

1923

EAST AFRICA.  
KENYA

C.O  
27727  
4 JUN 23

ROBERT, SIR H.

DATE  
1st JUNE 1923.

LOCATION :-

*3. Attorney*

SUBJECT

GOVERNMENT OF EAST AFRICA.

S of S.

Submits memo outlining readjustment of political and administrative system.

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S of State

Previous Paper

MINUTES.  
*Meeting Report of the members of the Party.*

*Recd  
No. 2 23  
30/1/23*

*Robert H. ...*

Subsequent Paper

*[Handwritten initials]*

11 Elvaston Place,  
Queens Gate,  
S.W. 7.

June 1st., 1923.

E. Marsh Esq., C.B., C.M.G.,  
Private Secretary to  
The Secretary of State for the Colonies,  
Colonial Office,  
S.W. 1.

C.O.  
27727  
REC'D  
JUN 4 1923

Sir,

At the close of the interview which the Secretary of State was good enough to give me on the 24th. inst., His Grace asked me to submit a memorandum with the points that I had put before him. I therefore have the honour to comply in this present letter.

The settlement of the so-called Kenya-Indian question appears to me to offer a very convenient opportunity for certain readjustments of the political and administrative system of the present Kenya Colony, and I venture to submit that a review, with readjustment in those regards was becoming desirable, even if the Kenya-Indian question had not arisen in its present form. It is, I think, felt by many that the lines along which the political and administrative system of Kenya have been so rapidly proceeding of late years, are pointing to divergence between Kenya and the neighbouring British Territories of Uganda, Tanganyika and Zanzibar. The importance of proceeding in the different countries in lines that would at least run parallel, or better still, convergent, is all the greater, if it be contemplated that ultimately Nyassaland, and even the North Eastern areas of Rhodesia, may, <sup>Some day fall</sup> ~~at no distant date, fall into the~~ group of East African tropical possessions.

It will probably be agreed that the large measure of influence in the affairs of Government by the European unofficial section of the population of Kenya, to which they have become accustomed in a growing degree of late years, has resulted in a definite aspiration towards the status of responsible

Government. This aspiration may be described by themselves as self government, but, in the minds of many <sup>of themselves;</sup> at any rate, it has so extended a view as to take it almost for granted that self government by the elective section of the population should include the power of government over the African tribal areas lying within the present geographical boundary of Kenya. If the African tribes of one member of the group of East African countries <sup>are</sup> to be administered under a political system controlled through direct power, or even through indirect influence, by a comparatively small specialised electorate, while the other members of the group of East African countries are to work out their future under an entirely different conception of policy, <sup>then</sup> divergence, and not convergence, must surely ensue.

I would beg to pass over the actual qualifications of the European unofficial population for the exercise of such great responsibilities of government, except so far as to say that it would appear that that population must always be in a vast minority, as compared with the many millions of African natives in the group of Territories, and would suggest also that to entrust them with such functions would require the assumption of a high degree of altruism, and it can be hardly fair to the people themselves that it should be expected of them. The relative position of the Races is bound for many years to be that of master and servant, and the best results, to either side, are not likely to follow upon putting the master in the position of being also the legislator and administrator.

My proposals are, therefore, as follows:-

(1) DEFINITION OF AFRICAN STATUS OF THE COUNTRY.

It would be desirable that the Imperial Government should assert that the entire geographical entity, now known as the Kenya Colony, is held in trust for its native African

population, and that the Imperial Government assumes the position of Paramount Chief of each and every African tribe therein.

(2) GRANT TO EUROPEAN AND BRITISH-INDIAN SUB-COLONIES.

The Imperial Government, in its capacity as Trustee and Paramount Chief, to make, from and in the name of the African population, two distinct grants or dedications of land for agricultural settlement and development by (a) Europeans, (b) British-Indians. It could conveniently be that a condition of these grants be that the holdings, into which they are sub-divided for occupation, may be transferred only as between individuals falling under the racial qualification attaching to each of the granted areas as a whole.

(3) PRINCIPLE OF LAND SELECTION FOR THE GRANTS.

This to be governed broadly by suitability to the forms of agriculture and development that are familiar to the actual and prospective beneficial holders of the lands contained in the respective grants.

(4) SELECTION OF THE EUROPEAN GRANT.

This would appear naturally to include the agricultural and forest lands that have been already alienated to Europeans in Kenya, plus some margin for extension, if that is possible, without undue contraction of native tribal areas. Also it might conveniently include some of the forest reserves not yet alienated. Certain other forest reserves might, however, be retained in a large area of the country remaining directly under the Paramount Chief, i.e., the Imperial Government in its capacity as Trustee.

(5) SELECTION OF THE BRITISH-INDIAN GRANT.

To be not inferior in quality is reference to the forms of agriculture likely to be desired by its <sup>own</sup> colonists to ~~be compared with the suitability of the European grant for the~~ <sup>reference to the</sup> forms of agriculture desired by the colonists of the latter. The British-Indian grant, also, should ~~not~~ <sup>be</sup> not inferior in its

potentialities for access by roads, railways, water (e.g., coastwise) as and when its progressive development by its colonists will require and justify those facilities.

(6) NOMENCLATURE OF THE SEVERAL AREAS.

I would suggest that the entire geographical area of the present Kenya Colony should revert to the name - "British East Africa". The European grant might be designated "Kenya Colony". The British-Indian grant "Ibea Colony".

(7) TOWNSHIPS AND TOWN LANDS.

The gazetting of these to be reserved to the Paramount Chief, so far as concerns all that ~~land~~<sup>be</sup> in the main area of the country, i.e., outside of the new "Kenya Colony" and ~~of the~~ "Ibea Colony". As regards townships within either of the "colonies", the system of gazetting to be also subject to the Paramount Chief, so as to secure freedom of residence and equality of status for Africans, European and British-Indian individuals resident in townships. The township system to debar racial segregation, but to provide for full powers of police and sanitary regulation. The township municipal franchise to be free of racial differentiation, but to be sufficiently high to secure good township government, and to provide for representation by wards.

I think it important that township areas should include a sufficiency of town lands that can be let on short leases as allotments for market gardens, but without carrying residential rights, such allotments to be at the equal opportunity of all residents of the township who are qualified for township franchise, but of no others. Grazing rights and town commonages, right of turbary, right of "meadow and stint" to follow a similar qualification.

Township areas, including both residential and commonage lands, to be an endowment of the respective township, the councils of which could well fix as a domestic matter the questions of tenure, rental and building conditions, and so ~~forth~~

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NOTES.

Note re Para 1. A declaration of African status for the entire area of the present Kenya, would accord with statements made over many years by the Imperial Government and would also accord with the actual system in operation in the adjacent Territories of Uganda, etc., and with the principles laid down for Mandated Territories under the Versailles Treaty classification. Further, it accords with the recent memorandum put up by the Kenya-Indian Delegation. While, therefore, introducing no new factor, nor new principle, it appears a desirable step, especially at the present juncture, in order to provide a definite charter for the future governance of the country now known as Kenya. Further, it appears to pave the way for the eventual association, under a single Paramount Chief or High Commissioner, of the entire group of British East African tropical countries, including the Mandated Territory of Tanganyika, and, if ever desired, as far south as the Zambesi.

Note re Paras 1 and 4. Lord Delamere has told me that the European Delegation would not dispute the removal of the Native Tribal areas from the purview of their Legislative Council, provided the European population of the present Kenya Colony could be definitely promised a wider measure of "self government", with a definite time limit, which he mentioned as five years. This concurrence by Lord Delamere would appear logically to confine the eventual "self government" to the local affairs of the European zone, and the inhabitants of that area, i.e., the sub-colony which I have suggested above, should alone in future bear the designation "Kenya Colony".

Note re Para 2. I am aware that the territorial separation into "European" and "British-Indian" sub-colony areas has been

objected to in India, and by Indians in Kenya, on the ground that it is, in fact, segregation to which they, in principle, object. In discussion with a leading member of the Kenya-Indian Delegation, he admitted that if the grants are made by the Paramount Chief, as on behalf of the native African population, and not as grants from the European Power, a different complexion is put upon the matter. He added that in his judgment, very few British Indians are ever likely to wish to settle as working farmers in the Highland districts of the country. He admitted that there was force and practical convenience in so selecting lands for alienation from the African natives, that the lands so alienated should be allotted to persons and groups of persons of similar agricultural propensity, so as to secure the best efficiency as a technical matter in their respective forms of agriculture.

Note re Para 7. The suggestions made under this heading, I think follow very closely the lines of township organisation and status throughout South Africa, as originally settled by the old "Grondwet". Racial designation is avoided, and the Indian delegate, to whom I have referred above, agreed that a natural segregation would come about automatically as a result of sanitary and police regulations, and that such a result is, indeed, desirable. It would appear that provision for garden allotments on short leases and other communal grazing under township control, would be valued.

(8) RE-ARRANGEMENT OF SUPREME ADMINISTRATION.

If the above proposals were adopted as a basis, a re-arrangement of the supreme <sup>local</sup> administration would be necessary.

(a) The Governor, as Paramount Chief, might conveniently be given the British title of High Commissioner, and his paramount Chiefship be extended in due time over the adjacent countries



of Uganda, etc.

(b) The European, and British-Indian Colonies, i.e., the new "Kenya Colony", and the new "Ibea Colony", would doubtless require separate lieutenant governors, responsible to the High Commissioner. The area of the old Kenya lying outside these two Colonies being purely African, would perhaps have as its lieutenant governor the official now termed the Chief Native Commissioner. The local Government of the adjacent countries of Uganda, etc., under their respective Governors, would be untouched, except so far as those Governors would find themselves under the High Commissioner in matters affecting two or more administrative Territories.

(c) The Legislative Council of the new "Kenya Colony" might then be granted extension of its powers of self government by means, in the first place, of an elective Majority, leading up in time to a responsible government of its own affairs.

(d) The British-Indian Colony, i.e., the new "Ibea Colony", could aspire to a Legislative Council of its own, as its development and settlement proceeds.

(e) It would appear that the franchise qualification for the Legislative Council of the new "Kenya Colony" and the new "Ibea Colony" might well differ from each other, in order to suit the views of the respective communities composing the majority in each of those Colonies, but equality of franchise, within each of those two Colonies respectively, would, no doubt, be absolute, although to be exercised in each Colony on a communal and not a common roll basis.

(9) SULTAN OF ZANZIBAR'S COAST STRIP.

It is not overlooked in these proposals that this small area along the coast offers some difficulties, but it is suggested that these could be overcome by placing the interests of its Arab inhabitants directly under the High Commissioner.

(10) CONTROL OF RAILWAYS AND HARBOURS.

It has been suggested that the above proposals would result in placing the present European settlement zone in the position of being an inland State. In that regard, they would then be on all fours with Uganda, and it is suggested that the difficulty can be overcome by the creation of an Inter-colonial Council, following Lord Milner's solution, by that means, of the similar problem of the Transvaal in 1903.

(11) STATE SERVICES IN COMMON.

His Grace, in the conversation with me, himself mentioned the growing number of government services which might be more efficiently and economically worked in common between two or more units making up the East African group of countries. In this connection, there would be the High Commissioneriality with its Secretariat, and such specific matters as the Judiciary, Military and Police, Customs, Railways, Harbours, Posts and Telegraphs. To these would probably be in time added Medical and Veterinary services in common. The operations of the East African Currency Board are already in common <sup>for Kenya, Uganda and Tanganyika -</sup> The setting up of a full Customs Union between the present Kenya, Uganda and Tanganyika is known to be an accepted item of high policy, and the financial organisation needed for the apportionment of revenues from that source between the component territorial units, suggests that apportionment of other revenues derived from departments in common, as well as expenditure due to departments in common, would not present insuperable difficulties of fair allocation. For such a purpose, however, in view of the large scale of the operation, an Inter-colonial Council appears to be necessary.

(12) INTER-COLONIAL COUNCIL.

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(12) INTER-COLONIAL COUNCIL.

It is suggested that the High Commissioner be

assisted by an Inter-colonial Council, which would include the Governors, Lieutenant Governors and Chief Native Commissioner, directly responsible for the several territorial units making up the group of countries. The formation of this association might well proceed step by step. The new "British East Africa", i.e., the new "Kenya Colony", the new "Ibea Colony" and the Tribal areas, may perhaps be associated with Uganda in the first formation of the Inter-colonial Council, to which Tanganyika might adhere at a later date. The respective Treasurers would also be members, and the membership of the Inter-colonial Council would be completed by unofficial representatives, who might be either nominated or elected from their respective countries, the idea being that the unofficial membership should actually represent the interests of the several component States. It would appear that from the Inter-colonial Council membership should be selected the Executive Council of the High Commissioner.

Following Lord Milner's precedent, the Inter-colonial Council would be vested with the legal ownership of the Railways and Harbour Works within all the Territories forming the membership of that Council, and that the Council should also be legally vested with the Customs Receipts, and thus be provided with the financial basis on which to take over the existing Kenya loan and to issue further Inter-colonial East African loans, subject to the authority of the Secretary of State.

The Inter-colonial Council would require to have its own Treasurer, and the apportionment of annual surplus revenue, after providing for common fund services, would be made by the Inter-colonial Council to the Treasurers of the component States.

(13) COST OF NEW SUB-COLONY ADMINISTRATIONS.

It is urged by some that the proposed arrangement

would increase the total overhead charge for administering East Africa as a whole, by the addition of two sub-colony administrations not now in being. Against this, it is submitted that economy, outweighing the additional expense, would result with an extension of Common Fund services, and that a greater efficiency of administration, no less than the avoidance of redundant staffs, would result in improving revenues.

(14) POWERS OF LEGISLATION.

It is inevitable, under the schemes proposed, that the High Commissioner, in Council, should possess powers of enactment, applicable in whole or part, to Territories forming the component units of the scheme. It is clear that the obvious practical difficulties, possibly leading to conflict between local State legislatures and the central Inter-colonial legislature, must be provided with a means of solution, and it is suggested that this would be attained if what may be called High Commissioner's legislation were submitted to local legislatures for a reasonable period before coming into operation, to be either adopted with or without amendment by them, or even to be rejected, but that the power of "Certification" should be reserved to the High Commissioner on the lines of the powers reserved to the Viceroy of India. I believe that the proposals in this paragraph are practically in force now in Nigeria.

(15) NOMENCLATURE OF THE ASSOCIATED TERRITORIES.

It was suggested in Para 6 that the entire geographical area of the present Kenya Colony should revert to the name "British East Africa". It would appear convenient that the High Commissioner should be the "High Commissioner of British East Africa", that the Inter-colonial Council should be the "Inter-colonial Council of British East Africa", and that the over-riding name of "British East Africa" should apply

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to the entire group of countries over which the High Commissioner's authority extends.

(16) PARTIAL DISFRANCHISEMENT OF EXISTING EUROPEAN ELECTORATE.

It is true that proposals in this memorandum would involve the disfranchisement of some of the Europeans, who now hold a vote for the present Kenya Legislative Council. The extent to which this would be the case is extremely small, and includes very few indeed, of what may be termed the Colonist population, as the following figures show.

The European population of the present Kenya is about 10,500, made up of 6,500 men, 2,000 women and 2,000 children. This total includes all officials and employees of Government, male and female, and their families, this official population being about 1,500 men, women and children. In the nature of the case, these 1,500 are not permanently resident in the country. Of the remaining 9,000, not less than 1,500, including women and children, are missionaries and employees of banks and business firms owned and controlled from outside the country, and the greater number of these are therefore only quasi-resident. Of the remaining 7,500, there is some proportion which can hardly be regarded as fully resident or likely to become so. The number of agricultural holdings held by Europeans and European Companies, and worked either by the owners or managers, is 1,370 throughout the whole country, and this includes European plantations and groups of farms reckoned as separate holdings, although worked under a single management. The number of 1,370 worked holdings includes those as small as 10 acre plots in the vicinity of towns. The total farming and planting population of true Colonist type is therefore probably not more than 5,000, including women and children, and this figure has been attained after eighteen years of land settlement.

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The European population of the present Kenya is about 10,500, made up of 6,500 men, 2,000 women and 2,000 children. This total includes all officials and employees of Government, male and female, and their families, this official population being about 1,500 men, women and children. In the nature of the case, these 1,500 are not permanently resident in the country. Of the remaining 9,000, not less than 1,500, including women and children, are missionaries and employees of banks and business firms owned and controlled from outside the country, and the greater number of these are therefore only quasi-resident. Of the remaining 7,500, there is some proportion which can hardly be regarded as fully resident or likely to become so. The number of agricultural holdings held by Europeans and European Companies, and worked either by the owners or managers, is 1,370 throughout the whole country, and this includes European plantations and groups of farms reckoned as separate holdings, although worked under a single management. The number of 1,370 worked holdings includes those as small as 10 acre plots in the vicinity of towns. The total farming and planting population of true Colonist type is therefore probably not more than 5,000, including women and children, and this figure has been attained after eighteen years of land settlement.



As to European electors, the total on the Register, corrected to date, is under 2,750, including women, for the whole country. The franchise requires only 12 months residence at any time during the previous life of the voter with 3 months residence in the constituency. Of the 2,750 voters, not less than 750 appear to be officials and employees of the Government, and their wives. Out of the remaining 2,000, a number have been above described as only quasi-resident, such as, employees of banks and business firms who are liable to be transferred by their employers from one country to another, or are sent out and brought home on agreements of service. The total number of truly Colonist voters is thus between 1,500 and 1,750, for the whole country, and these are divided into eleven constituencies.

Of the eleven constituencies, eight are in the Highland area, which would no doubt become the European grant, or the new "Kenya colony". The other three constituencies are Mombasa, the Coast and Nyanza. The number of voters in Mombasa Constituency is under 150, of whom at the outside 25 can be described as really resident in the country, the balance being Government officials and employees of banks and business firms. The Coast constituency has so small a number of voters, and indeed, of European residents at all, that on the occasion of a recent election, it was unable to muster the necessary quorum of 12 voters. The Nyanza Constituency covers the whole of the Kavirondo Native Territory with its 1½ million Africans, but its European voting strength is about 175 only, made up of more than 50 Government officials and their wives resident in Kisumu Township (the port of the Government Lake Steamer Service) and a further 30 are employees of firms, missionaries, etc., liable to frequent movement in or out of the Constituency, or out of the country altogether.

this Constituency was arranged to include along its Eastern boundary a strip of European farms, which would naturally belong rather to the Highland area, and would doubtless be included therein under the proposals of this memorandum.

It therefore follows that the proposals would result in disfranchising less than 250 Europeans and their wives, of whom more than 200 are in no sense Colonists, or even true residents of Kenya.

The native population of present Kenya is officially stated to be 2,830,000. Out of this total, about 2,400,000 are in Tribal areas, and about 400,000 are outside Tribal areas, i.e., are in the settlement districts and townships. The total native population of the group of British East African countries, viz., Kenya, Uganda and Tanganyika, is approximately 10,000,000. The number of British Indians in the present Kenya is officially stated to be 22,000. Of this total about 10,000 are now in the present European Highland area, mainly concentrated in the town of Nairobi and the townships along the Railway Line. The remainder of the British Indian population consists of a large and concentrated number at Mombasa, a fairly large number in the Nyanza townships of Kisumu, Yalla River and Mumias, and the balance scattered through native tribal areas as petty storekeepers.

(17) RACIAL TYPE IN SUBORDINATE EMPLOYMENT.

His Grace asked me whether the tendency is towards the employment of Europeans in subordinate work on farms, and as artisans, etc., or whether such work is, and will likely to continue to be, done by the coloured races. The reply is that such work is entirely done by the latter, and that the tendency is more and more towards the training and employment of African natives for such services. As His Grace remarked, this must, for all time, greatly limit the prospect of any very large European population, even in the Highland

settlement areas, and this is undoubtedly the fact. It would, indeed, seem very unlikely that for many years to come, the European population of truly colonist type would grow to as many as 25,000. The desire to return to Europe after a spell of years is particularly noticeable among those who have taken up the coffee planting industry, as is the case in Ceylon, Malay and Mysore plantation districts of India. This part of the population is therefore not permanently resident, and has little direct interest in the other countries forming the British East African group.

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I have therefore the honour to submit with deep respect and great diffidence, the above proposals, for the consideration of His Grace, the Duke of Devonshire, and would say, as my claim for indulgence in so doing, that I am earnestly of opinion that without some such scheme that will primarily and for all time place the great native populations under a definite Imperial system of governance, difficulties will increase and not diminish.

I further believe that a reorganisation on the general lines of the above will for all time settle the so-called Kenya-Indian question, especially seeing that that question has thus far no counter part in the adjacent countries of Uganda and Tanganyika.

I have the honour to be,

Sir,

Your obedient servant,

*Humphrey Leggett*

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