.	Mirara Waithaka "
21.	Wanjiru wa Muuguz	42.	Gichigai wa Kiano "

Some of these women were taken to Chief Njiri's house and the other to his Sub-headmen's, they were beaten and forced to spend the night away from their homes. When these widows were arrested three of them had their clothes taken off by

by Macharia wa Mui, the Chief's messenger and were left in a state of nudity. When the widows were under Chief's custody one of them sold her daughter to a man for tax money.

6.

We Taxpayers of Chief Njiri's Location would like to know the reason why the Government has introduced stamp tax which we are not allowed to buy at Chief Njiri's Location, in spite the fact that when tax stamps were introduced by the Government taxpayers were informed that they would be able to buy them and fix these stamps on census cards until they get sufficient stamps for the tax.

Also we would like to know the reason why Government fines taxpayers when they intend to pay their taxes. Does Government realise that we taxpayers are poor to be asked to pay double taxes without considering the poverty of the people?

Sir, we demand that an impartial and immediate enquiry on hardships and molestation which His Majesty's loyal subjects have suffered through your officers should be set up. We will be grateful if you will be kind enough to favour us with a reply.

I have the honour to be,

Sir,
Your obedient servant,

Sd. Karanja wa Mwangi

For and on behalf of Chief Njiri's taxpayers.

Copy to:

The Ho. the Chief Native Commissioner, Nairobi
The Ho. the Rev. Archdeacon Burns, P. M. S. Nairobi
The Kikuyu Central Association, P. O. Box 5, Nairobi

District Commissioner,
Fort Hall.

14th July, 1936.

FIN.4/5/1/349.

The Hon. Provincial Commissioner,
Central Province, Iyeri.

TAX COLLECTION- COMPLAINT BY KARANJA WA
MWANGI VERSUS CHIEF NJIRI.

Ref. your No. FIN.5/3/34 of 10th June, 1936.

I forward a report made to me by Mr. Kennaway, District Officer, who has spent many days patiently and carefully investigating the complaints contained in Karanja wa Mwangi's letter to you of June 1st. More complaints were made by this man after the receipt of his letter here, and these have also been carefully investigated by Mr. Kennaway. Perhaps you may desire to see the records of the enquiries during your impending visit to Fort Hall. By that time, I think Mr. Kennaway will have completed a few enquiries which he has not yet been able to finish owing to the absence of some necessary witnesses.

2. The only investigation that I personally have made relates to the three women mentioned in sub-para. 2 of para. 5 of Karanja wa Mwangi's letter. His version of the matter is very distorted and malicious. These three women made their complaint to us, and I went into it before I knew anything about Karanja's letter.

(2) I must explain that early this year I gave strict instructions to all the Chiefs that no women be in any way molested during tax collection, and that these instructions also applied to their property if they were widows. I also informed the Chiefs that action against a widow who was able to pay the tax but refused to do so would be carried out solely by an Administrative Officer. These instructions are generally known throughout the Reserve today by the people themselves.

(3) Mr. Kennaway arrived on Chief Njiri's location to collect the tax on the 15th April last, and he returned to Fort Hall during the morning of the 22nd. I arrived in Chief Njiri's location during the afternoon of the 22nd to finish off the work of collection, and during the morning of the 24th I left Njiri's for Chief Reuben's location where I camped for 6 days. On my arrival in Njiri's location, I found that the bulk of the tax had been collected by Mr. Kennaway after much trouble in overcoming a good deal of passive resistance. There still remained about Shs. 9,000/- to be got in, however, and I collected some of this during my short stay at Njiri's camp. On my departure for Reuben's camp (which is only a few miles from Njiri's camp) on the 24th, I instructed Njiri and his sub-headmen to send all men late payers who could still be found in Njiri's location to me at Reuben's camp.

(4) It was towards the end of my stay at Reuben's camp that the trouble concerning the 3 women occurred, but I did not know anything about it until after my return to Fort Hall. Sub-headman Ngure under Chief Njiri had instructed all those heads in his area to bring late payers to him. A thome head named Macharia -wa Bui knew that the three husbands of these three women were temporarily absent from the location and had not yet paid their taxes. He found the three women, - who are all quite young (one of them was only married at the commencement of this year), - working in a shamba, and he questioned them about their husbands' whereabouts and whether they had the money for their taxes. The women merely became defiant and he could get no useful information from them. He then told them to accompany him to sub-headmen Ngure. This they were unwilling to do, but he forced them to go with him. The young bride I have mentioned above was particularly reluctant to go to Ngure, so Macharia caught hold of her shuka which she was wearing over her other clothes. The knot became undone and the shuka fell to the ground. She readjusted her shuka immediately afterwards. The chief point about this is that she was not reduced to a state of nudity when her shuka fell, nor did Macharia intend to take any of her clothes off her; the other two women did not experience any trouble at all with regard to their clothes.

(5) When this party arrived before sub-headman Ngure he immediately reprimanded Macharia very severely for having molested these people, explaining the instructions that I have given about women, and he allowed the women to return to their homes. This action of Ngure's is freely acknowledged by these women.

(6) The women allege that when they returned to the shamba on the following morning, they found that some of their implements, &c. which they had left there on the previous day, when they went off with Macharia, had been stolen. They then proceeded to the Tribunal Centre at Kigumo, which was close by, and interviewed John Gaboko, the Tribunal Clerk. (This clerk, by the way, is not on friendly terms with Chief Njiri, as is well known). Their chief complaint against Macharia related to the loss of their things and they desired to take a case against him. The shuka incident was mentioned by them to John, and they also informed him that Macharia had slapped their faces. John referred the matter to Mr. Kennaway a short time later, and the women eventually came to Fort Hall. Two of their husbands came with them, as did Macharia, sub-headman Ngure and the Tribunal Clerk. Each of the three women complained to me that she had lost 2 pangas, 1 axe and 2 string bags, all said that they had been severely beaten by Macharia with a stick and the young bride mentioned the shuka incident, admitting at the same time that she was still wearing other clothes when the shuka fell from her. John Gaboko said it was all nonsense for them to say that they had been beaten by Macharia, because all they told him on the following morning was that Macharia had slapped their faces. John explained that even if Macharia had slapped their faces, they were not really hurt by him. It was perfectly obvious that they had afterwards been "put up" to tell me that they had been beaten with a stick. Some mischievous person apparently also endeavoured to get these women to tell me that one or more of them had also been raped by Macharia,....

Macharia, but they and their husbands very wisely did not mention a word of that very obvious falsehood to me!

(7) I found that Macharia, who is not a Government servant, of course, had acted wrongly while thinking that he was assisting his sub-headman. I also found that the women had not really been hurt by him as alleged and while it was true that his action in taking them to sub-headman Ngure had resulted in the loss of their property, I could not, in all the circumstances of the matter, make him pay compensation. Now, with regard to this property, I was satisfied that some things had become lost, but I did not believe that the women had each lost exactly the same kind and number of things (2 pangas, 1 axe and 2 bags). However, after sending the President, of the Appeal Tribunal to these women's houses to make enquiries about their alleged losses (he failed to prove or disprove anything), I gave them the benefit of the doubt, and I paid each woman Shs. 6/50, being her own valuation of 2 pangas, 1 axe and 2 bags. Each woman was also paid an extra Shs. 5/50 as compensation for inconvenience, &c. caused to her. This settlement completely satisfied the women, also the two husbands who came here with them.

(8) I dwell at great length on this particular matter, because the facts are very different from the lying statement made in Karanja wa Mwangi's letter with regard to it.

3. There are three other matters that I know about personally, and I shall deal with them in the following 3 sub-paragraphs.

(1) Para: 3 of Karanja wa Mwangi's letter.

Mr. Kennaway in his report deals with this particular paragraph, but I would add that the men listed as Nos. 16, 17 and 19 were only arrested as tax defaulters and brought before me for trial after my arrival at Njiri's camp which was on April 22nd. They were young men who had failed to appear before Mr. Kennaway. They promptly paid their taxes to me, but I fined them Shs. 2/- each on the 23rd. for "failing to appear before collector", under Section 15 of the Hut and Poll Tax Ordinance (vide my Criminal Cases. Nos. 114, 117 and 118 of 1936). That they and the others in the list concerned were fined merely because some of them annoyed Chief Njiri when the Webb Commission was here is just so much "moonshine". A number of other defaulters were prosecuted during Mr. Kennaway's and my safaris in Njiri's location.

(2) Para: 5 of Karanja wa Mwangi's letter.

On April 23rd, 29 or 30 fairly old men, including Nos. 30 to 44, were brought before me at Njiri's camp. They had been arrested as tax defaulters after Mr. Kennaway's departure on the 22nd. On the 23rd I convicted a number of young men, but Chief Njiri put in a special plea for the 29 or 30 old men. He asked me not to take cases against them then, because he knew that they would be able to pay their taxes if given a few days' grace.

These old men were all lined up before me and they also asked for a little time. Most of them had money of varying amounts with them but not sufficient for their taxes of Shs. 12/- each. None of them asked me for exemption, and I agreed to give them extra time.

(3) Para: 6 of Karanja wa Mwangi's letter.

Since March 28th, no less than 14,700 kodi stamps have so far been sold at Kigumo, which as you know is near Njiri's location. Many of Njiri's people have bought stamps there, and no one has been prevented from purchasing them. What really happened was this: on the morning of the 23rd Njiri informed me at his camp that some people who had sufficient money for their taxes were still going to Kigumo, which is 7 miles from his camp, to buy kodi stamps, thereby wasting everybody's time at that late hour when they could pay their taxes in cash immediately. I then instructed Njiri to give it out that late payers should not waste further time by going off to buy kodi stamps but they should bring their money to me at once.

4. With regard to Karanja wa Mwangi's final paragraph, I regret that I cannot agree that he has proved himself to be a very loyal subject of the King. He wilfully refused to obey a lawful order made to him personally to appear before Mr. Kennaway to pay his tax. Mr. Kennaway was then forced to have him arrested, when it was found necessary to try him and fine him Shs 10/- I need say no more about him at this stage.

(Dgd.) D.O. BRUMAGE.

DISTRICT COMMISSIONER.

13th July, 1936.

The District Commissioner,
Fort Hall.

I have the honour to report that I have investigated as many as possible of the allegations contained in Karanja wa Mwangi's letter of 1/6/36 addressed to the Hon. the Provincial Commissioner.

Investigations into some of the allegations are still incomplete owing to the absence of various witnesses.

The investigations have been extremely lengthy as there has been much evidence to take.

Ref. para. 1 (of the letter referred to above)

It is true that a large number of natives of Chief Njiri's location came to Fort Hall to give evidence before the Webb Commission.

It is certainly true that throughout this district many natives have been entered in the 1936 Census Registers who, for a varying number of years previously have not appeared on previous Census Registers.- This was because the Chiefs, Headmen and the populace in general have always looked upon the Registers as being solely Tax Registers, and that therefore a large number of persons have, year by year, been omitted from Registers (previous to 1936) because they had previously been granted exemption, and were still in such circumstances as would warrant exemption again.- In 1936 however, strict instructions were issued that all living persons must be included in the Census Register.

In consequence a large number of natives were written on in the 1936 Census Register who had not been written on for some years previously.

It is true that some of the people now re-registered were, in old registers, shown as having been reported as "Dead." This is not the first time that such an anomaly has come to my notice, and I have invariably been told that they person was exceedingly old, or exceedingly ill- or both. To a large extent Chiefs rely on information supplied to them by Heads of Ituras, and many of these latter are extremely unsophisticated, and I have formed the opinion that many of the reports that a native is "dead" arise from the fact that the Head of the man's Itura has said "dead" meaning "bedridden" and- to all intents and purposes as far as tax is concerned- they are "dead."

Because of the special strict instructions issued this year, all these people have once again been entered in the Registers- not because they took any part in bringing any accusations against Chief Njiri,

Of the four people mentioned in Karanja's letter (para.1) not one of them makes any allegations of any sort against Chief Njiri. They are all in the area of Sub-Headman Wamuri (to whom I shall refer later).

Ref. paras. 2 and 3.

The 21 persons referred to were all able bodied men.

They were not, as implied, prosecuted as soon as the Officer arrived at Chief Njiri's camp. No charges were made until tax had been collected for 4 days at the camp- (with the exception of No. 1 on the list ~~wh~~ to whom I shall refer later)

The 21 persons named were not the only ones prosecuted, nor were they all prosecuted at one time.

That the persons referred to all paid their tax and costs when prosecuted, seems to indicate that their failure to pay their tax before was merely due to passive resistance.

Nos 2 and 3 on the list were fined 10/- each because they had been told to appear before the collector or to send their tax money and they had failed to do so. They were both able bodied, and comparatively intelligent natives, of adequate means to have paid their tax promptly had they wished.

No. 1 represents a different affair. Chief Njiri reported to me that there was a man who was encouraging the people to delay in the paying of their taxes. I instructed Chief Njiri to call for this man to appear before him at the camp, and when he came to bring him to me in order that I might talk to him (I was aware that he had paid his tax.)

Subsequently Chief Njiri reported that in spite of having told him to appear the man had not come. I therefore had the man (Gitundu) arrested and brought to me. He freely admitted that he had not obeyed Chief Njiri's order to appear so he was prosecuted under Section 8 (p) Chapter 129 Laws of Kenya and fined Shs.10/-

I can only trace one of the 21 (No. 9 Nathan Ng'ang'a) as having given evidence before the Webb Commission. He gave evidence against Headman Wamuri.

Ref. para: 4.

This matter is still under investigations as far as Kahare and Wangari are concerned.

There is no truth whatever in the allegation in so far as it concerns Nyanjugu. She herself admits that she is the inherited wife of Njama wa Kanyire, that together they only paid 1 tax, and that this year Njama took their money to Chief Reuben's camp, paid, and got the receipt.

In the register the man, Njama, is shown as having paid tax this year.

Ref. Para. 5.

It is true that most of the persons named have been exempted in one or more previous years. Quite a number of them are now in improved circumstances and might reasonably be expected to pay- in fact eleven of them have already paid their 1936 tax.

Four of them had already been exempted in 1936.

Of the rest some will certainly be exempted this year. They had not so far been exempted pending ascertainment of their circumstances.

Many of those named have alleged that they should be given permanent exemption because, in the past, (when they first obtained exemption) they had given varying sums of money to Sub-Headman and Heads of Ituras as bribes to obtain permanent exemption.

These allegations of bribery were as follows:-

- 9 against Headman Wamuri
- 2 " Head of Itura Kahiga.
- 1 " Chief Njiri
- 1 " Headman Ngure.

In all these cases there is much conflicting evidence- especially in the cases against Headmen Ngure and Chief Njiri. In none of the cases do I consider that a prosecution could be made with any hope of success.

As regards Headman Wamuri I have the following comments to make:-

1. While I do not consider any prosecution would succeed against him, I certainly feel that he has in the past accepted bribes.
2. He is an old and rather stupid man.
3. He openly admitted to me in one case (that of No. 2 Nyandia wa Ndungata) that the woman was a fit subject for exemption but that he had tried to insist on her paying tax because he was bitter about the allegations made against him before the Webb Commission by "these people."

I therefore recommend that he be discharged.

None of the persons listed in para. 5 were beaten or ill-used in any way.

The allegations contained in sub.para. 2 of para. 5 have been dealt with by you.

Ref. para. 6

Kodi stamps were on sale at Kigumo and any person that wished could have bought kodi stamps there.

The intention of tax payers to pay their taxes is often somewhat obscure.

In the main the attitude of Karanja and the majority of the people he names may be summarised as follows:-

1. Chief Njiri, and his Headman, and Heads of Ituras, have in the past taken bribe money from people wanting exemption, and that now many of these payers of bribes have been told to pay- that therefore Chief Njiri etc. are guilty of a breach of trust against these people.

2. That this year many applicants for exemption were turned away by Chief Njiri in spite of the fact that the Headman and/or Head of Itura of the applicant had stated that the applicant was a fit subject for exemption.

3. That this year, tax collection was started in Chief Njiri's location much earlier than in past years; that, in consequence, many people had not yet been able to get all their tax money ready and yet were prosecuted for having/late with their tax.

/been

As regards 1 above:-

(a) The insinuation that Chief Njiri etc. have been guilty of a "breach of trust" to the payers of bribes is of course not a matter that calls for any comment.

(b) If, in fact, the paying of bribes to Chief Njiri etc. to obtain exemption has been indulged in the past, it is high time that the payers of the bribes should be told to pay their taxes (if they are not fit subjects for exemption on the grounds of age, infirmity and poverty).

The payers of bribes, and the population as a whole do not seem to appreciate the fact that it is as culpable to give bribes as to receive them.

The whole question of bribery, by the people, of Chiefs, Headmen, etc. (in connection with tax collection) was raised before the tax Inquiry Commission.

As regards 2 above:-

I fail to see that this is cause for complaint. Chief Njiri, as being in charge of the whole location, might reasonably, not always accept the word of his Headmen and/or Heads of Ituras and decide to look into the circumstances of applicants of exemption himself.

As regards 3 above:-

It is true that tax collection was begun at Chief Njiri's location earlier than in past years. However I cannot accept the insinuation that the people of his location were taken unawares. Tax collection at Chief Njiri's location did not

begin.....

/begin
till 16/4/36 and it was well known throughout the district that tax collection had begun in January this year. Further, no very great number of persons were prosecuted and these, with very few exceptions, then paid promptly enough (not only their tax money, but also costs); which would seem to indicate that there was no actual difficulty for them to get the money, and that they had not paid prior to being prosecuted through sheer stupidity, laziness, or by way of passive resistance. No prosecutions for non-payment of tax were made till 20/4/36 (after tax had been collected on the days 16/4/36 to 19/4/36 inclusive).

(Sgd.) N.F. KENNAWAY.

District Officer.

FIN.4/5/1/585

The Hon. Provincial Commissioner,
CENTRAL PROVINCE, NYERI.

TAX COLLECTION - COMPLAINTS BY KARANJA WA MWANGI
VERSUS CHIEF NJIRI.

Ref. my No. FIN.4/5/1/585 of 14th July, 1956.

I forward herewith a second and final report, dated 2nd August, which has been submitted to me by Mr. Kennaway. We have, since that date and until a few days ago, been investigating the allegations that Chief Njiri threatened to take reprisals against the people who appeared before the Taxation Collection Commission and that he recently attempted to have Karanja wa Mwangi bewitched. I shall deal with these particular allegations later on in this letter.

2. Para 5 of Mr. Kennaway's report of 2nd August and para 4 of Karanja wa Mwangi's letter of 1st June.

Of all the numerous complaints investigated by him, Mr. Kennaway finds that he could, as prosecutor, bring only two to Court. The complaints are against Tribal Policeman Thigiru, who is a son of Chief Njiri. The complainants - Kahara wa Gatuiku and the widow Wangari wa Maina - are supported by witnesses who do not contradict one another, and it is for this reason that Mr. Kennaway feels that he could prosecute Thigiru. At the same time, Mr. Kennaway points out that the two cases are weakened from the prosecution point of view by the fact that the third complaint (that of Nyanjugu wa Ihube) against Thigiru was brought forward on entirely false premises by Karanja wa Mwangi. As Karanja has made so many false charges, it is possible that these two complaints against Thigiru are also false - each being a clever "frame-up". However, it is also possible that these complaints are quite genuine. As I have become much prejudiced against Karanja wa Mwangi and his friends

friends because they have deliberately lied or grossly distorted facts in so many other matters, I feel that it would be impossible for me to try Thigira for the offences referred to. In the circumstances, then, I propose that Mr. Pennaway should prosecute him in the 1st Class Magistrate's Court at Thika.

3. During the lengthy and exhaustive enquiries conducted by Mr. Pennaway accusations brought forward against Njiri himself have collapsed. If his son has really been guilty of misappropriation of tax money, his sins cannot very well be visited on Njiri. Thigira has been in the Tribal Police for many years and he is not under Njiri's direct supervision.

4. I feel that Archdeacon Burns and Mr. Taylor, who farms on the Kinangop Plateau, know nothing about Chief Njiri's past history and I doubt whether they have any knowledge of the origin of a difficult state of affairs that has existed in his location for the last 10 years. In 1926 a serious intrigue was conducted against Chief Njiri with the active assistance of the Nkuyu Association. A man named Petro wa Njuguna took a leading part in this intrigue. Mr. W.G. Stone, who was District Commissioner here at that time, spent six days investigating matters in Chief Njiri's location. Subsequently, the ringleaders, including Petro, were tried at Fort Hall and sent to prison. The conspiracy was so serious that Mr. Stone saw fit to insert a special note on it in the Chief's Record Book for the information of his successors. Two excerpts from this note are: "We cannot hope that the intrigue will now cease" and "The real and only reason for this intrigue against Njiri is that he is a capable and strong headman who insists that his people shall obey his and Government orders". In his note Mr. Stone also stated that the deportation of Petro and another ringleader was desirable. (They were not deported, however, and on his release from prison Petro returned to his home in Njiri's location, where he still lives). I mention Petro's name especially because

he

he is Karanja wa Mwangi's father-in-law. Karanja wa Mwangi is a prominent supporter of the Kikuyu Association and he is also a leading member of the Kikuyu Independent Church and School movement in Njiri's location. This "Christian" has two wives, Mary and Wangoi. Mary is Petro's daughter.

5. Now, Mr. Stone's fears that the intrigue against Njiri would continue were justified, for Mr. J. M. Silvester, Acting District Commissioner, wrote on the 5th February 1927:

"Unfortunately, the trouble between Njiri and the Mathanjiri people still continues and has recently been the subject of yet another case. Unlike many other headmen he is a whole-time worker for Government and one of the reasons for his unpopularity with the Mathanjiri people is undoubtedly the zeal he shows in carrying out Government orders". On the 19th April 1928, Mr. S. R. La Fontaine, when District Commissioner, wrote: "The Mathanjiri trouble having increased rather than abated, the Senior Commissioner and District Commissioner proceeded to Kangare (Njiri's camp) on 28/8/27, when the former warned the assembled baraza that any further disobedience would be punished with the utmost rigour. Heavy fines were imposed at a subsequent visit of the Asst. District Commissioner, and his judgments being upheld by the Supreme Court on appeal, the "fitina" appears to have ceased, or temporarily died down".

6. Mr. Stone wrote another note in 1928 about a school that was established near Njiri's camp at Kangare by the Africa Inland Mission. Dr. Allen, of the Africa Inland Mission, reported to Mr. Stone that he had been forced to close down this school because the native teachers there had refused to obey his instructions and desired to conduct matters in their own way. In Mr. Stone's opinion, the school had been largely responsible for the trouble which was then brewing for Chief Njiri, fuel being added to the fire by the Kikuyu Association

which

which was, of course, particularly hostile to Government and constituted authority at that time. The building concerned was subsequently re-opened as an Independent School and it still functions as such. The people who are now members of the Independent movement in Chief Njiri's location have always supported the Kikuyu Association and since 1928 they have always been bitterly opposed to Njiri, because apart from being a loyal Government servant he has always been friendly towards the Africa Inland Mission, which is the only missionary society that has interests in his location. Mr. K. L. Downing, who is in charge of the A.I.M. station at Githum, near Njiri's location, was born in this country and he has much knowledge of the Kikuyu people and their language. He has known Njiri for many years. I remember discussing Njiri with Mr. Downing last year, before the present commotion about him commenced. Mr. Downing told me that he considered Njiri to be an excellent chief. Father Maraviglia, who has been in this District for a very long time and knows Njiri well, expressed the same opinion about him to me some time ago.

7. I have explained the relationship between Petro and Karanja wa Mwangi, and I have pointed out that Karanja is a supporter of the Kikuyu Association and a prominent member of the Independent Church and School movement. I shall now give another reason why Karanja and his friends are opposed to Njiri. About a year ago, Karanja and some others applied for permission to erect a church and a school on the githaka of a man in Njiri's location. Njiri openly opposed the application, pointing out that if it was granted much trouble would result because the site concerned was not far from an Africa Inland Mission school in his location and quite close to a C.M. school across the Maragua River in Chief Muriranja's location. The application was subsequently refused by Government.

8. The githaka owner mentioned above is also a member of the Independents. A brother of his, named Thiga wa Roti, and

some of his friends work for Mr. Taylor on his farm, and it is these people who have been complaining to Mr. Taylor. Mr. Taylor apparently believes everything that they tell him about Njiri. I do not think that Mr. Taylor knows Njiri nor do I believe that he has ever been in his location.

9. With regard to the allegation that Njiri threatened certain of his people directly after he had given his evidence before the Commission at Port Hall, I attach copies of correspondence that has passed between Archdeacon Burns and myself. The bearded Kikuyu mentioned by Archdeacon Burns is Gitundu wa Kimere. This man was convicted and fined shs.10/- by Mr. Kennaway last April (see page 2, Mr. Kennaway's report of 15/7/36). Njiri stoutly denies having threatened any one at Port Hall or ~~or~~ sending a message to Archdeacon Burns. He says that no matter what his feelings might have been at the time, he would not have been so rash as to make threats publicly just outside the office in which the Commission was then sitting. He asks why his enemies, who were not backward in complaining before the Commission, did not report him immediately for making the threats. Karanja wa Mwangi and Gitundu say they heard Njiri making the threats, but they can give no good explanation why they did not report him at the time. Karanja makes the lame excuse that he was afraid of me, but he admits at the same time that I gave him and his friends every possible assistance in recording their complaints and bringing them to the notice of the Commission. Karanja led a large contingent, including some well dressed young men (he himself, if I remember was in plus fours), down to Port Hall on that occasion. I gave them every possible help. None of them was in any way shy, and his best friend would hardly describe Karanja as being bashful; so I am at a loss to understand why this serious allegation against Njiri was not brought to notice immediately. I have no doubt that Njiri was angry. A number of his enemies were present. It is possible that he did say something which was

improper

improper. Feeling must also have been running high among a number of other chiefs and headmen who were being complained against at that time. I do not know the Archdeacon's driver, but I am told that he is a C.M.S. native whose home is somewhere near Weithaga.

10. During the last few days, Karanja has brought another complaint against Njiri. He says Njiri endeavoured to have him bewitched last week. Karanja depends on a statement made to him by a M'kamba of known bad character, who was imprisoned here a few months ago. I ordered this man out of the District on his release from Prison. Apparently he and a M'kamba woman passed through Njiri's location on their way to Naivasha a few days ago. This M'kamba man was called to this District by the Independent school at Mariira some time ago to make toy guns for the pupils. After doing this work, he went round selling witchcraft medicine and he was then arrested and imprisoned. Karanja alleges that this M'kamba and his woman companion called on him at his shop, when the M'kamba told him that they had just come from Njiri who had paid 40/- to the woman as a fee for her to bewitch Karanja. After giving Karanja this friendly information, the M'kamba then went off with the woman to the Naivasha District. This story does not ring true, somehow. However, Mr. Kennaway is investigating it. I mention the matter merely because it is possible that we shall be hearing next that Njiri is on the point of murdering Karanja or something of that sort.

11. Mr. Kennaway in his report of July 15th recommended that Sub-headman Wamuri should be dismissed. I have duly acted on this recommendation. I shall inform you of the result of Thigiru's trial in due course, also of the result of Mr. Kennaway's investigation into the alleged attempt by Njiri to have Karanja bewitched.

D. O. BRUMAGE

DISTRICT COMMISSIONER.

The District Commissioner,
FORT HALL.

Further to my report of 13/7/36 re the allegations contained in Karanja wa Mwangi's letter of 1/6/36 addressed to the Hon. the Provincial Commissioner.

I have now completed my investigations into the allegations contained in the above quoted letter; and also into some subsequent complaints raised by Karanja wa Mwangi.

2. Ref. paras: 1,2,3,5 and 6 (of Karanja wa Mwangi's letter)-

I have nothing to add to my report of 13/7/36.

3. Ref. para: 4.

The following is a copy of my findings:-

"In this case Tribal Policeman Thigiru (who also happens to be a son of Chief Njiri) was alleged by Karanja wa Mwangi to have taken and kept a total of 57/- which should have been paid to an officer for the 1936 tax and L.N.C. rate of Kahare wa Gatuiku (15/-) and the taxes of the widows Wangari wa Maina, and Nyanjugu wa Hwabe.

The evidence for the prosecution has, I consider, established a prima facie case as far as the money of Kahare and Wangari are concerned. It only remains to decide whether the evidence for the prosecution or that for the defence is to be believed. The case for the prosecution has been considerably shaken by the collapse of the case of the 3rd Complainant (Nyanjugu wa Hwabe) - which was raised entirely falsely by Karanja wa Mwangi.

However I recommend that a prosecution be instituted against T.P. Thigiru."

4. Subsequent complaints raised by Karanja wa Mwangi.

1.) Allegation:-

That 5 women, whose husbands are alive, were arrested by Headman Gathuri and 5 of them were forced to sleep the night at his village.

On investigation:-

- () The evidence in support of the allegation is so conflicting and unsatisfactory in important details that one cannot but come to the conclusion that the whole affair has been concocted and that the allegation is false. Certainly I do not consider that any prosecution could hope to succeed. Further, that no disciplinary action against Headman Gathuri would be, in any way, justified.

2. Allegation:-

That Njeri wa Nyingi (a young widow) came with Chief Njiri (to Fort Hall on 9th June 1936) who had her tax money. That Chief Njiri had her exempted and kept her money.

On investigation:-

The allegation became "that Head-of-Itura Mururia came into possession of Njeri's tax money and kept it. That

Mururia.....

Mururia and Chief Njiri reported her to an officer as dead - both knowing that she was not dead".

However even this allegation proved entirely unconvincing on the evidence and I have had once more, to come to the conclusion that the allegation is false.

(3.) Allegation:-

That Chief Njiri and Head-of-Itura Mururia received the tax (12/-) and L.M.C. rate money (1/-) of Gathu wa Karega - but took Gathu before an officer, had him exempted, and kept the 12/-.

On investigation:-

Karanja wa Marangi deliberately attempted to mislead the court and was "caught out" on his lie. This, I considered, indicated the value that could be put on the truth of the allegation, and I considered it unnecessary to proceed further with the case.

(4.) Allegation:-

That a man - Wambutu wa Kisari - of Chief Maruranga's location, was arrested and beaten by Headman Ngure of Chief Njiri's location, and was later released after he had given Headman Ngure 5/-.

On investigation:-

The following is a copy of my finding:-

"The demeanour of Wambutu and the manner in which he has given evidence convince me that his evidence is worthless and false. I see no reason to continue with this case".

5. GENERAL

The evidence recorded by me in my investigations is of course available, should you wish to see it.

Karanja has expressed the wish that where evidence of the person alleged against conflicts with the evidence of the "Complainant", resort should be had to the Oithathi or the "Kupiga" "Thengo" oaths.

Karanja states that this course would be understood by, and would satisfy the people he represents.

District Officer

Copy

E X T R A C T

from letter No. FIN.5/3/II/4 of

24th September, 1936

addressed to the Hon. Colonial Secretary, Nairobi
by the Provincial Commissioner, Central Province.

"The District Commissioner, Fort Hall, reports
as follows:-

"No further information has been obtainable.
In all the circumstances of the matter, I feel that
there was no foundation of fact to the complaint.

Karanja wa Lwangi was instructed to discover
the whereabouts of the Mkamba man and his woman
companion: but he has apparently failed to do this
as he has made no further report to me on the matter."



Rep-2/13
31



KENYA
No. 61

GOVERNMENT HOUSE,
NAIROBI,
KENYA

RECEIVED
24 FEB 1936
C. O. REGD

31 January 1936.

Sir,

I have the honour to refer to your despatch No. 6 of 4th January 1936, on the subject of allegations made by Archdeacon Burns in Legislative Council in regard to the methods employed for the collection of hut and Poll tax, and to make the following observations.

Forward (14)

2. On November 28th, 1935, in the course of the Debate on the Provisional Draft Estimates, 1936, Archdeacon Burns alleged that the methods of collection of Native hut and Poll tax were not all that could be desired. He stated that although he was not blaming the Administrative Officers concerned, the Chiefs and headmen abused their authority to their own advantage and to the disadvantage of the natives paying the tax. He particularly urged that women should not be interiered with, and should not be arrested by the Chiefs as hostages for unpaid taxes.

3. In consequence of these serious allegations, the Chief Native Commissioner wrote to Archdeacon Burns on the 30th November, 1935, and asked him to furnish full details of any cases of women being detained by Chiefs in the course of hut and Poll tax collection.

Archdeacon Burns, in reply, quoted a number of cases which had come to his notice, and these were referred to the ...

THE RIGHT HONOURABLE
J. H. THOMAS, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.

the Administrative Officers concerned for investigation.

Replies have now been received from the Districts concerned and show that after very careful investigation the majority of the allegations are without foundation while others are exaggerated.

4. In the meantime, a Circular Letter was issued on the 7th December, 1936, referring to the complaints submitted by Archdeacon Burns, and instructing District Commissioners to make known to headmen and their staffs, the provisions of the law, and to impress on them that any action in regard to tax collection that is not covered by the law will be severely dealt with.

5. On the 9th January 1936, Archdeacon Burns tabled the following motion in Legislative Council:-

"This honourable Council is of the opinion that the methods adopted in the collection of Native Hut and Poll Tax bear very heavily on certain sections of the native population residing in the Reserves, and earnestly ask Government to devise some means by which those committed to prison or detention camp for the non-payment of their taxes can be given work of such a useful nature as would justify Government on the expiry of their time in exempting them from further taxation for that year."

The motion was seconded, and the hon. member for Nairobi North, (Major the Hon. F. W. Cavendish-Bentinck), moved the following amendment:-

"This Council, in view of the fact that it has been alleged that certain methods adopted in the collection of native hut and Poll Tax bear heavily in certain cases on the native population, is of the opinion that a small Special Committee should be appointed to enquire into any possible or alleged abuses or hardships which may exist."

The substantive motion and the amendment were withdrawn on the announcement by the Chief Native Commissioner that Government would gladly welcome the appointment of such a Committee.

I have, however, decided that the appointment of a Commission of Inquiry under the Commissions of Inquiry Ordinance, Cap. 25, Laws of Kenya, would be more appropriate

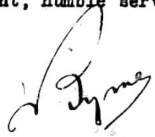
in the circumstances, and the composition and terms of reference of this Commission, which will be appointed at an early date, are now under consideration.

6. In conclusion, I need hardly say that I fully agree with the view expressed by Sir Philip Cunliffe-Lister (now Lord Swinton) quoted in the third paragraph of your despatch under reply, as to the impropriety of detaining females in order to put pressure on their male relations to pay taxes. I can assure you that these allegations will be thoroughly investigated and in due course I shall transmit to you a copy of the report of the Commission referred to in paragraph 5 above, together with my observations and details of any action which I propose to take as a result of the recommendations made.

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER-GENERAL.

G O V E R N O R.

W. Wood

PERSONAL & PRIVATE.
AIR MAIL.

124

GOVERNMENT HOUSE,

KENYA,

EAST AFRICA.

23rd January, 1936.

Li 3.2.36

My dear Bottomley,

I see another of our perpetual rows in the "offing" so had better keep you informed in case I have to cable to the Secretary of State.

You may have seen in the papers that that dear old man Archdeacon Burns made accusations against Chiefs and Headmen in connection with the collection of native tax -- he distinctly exonerated all our administrative officers from any connection with such alleged misdeeds. No one was more surprised and sorry than the Archdeacon when he saw the press campaign that resulted. However, we clearly could not let the matter rest and at Executive Council on Saturday we decided to appoint a Commission forthwith. The personnel was then discussed and the following agreed upon, viz., Mr. Justice Webb (Chairman), Mr. Rupert Hemsted, Mr. Conway Darvey, the Chief Native Commissioner, Archdeacon Burns and Mr. Pandya (a member of Executive Council). No question whatever was raised in Council as to the propriety of putting Mr. Pandya on the Commission, the only question

v. That woman at "hill" to whom

was....

was as to whether a small Commission of three or a large Commission of six should be appointed. The majority of Council advised on the latter and I accepted this advice. It was a most friendly meeting, Lord Francis Scott and Major Cavendish Bentinck both being present.

To my surprise I received the enclosed letter this morning and after consulting Wade and the Attorney General I decided to reply to the effect that I am unable to vary the decision of the Governor-in-Council but if the Elected Members desire to make any representation by cable to the Secretary of State I am prepared to postpone the Gazette Notice until his decision has been communicated.

The two European members should undoubtedly have made their objection in Council: to reopen the issue now would rightly raise a storm of protest from the Indians.

The trouble may fizzle out, but on the other hand it may not. Thus it is desirable that you should be....

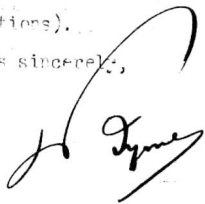
*afely
Wade.*

be in possession of the facts.


Personally I cannot see why an Elected Member of Executive Council (with the wide experience thereon) should not sit on this Commission, especially as he takes a great interest in native affairs.

Our frontier so far is giving no trouble except for these troublesome Tigre deserters (regarding whom I am still awaiting instructions).

Yours sincerely,



Sir W. C. Bottomley, K.C.M.G., C.B., F.R.S.
The Colonial Office,
London, S.W.1.

*Ref Francis Scott letter the Government put forward
two names - they were suggested and discussed
at the Ex Co meeting*


P. O. Box 825,
Nairobi.

22nd January 1936.

The Hon'ble. the Colonial Secretary,
The Secretariat,
NAIROBI.

Dear Madam,

Will you please put the following facts before His Excellency the Governor.

I have discussed with Conway Harvey and Cavendish Bentinck the composition of the Commission to enquire into the collection of Native Taxes, and we all feel very strongly on the subject of the appointment of an Indian to such a Commission. It strikes at the root of all we stand for in this country which is, that this is a British Colony to be administered by British people only. If an Indian is admitted to serve on such a Commission, to enquire into the bona fides and actions of our Administrative Officers, it connotes that Indians have a right to a share in the Administration, and to be Administrative Officers. This is a contention we can never agree to, nor do I believe would any responsible Officer of the Administration.

We feel this question so acutely, that I am writing in to register this protest, which I hope will be duly filed for future reference, and to warn Government that we cannot let the matter rest quietly but shall have to ventilate our views publicly, and take such action as we may consider right.

I regret very much that I did not raise this whole question in its widest aspect at Executive Council, but I hoped we might have avoided it by the appointment of a Commission of three only. I am still strongly of the opinion that a Commission of three, as I proposed, would be the strongest Commission from every point of view, and especially from the Government's.

After all, the Chief Native Commissioner, if his post is justifiable at all, must be responsible for the acts of all his subordinates, Native as well as European. Archdeacon Burns told us afterwards that he would have preferred not to be on the Commission, and so if Government had only accepted my proposal of three, all these conflicts would have been avoided.

I cannot see that Pandya, a merchant in Mombasa, can have any possible qualifications for this Commission, or can serve any useful purpose on it. It is purely a political move on his part, and one which we Europeans must contest to our utmost.

Please put these facts before His Excellency, in the hopes that he may yet reconsider the situation. I was amazed that Government should have even considered the appointment of an Indian, and consider that by so doing, they are showing a miserably weak attitude in always giving way to the Indians' unjustifiable claims:

Yours,

(Signed) FRANCIS SCOTT.

15th Jan. 1936

TAX-RESISTING KENYA NATIVES

GOVERNMENT INQUIRY

FROM OUR CORRESPONDENT

NAIROBI, JAN. 14

The Government have willingly agreed to appoint a committee to inquire into the conditions of the collection of taxation in the native reserves, after a debate in the Legislature initiated on the motion of Archdeacon Burns, the representative of the native interests, proposing exemption for natives usefully employed while in detention camps.

The proposal was rejected by the Government as unsound, unwise, and impracticable, but the European elected members, who fully supported Archdeacon Burns's plea for the elimination of injustices, suggested an inquiry as an alternative.

Archdeacon Burns said that he did not blame the administrative officials, who, he thought, were unaware of the malpractices indulged in by the Chiefs and Headmen during tax collections. Things, he said, were being done which were so bad that they could not be described in the Legislature and would not be tolerated by the Administration if it was aware of them. He mentioned the ill-treatment of widows, the forfeiture of land, and the seizure of cattle. Chiefs, he alleged, who were enriching themselves at the expense of the taxpayers, were able to buy expensive motor-cars.

The Chief Native Commissioner, in reply, said that there had been a great amount of passive resistance in the last two years, mainly in districts which were able to pay. Eight thousand people had been sent to detention camps in 1933-34, and many more in 1935. The camps were overflowing and something should be done to make life less pleasant. The hard-up natives who originally occupied the camps were now displaced by able-bodied young men in Fair Isle jerseys and "plus fours."

Telephone: 30
CITIZENRY, CHURTON, LONDON
Telephone: 104
VICTORIA 104

38088/135

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The Anti-Slavery and Aborigines Protection Society

(in which are incorporated the British and Foreign Anti-Slavery Society and the Aborigines Protection Society)

Joint Presidents:

THE RT. HON. THE EARL OF LYTTON, K.G., G.C.S.I., G.C.L.E. THE RT. HON. LORD MERTON, K.C.S.I. THE RT. HON. LORD NOEL-BUXTON

Chairman: CHARLES H. ROBERTS, Esq.

Vice-Chairman: CHARLES RODEN BUXTON, Esq.

TRAVERS BUXTON, Esq.

Joint Hon. Treasurers:

ALFRED BROOKS, Esq., J.P.

H. J. TAPSCOTT, Esq.

Secretary: SIR JOHN HARRIS.

Assistant Secretary: MISS E. K. BATTY.

RECEIVED
- 8 JAN 1936
C O I

DENISON HOUSE,
296 VAUXHALL BRIDGE ROAD,
LONDON, S.W.1.
(CLOSE TO VICTORIA STATION.)

7th January, 1936.

To: -

The Under-Secretary of State,
Colonial Office,
Downing Street,
S.W.1.

pl

Sir,

At the instruction of my Committee, I beg to refer to the debate in the Legislative Council in Kenya Colony, in which it was alleged that certain abuses have been taking place with regard to the collection of native taxes. My Committee begs leave to remind you that similar allegations were made with regard to Nyasaland, and that on the 16th April last, Sir Philip Cunliffe-Lister stated in the House of Commons that he was asking the Governor of Nyasaland to furnish him with a full and immediate report.

We beg leave to ask whether it is proposed to take similar action in the case of the allegations with regard to Kenya Colony.

I have the honour to be, Sir,

Your obedient Servant,

John Harris
Secretary.

Annex (6)

44046/35
Nyasaland

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CENTRAL OFFICES of the SOCIETY of FRIENDS
FRIENDS HOUSE, EUSTON ROAD, LONDON, N.W.1.

Accountant:
STANLEY J. FORWARD

Secretary: W. F. NICHOLSON

Telephone:
MUSEUM 3600

Editorial:
JOHN L. NICKALLS

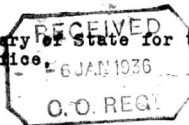
*Committee on Protection
of Native Races*

Telegram:
OVERSIGHT, ~~MUSEUM~~ LONDON
NORWICH.

4th January 1936.

To:-

The Under Secretary of State for the Colonies,
Colonial Office,
S.W.1.



Committee on Protection of Native Races

Sir,

Amud (K)

The members of this Committee are disturbed at the reports of irregularities in securing the payment of tax by natives in East Africa.

We have had before us the report in "The Times" and the "East African Standard" of the proceedings of the Legislative Council in Kenya Colony during last month, from which it would appear that women have been seized and detained by the native tax collectors in order to compel the men to pay their taxes.

Our concern upon this matter is accentuated by similar reports from Nyasaland. It will be within the recollection of the Colonial Office that this matter was raised in the House of Commons on April 16th of last year, by Mr. Graham White, and in that case we were glad to note that Sir Philip Cunliffe Lister said that any such practice

*1/ 24076/JS
Sya.
(P. & J. J.)*

*J.P.
6/1*

would be quite improper, and that the Governor had been instructed to furnish a full and immediate report upon the subject.

We are glad to believe that this deplorable practice, which for many years was adopted by a neighbouring foreign government, with disastrous consequences, has never, hitherto, so far as we are aware, been pursued in British colonies.

We assume that, as in the case of Nyasaland, the Secretary of State for the Colonies will call for a full and immediate report from Kenya, and we beg leave to ask whether when such report arrives we may be allowed to see a copy.

I am, Sir,

Yours faithfully,

Alexander C. Wilson

ALEXANDER C. WILSON
Chairman of the Committee.

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C.O.

Mr. Crosswell 3/1/26
Mr. Flood 3.1/26
Mr.

Air Mail

Sir G. Parkinson.
Sir G. Tomlinson
Sir C. Bottomley.
Sir J. Shackburgh.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State

13
R 3-JAN
D 3

January, 1926

DRAFT.

Kenya
No 6
for.

I have etc to transmit
to you an extract from the
'Times' (of the 28th of
December on the subject
of allegations made by
Archdeacon Burns in Council
in regard to the methods
employed in the Native
Reserves for the
collection of Hut and
Poll Tax.

~~Times 28th Dec 1925
(Extract)~~

FURTHER ACTION.

2. I shall be obliged if
will be taken up in Parliament or by interested parties
in this country, it will be convenient if
you will forward me with
let me have your views on the subject
a full report on the
conveniently
rather as soon as possible,

in order that I may be in
a position to reply to

^{enquiries}
~~questions~~ which may be

~~asked in Parliament.~~

3. A similar allegation, that females were detained

~~at home etc.~~

in order to ^{put} pressure on their male relatives to pay taxes,
was made in regard to Nyasaland last year, and Sir
Philip Cunliffe-Lister, in reply to a question in Parliament
on the 16th of April, said "If any such practice exists
it would in my opinion be quite improper". I ~~do~~ have
no doubt that you ^{will} agree ^{with this view} that, the allegation,
having been formally made in Council, ~~it~~ will have
to be fully investigated.

§

(Signed) J. H. THOMAS

in order that I may be in
a position to reply to
enquiries.

~~Questions which may be
asked in Parliament.~~

3. a similar allegation, that females were detained

~~at home etc.~~

in order to ^{put} pressure on their male relatives to pay taxes,
was made in regard to Newcastle last year, and Sir
Philip Cunliffe-Lister, in reply to a question in Parliament
on the 16th of April, said "if any such practice exists
it would in my opinion be quite improper". I ~~do~~ have
no doubt that you ~~will~~ ^{will} agree ^{with the view} but, the allegation,
having being formally made in Council, ~~it~~ will have
to be fully investigated;

(Signed) J. H. THOMAS

KENYA NATIVE TAX COLLECTION

ARCHDEACON BURNS'S ALLEGATIONS

FROM OUR NAIROBI CORRESPONDENT

An outstanding incident of the recent Budget debate in the Kenya Legislative Council was a charge brought by Archdeacon George Burns, one of the two members representing native interests, concerning the collection of the native hut and poll tax.

The Colonial Secretary, Mr. A. de V. Wade, had intimated that the Government had been obliged to revise their estimates of revenue from this source, and that some of the present difficulties of collection were probably the result of changing social conditions. Many of the younger natives, he said, did not now accept so readily the responsibility of paying taxation on behalf of their old relatives, and the decrease in polygamy was another cause of reduced returns. The development of individualism was affecting the revenue.

Archdeacon Burns submitted that the main reason was the effect of the depression on native wages and on the price of their commodities.

"The methods of collection of the hut and poll tax in the Reserves (he continued) are not all that can be desired. I am not saying one single word against the administrative officers, who have burdens upon their shoulders almost too heavy to be borne, but I am saying that those men who are put over their fellows to collect the hut and poll tax (he referred to chiefs and headmen) do it to their own advantage every time and to the disadvantage of those who pay." He alleged that women were arrested as hostages for unpaid taxes, and said:—"I urge most solemnly that women be not touched, be not taken or arrested by the order of any chief or sub-chief and held in custody until their husbands or brothers come to pay the poll tax for them and set them free. I am speaking facts. While the men should have all authority brought to bear on them to pay their poll tax in a lawful way, the women of their families and villages should not be forced to be a bait whereby the men folk are drawn to pay their poll tax. I ask the Government to give every consideration to people who have passed through a gruelling time in the last few years."

Both Indian and European newspapers supported Archdeacon Burns in his protest, pointing out that it was far better to have such allegations made in the Legislative Council than aired first of all either in the British Press or in the House of Commons.

The Chief Native Commissioner, Mr. H. R. Montgomery, took an opportunity of replying next day.

He did not admit or deny the allegations, which no doubt are being investigated, but said he felt that the Archdeacon's remarks were not fair to the district officers, and that such accusations did the Administration much harm. The occurrences complained of should first have been brought to the notice of the Administration through the proper channels.

It should perhaps be added in fairness to the Kenya Government that when reliance is placed upon Africans to assist in the collection of taxation some abuses are bound to occur. The Administration finds difficulty in modifying the basis of authority of chiefs and headmen through whom much of the work of administration has to be carried on. The detention of women should not be envisaged as incarceration in prison; its application to native women is probably not regarded by many of them as a hardship involving any real stigma. Nevertheless, public opinion is all on the side of Archdeacon Burns.