

1931.

Henry

No. 17083

SUBJECT

C0533/408

Record of a discussion with Baron Leakey

Previous

see 16333/30 (Native Rights
on Land outside
Nairobi Reserve.)

Subsequent

FILE C.

1. Recd. of discussion on various subjects, with Carson, 2/13/30
L. C. Boltwood

Herewith record of our talk with
Carson Leakey on 13 Feb.

as to action:-

Para 2 ? attach copy to Maragna
Dana, Jr. for record.

see h. 114 on 16166/30.

Para 3, 4 ? attach copy to
relevant file for comment.

Done
16333/30.

I think we shall have to
send copy to Sir. Byrnes
~~officially~~ semi-
officially - but we must

16338/30 Kya,
Mr

~~back up para 3 with
previous corresp. as to
adequacy of reserves.
Personally, I am becoming
less and less sure of the
reliability of statements
made in recent years
as to the adequacy
of the reserves.~~

local.

Para 5 - ? attach copy to file
re exp. on retrieval
services for Carson.

see 114066/31
This is in case -
KCA can give the
abstract of
his (Carson's)
talk with
Boltwood
see h. 114 on 11094/31

local Para 6 ? attach copy to
relevant file for record.

[I enclose a duplicate of this

minutes taken with [unclear] put up as above.
All papers sent
16.2.31

See S. Wilson

This should be seen by
members of a sub-committee, before
it is recorded on separate papers.

There is much food for
thought in it, and it commands
the more weight with us because
Canon Leakey is not "out" to
state any one or demonstrate
his own superior wisdom. Our
visitors from Kenya are not
all like that.

The terms of the despatch
to Sir J. Payne on land
cannot be considered on the
appropriate papers

17.2.31

Sec of State
(through D. Skelton)

You should see
R.H.6

17.2.31

Seen: I agree with all that is said and think
a copy of the interim report will go to
Sir J. Payne. Altho it is true that the forced
labour still remaining in use of the worst kind,
it is capable of abuse - it seems to have been
used at times for disciplinary purposes by
Dees - and it certainly affords opportunity
for serious misrepresentation. See copy of
"forward" which I enclose. A similar note was
in the "New Leader" recently, and as these papers
are read by our labour people, it tends to make
Parliamentary difficulties. And when one has to
admit the main fact, it is not easy to bring out
the truth of the detailed working of the system. The
fact also, that, however reasonable the system might
be in a country where no other system prevailed it
is here in contact with the practices in European
areas, where exactly the same kind of services are
paid for by Govt., makes it hard to present the
argument truthfully on to one of racial discrimination.
I would be glad if, in transmitting these papers to
Sir J. Payne, something of this difficulty could be indicated
to him. T.D. 21.2.31.

Copy of these minutes
rept on 17/09/31 K. for
action as to Native
Labour

As to forced labour, [unclear] the way as
well write separate despatch
to Govt. calling attention (a) to the
new Convention, and (b) to statements
constantly being made as to the
practice & effects in Kenya; and
ask for full report.

This will be dealt
with on 17/09/31
A.C.L.

Copy of interview sp. to Govt.
I do not think Canon Leakey need be
pressured to give evidence to Joint
Com. on Close Union.

P 23/2

Abstract rept. as on
first page of minutes

See Pt. reports abstract from above
copy herewith in file as indicated
in very minute - send all to me. A.C.L.
24/2/31

2. To. Sir J. Byrne (info. No. 1)'s. o. MAR 1951

Hi. Chollawley

3. Letter from Hi. Byrne attached
may be pretty?

Extract at X sw. go on
managua. Some file?

DOT deep. as to land sent
Wym yesterday.

deep. as to forced labour
still 'under revision' in dept.

Atte. Porcuna
22. 4. 51

W.C.S. 22. 4. 51

W.C.S.

Extract. prep. on
16/6/50 W.C.S.
M.

W.C.S.

~~BY AIR MAIL.~~

R. Parkinson

3 4

*6/25
20/4*

GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

30th March, 1931.

My dear Bottomley,

I have just received your letter of the ~~4th~~ 4th March enclosing a memorandum of what passed at an interview with Canon Leakey. The Maragua-Tana scheme has been dealt with by the Central Board and in my opinion very fairly dealt with, the "thin edge of the wedge" danger being guarded against, and adequate compensation given (i.e., about 22 acres against about 3 acres with other advantageous conditions added).

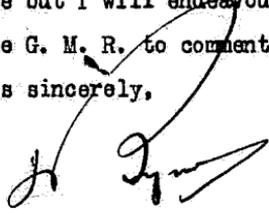
X

[

I note that a despatch will be sent to me on the subject of the points raised in paragraphs 3 and 4 and also about paragraph 6.

Mr. Martin Johnston tells me that the Masai incident in the film "Africa Speaks" is an absolute fake produced in Hollywood. I have not seen the "Fortnightly" article but I will endeavour to obtain a copy and ask the G. M. R. to comment on it.

Yours sincerely,



O.O.

X. 170023/31 U.S. Army

Mr. *all p. 2. 21*

Mr.

Mr.

Mr. ~~Tomlinson~~

Sir C. Bottomley 2. 3. 21 *for*

Sir J. Shuckburgh.

Sir G. Grindle.

Perm. U.S. of S.

Party U.S. of S.

Secretary of State.

Ch. J. L. Ch. Lawrence's signature

Recd

R 2-AR
D *Byrne*

see article in Shuckburgh's
on 14/10/31 as to

DRAFT.

H.E.

Amigueli Sanchez

Lt. Joseph Byrne,
KCamp KBE

My dear Byrne.

C.O.
4th Mar 23

Some days ago

Canon Leakey came and had a long talk with us here. Parkinson made a note of what passed, and this was sent forward to the Staff, who has asked me to send a copy of the record to you.

As to Maragua-Passa, ~~the~~ I need not comment now: we shall hear next week.

Not.
Needed by KBE for further action by 12097/31
(Native Labour)
hatched up for
1707/31

Mr. Thompson
Sir C. Robinson
Sir J. Glubb
Sir G. Gurnea
Parad. U.S. of S.
Parad. U.S. of S.
Secretary of State

DRAFT.

(para 6)
Taxation will be dealt
with in connection with
the 1951 Estimates. But
I may say now that
~~the~~ Commonwealth seems
to have made a step
in witnessing the
Yarivli goal among
the "services" included
by the Kenya Govt as
services rendered in
return for military
taxation; so far as
we can see, that ~~was~~
^{has} not ^{been} included ☺

The Govt. has decided
that a delay. No. 6
sent to you about
forced labour (para 6);
this, I hope, will be
ready ~~in~~ before very
long.

Para 7 & 8 will

not interest you
relative to an article in the
"Fortnightly", which had
some very strong statements
about the treatment of
natives travelling on the
Kenya - Uganda railway,
but we have not yet
had Canon Leathley's
note on it, so I cannot
very well deal with that yet.

Yours sincerely,

(Signed) W. G. BOTTOMLEY.

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1. Canon Leakey, who is very well known in Kenya as a Missionary among the Kikuyu and has represented native interests both on Executive Council and Legislative Council, came to see Sir Cecil Bottomley and myself ^{on 13 Feb.} today, by appointment, to have a general talk.

2. The first subject on which he wished to talk was the Maragua-Tana scheme for hydro-electric power for the East African Power and Lighting Company Limited. He explained that when he started the enquiry as a member of the special tribunal appointed in Kenya he had an open mind and if he could possibly have seen his way to recommend the scheme without detriment to native interests he would have wished to do so. In point of fact he could not, and he therefore signed the minority report which he is very pleased indeed that the Secretary of State accepted. He explained that the compensation in land which would have been offered to the natives for the area which would have been flooded on the Tana River was, in effect, no compensation at all, seeing that part of it was virtually useless as land for all native purposes and part of it was not land which could legally be handed over to the natives. He was very much afraid that if the minor scheme on the Maragua River where the power reserve now is should be adopted, it would only be the thin end of the wedge for the larger scheme which he regards as quite impracticable if due regard is paid to native interests. Assuming the utmost readiness on the part of the Company to provide compensation in land there is, he says, no such land available. It was explained to Canon Leakey that

the

Copy to Sir J. Byrne s. o. 4/3/31

the Acting Governor had made a statement in the Legislative Council (No.29 in X16166/30) stating that the grant of an application for permission to proceed with that part of the scheme involving development on the Maragua River only will not commit the Government in any way to approval of the full Maragua-Tana scheme as originally presented, nor to any alterations in the scheme for further development involving the use of the Tana River; that this statement had been communicated to the Company in this country who had been told that they must now submit an application in respect of the minor scheme to the Central Native Land Trust Board so far as concerns the utilisation of any land within any native reserve; and that in reply to a further letter from the Company which clearly indicated that they would wish later to proceed with the larger scheme, the Company had been informed that the Secretary of State was not able at present to commit himself in regard to any proposals for further development in the Maragua Tana area or in other areas of the Colony.

The statement of what had recently happened was re-assuring to Canon Leakey. But he stressed the fact that in his opinion the original proposal was really only a wangle to get extra power for five or six sisal companies, and that it was not a fair presentation of the scheme to claim that what was in mind was primarily the requirements of Nairobi with extra power as an incident for the sisal companies. Further, he gave it as his own opinion that the right place for development was Seven Forks, which would not, in his belief, lead to the disturbance of any natives



natives, although it meant more expense and would not suit the particular sisal companies who were so interested in the original scheme.

3. The next point which Canon Leakey mentioned was the alienation of land. Here he is up against Mr. O'Shea and others who are most anxious to press on with alienation of Crown land. Canon Leakey urges that there should be kept in reserve areas which can, if necessary, (and he seems to be sure that it will be necessary) be added to the existing native reserves. He mentioned particularly native squatters on land now held by Europeans. These squatters are really in a cleft stick because the land owner tells them that, if they are not satisfied with the terms which he offers, they can go back to their reserve, and yet as Canon Leakey maintains they have no reserves to which to go back. Even Mr. Maxwell, he says, has told him that the squatters can go back to their natives reserves if they are not satisfied. Canon Leakey's point is that there is nowhere in the Reserves as now gazetted to which they can go back, because, in point of fact, they did not go from those areas. They may be able to fit in somewhere and somehow or other in the gazetted native reserves, but it is a fundamental mistake to talk of their going back. Actually what has happened is that in the past, before Government, or anyone, Missionaries included, had any idea of the facts, large areas of land which were apparently unoccupied, but which

if

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if the facts had then been known, were under the ownership of natives, have been acquired by non-natives. He said quite frankly that he himself had taken a hand in the matter, and pointed out nice areas of land to new settlers which they might occupy - which, as he now realised, belonged at that time to natives although there was no sign of occupation at the moment. He fully realised that it is impossible to put right the mistakes which were then made. It is out of the question that the Government should attempt to recover the land disposed of. But this makes it all the more important in his opinion that areas should be kept in reserve for possible addition to the gazetted native reserves.

4. The next point which Canon Leakey raised is connected with the land question just discussed. He says, speaking as I understand really of Kikuyu, that a very large number of the native cattle now have to graze on land in the occupation of Europeans. It is not a question, as in the case of the Akamba Reserve, of the pasturage land having been eroded; the point simply is that there is no suitable land upon which the cattle can graze. He suggested, although he was not very definite on ~~the~~ this point, that the payment for this grazing takes the form of a free supply of milk to the owner of the land. The result appears to be that the natives in their own reserves have not the milk which is required for the use of themselves and their families. He said that the native was so fond of money that it might well be that he would sell the milk if there were a market for it even though this had the same effect of

preventing



preventing his having the milk required for his own domestic use. Could nothing be done to prevent the cattle-owning natives having to graze them outside the reserve on European land?

5. Canon Leakey referred to the Lugard Cable scheme for dividing Kenya into a native State and a non-native State, which he himself had thought of at one time, but was too modest to put forward, as he felt that he did not know enough about the subject. He did not, however, press this. But he said that he was not satisfied that the natives were receiving a full return for the contribution which they made to local revenue. Apparently he had not seen the full statement sent by Sir Edward Grigg last year and now placed in the libraries of the House of Lords and House of Commons. Nor has he seen the statement which is now on its way in connection with the 1931 Estimates. The one instance which he picked out was that of prisons. He said that the local authorities would include among native services the Nairobi Jail, because, in fact, it was full of natives and in that sense served the natives. But all the labour from the Nairobi Jail went on non-native services in and near Nairobi and he did not think it fair to include that item in a list of native services.

[We have since looked this up & we find that prisons are not included in the Native Services. A curious error on Canon Leakey's part.]
17.2.31

6. As regards forced labour he was very angry with people in this country who attempted to draw a comparison between Kenya and modern Russia. The improvement during the 25 years which he has lived in Kenya is, he says, immense. Like Archdeacon Owen he would be glad to see the remnants of compulsory labour



labour disappear, but he takes a very moderate view of this, as indeed of every subject with which he deals, and he certainly does not like Archdeacon Owen's scheme of the Local Native Councils raising a special cess to pay for labour as a means of getting rid of the traditional six days a quarter unpaid compulsory labour for adult males. In point of fact in his own area, i.e. Kikuyu ^{Reserved or at least a part of it,} this compulsory labour works without hardship. He has himself got it arranged that no native who is properly engaged in work, whether for himself or for others, is called out. He said that he had been disposed to move a resolution in the Legislative Council that the time had now come when all compulsory labour should cease, and that the Unofficial Europeans would have been entirely with him. But he was told that it would be rather embarrassing to the Government, seeing that nowadays the only compulsory labour is that called out by Government, and so he did not move the resolution. He realises that it is the policy to dispense with all forms of compulsory labour as soon as practicable, and he realises also that you cannot do this in a moment of time, especially in the present difficult financial situation.

7. Canon Leakey mentioned the question of giving evidence before the Joint Committee on Closer Union. Apparently he has been in communication with Mr. Hooper and others and has put his name to a memorandum which the Missionary Societies will be sending to the Committee. He made it clear, however, that he is not entirely at one with the Kenya Missionary Council (on which all the Protestant Missions are represented) and that

that in signing this memorandum he is still free to express his own views. He is, as I have said above, a very modest man, and the idea of going to give evidence before the Committee is not one which appeals to him save from a sense of duty, and it is not clear that he will ask to go. There did not seem to be anything to be done in the matter at the moment, but when the Secretary to the Committee reports the receipt of the memorandum, the question of oral evidence will, no doubt, be considered, and as he is a signatory he might be invited.

8. Canon Leakey had a talk with me first about the film "Africa Speaks" and he is sending me a letter protesting against the incident of the Masai boy, which can go to the Board of Censors, with a copy of my minute.

9. We asked Canon Leakey if he would be good enough to read the ^{article} ~~answer~~ in the "Fortnightly" to which the Secretary of State has recently drawn attention, and let us have information as to how far it is correct in regard to facilities for natives travelling on the Kenya and Uganda Railways. He will gladly do this and I am sending him a copy of the magazine containing the article.

Now received & sent
on with minute
✓
deal

Sent to Canon
Leakey on 14 Feb.
✓
deal

all Parkinson

16.2.31