

Ed. Read. to file at 2/11/20  
C. O. 515  
22231  
22231  
RECD  
REC. 4 MAR 20

PRINTED FOR PARLIAMENT  
Lond. W. 873

HARVING LAMSON

SMITH, SIR

1920

MAY

previous Paper.

Considers instructions in the Ainsworth circular should stand as they are. If it is desired to issue further instructions to safeguard against chiefs abusing their powers submits draft of further circular.

22088

Sir H. Read. Mr. J. Fisher

Pl. see also 22088.

As regards this further circular, Sir E. Northey fears that apathy on the part of certain administrative officials has reduced his original circular to a dead letter, and he is anxious therefore that the new circular should not take the form of a mere repetition of the former one - the importance of the matters coming under its work must, he considers, be emphasized again.

That being so, I was wishing to criticize the circular, but we might suggest that it should include

subsequent Paper

Women & children must not be employed in conditions which prevent them to return home each day.

(66) a reminder that Ent. Operative must co-operate with the provisions of the Factories & Workshops (Amendment) Ord. 1914 are fully observed.

Engraved letter, captioned on 22.08.20  
C.C.S. 10.5.20

Ref. in note the enclosed letters sent to Col. Murray. They emphasize the desirability of the above articles as a general clause the provisions in the original circular as to not being applied to their labor output saved not a modified provision I think had shown improvement but that at least in touch with Dr. E. Northey being forced to conform with a very small number of not more.

C.C.S. 10.5.20.

I follow you in 5(a) & (b) & (c) better by minute.

It is a new idea to be put to further expansion of the enclosed to give in the 25 C.C.S. fresh directions. I can't say the Government is being better attended, as with the existing 4/1/2/5

Dr. Northey's reply to Lord Kitchener's letter is enclosed. He spoke to me about it before sending it in. 515

Para. (1) of the Birmingham circular refers to the employment of women & children in the vicinity of their homes. Our draft circular defined "vicinity" as meaning a distance within which return home each night would be possible (& necessary), but Dr. E. Northey fears that it will be regarded as forbidding the employment of women & children in cases where the whole family has sought work at a distance. He observed in that in all such cases the whole family is lodged together.

Personally I do not think that because of our draft, read as a whole, can be so construed, but we do not wish to create fresh difficulties, & there can be no doubt that officials who wish to derogate the Commission's views will be quick to shelter themselves behind any perversion of the meaning of Kitchener's decisions.

I accept Dr. E. Northey's suggestion, & send out the amended enclosure by despatch for

(a) specific instruction was that  
women & children must only be  
employed in conditions which permit  
them to return home each day

(b) a reminder that Govt. officials  
must co-operate to all that  
the provisions of the Factories &  
Shops (Hours and) Act  
1914 are fully observed.

signed (others), as proposed on 22/08/20  
C.C.S. 10.5.20

Pl. in view the enclosed notes sent to Col.  
Amery. They emphasize the desirability  
of the above - articles it is a question whether  
the provision in the special circular as to  
employment of women & children is not  
sufficiently modified. Personally I think  
that it was unworkable but that it cannot  
be touched unless Sir E. Northey being forced  
to do so in a way which would  
not concern

C.C.S. 10.5.20

I follow up on 5/2/21  
with Mr. Trotter by minute.

had noted

This is a new idea to me but I  
think it is a good one. I should say the  
provisions of the Act are not intended to  
prevent women & children from working  
in any way which is not prohibited by  
the Act. I think it is a good idea to  
have a new idea to me but I think it is  
a good one. I should say the provisions  
of the Act are not intended to prevent  
women & children from working in any  
way which is not prohibited by the Act.  
4/1/21

Sir H. Lees Sir J. Fisher.

Sir E. Northey's reply to Lord Curzon's letter  
is attached. He spoke to me about it before  
sending it in. 516

by post below

Para 4 (1) of the Greenwood circular refers  
to the employment of women & children in the  
vicinity of their homes. One draft circular  
drafted recently is assuming a distance  
within which return home each night  
would be possible (& necessary), but Sir  
E. Northey fears that it will be  
regarded as forbidding the employment  
of women & children in cases where  
the whole family has sought work  
at a distance. He observed in that in  
all such cases the whole family is  
lodged together.

Personally I do not think that  
para 4 of our draft, read as a whole,  
can be so construed, but we do not  
wish to create fresh difficulties, &  
there can be no doubt that officials  
are not to disregard the Government  
views and to quick to shelter  
themselves behind any provision  
of the wording of their decisions.

I accept Sir E. Northey's  
objection, & send out the  
amending circular by despatch for

H. J. R.

44 Carlisle Mansions

26<sup>th</sup> May, 1920.

S.W. 1.

517

Dear Lord Milner,

I thank you very much for your  
letter and enclosure of  
yesterday's date, and for all the  
trouble you are taking to help  
our little Colony in its early and  
most difficult days - I have had  
a nice holiday in France; and  
shall have ten days before I sail.  
I will arrange with Thornton  
to see you whenever convenient.

I am in agreement with the  
wording of the proposed additional  
Circular on Native Labour, ex-  
cept on one point, viz, para 4  
from fifth line onwards, which  
I would like to word differently.  
The instructions as they stand  
would give direct orders to the  
labourers themselves that they  
(women and children) are never  
to sleep away from their homes.

~~might~~ to their homes at  
 night, only when the husband  
 is employed and living on  
 the plantation should families  
 be allowed to remain there at  
 night.

The wording of instructions  
 of this nature is extremely  
 difficult: one has to be very  
 careful that an amending  
 circular does not do more  
 harm than good: in this case  
 I am afraid of preventing the  
 already steady flow of much-  
 needed labour for coffee planting  
 and thereby ruining a most  
 thriving industry. If this is  
 not clear I will explain more  
 thoroughly when I see you.

Yours very sincerely  
 Edward Nolley

77 Carleton Place  
Westminster  
S.W.

G. O.  
22231  
REC'D  
4 MAY 20

3rd May 1920

Sir,

I have the honour to acknowledge the following remarks in the question raised as to the wording of the much-discussed "Circular":

2. The main point raised by the Aborigines Society is that native chiefs may abuse their power. I am presumably satisfied that the natives will be well protected by the local Administrative Officers from illegal abuse of authority. I consider that the instructions conveyed by the Circular should stand as they are; but if it is considered necessary to issue further instructions I suggest the following:—

Circular.

Native Labour required for non-native Farms and other private undertakings.  
Reference Circular No. — of November 1919.

Representations having been made to the Secretary of State for the Colonies to the effect that a too zealous or an incorrect reading of the instructions of the Circular above referred to may lead to abuse, His Excellency deems it advisable to explain in greater detail the provisions of that Circular.

2. It has been suggested that the operation of these provisions may in practice include a recourse to illegal methods on the part of the native chiefs, who may consider themselves entitled to force out labourers into the employ of European farmers, leaving the native free to refuse the employment offered or free to choose the nature or locality of his work; that the chief may exercise discretion in giving orders to work so as to select only those who are at their peaks or followers; and that the result will inevitably be forced labour of the worst description based on fear.

3. It must be obvious to all Administrative Officers.

officers that such results are neither intended nor expected. The argument underlying the intention of the Circular is contained in its third paragraph, viz., that it is in the interest of the natives themselves for the young men to leave wage earners and not to remain idle in their reserves for the greater part of the year. The native authorities are therefore to exercise every possible lawful influence to induce able-bodied male natives to go into the labour field; it is their duty to advise and encourage all unemployed young men under their jurisdiction to go out and work on plantations.

4. Insistent encouragement is expected to produce the desired result: interference with the free action of the native labourer must not be tolerated. It is the duty of administrative officers not only to see that the chiefs are constantly persuading young men to go out to work but also to see that abuse of the chiefs' authority does not occur.

I have the honour to be  
Sir,

Yours most obedient servant

Edward Northey

Governor of the East Africa  
Protectorate

Under Secretary of State for the Colonies

M 222 31

25

May, 1920.

Arthur Northey,

550

I hope the most pressing matters affecting your Dominion have now been satisfactorily settled, but there is one point on which I still feel considerable uneasiness, and that is the Ainsworth Circular. I have seen your letter of May 3rd to the Under Secretary and the proposal of an explanatory circular enclosed in it. The latter does not, however, in my opinion, quite meet the needs of the case. The feeling in the House is pretty strong on the subject, and I should like to have something which, quoted in Parliament, would completely satisfy all reasonable people if the question is raised again, as it probably will be. Moreover I feel some real doubt whether there is not more danger of abuse of the powers of the chiefs than you think. I have seen some communications from private residents in B.E.A., which make me rather uneasy. It is true they come from missionary quarters, and I always rather discount the



M 222.3

25

May, 1920.

Arthur Northey,

550

I hope the most pressing matters affecting your opinion have now been satisfactorily settled, but there is one point on which I still feel considerable uneasiness, and that is the Ainsworth Circular. I have seen your letter of May 3rd to the Under Secretary and the proposal of an explanatory circular enclosed in it. Your letter does not, however, in my opinion, quite meet the needs of the case. The feeling in the House is pretty strong on the subject, and I should like to have something which, quoted in Parliament, would completely satisfy all reasonable people if the question is raised again, as it probably will be. Moreover I feel some doubt whether there is not more danger of abuse of powers of the chiefs than you think. I have seen no communications from private residents in B.E.A., which make me rather uneasy. It is true they come from missionary quarters, and I always rather discount the

cautionary view in such matters. But I think we must be very careful to guard against the evils, which those people honestly fear, even if their fears are expressed to some exaggeration.

The points about which I should like to be most specific are:

- (1) That women and children are not to be employed away from their homes.
- (2) That care must be taken that the chiefs do not make the call upon them for labour an occasion for favouritism and oppression, and in particular that they do not attempt to put pressure upon men whose labour is wanted for the cultivation of their own land.
- (3) That Government officials must exercise vigilance to see that the provisions of the Master and Servants (Amendment) Ordinance 1919 are fully observed.

I have therefore had a circular drafted which, while fully upholding the principle of the "Ainworth Circular," i.e. discouragement of idleness, nevertheless makes the above

is perfectly clear. This I now enclose and invite  
your comments upon it. I should be very glad if you  
are able to approve of it substantially as it stands.

(S) M

P.S. What day do you actually sail? I very much  
want to see you once more before you leave. If any day  
next week - not Monday - would suit, will you tell  
Thornton know?

M.

General  
Edward Northey, K.C.M.G., C.E.

Native Labour required for non-Native farms and other private undertakings.

553

Reference Labour Circular No. 1 of 30th October, 1919.

1. Representations having been made to the Secretary of State for the Colonies to the effect that the circular referred to above may lead to abuse, His Excellency deems it advisable to emphasise certain points in order to prevent misconception.
2. The principle underlying the circular is contained in the third paragraph, viz. that it is in the interests of the natives themselves for the young men to become wage earners and not to remain idle in their reserves for a large part of the year. The native authorities are therefore to exercise all lawful and proper influence to induce able-bodied male natives to go to the labour field, and it is their duty to advise and encourage all unemployed young men under their jurisdiction to seek work on plantations.
3. While it is the duty of administrative officers to see that the Native Chiefs fully understand and carry out what is required of them by the Government in this matter, it is equally their duty to see that the Native Chiefs do not abuse their authority. Care must therefore be taken to ensure that the Native Chiefs do not make any call upon them for labour the occasion either for favouritism or for oppression, and in particular that they do not attempt to bring pressure to bear upon men whose labour is needed for the cultivation of their own land in the reserves.
4. It has been directed that where farms are situated in the vicinity of a native area, women and children should

should be encouraged to go out for such labour as they can perform. It must be distinctly understood that such women and children must return to their homes at night: only when the husband is employed and living on the plantation should families be allowed to remain there at night.

Finally, it must be clearly understood that it is a duty of first importance for Administrative Officers and other Government officials concerned to exercise vigilance in regard to the Master and Servants (Amendment) Ordinance 1919, and to ensure that the provisions of this Ordinance are strictly observed.

N/ 22231 Lab

Draft circular for issue in Lab

x Not in 5p as sent to the Lab only.

RECEIVED  
Lab. No 213

DRAFT.

~~be~~ Circular

Native labour required for non-native farms & other private undertakings.

MINUTE.

- Recd 20/17/20
- Mr. Holtumby 20.5.20
- Mr. Grindle.
- Mr. H. Lambert.
- Mr. H. Read. 20/17
- Mr. G. Fildes 21
- Mr. Amery.
- Mr. M. L. S.

Labour & Reference Circular No. 1 of 23 Oct. 1919

1. Representations having been made to the S. of A. for the Lab to the effect that the circular referred to above may lead to abuse.

It is accordingly deemed it desirable to emphasize certain points in order to prevent misinterpretation.

2. The principle underlying the circular is contained in the third paragraph.

Structure for Lab  
- see the letter below.  
- sent for Mr. E. W. ...  
was already ...  
to ...  
to ...

Lab

