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Here there is some confusion.

The provision as to exemption relates to the compulsory paid labour for Government under § 8 of the Native Authority Ordinance - i.e. able-bodied adult males are liable to be called up (a) for portage for Government servants on tour and for the transport of urgent Government stores and (b) for work on the construction and maintenance of certain public works, provided that -

(i) The prior authority of the Secretary of State is required for the use of such labour for works as in (b) and such authority is to be sought only for a specified work for a specified period.

(ii) Natives are not to be required to perform work either as in (a) or as in (b) for a longer period than 60 days in any one year, nor if fully employed in any other occupation during the preceding 12 months for a period of 3 months, nor if otherwise exempted by direction of the Governor.

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The figures as to the use of such labour are given in paragraph (1) above. Obviously, under the law which has now been in force for more than 7 years such labour will fall upon those who are not exempt. If, taking the 1923 figures, 12397 male natives out of a total native population of, say, 2,500,000, which gives say, 400,000 to 500,000 adult males is "enormous" in volume, the charge is proved: to the Department the figures do not appear to justify that description. It should be noted that the exemption clause is not correctly represented in the memorandum: the law says and means "fully employed in any other occupation"; this, of course includes employment outside the reserves for a non-native but it is not limited to such employment and employment within the reserves is equally covered by it.

*includes also in the reserves
W.C.S.*

(iii) Under §10 of the Native Authority Ordinance prior to its amendment in 1923, the penalty for disobeying a native headman's order for compulsory labour of any kind was a fine not exceeding £7.10 and in default of payment imprisonment of either description for a term not exceeding two months.

As to the amount of the fine in relation to wages, the minimum rates of wages for unskilled labour are given as follows in the Labour Section of the Native Affairs Department Report for 1928:-

Minimum rates of wages (Unskilled Labour).

Class of Labour.	Rate of Wage.
Coffee (pickers)	20-25 cents with food per 4 gallons of "cherry".
Plantation hands (Sisal)	Shs. 16-18 with food, per 30 days work.
Farm labourers (non-resident)	Shs 12-14 -do-
Farm labourers (squatters) ..	Shs. 6-12 -do- (Majority Shs. 8).

of either description, for a period not exceeding two months or a fine not exceeding £7.10 and in default of payment imprisonment of either description for a period not exceeding two months or both such fine and imprisonment. This amendment permits of peremptory imprisonment.

(X.15201/28A)

As explained in answer to a question in Parliament on the 12th November, 1928, the amendment was designed to put a stop to the practice of some natives who, when called out for communal labour for the Government, remain at home and commit an offence against the law by sending women and children in their stead. In such cases, if the offenders are fined, they obtain the money to pay the fine not by working themselves but from the produce of work performed by their women and children.

The power to impose such imprisonment without the option of a fine is discretionary, not mandatory.

As regards the genesis of the amendment, it is rather hard that the Government of Kenya should be attacked for endeavouring to prevent, in this case the exploitation of native women and children by their men-folk. It is noteworthy that when explanation was given as above in Parliament, there was no 'supplementary

(v) It is alleged that the Government of Kenya has failed to put an end to (entirely illegal) forced unpaid labour of women for Government.

Compulsory labour of women whether unpaid for native communal services or paid for Government services would be illegal; the suggestion that there is any compulsory unpaid labour for Government at all whether male or female is without foundation. The Chief Native Commissioner's circular No.35 of 1924 reads:

'Authority for the compulsion of labour is clearly restricted

restricted to able-bodied males.

While there is no objection to women and children working of their own free will in works for their own benefit they must not be ordered or compelled to do so. If women or children arrive in place of able-bodied males who have been lawfully called upon for any work, they should be at once sent back by the officer or overseer in charge of the work and the defaulting males should be prosecuted.

The Government's instructions and intentions are explicit. But the instruments of native administration may fail (cf. what is said in paragraph 1 above). Occasionally a specific case of alleged abuse has been brought to notice and the Government has been able to investigate. Such a case was that mentioned by Archdeacon Owen in his article in the "Manchester Guardian" of the 6th December 1928, and investigation showed that the charge was true. It is worth giving a full extract from the Governor's despatch in which he dealt with this case, as it shows how even a prominent headman with a good secular and ecclesiastical record may become, so to speak, a recidivist and revert to the tru-native view of women's works:-

" The charge is that a local Chief (s.c. Official Headman) illegally ordered gangs of girls to collect and carry thatching grass in his Location. This charge is true. The facts are as follows:- The Local Native Council of Central Kavirondo District voted a sum of money for building certain rest houses for the accommodation of the Elders of the tribe. The Official Headman concerned, Chief Ogada, undertook

the

the erection of these buildings. Chief Ogada is a very prominent Headman, an adherent of the Church Missionary Society and Vice-President of the Kavirondo Terrayers' Welfare Association of which Archdeacon Ogen is the President, and there was every reason to believe that he could be entrusted to carry out the Contract without oppressing his people. Unfortunately, however, it appeared that Ogada without the knowledge of the District Commissioner, and in spite of the fact that he himself well knew that orders had been issued prohibiting the compulsion of women to work, ordered the women and girls to carry grass for the thatching of these rest houses. As soon as these illegal orders were brought to the knowledge of the District Commissioner the latter immediately gave Ogada explicit instructions to pay off the women and to complete the work by paid male labour.

It is impossible to believe that a man of Ogada's position could have been ignorant of Government's attitude in this matter and the Archdeacon's statement that the terms of the law "had not been explained adequately to him" is quite baseless.

It is a fact, however, that among most, if not all, native tribes of Kenya thatching is commonly accepted to be women's work. In spite of all Government's orders to the contrary native authorities are very reluctant to abandon their inherited prejudices and moreover they do on occasions find it difficult to obtain male labourers to perform work which they consider to be beneath their dignity."

*was not affected
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such labour is
necessary and
cannot be
left to any
chief or headman
acting as agent
for us.*

I think this is so

The allegation as to the failure of the Kenya Government to put an end to compulsory labour of women (apart from the confusion in the allegation mentioned above) with its imputation of slackness, if not even deliberate nonchalance on the part of the Government, is unfair. There have been, and may yet be, cases of abuse. But there is no justification for suggesting that the Government is winking at such abuse. On the contrary, if a case is brought to notice, action will be taken to rectify matters, ^{and given time} it is to be hoped, and expected, that the native authorities will become reliable in this as in other matters in which they are given power. But anyone who imagines that ideas as to the position and treatment of women, as generally accepted in Great Britain in the year 1930, are going to establish themselves here and now among native races in Africa ~~is~~ doomed to disappointment. The native man does not change his views so quickly as all that - and the native women will be no less conservative in continuing to think as generations of their mothers have thought as to the status and duty of womenfolk.

(11) District Councils and Local Native Councils.

(a) In 1928 there were passed in Kenya a series of Ordinances in order to give effect to the recommendations of the Peetham Commission on local government. A convenient summary of this legislation, viz. the Local Government (Municipalities) Ordinance, The Local Government (Rating) Ordinance and the Local Government (District Councils) Ordinance, is given on pages 6 to 18 of the Report of the Commission for

They are said to be the most conservative element

Local Government Roads and Settlement for 1928.

It is too long to quote, but a copy of the Report is attached for reference. Later in the Report - pages 29 to 33 - there is a full statement of the financial relationship between the Government on the one hand and the Municipalities and District Councils on the other. The Municipalities (Nairobi and Mombasa) are not immediately in point. But to prevent misconception, it will be well to set out the position here. The revenues of the Municipalities are devised from rates; fees for services rendered e.g. water and conservancy; licence fees etc., in addition to grants from Government. These grants are made on the principle that the Government has placed itself vis à vis the Municipalities on the same footing as the private individual in respect of payments as a landowner and for services rendered, and in recognition of the interest which the Colony in general has in the efficient administration of its chief towns and in the maintenance of its main road system, the Government makes special contributions to ordinary recurrent municipal revenue. The sums included for this purpose in the 1929 Estimates in accordance with the statutory provisions of the legislation, were:-

Nairobi	£34,511.
Mombasa	£24,326.

The corresponding figures in the 1930 Estimates are:-

Nairobi	£34,751.
Mombasa	£23,305.

As Nakuru and Eldoret are becoming municipalities, there appears for the first time in the Estimates ^{for 1930} provision for these municipalities also, viz. Consolidated grants of £3,000 in each case. Further, in the 1930 Estimates there is certain "extraordinary" expenditure provided to complete work already started, viz. £1,000 for urban development, and £3,600 for road construction in Nairobi municipality, and there is an item of £750 for roads in Eldoret municipality.

As regards the District Councils, to which the memorandum more particularly refers, the position generally is that the Councils (whose duties are primarily concerned with roads) are given grants from Government based on expenditure in 1927 on district roads in their areas and additional grants may be made in respect of approved applications for increased maintenance and new construction work. But the Ordinance further provides for the levying of district rates, and, for the purpose only of financing hospital schemes for Africans, a flat rate per head of African labour employed may be imposed on residents in the district; the ordinary district rate may be revised either by way of (i) unimproved value tax with a maximum of 4 per cent or (ii) a flat rate per acre with a maximum of 10 cents per acre, or (iii) a rate per acre graduated according to the character of the land subject to a maximum of the equivalent of a uniform rate of 10 cents per acre over the whole district.

The provision made in the 1929 Estimates for Government

*W. G. ...
...
p. 37*

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Government contributions to District Councils (apparently seven in number, viz. Nairobi, Naivasha, Nakuru, Uasin Gishu, Kisumu-Lodiani, Trans-Azania and Laikipia-Nyeri) for maintenance (i.e. basic road grant and overhead allowance of 25 per cent) was £36,234 in addition to capital endowment of £10,000 for road plant. In the Estimates for 1930 the corresponding maintenance figure is £35,904; there are two additional items which come to £1,415.

The 'extraordinary' expenditure includes a revote of part of the £10,000 for road plant, and a sum of £14,457 which is to be available to meet applications which the Councils are entitled to submit under § 105 of the Local Government (District Councils) Ordinance and which are subject in each case to Government approval, for additional grants on account of construction and maintenance of new district roads; improvement of existing district roads and new permanent bridges or other special works connected with district roads.

To sum up, as regards the District Councils: these have only recently been set up under legislation; their duties are primarily in connection with district roads, which, under a policy of decentralisation, the Government now hands over to the Councils; the Government continues to supply grants on the basis of what they expended on the roads in 1927 before the Councils were established, and it assists in further road construction etc. Apart from these grants, the Councils can levy district rates and a special rate for African hospitals; the Report of the Commissioner for Local Government Lands and Settlement for 1929, when received, will no doubt show what action the Councils

Councils may be taking in the matter of these rates.

*of different
in many of the
districts they
are desirable*

(b) The Local Native Councils are in quite a different category from the District Councils. They were initiated in 1925, and they represent a praiseworthy attempt to educate the natives in the administration of their local affairs. With careful supervision and sympathetic guidance these Councils should become more and more useful in the development of the natives, and the management of their affairs. The underlying idea of such Councils is familiar to the native mind and the natives welcome this opportunity for discussion of local affairs. These Councils are statutory, being established under the Native Authority Ordinance. There are now 23 in existence. The District Commissioners are the Presidents of the Councils; the native members normally hold office for 3 years; the Councils may meet four times a year. The Councils may pass resolutions "for the welfare and good government of the native inhabitants... in matters affecting purely local native administration" and in particular the provision, maintenance and regulation of food and water supplies, forests, outpans, cattle dips, roads, bridges, culverts; public health; use of land; education; markets; agriculture and livestock. Special power is conferred on the Councils to pass resolutions for the imposition of a native rate, subject to approval by the Governor in Council. "Local native funds" may be established by Councils, the monies payable to these being the native rates and other sums as provided in the ordinance. As regards their finances, it appears that at the end of 1928 the balances to the credit of the various Councils were approximately :-

*This is the
fund*

N.Kavirondo	£9,304.
E.Kavirondo	8,968.
S.Kavirondo (Luo-Abasuba)	4,310.
S.Kavirondo (Kisii-Bakoria)	4,232.
Nandi	2,956.
S.Lumbwa	1,652.
Fort Hall	4,933.
Meru	1,744.
Embu	1,042.
S.Nyeri	3,493.
Kyambu	5,637.
Machakos	4,902.
Kitui	4,896.
Teita	1,288.
Malindi	3,699.
Digo	1,538.
Baringo No.I (Tuken North)	277.
Baringo No.II (Pokoot)	175.
Baringo No.III (Tuken South)	1,286.
Elgeyo	3,027.
Marakwet	5,468.
West Suk	1,317.
Masai	2,160.

*all extra
charge on
natives
T.D.S.*

The revenues of these Councils are derived from various sources: - rents on gineries, trade sites, shamba sites etc; royalties on stone sand and timber; ghee; market fees; baraza

baraza appeal fees; fines (i.e. sums paid in by Government from collective fines); grazing fees; sale of skins and firewood; interest on moneys on deposit - and also from "rates" and "cesses" voted by the Councils. These rates or cesses are entirely voluntary upon the part of the Councils and it is understood that they are normally designed to some particular purpose. There is record in the 1928 Local Native Fund Accounts of the following:-

N.Kavirondo -	1927 rates ...	Sh.39262.
	1928 rates ...	Sh.112650.
C.Kavirondo -	1927 rates ...	Sh.171780.
	1928 rates ...	Sh.34600.
Luo-Abasuba -	1928 rates ...	Sh. 44347.
Kisii-Bakoria -	1928 rates ...	Sh. 28232.
Nandi -	1928 rates ...	Sh.11,500.
S.Lumbwa -	1928 education grant	Sh.20,000.
Fort Hall -	1928 levy ...	Sh.46,113.
Mera -	1927 levy ...	Sh. 5,864.
	1928 levy ...	Sh. 5,106.
Embu -	1928 local rate and famine relief fund at 1/-	Sh.23,421.
S.Nyeri -	1928 cess ...	Sh.53,263.
Kyamba -	1926 cess ...	Sh. 300.
	1927 cess ...	Sh. 4,612.
	1928 cess ...	Sh.31,971.
Machakos -	1928 Ulu cess ..	Sh.86,304.
	1928 Kikumbulim cess	Sh. 1,728.
Kitui -	1928 cess ..	Sh.29,899.
	1928 famine relief fund	Sh.25,491.

Teita	1927 cess ...	Sh. 7892.
	1928 cess ...	Sh. 18430
Walindi -	1928 cess ...	Sh. 28106.
Digo -	1928 rate ...	Sh. 13698.
Masai -	1928 "contribution"...	Sh. 420.

The expenditure of these Councils is directed to a variety of objects: - personal emoluments for native clerks, foremen, caretakers, foresters, border guards, etc; maternity schemes and medical appliances; agricultural shows; travelling allowances; purchase of strong boxes; stationery etc.; hide drying; building of native council baraza halls; local roadways, light bridges and pontoons; purchase of seeds and agricultural implements; jackal and hyena traps; native markets; grants to missions for education; payment for labour; salt lick improvements; purchase of oxen, waggons and carts; Olympic games; hospital buildings; dams; afforestation; badges and uniforms; well-digging; cement for latrine taps (Digo); poison for vermin; famine relief; beeswax industry; school buildings (Masai). This list is not complete, but it gives an idea of the different objects of expenditure, and the items are set down in random order as taken from the Accounts so as to emphasise the diversity of the objects. Naturally, the amounts vary greatly according to the importance of the particular service from the point of view of the natives.

(c) No analogy can properly be drawn between the Local Native Councils and the District Councils, which are different in origin, different in constitution and different

Yes but with as many said, many similar duties which in the case of the No. 4 in 15841/29 TRV

different in scope. There is no reason to suppose that native services are starved by the Government so as to obtain through the Local Native Councils money for objects which the Government ought to provide from general revenue; and we have the assurance of the Government that the rates and levies are raised voluntarily to be spent in accordance with estimates approved by the Councils to provide services in the Reserves which they themselves are anxious to secure. We have also the assurance that there is no foundation whatever for the suggestion that these rates are imposed upon the natives by higher executive authority with the object of compelling them to go out of the Reserves and work to obtain the money to pay.

Yes, but the C.A.C. has said to try to buy us by force to get money to meet the local Councils.

Yes, but it is clear that in addition to heavy direct taxation including women as well as men, natives are assessed for purposes themselves in the case of improvements and for the Govt. TDS

As regards the District Councils, information is not yet available as to any local rates that may have been levied; but whether or not such rates are levied, their position is so different from that of the local Native Councils that it is difficult to see how the action of the latter in raising funds for special local services could logically be made dependent upon action of the District Councils or vice versa.

III. As regards the points raised in the concluding paragraph of the memorandum:-

- (1) It is suggested that taxation upon the natives is such that it is not possible for them to pay the taxes without going out of the Reserves to work for wages.

(2) It is suggested that "the constant trouble and unrest which make this Colony notorious" may have their origin in unfair taxation.

No doubt if one were to ask any native of any tribe in Kenya or any other African territory whether he thought his taxes too high, he would say "yes". Such a reply might be anticipated from anyone in the world when asked such a question in regard to his taxes. But the Department knows of nothing to show that there has been, or is, any special feeling on the part of the natives generally in the matter, and the fact that the Local Native Councils are prepared to impose local rates or cesses in addition to the Government taxation suggests that they do not regard that taxation as excessive or unfair. One case has been discovered of a complaint against an increase of native tax - this was as an item in a long document containing a number of complaints put in by the Kikuyu some years ago. It is impossible to say that there have been no others; - but it is at least remarkable that, if there has been native resentment arising out of unfair or excessive taxation, this should not have forced its way prominently to notice here, more particularly if it could be shown to be the cause of trouble or unrest. In the case of the Lumbwa (see part 2 of Mr. Shields memorandum) the suggestion is made that the recent trouble may have had its origin partially in resentment against taxation, but the Department cannot find anything to substantiate that view.

As to the "notoriety" of Kenya, it seems hardly fair to suggest that this comes from trouble or unrest among the natives. There may be isolated cases of unrest, such as the recent Lumbwa affair; but in general

quite

quite other causes than taxation may reasonably account for any unrest that there may be. Missionaries, traders, Government and settlers have brought a new civilisation into the country, and under the influence of the ideas implanted by these strangers and as a result of activities directed to the advancement of the native inhabitants, the traditional native way of life is beginning to break down and a difficult intermediate stage is being reached. This applies in Kenya particularly to the Kikuyu, whose temperament is less stable than that of many other native tribes. There will be many more Kenyattas, as time goes on and the educated or partially educated natives seek political power.

(3) It is suggested that the allocation of the revenue raised by taxation should be cleared up.

The following is the relevant extract from the Report of the Hilton Young Commission (p.56)

"If the natives are to be fairly treated, provision must be made to ensure that they receive an adequate return in services for the taxes which they pay. Strictly interpreted this means that their total contribution to the taxes should be calculated, and that after allowing out of this sum an amount equivalent to what would be their proper contribution to the cost of general services, the balance should be devoted to services directly for the benefit of the natives. In cases where the native community is intimately mixed with the settler community

in any one territory, it must be a matter of extreme practical difficulty to effect a separation both on the revenue and on the expenditure side. But in the Eastern and Central African territories the actual conditions as regards segregation are such that at least an approximate account could be made out of the amount contributed to public revenues by the native communities on one side and the immigrant communities on the other, and of the amount spent on each by the Government out of those revenues.

It must be recognised that to insist on a rigid and exact enforcement of the above principle in each year might prove hampering to the administration and not really in the best interests of the community as a whole. There must be a certain amount of elasticity and it is rather on the working of the results over a series of years that the test of the principle should be applied. Provided that an independent Central Authority is created to supervise the working of the principles, such authority might safely have a discretion to sanction variations from the principle in a particular year, on the understanding that it would be adjusted later."

It is extremely difficult to divide up the revenue from taxation in a country like Kenya and satisfy oneself as to its allocation among the diverse races. A most elaborate analysis of the 1927 Estimates was prepared by the then Colonial Secretary of Kenya (Sir E. Deans) for the Hilton Young Commission.

Necessarily

Necessarily many assumptions must be made, and those with a statistical bent might argue for months at a least every stage in the calculations. The document itself (which forms part of the records kept by the Secretary to the Commission) will be produced, if required.

The conclusions reached by Sir E. Darnham were as follows:

"The apportionment of tax revenue and expenditure between the various sections of the community may therefore be expressed as follows:

(1)	Tax Revenue	Distributed cost of services	Balance to meet General Charges	Percentage which balance to meet General Charges bears to tax revenue
Europeans	423,241	291,144	132,097	31
Indians	157,959	78,694	79,265	50
Goans	44,917	15,157	29,760	66
Arabs & Somalis	31,876	17,850	14,026	44
Natives	860,638	592,640	267,998	31
	<u>£1,516,631</u>	<u>995,485</u>	<u>523,146</u>	
	Balance of non-tax revenue		<u>177,286</u>	
	Total General charges		<u>£700,434</u>	

(1) after deducting:

European education tax revenue	<u>£29,425</u>
Indian Education tax revenue	<u>18,078</u>
	<u>£47,503</u>

These

To make these figures correct the term 'Indian' should not be regarded as a European contribution to revenue and it is the large sum now including 75% effect

These figures give the following comparison per head of the population:-

	Tax revenue per head.	Cost of Services per head.	General Charges per head.
Europeans	£33. 15.62(1)	£23.4.75.	£10.10.87.
Indians	£ 5. 18.06(2)	£ 2.18.82	£ 2.19.24.
Goans	£17. 10.23.	£ 5.18.18.	£11.12.05.
Arabs and Somalis	£2. 13.95.	£ 1.10.21.	£ 1. 3.74.
Natives	Shs. 6.50.	Shs.4.48.	Shs.2.02.

- (1) Excluding £2.6.97 per head as Education taxes.
Total £36.2.59 per head.
- (2) Excluding Shs.13.51 per head paid as Education taxes.
Total £6.11.57 per head.

It will be remembered that, in connection with a recent Parliamentary Question by Mr. Charles Buxton, the Governor of Kenya has sent an analysis of the figures for the year 1929. Those figures cannot be "checked" but they appear to be based on reasonable premisses, and the upshot is that the natives are receiving in services of direct concern and benefit to them considerably more than they pay for by way of direct taxation. (The Governor unfortunately asserted in May 1928 that every penny of the direct native taxation was expended on services for the benefit of the native reserves: this has confused the issue somewhat).

The

I found the figures and arguments very confusing and was unable to come to a satisfactory conclusion. D.

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The question of native taxation will be covered by the Secretary of State's despatch upon native policy; but we have anticipated that despatch to some extent, when dealing with the Kenya Estimates for 1930, by giving instructions which should ensure that statements are furnished which will permit of examination of the Estimates for 1931 and subsequent years with special reference to the amount and the allocation of native taxation including local rates or cesses.

(4) It is implied that when the European income tax was abandoned, the Europeans escaped further taxation.

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The repeal of the Income Tax Ordinance was pressed strongly by the Governor in May 1922. Apart from difficulties of collection, the Governor urged repeal mainly on the ground that such a tax was quite unsuited to a new country in a state of development, which required new capital; and in this view he was supported not only by settlers but also by the banks which were unanimous that the tax was restricting the importation of capital at a difficult time when every impediment to progress should be removed.

The then Secretary of State approved on condition that revenue equivalent to that which would have been brought in by the income tax should be raised by an increase in customs duties especially upon drink and luxuries.

(5) Information is desired as to the extent to which native taxation is remitted for reasons of poverty, invalidity etc.

Attention is called in II (4) (a) above
to

to the powers for remission. No information exists in the Department as to the use made of these powers, but it is suggested that a convenient opportunity to take this up will be when the Governor replies to the despatch just sent as to the remission of arrears of tax from the Kikuyu and Akamba.

(6) It is suggested that the sum raised by direct native taxation may be too high and that the white unofficial element in the Legislative Council see to it that the budget is so framed that there is glaring racial inequality in the distribution of expenditure.

So far as concerns direct taxation, there is nothing to add here to what has been said above - see II/3 and VII (1) and (3).

But no reference has yet been made to the main indirect taxation which comes from Customs and upon which the Government relies very largely for revenue. The estimate of Customs receipts for 1930 is £963,357 made up as follows:-

(a) Food, drink and tobacco	£293,000.
(b) Raw materials and articles mainly unmanufactured	10,000.
(c) Articles wholly or mainly unmanufactured:	
Cotton yarns and manufactures	124,000.
Other textile manufactures	29,000.
Oils, fats and resin manufactures	90,000.
Vehicles	45,000.
Matches	10,000.
Miscellaneous goods	195,000.
(d) Parcel post	64,000.
(e) Sundries	3,357.
	<u>£963,357.</u>

There

There is no doubt that the greater part of this revenue is derived from the non-natives, European and Indian, and the view which the Europeans have generally taken is that in a country like Kenya, whatever may be convenient in old established countries like England and Scotland, revenue derived from Customs is much fairer in its incidence than income tax. It may be claimed that income tax can be scientifically applied (see II-(2)(c) above). But in the case of Customs the matter rests, as it should, with the individual who will cut his coat according to his cloth; vexatious inquisition will be avoided; difficulties of collection are trifling compared with those of collecting income tax; and the State loses nothing, as in times of prosperity the settler will be able to spend more, and will spend more, on his imports with a resultant increase in Customs dues.

It should be noted that, in regard to indirect taxation, the Hilton Young Commission found (page 58 of their Report) that "generally speaking the rates are reasonable and do not put any undue burden on native life".

The allegation against the unofficials in the Council is part of the general attack directed from certain quarters against the white settlers. It is not to be taken too seriously, though the effect of constant invective and insinuation and misrepresentation (cf. articles and letters in the "Manchester Guardian", and incredible statements made ^{even in debates in} ~~within the Council~~ ~~in the~~ ~~Parliament~~ to the effect that in all East Africa provision has been made for only one hospital

for

for treatment of natives !) cannot fail to arouse resentment among the white population in Kenya. The white settlers do not claim to be any better than their brothers and sisters at home, but they are no worse. Their views naturally do not coincide with those of people in this country who are determined to regard them as land-thieves and slave-drivers exploiting a down-trodden native population, and who are not prepared to believe that any good can come out of a white settler in Kenya. Nor do their views altogether coincide with those of people in this country who have never lived among, and for the most part never seen, natives in their own land. They are concerned with realities, not with idealist theories. Labour is a requirement of the white settler, and it is undoubtedly the fact that a European who wants native labour will not get good work and in time will not get labour at all, unless he treats his labourers well. We need look no further; for taking ^{the} lowest view and assuming that the settlers are an entirely selfish and self-seeking community, their self-interest alone must impel them to try to be just in their dealings with the natives. But whatever the motive - and in the Colonial Office we do not take that low view of the settlers - and whatever may have been the case in the "old days", it can be stated with confidence that today public opinion among the white unofficial community in Kenya demands that the natives should have fair treatment all round from the governing race. No independent-minded folk like interference; but the Kenya settlers will have no grievance against those here who are watchful of the interests of the natives

provided

It is interesting to find that a number of the white settlers have come forward and shown themselves as interested in the welfare of the natives as we are and the Council do not properly represent the view of the native, especially in the matter of

provided that there is a common-sense recognition of facts, that criticism is informed and that reasonable impartiality is displayed. On the other hand, they will have no use for anything that savours of "extremism" or unreality. Prejudice and ill-thinking in the low levels of London will breed irritation and bitterness in the highlands of Kenya. So far as the Department is concerned, we try to secure fair treatment impartially for white and black in Kenya; and we adhere to the declaration of policy as to the paramountcy of the interests of the natives where those interests directly conflict with the interests of the immigrant races - we drafted that passage in the 1923 White Paper; we believed in what we wrote then and we believe in it now. But for the purpose of day to day life, we have to recognise facts. There is a tendency in some quarters to adopt unworkable views, and it is no good pretending that these are acceptable. To take one instance; the question of "equality". There is an equality between black and white which we all accept and which the Kenya settlers will be the first to admit. But if it is held - and there are individuals who would take this line - that black and white are now, in this year of grace onethousand nine hundred and thirty, actually equal in every respect, we cannot agree. It was a Roman Catholic missionary who explained to his native converts that there was no doubt as to their being equal with the white man in heaven, but that the white man was at least 1,000 years ahead of them in civilisation and that

has to be an excellent work-up and I agree with the spirit. It is the application which is the main thing.

that made a difference on earth. We cannot ignore that difference or expect a Kenya settler to do so either. By all means let us work towards the ultimate ~~elimination~~ ^{elimination} of that difference, but in the process let us not be tempted to wander from the highroad of facts into the by-ways of unreality.

This is the point !!
T.S.

Acc Parkman
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Lee Parkman
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As I have indicated in the note in the related file, I have had a great many representations made to me from Members of Parliament and others in regard to alleged injustices under which the native peoples in Kenya labour under the present administration, and of late there has been insistence on alleged unfair and unwise treatment of the Lumbwa. One of these M.P.'s is Mr. Roden Burton, who undoubtedly received a good deal of his material from Mr. McGregor Ross. I have also received direct statements myself from Mr. McGregor Ross on these matters. I believe that it is agreed in the office that while Dr. Norman Leys was a somewhat careless writer and that many of his recent criticisms are out of date, Mr. McGregor Ross is in a different category. I have taken some pains to find out how Mr. McGregor Ross is regarded by informed people outside of the immediate circle of Members of Parliament and others (mostly members of the Labour Party) with whom he is most closely associated. I find that he is regarded with respect and that his long service in the Colony and the opportunities he had of visiting many parts of it are considered to give his judgments on Kenya matters considerable weight. I did not know him at all till after I came to the office, but I must say he impresses me as a level-headed man and not one to make rash statements or to exaggerate for personal or propoganda purposes.

Mr. Roden Burton has other sources of information. Miss Cara Burton, a cousin, was, I understand, one of the earliest settlers and is now one of the most prosperous in Kenya, and some of his information comes from her.

Sir Robert Hamilton has also spoken to me on this subject, and other M.P.'s from all parties, but especially from the Labour and Liberal parties, are uneasy and unhappy about the condition of things in Kenya.

In view of the despatch from the Governor of Kenya about the Jubilee, I thought it would be a suitable occasion to gather together so far as I could the various points which have been put to me from time to time, some of which have been references to statements made in Mr. McGregor Ross's book "Kenya from Within" and others from recent information from the Colony itself.

Further, in view of the general principles set out in the statement of native policy by the Secretary of State, and the emphasis on the main items of that policy in recent communications to the Governor of Northern Rhodesia, I thought it desirable that we should investigate whether and how far these principles are being applied in Kenya.

In the first place, looking at the general question, we cannot help taking note that many of the grievances have bearing on the relative treatment of Europeans and natives in the Colony. It is said that :-

1. Taxation is imposed on Africans from the "apparent age" of 16.

Taxation of European males begins at the age of 21.

2. Direct taxation of Africans takes the form of a Hut or Poll Tax. As, by immemorial custom, every African wife has a hut of her own, this involves that tax has to be paid for hundreds of thousands of native women.

African widows, including thousands of war widows, are similarly taxed.

No European women in the Colony, though numbers are

landed proprietors, and all have the vote at 21, pays one penny of direct taxation.

3. The Kenya Government proposes to collect, in 1930, more than one million taxes of 12/- each from natives. This includes taxes on the old, the infirm, all wives and widows, including war widows. These million taxes will have to be found, somehow, by the able-bodied male Africans of working age. These do not number more than 400,000. So each of them will have to provide slightly more than 2 1/2 taxes of 12/- each, i.e., slightly more than 30/-.

By comparison, no European male, whatever his wealth or income, pays more direct taxation than a flat-rate Poll Tax of 30/-.

4. Between the years 1900 and 1925, the yield of these taxes totalled out as follows:-

Native direct taxation	25,800,000
All non-Native direct taxation	£ 330,000

5. The Native Hut and Poll Tax Ordinance contains a provision that the Governor may remit this tax to natives who are infirm or destitute. The present Kenya Government employs a different method: Due to famine and locusts in 1929, a portion of the Kikuyu tribe, from whom a tax of £20,000 was to have been exacted, were unable to pay. These unfortunate natives are to pay double tax in 1930, and in the draft Estimates, the tax on the Kikuyu tribe has been increased by £20,000 for this purpose.

(I know that we are to consider this matter when the Estimates come, but the fact remains that no initiative has been taken by the Kenya Government to drop this rather discreditable item.)

6. Both from Africans and Europeans, a special cess is collected as a contribution towards the cost of education. In 1928 the sum due from Europeans was £8,628. Local Native

Councils in the Reserves put up £26,875. The proposed European cost for 1930 is £11,000, a trifling fraction of the cost of European education.

7. It is said that the meanest of all exactions which the present Kenya Government makes upon its native population is the one that is secured by a method which the natives cannot trace and understand. This is the "rigging" of the railway rates against them.

The first trade requirement of the primitive African is a blanket.

He may next aspire to a red fez, or other cap. Every roadside Indian shop has a stock of fesses.

The more advanced natives present as their primary trade requirement, imported cotton goods.

It will scarcely be believed that blankets, caps, and imported cotton goods are carried, on the Kenya and Uganda Railway, at No. 1 goods classification (the highest rate) in the same category as ammunition, champagne, brandy, barometers, Thermos flasks, scientific and musical instruments and "dangerous goods".

Europeans in Kenya possess secure 999 year leases for their lands. It is still the case (January 1930) that no native tribesman and no native tribe has any legal right to any land. The Native Lands Trust Bill has again been held up owing to the pressure of the European elected members of Council, and it is claimed that it ought to be revised to the extent of disallowing any lease of land inside a native reserve to any non-native for farming purposes under any conditions whatsoever. Any such grant is sure to lead to serious trouble.

No legislation for employers' liability or workmen's compensation exists. Native workers may be and are killed or maimed for life in European employment without the

the employer's being involved in a penny of expense (This is part of a larger question for all the Colonies, which I am bringing up otherwise.)

Forced unpaid labour is regularly exacted in enormous volume from those male natives who do not leave their villages to work for wages (three months work for an employer during the previous twelve secures exemption). This acts as a potent inducement to the African to leave his home and go into the wage market. That is probably the intention of the measure. This forced labour has been exacted for years under a penalty of a fine of £7.10. (a year and a quarter's wages). It is said that the present Governor demanded the right of "peremptory imprisonment" in addition, and that Mr. Amery sanctioned an amendment to the Ordinance providing two months rigorous imprisonment in addition to the fine. This is "forced labour" within the definition that was adopted and which Colonial Powers were asked to join in suppressing at the 12th I.L.O. Conference in June 1929 at Geneva.

The present Kenya Government has failed to put an end to (entirely illegal) forced unpaid labour of women for Government. Gross instances of this were reported in 1926, 1928 and 1929. This slackness in Kenya has been mentioned at Geneva and should be stopped.

There is a measure of local self-government of a County Council type in the European areas and also a system of native Councils with certain spending powers in the native reserves. The Europeans get all their funds by free grant from the local Government. They pay nothing towards the cost of their District Councils. This is presumably the only case in the Empire where the whole

cost of local district government is met by grant from the Colonial Treasury. In Kenya in 1929 this grant was £20,774. The Africans, on the other hand, in the reserves get their funds for local government by rating themselves to the extent of tens if not scores of thousands of pounds a year.

The above are the bare general complaints which have been made to me. I must say the impression which I get is that it is very doubtful whether the principle of free choice for the native of earning his taxation on his own land or by going out for wages as laid down in the draft on native policy, and recently impressed on Northern Rhodesia, is properly observed in Kenya. I would like a very careful investigation made into the taxation question as I am inclined to believe that the constant trouble and unrest which make this Colony notorious may have their origin in unfair taxation. At any rate, it is freely asserted outside the Colonial Office that the natives are forced to work out of the reserves by taxes which they cannot earn by reasonable work inside them, and I am not in a position to answer these criticisms. I understand that the Kenya estimates for 1930 anticipate over £600,000 for hut and poll tax, which seems a large sum. It appears to me that the time to go into the question is when the forthcoming estimates are under consideration and I hope that the whole matter may be thoroughly probed then. I should like to know how far remissions are granted for invalidity, poverty, age, widowhood, maintenance of dependents, etc. The question of the allocation of the moneys raised by taxation should also be cleared up. We know that the Europeans refused to pay Income Tax and that the Tax was thereafter abandoned. Is it the case that they, as unofficial members

of Council, take a prominent part in disposing of moneys, largely raised by excessive native taxation, in such a way as to lead to glaring inequality of racial distribution? Further, is the sum raised by direct native taxation such too high and should it be substantially reduced and the balance of revenue required got from other sources?

The Position of the Lumbwa Tribe

In view of the Governor's despatch on the Lumbwa I have taken some trouble to find out as far as I can from the other point of view what has been happening in connection with this tribe. If the following particulars which I have received are accurate or even contain a large measure of truth I think it is not surprising that there should be unrest.

About the year 1920 a scheme of settlement for disabled British soldiers was inaugurated at Lumbwa. Lumbwa, I understand, is a station on the Kenya and Uganda Railway about 520 miles from the sea and 192 miles from Nairobi. The Lumbwa Tribe lives just to the south of the station. The tribe is one of hillmen living at an elevation of about 6,500 feet. A lot of the land of this tribe was used for the settlement of the disabled officers' colony known as HEADOC (British East Africa Disabled Officers' Colony).

All the young officers of this colony had to put £600 into their venture. By 1923 the settlement was deserted and the whole of the deposits of the disabled officers were lost. Most of this land has now been reserved

to European firms, and from the proceeds of the sale the disabled officers have been reimbursed. (Lyons or Brooks Bonds are said to have a huge tea plantation there.)

This alienation of land in Lumbwa ~~cannot~~ have failed, of course, to produce a considerable amount of dissatisfaction among the tribe.

In 1923 the Veterinary Department are said to have had an inspiration to inculcate the cattle of this tribe against East Coast Fever and Rinderpest. Without previous arrangement, Veterinary Officials descended upon the tribe and began inoculating the cattle. (Vaccination for East Coast Fever charged 2/6. Double inoculation for Rinderpest 6/-). They finished up by appropriating sufficient young bullocks and heifers to pay for the cost of this operation at 8/6 a head. Without any enquiry as to whose cattle they were seizing, they proceeded to drive off the number of cattle they required. Thus one tribesman with five cattle might have lost three, while another with forty might have lost none. The Lumbwa still refer to 1923 as "the year the government stole our cattle".

The tribe has suffered from excessive demands for forced labour from government officials. Miss Cara Buxton, previously mentioned, the cousin of Mr. Charles Roden Buxton and of the Minister of Agriculture, has investigated a recent case. One of the laws of Kenya, the Native Authority Amendment Ordinance, allows the government to call out unpaid labour for six days every quarter. Miss Buxton discovered that some of these labourers had been continuously at work for six months, and, worse still, that the Government headman in charge of the work had been demanding that little girls of seven and eight years of age should be compelled to work, and they had been beaten when supposed

supposed to have done insufficient work. Miss Buxton reported that state of affairs to the District Official Resident at Kericho who is in charge of the Lumbwa Tribe. Receiving no satisfaction, she next reported to the Provincial Commissioner of the Province, when the practice was immediately stopped and the headman in question was punished. This is, no doubt, a particularly grave case, but excessive forced labour on roads is said to have prevailed for the last three years.

It is true that recently some young Lumbwa men carried out a cattle raid against some Masai nearby. They got away with 26 head of cattle. The Stock and Produce Theft Ordinance requires a fine of not less than ten times the value of the stock stolen. The police, however, did not charge these Lumbwa with the theft of 26 cattle. They accepted the complaint of the Masai that 400 head had been stolen, of which number 377 had later stampeded and returned to them. The Court accepted this allegation as final and fined the ten Lumbwa boys the value of 4000 head of stock at 30 shillings a head, a total fine of £6,000. Moreover, the Governor has since had punitive police quartered on the Lumbwa Tribe and is stated to be increasing the tax on the tribe from twelve shillings to fourteen shillings a head, of which one shilling is going to be used as a compulsory education cess, while the other goes to pay the cost of the punitive police. I have had a vague report that the amount of these fines have been reduced on revision but unless it was on a big scale the result would still be ludicrous in amount.

I feel that if it is true the tax on this tribe has been really increased or if it has been done - whatever the ostensible reason - as a form of punishment it is a very

very reprehensible practice, apart altogether from its effect, as no part of native taxation should be used for penal purposes.

In addition to these tribulations the Lumbwa have lost more than £7,000 worth of cattle at the hands of Government. Many Lumbwa men worked as squatters for settlers at Molo about 30 miles away from Lumbwa, and 1,700 feet higher. These squatters were ordered last July to leave the settlers' farms and take their cattle back to the Reserve. Possibly British farmers do not know the perfectly fatal effect which sometimes accompanies the movement of cattle from one district to another in Kenya. Possibly movement of cattle into a Foot and Mouth Disease area here may be fatal, but to move cattle into an East Coast fever area in Kenya is often as directly fatal as if they were driven into a slaughter house. Some 2000 head of cattle were moved last July by police under the orders of the Senior Commissioner at Nakuro, and most of them are now dead, the tribe thus losing £7,000 plus £6,000 at the hands of the government in one year. Miss Cara Burton, writing on November 1st, 1929, speaks of this small cattle raid by the Lumbwa. She observes "Why they did not rise before I cannot think, as they have been persistently mal-administered since Mr. Dobbs left in 1922". On November 21st she wrote again reporting the increase of Hut and Poll Tax from twelve shillings to fourteen shilling and adds "I think the only thing is for England to demand an enquiry" and also an enquiry into the Bentley case where Mr. Bentley, hampered by Government in every way, and making himself unpopular among the settlers, saved his four natives from being quite unjustly hanged.

(Mr. O Bentley is I understand at present in England and is available to substantiate these statements.)

Further, Mr. J.A. Cable, who, I understand, is an authority on Kenya, in a letter just received in London, says with regard to the Lumbwa, "The talk about serious native unrest is farcical. We have a fura in Sotik and know what is going on. Duncan Beaton" (a hard bitten old Scots business man) "has recently returned from there and is most indignant at the fuss that has been made. He says that the trouble between the Lumbwa and Masai was nothing at all that could not have been settled by one or two policemen. Now the poor devils have had punitive police quartered on them. Injustice is unceasing."

It is apparently true that the Lumbwa have an aptitude for cattle-lifting, just as the Scottish Clans had a hundred or two years ago, but the Government has hitherto maintained no school among the tribe, which only has one small industrial school run by a missionary, in spite of the heavy taxation they have been called upon to pay.

The Governor seems to think it an excellent thing for the Lumbwa to have punitive police and troops quartered in their country. I am informed that there are other likely results of this to the Lumbwa women which are extremely undesirable and likely to lead to considerable bitterness after their departure, if not to actual disorder while they are there. As I have stated in the file, I feel that the policy in regard to this tribe, over and above the general attitude towards all the tribes, has been tactless and unwise, if not, indeed, in some cases actually unjust, and I am not prepared to support the Governor of Kenya in

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punitive expeditions against tribes which have been
roused to co-operation by mis-administration or injustice
of various kinds. I appreciate the trouble involved in
the investigations I ask for, both in regard to the
general question and in the particular case of the Lumbea
and I am sorry to think that it should be necessary. Some
of these statements can be checked from the information
already in the hands of the Department. Some may need to
be elucidated from the Colony itself. I feel, however,
that we must be in a position to say whether the lines
of native policy already laid down by the Secretary of
State and being applied in adjacent African dependencies,
are being carried out in Kenya, or whether, in fact, a
line of native policy is being pursued which is not only
discreditable to British Colonial administration, but is
also likely to be against the best interests - native and
European - of the Colony itself.

(See T.D.S.)

11.2.30.