

EAST AFR PROT.

No. 73462

13762

18 APR 08

(Subject.)

Labour question

1908

Report comes with behaviour of deputations
headed by Lord Belmore & Balfour & others which
last House 23 Feb. Has suggested how
Belmore & Balfour for by Council. They
order has been & documents discussed for Council

(Minutes)

PRINTED FOR PARLIAMENT
Cd. 4122 JULY 1908

McArthur

I deal with this in
the memo annexed to 18472

18472

Mr. Gray

No. Conf. Ref.
1908
27 Feb.
The Times Paper
6/27
5520
minutes of the Council 18472
The Times Paper
1908

Rc

Governor 055702

APR 08

Confidential No (24)

March 27 1908

PRINTED FOR PARLIAMENT
Cd. 4122 JULY 1908

My Lord,

In my telegram No 63 of the 23rd instant I gave the main facts connected with the disgraceful scene in front of my house on that day. About 3.30 in the afternoon Mr. Monson bicycled over to the new Government House, which I have lately occupied, and told me that news had been received from the town by telephone that an excited crowd of settlers was moving up to see the Governor. About half-past four afterwards they arrived in numbers on bicycles on horseback, and on foot, and formed up in front of my house.

Mr. Principal Secretary of State
for the Colonies
Downing Street
London S.W.

44

I had with me at the time Mr. Brownson and my A. S. C. The latter was sent out to ascertain what the demonstration wanted. He was told they had come to see the Governor, he pointed out that I could not see such a crowd in my house and asked if they would nominate two or three of the leaders to come inside and interview me. This was refused and he was told that they wanted to see me and hear my answer en masse. He replied that they could not all speak at once and again suggested two or three delegates approaching me. This was again refused with acclamations and a demand made that I should be seen and heard by them from the upper balcony. The spokesman was Lord Selawere.

I then went out of the Hall door and walking up to the crowd, said "Good evening, gentlemen, this is a most extraordinary proceeding, what do you want?" Lord Selawere, round whom were grouped Mr. Baillie, Mr. Watkins, Mr. Russett Bowker, Mr. Ward - the manager of the Afro American Fibre Company - and others forming the centre of the crowd, then addressed

addressed me in an excited and offensive
 manner to the effect that they were all
 dissatisfied with the results of the mor-
 nings' Labour Meeting that they had
 since convened another meeting at which
 a resolution was passed which he wished
 to read to me. This was to the effect
 that I had lightly treated their repre-
 sentations in the morning that I had
 only dealt with unimportant points
 and had given no satisfactory answers
 to the points which were of extreme im-
 portance to the settlers. The resolution
 ended by a demand for the instant
 cancelling of the Labour Rules and
 for an immediate and definite answer
 to all the matters raised in Lord
 Delamer's motion at the mornings
 meeting. I replied that I had dealt
 with what I could at the time
 and that it was quite impossible for
 me to give a decision off-hand on
 the larger questions that I had
 promised to consider them and was

doing so, and that if a deputation would attend at my office at noon the following day I would explain what was being done and give as definite a reply as I could to all the questions raised.

I was at once interrupted by Lord Selkirk who burst out with "tomorrow, it is always tomorrow, we are sick of tomorrows; we are not schoolboys, we demand an immediate answer on the spot and nothing else" or words to that effect. Allusions were made to the settlers being ruined for want of labour, to obstacles having been put in their way by the officials ever since they entered the country, and to the fact that their coming up as they did in the heat of the season showed the earnestness of their purpose.

In all this he was backed by Mr. Baillie, Mr. Watkins, and Mr. Ward who all spoke, Mr. Watkins in a particularly aggressive manner.

I again told Lord Selkirk that it was impossible to deal with these important matters of ^{the} day.

offhand that he was entirely wrong in thinking that I was not sympathetic with the settlers, that I was dealing with the questions referred to and that I would give my answer, as I said, at noon the following day.

There were then signs that the ill-feeling of the crowd, hitherto more or less suppressed was beginning to make itself evident, and that the demonstration would turn into a rabble, and as I was not inclined to further bandy words with Lord Selamere and his supporters in their then excited condition, I wished them good evening and withdrew into the house. On the door being closed shouts were raised of resign, resign.

The crowd then withdrew and immediately formed another meeting inside my grounds within about one hundred and fifty yards of my house. This lasted a few minutes.

then broke up with cheers, which can only be interpreted as a general approbation of the previous proceedings.

The following morning I discussed the questions raised in Lord Selamere's motion with my principal officials, and at midday gave my reply to the deputation. Copies of the motion and of my answers thereto are attached.

Although this deputation was headed by Lord Selamere and all its members were present at the demonstration before my house, not a word of regret or apology was expressed.

In the evening I sent Lord Selamere the letter, a copy of which is enclosed, suspending him from his duties on the Legislative Council: a similar letter, mutahi mutandoo, was addressed to Mr. Baillie.

Selamere
1905

Formal letters of acknowledgment were received from Lord Selamere that evening and from Mr. Baillie the following morning, but no word of apology or regret, and none has been received since.

The whole of the disgraceful proceedings

See Part I. vol. 10

before Government House were due to Lord Selwode, whose conduct I cannot too severely condemn. As the leading unofficial member of my Council it was his duty to give me his advice and assistance in matters in which the settlers are interested, and when necessary to lay his views before me personally. Instead of that he ~~leads~~^{led} a disorganised crowd, largely composed of the rabble of Nairobi, up to my house and in the most aggressive and insolent manner at the head of his followers endeavoured to browbeat me into accepting his demands.

It was noticed that he was very excited at the meeting held at the Railway Institute in the morning and as he himself said, on moving his motion he felt so strongly on the Labour question that he was unable to speak. His attitude after the meeting and before he led his followers to Government House is shown in the enclosed.

S. D.

report by the Inspector General of Police.
 Unfortunately I have further reason to
 complain of the attitude of Lord
 Selwyn. Ever since he has been in
 the Legislative Council his manner
 in debate has been characterized by
 an aggressive spirit towards the Admin-
 istration and its measures exceeding
 the bounds of legitimate criticism,
 often requiring on my part the ex-
 ercise of a patience I should hardly
 have been inclined to accord to anyone
 but Lord Selwyn.

On one occasion, last December, during
 the debate on the Estimates, he got up
 from his seat and left the Council
 Room like a petulant child, and
 wrote me a letter submitting his resigna-
 tion.

This I smoothed over, considering it
 to be in the interests of the settlers
 and of the country that he should
 remain on the Council, and after
 coming to an implicit understanding
 with him as to his position as an
 unofficial member, relative to the
 Government, he withdrew his letter
 and I returned it to him.

J. /

As the incident was closed, I did not deem it necessary to report it at the time, but in view of his subsequent conduct I have now had to refer to it.

Immediately on his return from England, without consulting me or in any way giving me notice of his intention, ~~to~~ ~~as~~ President of the Colonists' Association, a resolution denunciatory of the Administration to which I have taken strong exception. He did not even attend the meeting of the Association at which his resolution was passed, and the attendance at the meeting was confined to the Committee whose secretary is the well known Cap^t Fichat and a few townspeople.

I have reported on this matter in my despatch, confidential, of the 25th Instant.

Under all these circumstances I submit that, whether for ~~the~~ ~~reasons~~

apologues for his recent extraordinary conduct or not, his further retention on the Legislative Council of this Protectorate is impossible. If he does not resign himself, I shall have to recommend his dismissal.

Mr. Baillie has so far only shown himself a puppet of Lord Selkirk, at first strongly inclined to second his aggression and in his absence quiet and with no opinion of value of his own to offer in the deliberations of the Council.

I shall take the same course with regard to him as I am taking with Lord Selkirk, although he is not nearly so much to blame

as to the causes which led to this unseemly demonstration they are,

I think, to be found in the spirit of political course impatient of any form of government but its own, which has been so marked a feature of the ~~islands~~ since they were opened to European colonization.

and which was thought to have culminated with the Grogan incident of this time last year, to which indeed the present movement is much akin.

The idea that I and my officers are unsympathetic towards the settlers, or that my attitude at the Labour meeting lacked sympathy, is an idle excuse and needs no refutation on my part.

~~As regards~~ As regards the Labour Rules, too, they seem to have been made the peg from which Lord Selborne was able to appeal to the feelings of a number of people for various reasons ~~discontent~~ with existing conditions, some of whom were disappointed that the proceedings at the meeting of the morning had passed off so smoothly.

I have already said that, on two points - the question of the supply of food and blankets to labourers working on farms under certain conditions -

I had met the settlers' views and

J. H.

had promised to consider other details and discuss them in the Legislative Council. To argue then that we were unsympathetic was simply ridiculous.

But there is no question that of late there has been a serious falling off in the supply of labour, and this question is occupying our serious attention. It is not so much due to the Labour Rules as to a variety of circumstances outside our control.

In the first place certain proceedings of the Chiefs in rounding up labour have been put a stop to as they come to light as being little short of forcing labour, and this has undoubtedly had an effect on the natives in some of the districts, whose ideas are apt to go to the other extreme.

Then there is the fact that thousands of porters have been engaged within the last few months for shooting parties on a rate of pay of Rupees Ten per mensem and food, not only will people so employed refuse to work

work at the settlers' wage of three or four Rupees per mensem, but the fact that they are able to get this rate for even a short time, must have its effect on their fellow tribesmen. Added to this is the natural tendency for wages to rise. I am informed that lately Messrs. Smith & McKenzie have had to double the rate they pay their labour, where a ship has to be rapidly unloaded - it is worth their while to do so - and the up-country natives are beginning to get sufficiently intelligent to understand the advantage of selling their labour in the best market, and as prices are far higher on the Coast, there is an inclination to work there in preference to up country.

But notwithstanding this there has been a fairly good influx of labour of labour from Fort Wall, and further labour supplies will be opened up as our Administration extends northwards to the Kueru; and

86

there is the personal equation, the settler who is good to his men gets his labour and keeps it.

At the bottom of all this agitation is the fact that the settlers are beginning to realize that farming in the highlands is not the paying proposition they thought it would be, and I regret to say that after two bad seasons a number of the poorer settlers are nearing the end of their tether. Amongst them, there is, I fear, a good deal of distress, and the position will have to be watched carefully, it may be possible to assist some deserving settlers by temporary employment on a scheme of irrigation the Commissioner of Lands has in prospect and for which I may have to ask for your sanction to be allowed to re-allocate a portion of the funds voted for roads next year.

The question of the supply of labour to the agricultural and industrial concerns, which are now opening up

87

is a matter of great importance,
 and since the Administration is
 endeavouring to solve, but to reach
 a solution we want assistance and
 advice, not opposition and hostile agitation.
 The whole question of the labour
 supply, so far as the Highlands are con-
 cerned, is being carefully examined,
 and I shall address your Lordship
 again on this subject. I shall
 personally look into the question in
 the Coast area besides obtaining the
 advice of the Local Board.

I have the honour to be,

with the highest respect,

Yours Lord

Your Lordship's most obedient,

humble servant,

J. H. Campbell
 Governor

Governor's Office
Nairobi

24 March 1908
176

My Lord,
You yesterday headed a
crowd of European colonists which
made a demonstration in front of
Government House. You refused
the invitation of my aide-de-camp
that two or three of your number
should enter the house and
interview me, and you insisted
on my addressing all present.
I came out and met you.
In an excited and offensive manner
you demanded an immediate and
definite reply to matters raised
in the motion which was proposed
by me and carried at yesterday
meeting, at which I presided,
although

The Right Hon^{ble} Lord Delamere

90

although I had informed you
 at that meeting that the matters
 referred to would have my
 sympathetic consideration.
 Not content with the assurance
 I gave you that it was
 impossible for me to reply
 to these matters on the spur
 of the moment and that I
 would be prepared to do so
 at noon to day, the reply I
 received was that you were
 all tired of "to narrow"
 and you again persisted in
 your demand for an immediate
 answer.

On my declining to have your
 suggestion I had taken it
 to my bed and did not
 write for any reply till to day
 and on my wishing you
 'good evening', you and your
 followers left my house with
 shouts

91 ~~91~~

Shouts of "resign?" "resign!"

Subsequently a short conference
was held by you and your
followers within a short distance
of Government House which broke
up amidst cheers.

Such an unseemly demonstration
of ill-will and open insult
before the house of the King's
representative headed by yourself,
the senior unofficial member
of the Legislative Council, and
supported by another member of
that Council, must be almost
without a parallel in the annals
of Colonial history.

It is regrettable to me that I
can no longer look to you

for the advice and support
in the legislative administration
of this Protectorate which I

have

92

is right to expect, and I accordingly
 have to inform your Lordship that
 I hereby suspend you from your
 duties on that Council.

I have further to inform your Lordship
 that I am recommending His Majesty
 to remove your name from the
 list of the Members of that Council.
 In doing so I shall be glad to
 forward any explanation of your
 attitude in connection with these
 unpleasant incidents which you
 may wish me to submit.

I am, &c

My Lord,

Your Lordship's most obedient
 servant

(S) J. Mayer, Esq.
 Governor

LORD DELAMERE'S RESOLUTION.

That this Meeting of Settlers and Employers of Labour is of opinion that the present state of Native Labour is one which, if allowed to continue, is disastrous to the development of the Country and ruinous to those who have invested their capital in Agricultural, Stock-raising and Planting ventures, and that no satisfactory solution of the Labour Question can be arrived at unless the Rules promulgated by the Secretary for Native Affairs are immediately withdrawn and the following principles adhered to in any future course of action:-

1. That the framing of New Rules shall be by a Central Board on which employers of labour shall be adequately represented, and that after such general rules have been framed, District Boards be formed to adapt the working of the same to the requirements of the particular district.
2. All contracts for labour to entail obligations on the part of both parties and to ensure a minimum term of service - provided that adequate machinery be employed enabling the terms of the contract being enforced.
3. That all luxuries to be supplied to the Employee shall not fall on the employer, but must be paid for by the employee in the course of his employment.
4. That the Labour Bureau shall not be under the control or in any way part of the Department of the Secretary for Native Affairs.
5. That the rate of wages for unskilled labour shall not be fixed at a rate exceeding that in existence 12 months ago.
6. That All Government Departments conform to the Rules which may be so framed.
7. That all Government Officers be directed and be strictly required to encourage the native to seek labour, and to do their utmost to assist those who require it in recruiting the same.

Portion of Mr. Anderson's Motion embodied.

That a Native Commissioner be appointed as head of the Department of Native Affairs, who will be a man of tried Colonial experience.

Nelam East Africa Protectorate (Cap. 100) 17th Dec 1908

Incl 2 in No 11

15762

His Excellency's reply to representation at ¹⁹19 APR 08
Office on the morning of the 24th March. 481

mediate withdrawal
Labour Rules

I must decline to withdraw the Rules referred to. In two points to which importance has been attached by the settlers they have been modified to suit their interests and further modifications not involving matters of principle will be discussed by the Labour Boards and the conclusions arrived at and the whole question of the Rules discussed in the Legislative Council.

It is on the representation of the settlers that the two alterations above referred to have been made.

Central and
District Boards.

At the request of the meeting His Excellency agrees to a Board of Inquiry commencing its sittings to-morrow composed of the Provincial Commissioners Heads of Departments or their representatives, meeting under the presidency of the Lieutenant-Governor with six unofficial delegates to consider the terms under which labour will be recruited by the Government and to inquire into the conditions of the labour supply.

Arrangements have been made for the creation of Provincial and in some cases District Boards to consider details of Rules for the recruitment and supply of labour on which unofficials will be represented. As I mentioned yesterday I do not propose to consider the question of a Central Board until the working of the Provincial and District Boards has been given a fair trial.

about Contracts. 2. Contracts for labour do entail obligations on both parties.

As regards the machinery to be employed I have already stated that powers are about to be given to Headmen under the Headmen's Ordinance 1902 and I consider that these are sufficient for the present. I am in communication with my Legal Advisers as to the steps that can be taken to secure a greater check against desertions than is afforded by the present law.

3. By luxuries it is presumed that blankets are meant.

I agree that luxuries supplied to the employee should be paid for by him and the cost deducted from his wages.

4. There appears to be some misapprehension regarding the system of Civil Administration in the Protectorate.

The Provincial and District Staffs form in effect the Native Affairs Department. The Secretary for Native Affairs holds a travelling appointment and is attached to the Governor's Office.

It is absolutely impossible to separate the question of native labour from other questions of native administration. Staff officers detailed for administrative purposes to labour areas must remain under the orders of the Provincial and District Staff.

5. The government cannot fix a rate of wages of unskilled labour. It must necessarily depend on the conditions prevailing in the Districts and the class of labour required. When employers apply to the Government for labour they may state the rate of

wages

(3)

wages they are prepared to offer and the class of labour, and the recruiting officer will supply it if possible. The Government will do all it can to check the tendency of prices to rise.

Co-operation of
Government
Departments.

6. I am quite prepared to accede to this request.

Encouragement
of Labour.

7. This has always been the intention of Government and a further Circular urging particular attention to this point will now be issued.

8. I fully agree that Labour Boards should discuss the questions referred to and such legal measures as are possible will be taken.

Commissioner of
Native Affairs.

9. I am not prepared to consider this question.

Nairobi,

Sd/- J.H.S.

March 24th 1908.

On the 20th another meeting was held, Lord Delamere being in the chair - He told the meeting that His Excellency the Governor had given an un sympathetic reply & went on to say that in his opinion His Excellency the Governor was not in sympathy with the colonist because when he went to Government house N. Y. was very rude to him, indeed distinctly so.

He went on to say that their action in going to Government House was in order - they had been perfectly orderly & they had nothing to be ashamed of - he said he was very sorry that some one made the remark calling on His Excellency to resign, & that the response of the crowd was spontaneous.

In the evening another meeting was held in the Norfolk Hotel after it had become known that Lord Delamere & Mr Baillie had been suspended. This was attended by only a select few. It is not known what transpired at this meeting which was held in a room adjoining the billiard room.

On Wednesday 25th a kind of indignation meeting was held - The meeting was quite an orderly one & the following resolution was passed

This general meeting of settlers has heard with amazement & indignation of the action taken by His Excellency the Governor ~~and~~ Lord Delamere & Mr Baillie - The meeting feels that it was entirely the indefinite & unintelligible character of the Governor's speech in replying to the question of vital emergency at the meeting called which was the reason & justification for the subsequent gathering at Government House.

95

This meeting regrets that H. K. the Governor should have misrepresented the respectable & orderly gathering at Government house as a disorderly demonstrations - This meeting however regrets that the few individuals in the crowd ~~being~~ by the unsympathetic attitude & speech of the Governor were betrayed into a spontaneous outburst of ~~falling~~. For this however the whole meeting is no way to blame.

A cable was also sent to His Excellency the Governor I am told to forward to the Secretary of State - Every person at this meeting was asked to subscribe 1/- each towards the expense of this cable. This was found insufficient & eventually 5/ per head was collected.

Lord Cardross took the chair in this occasion. He asked if any person at the meeting had any resolution to put forward. D. Atkinson had a resolution condemning the action of Government & sympathising with the suspended members - The chairman then asked if any one had anything to say, a person name (unknown) said he wished to add that instead of Lord Delamere & Mr Baillie doing anything to assist the people, their presence acted as a ~~disgrace~~ on the ~~rubbish~~. Mr. Allen Solicitor said that no mention of rubbish should be made. Mr Buckland & Mr Grant concurred. Mr Baillie then handed in his letter of suspension to the chairman who read it to the meeting.

(s) R. Donald
Inspector General of Police.

96

15.62

11

5 APR 08

Notice

NOTICE is hereby given that the officers of the Administration and Native Affairs will do their best to supply labour for settlers, planters, contractors and others on the following terms —

1. The employer shall erect suitable huts for the employed or see that they are properly housed.
2. The employer shall provide each of the employed with one good blanket free of charge on his arrival at the place of work for the use of the employed whilst in his employ.
3. The employer shall endeavour to give to the employed such food as they are accustomed to in their own country. He shall supply to each of the employed 2 lbs. of rice, maize or other suitable and wholesome grain or 2 lbs. of flour or beans every day. He shall further supply 2 lbs. of sweet potatoes or suitable alternative to be approved by the District Commissioner or Assistant to the Secretary for Native Affairs to each of the employed twice a week. An allowance in lieu of food to be paid daily may with the sanction of the recruiting officer, be given to the employed.
4. The employer shall provide and keep supplied one large surfboard and senua for every ten men.
5. The employer shall detail one man out of every party of fifty men to cook the food for the rest of the gang, such man to be allowed to return to and at least 2 hours before the other men.
6. The employer shall report by telegram or by the most direct route to the nearest District Commissioner or the nearest Assistant to the Secretary for Native Affairs (Labour Officer), any trouble or friction with or amongst the recruits and any outbreak of sickness or death amongst his men.
7. The employer shall keep an adequate supply of suitable medicines and bandages at each of his camps.
8. In the event of any of the employed being seriously sick the employer shall arrange for his or her transport by train or by the most direct route to the nearest hospital.
9. In the event of the water supply at a camp being polluted or unfit for drinking purposes the employer shall arrange for the water to be boiled before it is given to the men to drink.
10. The employer shall deposit the requisite sum with the recruiting officer (whenever that officer is purchasing a sufficient supply of food for the men) to transport the same to and from their homes and place of work.
11. The employer shall deposit with the recruiting officer the wages of the employed or shall give a suitable security or guarantee to ensure that such wages or credits to the employed will be paid monthly.
12. The employer if men working near the Uganda Railway shall take the necessary steps to enable those employed near the nearest station to leave the station and return to their homes.
13. The rates of wages obtaining in various districts will be published from time to time in the "Official Gazette" by the Secretary for Native Affairs.
14. The fees for the attestation of contracts of service shall be as set forth in the Provision under Section No. 6 of the Master and Servants Ordinance, 1906.

Nairobi

HAYES BAILEY
Governor