

EAST AFR. PROT

C. O.
32135
E. A. P.
RECEIVED

32134

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1913

August

Last Previous Paper

30456

LEGISLATIVE COUNCIL, ETC.
ELECTIVE REPRESENTATION

Submits observations. Has arrived at conclusion that it is right we should support the request for some measure of elective representation. Comments upon resignations from the Council. Delegates rejection of petition for this reason. If it is decided to accede to the request of petitioners it will become necessary to decide questions as to manner of election.

Mr G. Zidda

Serial 32135

Since Mr. Pittfield wrote this dispatch the position is altered thereby. The concurrence of the Treasury is a proposal that their financial control should cease at the end of the present year. It is a step which would not be without its value added. Protection but it would certainly be a concession. Now that the Protest is before us, the new question is whether we can secure effective representation of the unaffiliated element without election, & I think the events of the last month or two show that we cannot hope to keep a united Council together.

The Imperial Govt. will pay some 200,000 a year in the form of a grant of the Public Works Dept. of the Government.

Last Previous Paper

32135

The members, as far as the Highlands
are concerned, will bring the latter
negotiations on the latter - small to
assist the efforts of negotiation.

Whether an election system will
work remains to be seen, but I do not
think that in view of this debate we
can refuse to allow it to be tried
provided the details can be worked
out satisfactorily. We should however
have to lay down general lines, on which
details can be discussed.

A. One must be taken in drafting the
negotiating instruments that the
machinery of Govt is not dislocated
by organized resignations, as that
like such organized resignation and
resignations were not allowed to go on
holding elections is definitely.

B. Colon. The experience of having a
dominated Indian on the Council was
a failure & I have no chance of an
Indian elected by Indians being more
successful. As far as I think the direct
local & native representation is helpful
at present. If they are to be elected
represented by white men I don't think
there is any advantage in election &
would prefer, therefore, a mixed Council

Ed. P. would like
in view of the
possibility of
drawing one of
Kaisa or Kaita

(a) Officials - forming an absolute
majority

232

(b) Elected representatives of the white
community

(c) nominated representation of the
three non-European sections, to
be Europeans in the first instance

The chief objection to this is that the
Indians will voice nothing through their
representatives in India, and that there
will be much difficulty in drawing a
line through the between India &
Europe in a country which is full of
Europeans

C. Coast representation. Although the
European community in the Coast & High
are well content with nomination, there
is no reason to suppose that they would
not welcome election. But there is
no doubt that they would be swamped
in a large elected Council in which
representation is based on numbers
alone & it may be desirable in view
of the importance of their interests & the
collected they represent to give them a
disproportionate number of seats

D. Distribution of seats generally will have
to be left open for possible revision at

new
frequent intervals, as the centers of
agricultural population are certain to develop.

Task

The minutes on Nov 5/5858/11 turned on
the proposal for nomination by the Govt
for lists presented by Associations. This
will not satisfy the present demand,
in any case, the Associations are not
strongly sufficient to make
it workable. Higher Association, if it
could collect enough members, would
be in a position to demand inclusion.

Task. Say that in view of the
fact that the Post is an self-sustaining,
of the rapidly increasing European
community, and of the growing necessity
for a fresh interchange of views on matters
of policy between officials and unofficial.

The S.W. concurs in the opinion advanced
by the Govt that the principle of elective
representation may now be adopted.

Say that he should inf. the Petitioners
accordingly and that it should proceed
to formulate his views, after consultation
with the members of the unofficial
community if necessary as to details, and
add for his guidance's stores on the lines
I

I have suggested above

G.S. 23 F. 13

W. Pomeroy has put out at his f. Miles
request, the latest statistics as to the
respective nationalities of their areas of
distribution.

1270-2
State Law
Rhodesia
Council

In S. Rhodesia every male not being under
the age of 21 is entitled to be registered as
a voter who is a Br. subject or has taken an
oath that he intends to reside permanently
in S. Rhodesia. That he will be fulfilled in
near true allegiance to H. M. + who
enjoys certain conditions as to property or
salary.

The number of Europeans in the S.A.P. in
1911 was 3,175. That this number includes
officials, of whom there were 619 in the Post.
in 31st Dec of that year, also 1,153 families
+ 886 persons below the age of 20.
Assuming that $\frac{1}{3}$ of the persons under 20
are females + therefore included in the
number of 1,153 families, the estimate that
you would read here a number of males
under 20 would have been 538.

Table II

Subtotaling	619	officials
	1,153	families
	538	males under
	20	
	<u>2,310</u>	

from 3,175 we get an estimate of
885. The answer that European
figures

freemen as included + that there are no
conditions as to property or salary. If these
conditions are to be similar to those in
S. Rhodesia, the same electorate will have to
be still further reduced, as you will see
from Table VIII of the Census returns
that out of a total of 11,547 persons
there are only 559 who are employers
or working on their own account.

I understand that, at a liberal estimate,
the total number of Europeans in the
Partia is now 5,000. Taking the figure
for 1911 as a guide, the present electorate
is not much over 1,400 [According to the
CO, but the number of registered voters
in Southern Rhodesia
in 1910 was 4,634] + of these probably only
a small proportion will take the
trouble to vote.

There are 514 signatures to the petition.
I think that we may assume that some
of these have been obtained under
pressure.

Next I request the Govt to inform
the petitioners that their petition has been
received but that it emanates from only one
section of the community + that the Government
is not prepared to consider proposals which
do not provide for the community as a whole
- that he is therefore glad to
learn how the Govt is prepared to
provide

109 of
11954

provide for the represent^{ation} of the European,
Indian, Arab, + other sections of the 234
population, which vastly outnumber the European
section + probably contribute a greater proportion
of the Revenue - that he does not accept
the statement in the petition that the
revenue of the Partia is either directly
contributed by the European settlers or
indirectly by reason of their settlement, for
to take one instance only, the
Revenue of the Tloane R^d forms
more than half of the total revenue
of the Govt, + shareholders of the
railway revenue is derived from the
traffic with regard to the Cape +
Cango, while the Govt get a large
share of the change in the railway accountancy
to £319,000 a year - that the Government
is also glad to know what is the
total male European population, including
Officials + persons under the age of 21,
+ how many of these freemen are included
in it, + whether it is suggested that there
should be any qualification for voters, as regards
education, property, or - would that Mr H:
has no doubt that the unofficial members
who signed have the interests of the Partia
at heart but that he is at a loss to
provide

J.F.

understand in what way they intended
that they were saving those interests by
resigning before he had had an opportunity
of becoming acquainted with, much less of
considering, the alleged grievances against
which their resignation appears to have
been designed as a protest.

+ J.R.

Mr. Anderson

3/15/13

I think we might have a 2^d paper for
coming on two times, making it clear to
the Engineer as pertaining to each of
the parties & do not pass to vs. to
any question of the principle.

Edw. 20/9/13

Yes. Personally I should prefer to let the
settlers choose themselves two members and
the Mainboard to of persons nominated
one and keep the nomination of ^{two} the others
in the hands of the Gov. as at present.

Edw 30.9.13

Draft as proposed for review

H. 1.10.13

UNION-CASTLE LINE

R.M.S. "BALMORAL CASTLE"



10 Jan. 1914.

Dear Harcourt,

I have just read
 with special interest your
 reply to the Colonists in B. I.
 Africa regarding Indians &c.

Is it not perfectly
 plain by the Berlin Act of
 1885 that within the Free
 Trade zone all Nationals
 & foreigners must have
 the same rights & same
 treatment? We shall

no battlement 10/16/74
no battlement 14/16

237

~~Sept~~

~~J. Johnson~~

no attention relating to me des. on

10/13

In any case, will you please let me
know what have through Sir C. & the
understand your observations on his letter

HAB

~~John~~

Introductory copy of Berlin Act 1878.
 If Mr. Hawkins is referring to the
 Legislative Council dispatch, I don't see the force of his reference
 to this act. In § 13 you will
 see a summary of the provisions
 of the Act. They deal with
 Trade, Slave Trade, Navigation
 of Congo & Niger, & the taking
 over of new tracts of African territory.
 Possibly Mr. Hawkins is thinking
 of Chap. I Article 6: but how
 that can be made to apply
 to elective representation as a
 legth of other Council I don't
 understand.

I sh^d make no reply to
 this letter

all

I know of no other case. What Mr. Hawkins means by
 referring to this is nothing in the B. Act which
 requires that if a British subject has a vote in
 a foreign subject should have no vote, or vice versa,
 he would if the C.A.R. got enough for the
 question of suspending international obligation
 will have to be considered, but that does not arise.
 If Mr. Hawkins declines because he thinks the
 subject is not possible to ? think I could be a reply
 to his newspaper article. (Oct. 14. 1. 1900)

As the population of the District is
based on the 1911 Census figures
the 1912 figures are not available

14/1/14

I sincerely thank that the L^d
requires a reply

L. J. R.

14/1/14

It appears to have discovered
another error

L. J. R. 14.1.14

14.1.14

At Biltonley

The following figures are computed
from the Census 1911. The Bluebook
1912. The census gives us
figures of "native" population,
but the Bluebook gives "white" &
"coloured" population, so that the
difference between the Bluebook
figures of "coloured" population & the
Census figures of "Asiatic" population
presumably represents the
"native" population.

	Area in sq. miles	Europeans	Asiatics	Natives
Wainia				
Mamata (under Mamata)	24000	1463	3686	298,967
Upehu (under Mamata)	20000	320	4758	197,195
Nyanza	14000	199	1128	1,060,206
Nawasha	40000	975	281	229,398
Konyu	18000	136	160	810,520
Tandland	25000	41	525	43,467
Tubelane	45000	34	1203	26,797
Upper Division District	65000	7	-	27,500
		31,758*	11,886	2,750,170

* 2,736 of British nationality.

Details of "Asiatics" according
to designation in

	From	Eurasian	Parsi	Hindu	Moham.	Other
Ukamba	576	78	76	1403	1272	2
Seyidias	291	12	16	962	3296	
Hyariza	113	6	3	425	585	
Mairasha	59	1	-	228	1324	
Keroya	25	-	-	43	70	
Tamaland	43	2	1	122	375	
Jubaland	24	-	1	20	257	

Within Frontier
District

(red)
2419

GOVERNMENT HOUSE,
 NAIROBI,
 BRITISH EAST AFRICA
 23rd August, 1913.

EAST AFRICA PROTECTORATE.

CONFIDENTIAL No. 105.

Sir,

I have the honour to make reference to Mr Bowring's confidential despatch No. 96 of the 7th instant, under cover of which he transmitted for your consideration a petition by certain members of the European community of this Protectorate praying for elective representation on the Legislative Council and other bodies of a public nature, and also to my telegram of August 15th in which I requested that your decision on that petition might be suspended until I had had opportunity of furnishing you with my observations.

I notice that a petition embodying a similar request was forwarded to you under cover of Sir Percy Girouard's despatch of November 7th, 1911, and that in your reply, No. 741 of December 20th, 1911, you expressed your inability to accede to that request. As however it is apparent from the contents of para. 3 of that despatch that your unwillingness to comply with the wishes of the petitioners was based principally upon the ground that the development of the

the

RIGHT HONOURABLE

LEWIS HARCOURT, F.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWLING STREET, LONDON, S.W.

the Protectorate was not then sufficiently advanced, and as I gather therefrom that you anticipated that the question would be again raised later on, I desire to submit to you an account of the manner in which the demands of the petitioners have been brought to my notice, together with some observations upon the present condition of affairs in the country and the attitude of the European population in general towards the Government.

3. The first intimation that I received of any general desire for elective representation on the Legislative Council was contained in certain remarks of a rather inflammatory nature made by Lord Delamere in the course of his presidential speech at the Nakuru Agricultural Show in December last. He then described the withholding of the privilege as a gross injustice to the community, supporting his assertion by the inaccurate statement that most of the revenue of the Protectorate comes out of the pockets of the white settlers. A declaration in these terms of some 10 minutes' duration was so vociferously applauded by a concourse of over 300 people that I was left in no doubt as to the state of popular feeling on the subject among the settler community.

Being a new comer to the country I had had no opportunity of considering the question and was not then in a position to formulate any opinion upon it. Moreover I deemed it inadvisable to make allusion to what I could see was a burning question. Therefore, somewhat to the disappointment of the audience, I left the subject severely alone in my

remarks

remarks in reply.

4. In the course of my tour of the Show Ground I saw numerous placards inviting signatures to the memorial which is now before you, so I determined to leave the matter alone until official representation was made to me. This has come at last in the form of the memorial which has taken 8 months to complete and which forms the only communication on the subject which I have received.

5. Even during the 11 months which I have been in the country the numbers of the European community in Nairobi and of the white settlers in the Highland country have very materially increased, and I entertain no doubt that, if the land policy of the future is settled upon lines which will be reasonably acceptable to applicants, these numbers will be very largely added to in the near future. The money which has been already invested in the country must now amount to a very considerable sum, and the rate of industrial progress which has been maintained in the Protectorate during the last 2 years has resulted in such an expansion of development as to justify me in advising that the time has now arrived when the decision given in 1911 may with advantage be reconsidered.

6. I have arrived at the conclusion that it is right that I should support the request of your petitioners for some measure of elective representation, not only because I consider that the amount of capital now invested in the country justifies the claims of the investors to be allowed some share, however indirect, in the administration of the country

country which they have chosen as their home, but also because I foresee that the Protectorate will derive benefit from a concession of this nature while incurring no material disadvantage from the exercise by the public of the privilege which they seek.

7. You are aware that there are not a few questions intimately connected with the future administration of the country with regard to which the white community feels, rightly or wrongly, that they have not received and are not receiving that sympathetic consideration from the Colonial Office and from the Government which they assume that they have a right to expect. Of such questions it will be sufficient to mention the present demand for elective representation, the land policy of the future, and the labour question. We who are behind the scenes are aware that no effort is being spared to effect solutions which shall meet the requirements of the country and of the people in conformity with the instructions received from yourself; but these efforts, not being apparent to the public, are not credited by them, and the impression unfortunately too widely prevails that the aim of the Government is the subordination of public requirements to official obstinacy and short-sightedness, which feeling engenders unnecessary friction and renders the task of administration more difficult and less effective than it would be if the public could be convinced that their interests are carefully considered. I venture therefore to request that you will give due weight to my opinion that a concession in respect

of

(5)

of this question of representation will go a long way towards allaying misapprehension and will do much to remove the erroneous idea that the interests of the people are consistently disregarded.

8. While such advantage as is above described may be expected to result from acquiescence in their wishes, I believe that the concession will in no way really weaken the hands of the administration. So long as the unofficial members constitute a minority of the Council, as must always be the case, it will be possible for the Government to carry measures notwithstanding unofficial opposition. The result therefore will be the same in the end, in whatever way the unofficial members are chosen, and the only objections which it appears to me to be possible to urge against the proposed change are that the elected members may possibly not be the persons best qualified to tender sound advice to the Governor and that the Council proceedings may be somewhat prolonged by the ignorance of such members of the rules of debate and by their possible unwillingness to conform to the ruling of the chair.

9. For the above reasons I believe that it will be politic to acquiesce in some degree in the request of your memorialists, but I do not venture to advise whether such request should be complied with in the whole or in part. It seems to me however that, if the propriety of the demand is admitted, no good object will be attained by restricting the scope of the concession.

10. Passing from the question of principle to

a few words of comment upon recent local occurrences in connection with this memorial, I consider that the leaders of the movement acted with grave impropriety and want of discretion in bringing pressure to bear upon the unofficial members to resign their seats. A little reflection should have shown them that an attempt to drive the Government into a corner would only prejudice their case, and I can conceive it possible that their injudicious action may have rendered you less inclined to accede to their request than might otherwise have been the case. I would however deprecate the rejection of the petition for this reason, because the action in question was only that of a fractious minority blindly following their leader, Lord Delamere, and I am satisfied that the majority of the signatories to the petition would have preferred that their request should stand upon its merits and that no attempt should have been made to force the hands of the Government by an abortive effort to block the proceedings of Council. I am moreover aware that more than one of the unofficial members yielded to the cry for resignation only because it became apparent that the retention of their seats would act prejudicially upon their private business and not from any conviction that the situation demanded their retirement.

II. One point however which must not be lost sight of in connection with the agitation is that it will be useless to ask any gentleman to accept

a seat on the Council until public opinion has been placated. I do not put forward this fact as a reason why the petition should be granted; my reasons in support of that concession are confined to those given above; but it is right that I should draw attention to the fact that, pending effective settlement of the question, the proceedings of Council will have to be conducted by the official members only supplemented by the one gentleman who in spite of acrimonious remonstrance has determined to retain his seat on the expressed ground that his secession from the position would be an act of disloyalty to government.

12. So far as I have been able to ascertain the interest in the success of the memorial is confined to the inhabitants of our Highland area. The commercial and planting communities of the Coast have little in common with the white population of the inland country; indeed there is no little jealousy between business people in Nairobi and Mombasa. I have no reason to suppose that the dwellers on the Coast are dissatisfied with existing arrangements; such supposition is indeed negatived by the fact that a representative meeting of the Mombasa Chamber of Commerce unanimously passed a vote of confidence in the Hon. Mr Wilson when he announced his intention of retaining his seat. The white population of the Coast is however numerically much inferior to that of the Highlands, and it must be accepted as a fact that the petition expresses the wishes of a large majority

majority of the white unofficial community.

13. The compilers of the petition have limited their demands to the request for elective representation and have refrained from expressing their views as to how such representation is to be effected. Possibly they desire to elicit a reply upon the main question before dealing with matters of detail, and for the same reason it appears to me unnecessary that I should discuss particulars of procedure until your views on that question have been declared. In the event however of your being prepared to accede either wholly or partially to the wishes of your memorialists, it will become necessary to decide certain somewhat intricate questions bearing on the process of election, such as the nationality and status of those who are to be entitled to vote, the nomination of candidates, and the class of person who is to be considered eligible for election. I have little doubt that effort will be made to limit the franchise to the white population, though I find difficulty in believing that a case can be made out for the exclusion of persons of standing belonging to other nationalities.

I have the honour to be,

Sir,

Your humble, obedient servant,

Alonzo B. King.

GOVERNOR.

C.D.
115007
E. 14

248

Gov./32134/E.A.P.

gpc

DOWNING STREET,
11. October, 1913.

DRAFT

AFRICA PROTECTORATE

CONFIDENTIAL

ERROR

CONWAY BELFIELD, ESQ., C.M.G.,

Esq. Esq. Esq.

MINUTE

22/10/13

Mr. *for Monday 7/10/13*

Mr. *W. G.*

Sir G. Fiddes, 10

Sir H. Just

Sir J. Anderson, 11

Lord Bannock

Mr. Harcourt, 10/13

Very good

for consideration.

Sir,

I have the honour to acknowledge the receipt of your confidential despatch of the 23rd of August in which you have furnished me with your observations on the petition signed by certain members of the European community in the East Africa Protectorate praying for elective representation on the Legislative Council and other bodies of a public nature.

2. I have given the matter *very* most careful thought, but I regret that

I shall have to consult the wishes of the non-residents if I propose an open house on their ^{partly} petition pending the
 I am unable to arrive at an immediate decision *out of further*
 pending the consideration of certain points *information on various*
 to which the petition gives rise. *important aspects of*
the question raised by
the petition

3. In the first place, I observe that the petition emanates from one section only of the community in the East Africa Protectorate, and I feel that I should not be fulfilling one of the most important of the charges entrusted to the Secretary of State for the Colonies if I were to consider proposals for elective representation which do not provide for the

community as a whole. The white population of the Protectorate, as you know, forms but a comparatively small portion of the total population, being vastly out-numbered by the other sections of the community - the Europeans, the Indians, the Arabs, and the natives of

East Africa, *if the matter is looked at simply from the point of view* while as regards the question

of revenue production it seems probable that a greater proportion *of the local revenue* is derived from the ~~non-European~~ European than from the European inhabitants.

It is then essential that I should have before me at least a general outline of the way in

which

DRAFT.

which it is proposed to provide for the representation of these other sections of the community before I can take any ^{Decision} ~~action~~ on the petition. I shall have occasion to refer again later to the question of revenue production in connexion with a statement which the petitioners have made on the subject.

4. In connexion with the foregoing, I should be glad to receive further information *relative numbers of the* ~~and possible~~ ^{population} details of which are not in my possession. It appears from the returns which are available in this Department that in the year 1911 the total white population of the Protectorate was 3,175 as against nearly 12,000 "Asiatics" and 2,750,000 "natives". Since that date, however, the white population has of course

increased

increased considerably, and I have no means of ascertaining what ^{are the numbers and the distribution of} the present male European population (what ^{proportion of} these are officials), how many are under the age of 21 and how many are foreigners. In replying to this despatch you should furnish me with as accurate a statement ^{on the subject} as circumstances permit ~~giving this information.~~

5. There is, moreover, the question of qualifications for voters to which no allusion is made by the petitioners. Although the general principle of elective representation has not yet been settled, it is desirable not to overlook at this stage this ^{of very} extremely important consideration, and I am anxious to learn at once whether it is suggested that there should be any educational, property or other qualification for the vote.

6. There is another point ~~of importance~~ in the petition which I think it well to touch upon now, as there seems to be serious misapprehension on the part of the signatories. The petition states that the grant-in-aid from Imperial funds has been abolished thus proving that it is the intention of the East Africa Protectorate to rely on its own revenue, and further ^{that} which

DRAFT.

that this revenue is either directly or indirectly contributed by the petitioners. It is indeed with ~~the~~ great ~~and~~ satisfaction that I have ^{steadily improved in the} watched the financial position of the Protectorate ^{steadily} slowly but surely improving ^{and} until I have ^{and} felt justified in advising the Lords Commissioners of the Treasury that the time has come when the East Africa Protectorate should be regarded as self-supporting. I am grateful to all those officials and non-officials who have helped in the achievement of this end, and I should be the last to ^{deny to the efforts of these} deny to the white community the recognition ^{which} due to those who have led the way in the opening up and development of this new country. I cannot, however, admit the claim of the signatories of the petition that the local revenue is contributed by them either directly or indirectly as the result of their settlement in the country. A single instance

instance will show how fallacious ^{is} this argument:- The revenue from the Uganda Railway forms more than one half of the total revenue of the East Africa Protectorate, but of this Railway revenue some 50% is derived from the traffic with Uganda, German East Africa and the Congo Free State, which cannot be said in any way ~~whatever~~ to be dependent upon or affected by the presence of the white population in the East Africa Protectorate. And here, I may mention one fact relating to the railway which I think is apt to be forgotten by those who enjoy the advantages of it in East Africa, namely that charges amounting to no less than £319,000 per annum, ^{a heavy} in lieu of expenditure to which no contribution ~~is~~ is made by the Protectorate, as the whole of the charge is borne by the Imperial Government.

Passing now to another aspect of the matter, I cannot refrain from expressing my deep regret at the action

taken by the unofficial members of the Legislative Council in resigning their seats. I have no doubt that they have the interests of the Protectorate at heart and that they would not deliberately seek to embarrass the Government, but I cannot at all understand, in what way they considered that they were serving the interests of the Protectorate by resigning before I had had an opportunity of becoming acquainted with much less of considering the alleged grievances against which their resignation appears to have been designed as a protest.

I do not, however, wish to dwell upon this, although it seemed to me only fair both to your Government and to myself to call attention publicly to what is in my opinion an ~~unfortunate~~ ^{unwise} course of action which cannot, so far as I can see, tend to improve the position or

entirely without precedent in the history of the Empire