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PUBLIC RECORD OFFICE

**THE WRITING IN THIS VOLUME
IS TOO CLOSELY BOUND
IN TO THE VOLUME TO
REPRODUCE IN ENTIRETY**

Note on
the Position of the Colonial Committee
of the East Africa Protectorate

The East Africa Protectorate includes an area of approximately 250,000 square miles, equal to 2 1/2 times the area of the United Kingdom. Of this area only about 1/3 is subject to any definite system of administration, and a large portion of the remainder is very little known or explored.

A relatively small portion of the whole area is so elevated as to present a climate not unsuitable for European colonization: this territory, of which Nairobi is the centre, may perhaps extend to 25,000 square miles. The country is very sparsely populated, especially in those parts which are suitable for European colonization.

The native population may be estimated at some four millions, there are 8 or 10,000 Indians, and the white population numbers 890 including 290 officials (with their families.) These white settlers include a few men of means like Lords Hindlip and Delamere and Dr Doering who have obtained considerable grants of land and appear to intend to spend a fair amount of money in genuine efforts to establish a pastoral industry in the country. There are also a proportion of ~~settlers~~ ^{white} settlers from this country, South Africa, and New Zealand, who are making similar efforts, and are also raising crops for their own consumption, and if possible for export, under considerable difficulties owing to the lack of experience of the proper crops and seasons, and the rife-ness of cattle diseases of all kinds. There are also, I fear, an equally large number of persons, chiefly South Africans, who have made even Johannesburg too hot for them who have come to the country with

in a great part of the country - I don't think that we can make any very definite statement as to the extent of the area - it seems to me to be a very large area -

we are told that there are now decreasing numbers of the staff of the East Africa Protectorate -

views of making what they can by speculating in land: an operation which is however checked by our restrictions on the transfer of land against which they protest.

A certain number of persons with some knowledge of the Protectorate, such as Mr Cathcart Mason, M.P., and Mr Groen the author of the "Cape to Cairo", are very sanguine as to the prospects of European colonization in the East Africa Protectorate and seem to look upon the country as a second New Zealand. I doubt whether these hopes are based on substantial grounds. Although the native population is sparse or nonexistent in the parts of the Protectorate best suited for Europeans, yet there are natives within easy reach, and to judge from the evidence of settlers before the Land Commission their idea is to utilize native labour for working their farms or ranches.

It is I think a clearly established fact of human nature that a white man will not willingly work at manual labour side by side with black men.

Accordingly the highlands of the East Africa Protectorate will never be a white man's country in the sense that Canada and New Zealand are, but, at best a mixed community like Barbados or Natal in which a small white population controls and superintends the labour

of a large ~~white~~ ^{black} proletariat. Making the East Africa Protectorate as a whole including the tropical parts, the number of blacks must always be enormously preponderant. What the idea of ~~the~~ giving responsible ~~control~~ ^{control} to the Government over the whole area to a handful of

white

I think that this is only a partial reply to the question about the country

White settlers at Natal seems to me highly unwise. Nor is it by any means certain that the white population will ever reach the numbers of Barbados or still less Natal.

No temperate agricultural products have yet been exported at a profit (except for a ^{short} time potatoes) the distance from markets, except the limited South African one being an obstacle: and a more serious one being the drought which affected all crops in 1904.

It seems in fact doubtful whether the rainfall on these plateaux is sufficient to render the country suitable for agriculture except for local consumption; and the future seems more likely to lie with cattle ranching and sheep farming, possibly some butter or cheese may be produced for export. The size of a pastoral lease is usually 5,000 acres, and if this is necessary for one man, the 25,000 square miles if all suitable would only support some 3,000 white families. Allowing another 3,000 families for agriculture and other subsidiary industries we arrive at a total maximum white population of some 10,000 adults.

But there is no particular reason why this land should be utilized by settlers while so much land as good or better is awaiting development in Canada, Rhodesia, New Zealand, the Argentine, and Australia.

With this preface one may now turn to the Petition of the Colonists Association - The Commissioner has been unable to obtain from the Association details as to the numbers and names of its members but he thinks that they cannot exceed 200 in number and are largely South Africans.

is a special H.J.R.

I think the land is unsuitable for anything at the stage of discovery. I would not advise that all the white people should be there.

Africans having little stake in the East Africa Protectorate. This certainly seems true regarding the 11 men who were immediately responsible for the position, see Mr Jackson's account of them in 4010a.

Mr. Prætorius, a man of some standing in the City, & Chairman of the African & Montana Trading & Development Syndicate, told me he was President of the Council but had nothing to do with the petition, & evidently he thought it a rather foolish & unworthy affair.

making their general position.

They ask that the Uganda Railway should carry their goods at a loss in order to encourage the development of the country.

This cannot be conceded - the railway is at present only just paying its working expenses, leaving next to nothing as interest on the capital expended.

We are alive to the advisability of reducing rates wherever feasible and since this petition was drafted the rates on agricultural produce have been lowered to 2s. per ton mile. It would not, speaking generally, be advisable to lower rates below expenses of transport, ^{what is necessary to meet the actual} as this would only encourage a hot-house trade under conditions which could never be made permanent.

They ask for a subsidy for a steamer line between Mombasa and British ports.

[A large bundle of papers is in circulation on this subject; but the matter was enquired into very recently by a Committee and the decision was that no subsidy could be granted. As a matter of fact the country is very fairly served, considering the unimportance of the trade, by German, Austrian, and French lines - which have recently reduced their freights at any rate to South Africa;] and a subsidy is mainly advocated in order to prevent the British line being driven entirely out of the field; it is not likely that any subsidy that could be granted would enable it to cut rates as against the foreign lines.

That the East Africa Protectorate should be admitted

Mr. P. Woodhouse considered this is being rather moderate. Request to the Com. to inf. the P. to the Gov. in the sense of H. J. R.

Mr. P. Woodhouse agreed that a subsidy could not be granted. H. said the note to London was dated 25/1 which he did not consider incumbent. Request to the Com. to inf. the Gov. in the sense of the passage mentioned by H. J. R.

Request to the Government to be admitted to the South African Customs Union. The Government have been asked to consider the proposal that the States concerned should agree to this step. As Mr Hebley points out there is nothing which the East Africa Protectorate can offer as a commercial inducement to the Union. It is hardly right to ask the Foreign Office to undertake until the advantages of doing so are clearer.

This matter has recently been carefully considered here, and Lord Selborne was consulted on the subject but he did not hold out much hope that the States concerned would agree to this step. As Mr Hebley points out there is nothing which the East Africa Protectorate can offer as a commercial inducement to the Union.

Further the step proposed could not be taken until the obligations of the General Act of Berlin giving all nations equal trading rights in the East Africa Protectorate have been abrogated - a troublesome task which it is hardly right to ask the Foreign Office to undertake until the advantages of doing so are clearer.

The Association object to the Indian Law which forms the basis of the jurisprudence of the Protectorate and desire the substitution of English Law.

Speaking generally it is no great hardship for this handful of white settlers to submit to a system of law under which hundreds of millions of natives, and hundreds of thousands of Europeans live in India. The Petitioners ought not to speak of Indian legislation the fruit of the labours of some of our greatest jurists, in language which might perhaps be applicable to the edicts of Asshur-bani-pal.

The great advantage of Indian law is that it is codified and English law is not - hence it is possible for it to be administered in the East Africa Protectorate as in India by persons having no special legal training.

The probability is that many of the petitioners have

Hebley is of opinion that it is not worth the trouble of asking the Government to undertake until the advantages of doing so are clearer.

Hebley's opinion is that it is not worth the trouble of asking the Government to undertake until the advantages of doing so are clearer.

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Have only the vaguest ideas about the Indian or indeed the English law - while others, as Mr Tonks (who is solicitor to some of them) told me, would equally object to any system of law which restrained their predatory or tyrannical designs.

As to their specific objections they state that they are even worse off than Europeans in India, as they can be sentenced to 6 months imprisonment or to a fine of Rs. 1,000 by a magistrate without being able to appeal to a jury.

In India up till 1884 certain magistrates, if European British subjects, had power of sentencing Europeans to as much as 6 months imprisonment without the right of appeal to a jury. The right of appeal now given by the Act of 1884 was only accorded in order to meet the clamour raised against the proposal (which was carried) to give jurisdiction over European British subjects to native magistrates. There is no proposal to appoint native magistrates in the East Africa Protectorate and accordingly there is no need to introduce the appeal to the jury in such cases.

Note also that the accused under 461 of the code can only claim that one half the jury shall be Europeans; the other half may be natives and the idea of being tried by a jury one half of whom were natives of the East Africa Protectorate would not I think be acceptable to the petitioners.

It is quite true that the adoption en bloc of the Indian Code of Criminal Procedure in the East Africa Protectorate

Protectorate has not worked altogether well, because the judicial machinery for working it does not exist in its entirety in the East Africa Protectorate. The result has been, however, not that innocent men have been punished, but that rogues, such as the man Wehner and now the murderers of Mr. Galt in Uganda (where the system is similar), are likely to escape the noose. The question of simplifying the code in certain particulars is engaging the attention of our legal advisers.

The Indian Law allowing imprisonment for debt is archaic, as the petitioners say, in form. Whether, at least as applied to Europeans, its effect is very different from our own system of imprisonment in such cases, nominally for contempt of court, but practically for debt, under which 1054 persons were incarcerated in the United Kingdom in 1903. However I should be disposed to bring the law into accordance with the law of England on the subject.

*of Mr. Ridley
appears, reply
briefly to the
same of the
minutes with
certain obvious
missions?
J.R.*

6. The Petitioners put forward a further claim that as British settlers in a new country they are entitled to be governed by the common law of England. The answer to this is that the East Africa Protectorate is not a colony of settlement but a foreign country in which by Treaty His Majesty has power to legislate and has legislated by Order in Council under the Foreign Jurisdiction Act.

*Mr. Ridley
to you after?
L.S.
W.J.R.*

(Should the Protectorate be hereafter converted into a colony, it will I suppose be done by Act of Parliament which would at the same time confirm previous legislation and provide for the future.)

*No. 1003
Order by Council
1911*

The Petitioners demand a share in the Government of the country - which at present is entirely in the hands of the Commissioner. They profess that they would be satisfied with a Legislative Council in which officials were in the majority provided the minority were chosen with the consent and concurrence of the majority of the white Colonists.

This could only be carried out by some system of election, and this I think is to be deprecated.

As Mr Hobley points out the claim of the white settlers to representation is not strong from a financial point of view. He estimates that only some £2,500 out of £52,000 raised by taxation is paid by the white colonists.

Nevertheless and in spite of the additional work and worry caused to the officials of the Protectorate by the introduction of a Constitution it may probably be well to introduce a Legislative Council with unofficial ^{additional} nominated members. It should not be too large and probably four officials, two unofficials nominated by the Crown for five years, with the Commissioner or Acting Commissioner will do for a start.

I suppose that an Executive Council should also be formed - but this should not, I think, include any but officials. This is the rule in the Gambia, Gold Coast, Trinidad, and other places where there are unofficial members in the Legislative Council.

The Petitioners recommend the substitution of white mounted police for the black troops and black or Indian Police. Mr Jackson deals trenchantly with

this

Yes
HJR

Not necessarily
enough
members of the
might stamp might
be very useful
HJR
I suppose - + would
all the matter
that the matter
is under control
+ then put the
proposal to
the Council +
ask for his
views. HJR
think that
official committee
that is likely
to be formed B.

this proposal. A white force for use in the tropical parts of the dependency would be both absurdly expensive and far less useful than black troops. Mr Jackson is however in favour of adding to the existing police force some 20 or 25 white men; effecting a corresponding economy in the number of blacks; and, as we cannot altogether ignore the prejudice against the arrest of white figures by black policemen, I think the new Inspector of Police should be asked to submit a definite proposal for such an addition to the force. The relations between these men and the black police will, I fear, not be easy to adjust or define.

The proposal to adopt "Burger law" in the Okamba province giving magisterial and police powers over natives to locally elected "field cornets" is out of the question.

The petitioners request for a reform of the mining laws is hardly a matter of urgency considering that no payable minerals have yet been discovered in the Protectorate. Mr Hony deals with the matter in his report. *There are laws at present, which are not, adequate to mining in the*

I am not at all disposed to withdraw from officials the privilege of obtaining a game license for £10 instead of £50. Some amusement of this kind is very desirable for the health of the officials who are largely occupied with office work. Whether the present restrictions on the destruction of game should not be altogether abolished in the interests of the settlers is another question - and need not be raised here.

*Reply to the
...
H.J.R.*

*...
...
H.J.R.*

*Reply that the
...
H.J.R.*

*Reply in the
...
H.J.R.*

*Reply that the
...
H.J.R.*

12. The petitioners object to the practice of declaring certain districts "closed" to Europeans; but as Mr. Jackson points out, until our administration can be extended to these districts, such regulation is necessary in the interests of traders and natives alike.

13. The deplorable tone of the Petitioners general remarks on the treatment of the natives is sufficiently castigated by Messrs Jackson and Hobley. Just treatment of the natives is the surest safeguard of the settlers; and if they still fear them, they should join the Volunteer Reserve which the Commissioner has been endeavouring to form with very little success.

14. As to the Currency the matter has been carefully considered and it has been decided to make the sovereign legal tender, but to retain the rupee as also legal tender - and to coin cents of the rupee as in Ceylon. Mr. Lepib, the Treasurer, points out that these people do not understand the currency question: the exchange in London would not be affected by the introduction of British currency as they probably suppose.

See also Comm / 5064 / 56

W. B. L.
9/1

In addition to the replies prepared above, I would also refer to the question of hospital accommodation + the reduction in the charges which we have recently sanctioned.

With regard to para 13 of Mr. Ellis' minute I would tell the Hon^{ble} that the S. G. [after considering the views of officials who have waited for a long time & the necessity to have had a wide reference of the subject] are prepared for the apprehensions of the Hon^{ble}

So supply?
H. J. R.

See below
H. J. R.

So supply - 5
any that the
rupee notes are
being prepared
will shortly
be ready
H. J. R.

see p: 5 f
Print 40408

... and the ...
... at that ...
... yellow ...

Mr. M. G.
The matter is still large
and anything except Co. Colony
... could be a
matter of practical policy for
many years to come.

W.H.O.
10/14

This paper has been written long ago
(it reached me yesterday)
and the manipulations are in a
rather ... as well to drift
... into the hands

£ 23.4

643422

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Commissioner's Office
43423

Mombasa,

November 11th 1905.

EAST AFRICA PROTECTORATE.

No. 610

Sir,

10/24/05

Memorandum
Mr. Hobley.

Mr. Ainsworth.

Mr. Ross.

Mr. Seale.

With reference to your Confidential despatch of August 18th, I have the honour to transmit to you herewith a memorandum setting forth my views on the Address of the Colonists' Association which was forwarded to you in my despatch No. 671 of October 18th. I have treated several of the questions in very plain language as I wish to urge that the greatest caution be exercised before any radical changes are adopted in the Administration of the country.

6/40406

I have requested Mr. Hobley, the Assistant Deputy Commissioner, and Mr. Ainsworth, Sub-Commissioner

for

Principal Secretary of State

for the Colonies,

Downing Street,

LONDON.

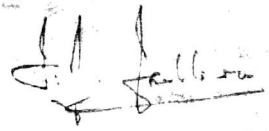
for the Umamba Province, to likewise write memoranda
 on the Address, and I have the honour to enclose them
 herewith. I also forward a copy of reports by Mr. Ross,
 the Director of Public Works, on the subject of labour,
 and of Mr. Leslie on the currency question. As Mr. Ross
 is the largest employer of Native labour in the
 Protectorate I thought his views might be of value.

I have the honour to be,

Sir,

Your most obedient,

humble servant,



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C. O.
43423
DEC 8 1905

Encls 1 in 2

MEMORANDUM
ON THE ADDRESS OF THE
COLONISTS' ASSOCIATION.

BY
MR. F. J. JACKSON.

INCLOSURE
No. 1.

IN MR F. J. JACKSON'S DESPATCH
No. 610 OF NOVEMBER 11th, 1905.

Despatch No. 610 of 11th Nov 1905

F. J. JACKSON.

No. 610

Reference C. O. Confidential
desp. of Aug 1905 &
our desp. No. 571 of
Oct. 1905.

Inclosures 5.

Received

by 1905

*Address of Colonists' Association
& names sent for Mr
Jackson*

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MEMORANDUM OF THE ADDRESS OF THE
COLONISTS' ASSOCIATION.

This Address has been drawn up by a Committee of eleven gentlemen representing the Colonists' Association. Although some of the demands are not unreasonable, the views on several points do not appeal to anybody possessing a knowledge of the country as the matured and reasoned opinions of earnest men, but rather as the hastily formed and crude ideas of the inexperienced. It should indeed be clearly understood that the address is the result of the deliberations of a few local politicians who devote much of their time to agitating against the actions of the Government. These persons, who are the leaders of the Colonists' Association are for the most part either South Africans by birth or men who have resided for a considerable time in South Africa. Their strong prejudice against all black men is obvious to any unbiassed person who reads the address, and they have either forgotten or ignored the histories of India, Egypt and West Africa.

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The Colonists' Association, the Memorial States, includes a great part of the white unofficial population in the highlands of East Africa. The Honorary Secretary has been asked for particulars concerning the Members, their number and the length of time each has been in the Protectorate but no reply has been received. Reliable information regarding the Association can therefore not be given; but the number of members probably does not exceed two hundred, and many of these are people who have not yet taken up land, whilst others are living a hand to mouth existence waiting for an opportunity to sell their estates.

The remark that the paramount factor in Colonial Office rule is to govern according to the wishes of the governed can hardly apply here, for the views of the European residents in East Africa (some 600 in number) who are not connected with or interested in the Colonists' Association, and on whose behalf the Committee are in no way entitled to speak, are not given. Nor is mention made in the Address of the wishes of the ever increasing, diligent and enterprising Indian population, estimated at between 8,000 and 10,000, or of the

5

atives of the country who number from 2,000,000 to 3,000,000. It would perhaps not be out of place to quote here a note of warning which was sounded by the African Standard when commenting on the Address: "Let the Scientists' Association take care," it said, "that the professional politician does not come within the hands of their fire. They will have to be very careful if they would not find themselves used for politicians' personal ends".

POSSIBILITIES
OF
EAST AFRICA.

The possibilities of East Africa are no doubt very great in many ways for people with capital. With a few exceptions the efforts of those without a fair capital have proved discouraging and in many cases disastrous; and it is, I believe, now generally recognized that East Africa is no country for a man to settle in unless he has sufficient money to enable him to tide over the period during which he cannot reasonably expect a return on his capital outlay.

Unfortunately a considerable per centage of those already in the country do not possess this necessary capital; nor are they endowed with the

sense of reason that would prompt them to realize that they must exercise patience. It is such people that form the majority, and are so easily led by a few agitators into the belief that the Administration is responsible for their lack of success. It is the country, not the defects in the Administration, that is responsible. All newcomers without exception, are carried away by enthusiasm, and allow it to get the better of their judgment. The country is so totally different to anything they expected. The drawbacks are not apparent. Everything seems bright and encouraging both to the prospective agriculturist and to the stock farmer. Drought, locusts and other pests are not thought of by the farmer; and rinderpest, horse sickness, pleuro-pneumonia, coast fever, scab, pox, and liver fluke are not considered by the latter; but they are all here and the men with a small capital have a very poor chance against them. If any one or more of these drawbacks is suggested as a possible risk, newcomers will almost invariably retort that they will all be overcome in time. But how and when they have not

considered

considered. They are themselves for the time
 overcome by enthusiasm. When they realize the
 many drawbacks and the up-hill work before them,
 they are disappointed and the majority become
 discontented and unreasonable, and it is this
 discontent that the Committee are doing their best
 to foster.

Mr Currie, who has travelled a great deal and
 seen many lands, informs me that after mature
 consideration he has formed the opinion that the
 East Africa Protectorate is not, and never can be,
 even in the most favoured parts, a white man's
 country in the same sense as Canada is. In this
 view I entirely concur. The conditions are such
 that the black man is essential everywhere, and
 over the greater portion of the land must always
 predominate. To endeavour by legislation or
 otherwise to make any portion of this country
 exclusively a white man's country is in our opinion
 doomed to failure. There is a great future before
 East Africa, but it is as a mixed race country.
 Admitting, as I maintain must be admitted, that
 East Africa can never be exclusively a white man's

country, and remembering that the greater part of the trade of the country has been created by and still remains in the hands, either directly or indirectly of Indians, it is the duty of His Majesty's Government to legislate for these special conditions and not to unduly favour one race before another.

LACK OF PROGRESS.

There is a certain class of individuals not uncommon in East Africa who, the shorter the period they have resided in it, the more they profess to know about it. Books have been written by men after a five weeks, and three months tour in this country, and they are certainly interesting as a narrative of personal experiences, but they are less so when they become involved in questions of natives and their customs, how they should be treated, their languages, and the commercial prospects and possibilities of the Protectorate. The members of the Committee, one and all belong to this class. Criticism is the privilege of all, but it has grades of value, and the opinion of the man who knew the country ten years ago and now is possibly of equal if not more value. The opinion of the officials who are unanimous on the point of satisfactory progress may possibly be considered

as biased. On the other hand the opinion of sportsmen and travellers, and of missionaries from Uganda who pass through the country only once in five or more years, is of great value, and they who know and can appreciate the up-hill and patient work of the Administration almost invariably express their astonishment at the progress. It is now three years since white settlers began to come into this country in any numbers, but with very few exceptions they have contributed little or nothing towards its progress, and so far as they are themselves concerned they overlook two very important factors in which most of them are deficient - means and enterprise - and without a small amount of both a man need not settle in East Africa with any hope of success.

The Colonists Association has been in existence for three years, but so far has done little or nothing in the matter of looking for markets, except ask the Administration to do it for them. If the Administration were in a position to guarantee markets in six months time there would not be more than a score of white men who would have anything to send to them. Moreover, if there was a well

ABSENCE OF
MARKETS,
RAILWAY FREIGHTS,
ETC.

established market for such commodities as beans, maize and potatoes on which the railway freight has already been reduced, it is more than doubtful whether the white settler would be content with the small profit, due to Indian and native competition. The same would be applied to other products such as raisins, coffee, and cotton. In such things the Indian can and will compete. It would appear to show great lack of business capacity on the part of men who deliberately sink capital in growing produce on the chance of there being a market for it, and it is scarcely fair to lay the blame for any loss they may incur from such an oversight at the door of the Administration.

It is also noteworthy that the Committee lay great stress on the opening of a market with South Africa, and make no mention of European markets. It is true that owing to the majority of the white settlers being South Africans the general trend of affairs is towards South Africa, but the omission of any mention of a European market in the Address is doubtless also due to the fact that eight out of the eleven members

were South Africans.

With the exception of potatoes, maize and beans there would be little demand in South Africa for products from this country. Timber is, I believe, in demand, but the supply could only be undertaken by properly financed companies, and these would scarcely affect the settler, though they would supply work for a few extra white men. Most other products for which there is a demand and already established markets in Europe require so much capital that the small man could not hope to compete; and in such things as ramie, cotton and coffee, the Indian and native will very soon enter into competition.

With regard to the reduction of rates on the Uganda Railway, I am opposed to the proposition that the Railway should be run at a loss. The British tax payers have paid for the Railway and in justice to them we should at least make receipts balance expenditure. The down rates have already been reduced on certain products to one half penny per ton per mile, and this Mr Currie considers is the minimum that can be allowed for the present.

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t.d

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we should be satisfied with a profit of from 2,20,000 to 2,20,000 per annum on the railway, and as earnings increase we might reduce the rates further. In fact increased earnings might be utilized in the reduction of up-rates on all important commodities, the minimum rate of which should be fixed at one penny per ton per mile.

The steamer freight and the inclusion of East Africa in the South African Customs Union are now under consideration at home, and I would strongly urge every effort being made to overcome these barriers. Once removed we should at least be able to judge to what extent the South African element are really in earnest and whether they are capable of assisting in the development of the country.

INDIAN ORDINANCES.

With regard to the questions of the laws of the Protectorate, it has been felt for a long time past, and latterly with increasing force, that the application of Indian laws in the Protectorate en bloc is not suitable. I recently forwarded to you a report by Judges Hamilton and Barth on the existing Codes of the Protectorate in relation

Conroy
138614

to the Judicial Ordinances which it is proposed
to issue. The following is an extract from that
report:-

"At the time of their first application the
Indian laws affected few persons other than British
Indian subjects to whom they were naturally congenial
but now that the Administration of the country
embraces the whole of the native population and a
considerable and growing number of Europeans, few
arguments can be adduced for the continuance of
a system which though originally providing a make-
-shift machinery has since daily become less
adaptable to the growing needs of the country. We
are therefore of opinion that it is desirable that
the system of legislation by applying Indian laws
should be discontinued, and the existing Indian
laws be recast to suit the requirements of the
Protectorate or be replaced by new local Ordinances."

With these remarks I entirely agree; but I think
the fact should not be overlooked that for every
European in East Africa there are probably 50 or
60 Europeans in India who are subject to the
Ordinances and codes complained of.

The request for trial by jury is reasonable

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if the case is a serious one, but just as Police Magistrates and Justices of the Peace try trivial cases ~~at times~~ without juries, so should Magistrates be in a position to try offenders in East Africa, where in many districts it is often impossible to collect a sufficient number of white men to form a jury. An Administrative Official cannot well exceed his powers or go far wrong with the codes to guide him.

TAXATION WITHOUT REPRESENTATION.

I do not consider that we have yet reached the stage at which representative Government is necessary or advisable. The white settlers pay no direct taxes of any kind, and it appears unreasonable for them to demand the gift of self-government so long as they contribute so little, and the Imperial Exchequer so much in the form of a grant-in-aid. In the matter of duty and fees, the white settlers are on an equality with every one else in the country except in one respect which is entirely in their favour, viz:- they can import free of duty agricultural implements, live stock for breeding purposes, and trees, plants and seeds intended for cultivation. In fact, with the exception of a ten per cent

Valorem duty on shopping and services, the settler
 contributes nothing towards the Protectorate
 revenue derived from the customs. Most of, if
 not all, their provisions are raised locally, and
 their grain and farm produce can be exported free
 of duty. The heavy duties on the export of
 certain goods about which they complain is confined
 principally to ivory and rubber - articles of
 trade which are quite outside the scope of the
 settler's activity.

With regard to the other taxes mentioned, e.g.,
 the fee system for the administration of justice,
 the winding up of estates, etc, I have only to say
 that the amounts charged are less in East Africa
 than in the United Kingdom.

The statement that the settlers have no voice
 in spending the rates for which they are assessed
 is incorrect as four out of the twelve members of
 the Nairobi Municipal Committee are non-official
 Europeans. Mr Ainsworth has reported at some
 length on this matter in his memorandum, and
 Mr Hobley has given a resume of the amount of
 revenue contributed by the settler which is very

LEGISLATIVE
COUNCIL.

I am of opinion that a Legislative Council or advisory board would be beneficial to the interests of the Country. This Council should consist of a few of the senior Government Officials, and I would not object to one, or at the most two, unofficial members being included. I do not, however, consider that it would be wise to allow the settler the right of choosing the non-official members: this privilege should rest with the Secretary of State. I see no reason why gentlemen with large interests at stake, who have really done something to benefit and help develop the resources of the Protectorate, should not have a voice in the Administration of the country. Indeed the experience and advice of a man like Lord Delamere would often be of great value. But if the selection of the unofficial members were left to the settlers, men like Mr Watkins or Mr Chamberlain, who would place difficulties in the Commissioner's way whenever possible, would be more likely to appeal to the South African element than a gentleman like Lord Delamere.

The selection of Messias as a site for the first battalion is an instance when considerable expenditure could have been saved had there been a Legislative Council. This site was condemned as soon as selected by the senior officials who knew the country.

MILITARY AND POLICE.

In the matter of Military and Police the Committee advocate an enormous extra expenditure out of all proportion to the requirements of the country.

It is difficult to imagine a more useless luxury - apart from the question of expense - than white troops in this country. In places like Sothi, Lumbwa, Mandi, Kamasia and Ukamba the natives would play hide and seek with them. To be effective against mobile natives a punitive force must be as mobile as it is possible to make it, and in the East Africa Protectorate nothing would be less mobile than British troops. Indian troops are difficult enough to move owing to the amount of transport they require, and British would be more so. It would be well to recollect in this respect that it was owing to the expense and to

the transport difficulties that the Indian Contingent was abolished in this Protectorate and black troops enlisted in their stead. From the standpoint of morale they would, if stationed at Nairobi or in detachments near the line, doubtless impress the few thousand local natives who would see them from time to time on parade, and they would undoubtedly be talked about a good deal further afield, but after a detachment of a Company had been once or twice detailed for active service the result would be the very thing the settlers wish to avoid - loss of prestige. White troops hampered by their baggage would never get into touch with either the natives or their cattle, the loss of the latter being the hardest blow that can be inflicted on a rebellious tribe. Our local black troops are quite sufficient for every requirement.

In the matter of police, it is not necessary to enter here into the merits or demerits of the present force. That it can be, and no doubt will be, greatly improved, is certain. In regard to a small white force I find myself in complete accord

with the Committee. A few extra white men, say from 20 to 30, would, for some time to come, meet all requirements. As a unit, however, unless mounted, they would be of no more use than a detachment of white troops, but an experiment might with about ten to a dozen mounted men who would be useful in riding down cattle thieves if stationed in the Rift Valley where thefts of stock are not infrequent. Scarcity of horses and the risks from horse sickness would preclude the employment of a larger mounted force and would entail expense that is not at present necessary to incur. As Inspectors and Drill Instructors the rest would be most useful in working up the effectiveness of our local force which might be reduced in numbers to the amount that the extra white men would cost. The European Police would also be available for dealing with the white men, and one policeman to every 20 or 30 settlers should we will hope, satisfy their demands.

VOLUNTEER
RESERVE.

The Volunteer Reserve movement has fallen distinctly flat. At present the force consists largely of Government Officials and only a few tradespeople and settlers. Mr Ainsworth, who is

is close town with the settlers round Nairobi,
 is quite correct in his opinion that the reason
 for the lack of enterprise in this matter is that
 very few of the settlers have any real interests
 at stake in the country and are merely biding their
 time waiting for a favourable opportunity to get
 rid of their land. As an example of the least some
 have of a serious matter of this kind, at the
 meeting held by Sir Donald Stewart one man who
 spoke on behalf of the settlers asked in all
 seriousness if instead of practicing shooting at
 a target they could be allowed to expend their
 ammunition at wild pig and porcupines when these
 animals came on their land at night. Another
 objected to the fines and punishments as being
 too drastic, and suggested that the force should
 be placed under martial law; whilst a third offered
 to join the force provided that, when punitive
 measures against a tribe were found necessary, all
 black troops should be employed, but only white
 Volunteers and that all loot should be divided
 amongst them.

BURGHER LAW.

I am given to understand that the value of
 the system of Burgher Law which worked so well in

Transvaal depended entirely on its origin and on the alan feeling in the Cornetien. To understand this it must be remembered that the Boers trekked north from British rule into a hostile native country. They generally trekked in large parties consisting of families or friends and they then settled in the same groups, more or less concentrated according to the amount of local danger from the natives. There was no protection whatever except that provided by themselves, and they were under no law or authority save that of Public Opinion and their elected Chief (Commandant or Field Cornet). In the East Africa Protectorate, where it is now proposed to introduce this system, the settlers have no great bond between them and they have taken up land in circumstances so utterly different from those of the Transvaal and Orange Free States that the introduction of Burglar Law could not possibly be crowned with success.

There is no Province "full of white Colonists" as the Address refers to Ukamba. This Province is 21,500 square miles in extent, and the non-official white population amounts to little over 300, in which number are included 43 Missionaries.

and 54 children.

Within the last seventeen years the natives of East Africa have been gradually educated to look upon the Government as their protector and arbiter, and by the exercise of great patience and just dealings on the part of a handful of officials they have come to regard the impartiality of the Administration with the greatest confidence. I cannot imagine anything more disastrous to the country than to leave the settlement of their disputes, whether amongst themselves or with settlers, to a busy farmer-magistrate, and I can safely predict that the introduction of Burgher Law would very shortly lead to bloodshed and possibly to the extermination of the white man.

MINING LAWS.

Mr Hovkey, who is a Mining Engineer by profession has dealt with this matter, and as I fully agree with him, I have nothing to add.

HOSPITAL ACCOMMODATION.

This question has already been dealt with.

CLOSED DISTRICTS.

Reports of District Officers in charge of outpost stations and of travellers and sportsmen within the last five years have proved beyond all possible contradiction the evil and danger of

allowing traders, whether black or white, to wander about in the outlying districts away from effective control.

Colonel Sadler is experiencing great difficulties and much annoyance in the districts north of Mt. Elgon where there has been a large Colony of nondescript traders established for many years. As a matter of fact this Colony is at the present moment causing us no little anxiety and trouble through what appears to be a regular and well organized system of smuggling of arms and ammunition. This question is now receiving the attention of the Police Department.

In the outlying districts north of Nairobi, the Masai Reserve, and Mt. Kenya, the whole country for years past and until quite recently, has been overrun by Baluchis and Somalis and by a few of the worst class of white men. Their trade has been the wholesale destruction of elephants, and filibustering amongst the natives. Within the last three years ten white men have been prosecuted and two are now undergoing imprisonment. The Administration has already been put to great

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expense in sending small expeditions to arrest these filibusters and bring down witnesses to Nairobi, and the only effective means of checking them was to close these districts and make it a punishable offence to enter them without a permit from the Commissioner. As a matter of fact no settler except one of the most notorious raiders, a German who applied to go back to his old haunts to shoot two elephants and was refused permission has even asked for a permit. So far only sportsmen and travellers have asked for permission to enter the closed districts and in all cases it has been granted to them. I strongly urge that this discretion be still left to the Commissioner. The reputation and prestige of the Sirkali (Government) is very far reaching; and it is well known amongst the natives even to the borders of Abyssinian territory that we have always done our best to stop inter-tribal raiding. The astonishment and consternation of friendly natives can well be imagined when they are attacked, robbed and maltreated by traders who are known to have come through the bordering districts in which there is a resident official, especially as many of these

traders have even gone so far as to represent themselves as Government Agents.

LAND LAWS.
NATIVE RESERVES
LABOUR QUESTION.

The recommendations of the Land Commission being now under consideration at home, I will only remark that if by granting freehold title we can induce a better class of working settler to take the place of the majority of the present class, it should be done at once. Mr Ainsworth's suggestion to levy a tax on unoccupied and unproductive land whilst allowing free transfer of freehold property was recommended by Sir Donald Stewart in his despatch No. 456 of August 18th. This appears to me to be the best solution to the present difficulty.

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With regard to Native Reserves, the Masai have already been placed in a reserve and I consider the Nandi should be dealt with in a similar manner after the present operations are over. There are also native reserves in Kikuyu, and all the available land in this district has now been taken up, though as will be seen from Mr Ainsworth's Memorandum, not actually by white settlers. There is however still plenty of space

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and

and good country suitable for European Colonisation
in parts of the Uasin, Nyanja, Nanyang and Kisumu
Provinces.

The question of native labour is one which
can be settled to a large extent by each individual
settler. Whenever the native is properly treated,
there is no difficulty in obtaining as many
labourers as may be required, and such settlers
as Lord Delamare, Mr Clutterbuck, Mr Krieger, Mr
J.R. Wood and Mr Sandbach Baker often have to turn
away applicants for work, whilst others, especially
the South African element, have difficulty in
keeping a single man on their farms.

A Native Districts Organisation Ordinance is
now being drafted and will shortly be submitted to
you for approval.

NATIVE RISINGS.

It is almost pitiable to think that eleven
white men could sit down together and allow
themselves to be carried away by their imagination
to the extent they have in the matter of possibili-
ties in this direction, and at the same sitting
clamour for Burgher Law, and a voice in the
Administration which would aim at revolutionising

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for present methods of treating the natives. Until the settler fully realises - I am glad to say some of the better ones already do so - that the natives are beyond doubt the most important asset in the Country, and until he has been educated by common sense, if his bias will permit him to go no further, to admit that they are not wild beasts or savages, but simple and almost childlike human beings when justly treated, I protest against his having the very smallest voice in the matter of their treatment.

In view however of the possibility of a native rising, which I may safely state will never occur as long as the natives are properly treated, a scheme for the protection of the settlers has been drawn up by the Officer Commanding Troops, and in case of an attack certain buildings in Nairobi and neighbourhood have been equipped in such a manner as will enable them to withstand a siege. But it has been repeatedly shown that without support from regular troops no tribe, except the Masai who have now been moved many miles away, will venture to fight outside its own territory, and we have no need to fear a general rising. The Kikuyu and

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Masai, the Masai and Nandi, the Nandi and Kavirondo, and numerous other tribes will not easily bury the war hatchet to fight the white man: they will never do so as long as they are handled justly.

The one great thing we have to watch and guard against is the traffic in fire-arms. Hitherto, with the exception of the mendacit traders mentioned earlier in this report, but few natives are possessed of rifles. But in this respect, we have also to guard against the armed settler. It will be remembered that Lord Cromer is reported to have said, when describing the principles which had brought about such good results in Egypt: "Avoid the armed Colonists, the solicitors of concessions and shady financiers thirsting for gold". This remark is equally applicable to the East Africa Protectorate, and we might add to the list "Political Agitators".

AME LICENCES.

A land owner can shoot to his hearts content on his own land and can take out a settler's, or sportsman's licence if he wishes to shoot elsewhere. Sportsmen do not complain of the fee, and consider the amount of game allowed on a licence very liberal.

and I should doubt if they would delegate the Association to champion their cause if they had any complaints. The complaint of the Committee appears to be solely prompted by a spirit of anti-officialdom. Mr Hobley has stated the case on behalf of the Public Officers very fairly and concisely and I have little to add to confirm his statement regarding the few opportunities that a Public Officer gets of enjoying a little sport, except to state that I myself contributed £.10 towards the Revenue eight months ago and have so far not fired a shot, and have little hopes of being able to do so, and that there are many other Public Officers in an exactly similar position.

URGENCY.

Mr Espie in his Memorandum points out that the hardships under which the settlers suffer are met by the Order-in-Council which the Address condemns. It was never intended to introduce coins of less value than one cent into East Africa., provision being made in the Order-in-Council for coins of the value of one tenth of a cent in order to oust the cowrie in Uganda.

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M I N U T E

**ON THE ADDRESS OF THE COLONISTS' ASSOCIATION
OF BRITISH EAST AFRICA**

B Y

MR. C. W. HOBLEY.

INCLOSURE No. 2.

IN MR. F. J. JACKSON'S DESPATCH

No. 610 OF NOVEMBER 11th, 1905.

MINUTE ON THE ADDRESS OF THE COLONISTS' ASSOCIATION
OF BRITISH EAST AFRICA

Dated August 23rd, 1905.

There seems to be little doubt that British East Africa offers possibilities of a reasonable return for the investment of capital; the success of wool sheep appears to be assured, ostrich farming offers good prospects, the cultivation of ramie and other fibre plants, potatoe planting; the cultivation of cotton, various oil seeds and coffee appear to be successful. But all these ventures require capital; a settler must reckon on waiting two years before much return comes in; he generally has to break virgin ground and clear bush before planting; he has to build a house and if he is a sheep farmer he must import sheep, fence, build kraals, etc. In fact the prime secret of many of the so called grievances set forth in the Address is the fatal lack of capital among the Colonists.

During the last two years the country has been

overran by several hundred more or less adventurers
 mostly from South Africa whose sole idea was to take
 up land upon the pretence that they had means to
 develop it, but when it was granted they simply sat
 still and waited for purchaser to come along and take
 the land off their hands. Latterly however I think
 the class of immigrants has shown a distinct ^{improvement} improvement.
 Although the settlers have done but little to develop
 their land or to export produce, they bewail the want
 of a market for produce they have not got and demand
 that the Railway be run at a loss and steamer freights
 reduced to a minimum in order that they may find a
 profitable market.

The Uganda Railway is now carrying a steadily
 increasing amount of produce coastward and quite
 three quarters of this is raised by natives and
 handled by Indian Merchants. They do not find the
 Railway rates or steamer rates prohibitive and
 continue to do a lucrative business; if this can be
 done with native produce taken over the whole length
 of the line from the Lake to Mombasa, surely the
 agricultural settlers who live mainly around Nairobi
 could grow something which could be exported at a
 profit. It will thus be seen that if the Railway

be run at a loss to suit the few hundred white
settlers; it will be the Indian Merchants who will
mainly benefit.

At the same time in the early days of the
colony, it will undoubtedly prove sound policy if
local produce is carried to the coast at the very
lowest possible rates, and also if efforts are made
to come to some arrangements with the steamer com-
panies to carry produce at lower rates than at
present prevail, and it would seem probable that if
it was pointed out to the steamer companies that by
lowering their rates the trade would so grow that
their cargoes would largely increase they would be
likely to meet the local wants.

As for the inclusion of East Africa in the
South African Customs Union, this question was, I
believe, considered by the Foreign Office about
twelve months ago, but no arrangement was come to
because it appears that the South African Union is
based on the principle of reciprocity, and they only
admit colonists which are purchasers from South
Africa as well as sellers to the colony. Now East
Africa purchases practically nothing from South
Africa but wishes to sell produce to that country

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If the colonists in East Africa can persuade the South African Customs Union that the benefits that will accrue from an increased trade with East Africa in any way compensate for the loss of customs revenue, no doubt South Africa will reconsider the matter. It would however be well if the colonists produced some figures demonstrating in black and white the disabilities under which they assert the labour.

THE
ADMINISTRATION
OF THE LAW.

Reading the tirade against the Indian Codes a foreigner would be inclined to gather the impression that they were invented as makeshifts by some absolute autocrat instead of having survived the severest of tests for many years in India. There may be a few points in which they are unsuited to this country but on the whole I consider that an accused person has quite as much chance of obtaining the justice under the Indian Codes as he would by English Common Law. They are very explicit and with care a conscientious district official of but limited legal experience cannot go far wrong. The request of the

colonists for trial by jury in even the most trivial cases should be very cautiously considered. In many cases at outlying stations it would mean that the accused could not be tried at all owing to the impossibility of collecting a suitable jury, and I really fail to see why even trivial cases in East Africa should demand a jury, when legally inexperienced justices of the peace in England try hundreds of such cases weekly without any jury. I imagine too that in small settlements the colonists themselves would very soon object to having to waste their time by being repeatedly summoned as jurymen. Then again in the interests of justice one would have to guard against the possibility of packed juries of settlers sitting on cases in which their neighbours were involved. In communities of limited size this is I consider a very real danger to the administration of justice.

No court with less than second class magisterial powers can try a European and the powers of a magistrate of that rank are very limited. As the country grows, more professional magistrates

are bound to be appointed, and it could probably
shortly be arranged for one or more to tour up and
down the Railway holding courts at frequent
intervals at the smaller townships.

TAXATION WITHOUT
REPRESENTATION.

While the European settler contributes so
little to the finances and revenue of the
Protectorate I consider that he can show but
little argument for representation. He grumbles
at all taxation and says nothing about the
concessions that have from time to time been made.
He talks vaguely about the prosperity of the
country which will follow on his advent but not
once has it been demonstrated how this is to come
about while he is doing little to stock or plant
his land. Customs duties are all the world over
considered legitimate sources of revenue and no
mention is made of the fact that plants, seeds,
agricultural implements, live stock for breeding
purposes, etc, come in duty free; similarly with
regard to the exports the heavier duties are
charged on clothes, ivory, gumcopal, rubber, hides,
chillies, ostrich feathers, etc, articles in which
it is well known that the settler does not trade

and

and fairly proceeds. Fees for administration of justice, making up of estates and stamps on legal transactions are objected to; abolish all these dues which are instituted according to civilised usage, and whence is any revenue to come from? The advocated change from a Protectorate to a Crown Colony would not abolish one of these.

With regard to the assessment for rates in Municipal areas, by all means give the contributors representation in this matter, but only to the extent of the amount contributed by the colonists. In Nairobi for instance only about 6% per cent of the Municipal revenue is paid by the non-official European community whereas there are at present six non-official members out of 13 on the Committee. If the colonists consider that their interests would be better guarded by elected members instead of nominated, they might be allowed to elect:

- 2. European members
- 1. Goanese member
- 1. Indian member.

The total of 4 out of 12 would more than represent

represent the proportions contributed to the rates by the non-official population, European and Indian.

To go through the Revenue Estimates for the current year and roughly allocate what proportion of the revenue will be paid by the white colonists and the native population may prove somewhat instructive.

I. Customs Duties—£ 66,000.

It is impossible to allocate this but a very small proportion will be paid by settlers.

II. Harbour Dues, Earnings of s.s. "Juba" £ 5,693.

There is no ~~use~~^{need} to consider this as it is only payment for work done.

III. Fees and Fines.

The bulk of this is paid by Indians who are noted litigants and it is estimated that not more than £ 500 is contributed by the colonists.

Estimated	Paid by colonists	Paid by others.
£. 4,836.	£. 500	£. 4,336

IV. Licences and Taxes

	Estimated	Paid by colonists	Paid by others.
(1) Porter and Labour Registration.	£. 579.	£. 200	£ 379
(2) Registration of Dhows.	580	nil	580

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	Estimated	Paid by colonists	Paid by others.
(2) Game Licences	£. 3,672	£. 500	£. 3,172
(4) Explosives, Gun and Ammunition	£. 465	£. 200	£. 265
(5) Liquor licences	£. 1,790	£. 500	£. 1,290
(6) Misc: do	£. 751	£. 50	£. 701
(7) - - - fees.	£. 1,292	£. 200	£. 1,092
(8) Survey fees	£. 4,200	not a tax payment	
for work done.			
(9) Cattle Examination fees.	£. 800	Nil	£. 800
(10) Market and Cattle Pound fees.	£. 1,471		£. 1,471
(11) Registration of Documents	£. 1,053	£. 300	£. 753
(12) Passport & Shipping fees	£. 40	Nil	£. 40
(13) Stamp duties	£. 850	£. 100	£. 750
(14) Hut Tax	£. 29,548	£. Nil	£. 29,548
V. Miscellaneous Revenue	£. 4,462	£. Nil	£. 4,462

VI. Post and Telegraphs:

No need to allocate as it is payment for work done, not a tax.

VII. Receipts from Government property, rents, etc.

No need to allocate, not a tax.

VIII. Sale of lands and houses.

No need to allocate, not a tax.

Thus

The sum of £ 51,984 estimated to be collected as taxes if it is considered that only about £ 2,500 will be paid by colonists.

This is of course only a very rough estimate. It however suffices to show that the burden of taxation borne by the colonists is not so heavy as one would lead one to suppose.

There are probably few countries in the world where the European inhabitants contribute so little to the cost of the administration, as income tax, house tax or land tax is levied, and undoubtedly when the colonists attain greater prosperity one could with equity ask them to submit to slightly heavier taxation.

To turn to the question of representation: while the administration of the Protectorate is so largely dependant on the Treasury grant-in-aid I consider that the claim of the colonists to participate in the control of the finances is not reasonable. but at the same time I see no harm in the formation of a council of advice composed of the senior members of the administration and a few representative members of the unofficial community who would be chosen not by reason of their having

the loudest voices but on the basis of having the largest interest at stake.

HERITARY AND
POLICE.

The next point I would refer to is the independence of the military and police departments. The colonists maintain that it is less costly and more efficient to use white troops than native. It certainly is not less costly, one has only to consider the extra transport required by white troops, the extra pay, the extra cost of their food, the cost of mounting in a country subject to epidemics of horse sickness, to reduce this argument to powder.

The native soldier earns about eight pence a day and the locally enlisted white soldier would not be content with less than five shillings.

To obtain the same security by white troops as that afforded by the native regiments I would estimate that quite 100 mounted white troops would be required to do the work of a battalion of say 900 native troops. On this proportion, the half battalion of white troops would cost quite five times as much as the native battalion.

The native troops the 3rd K. A. R. are quite

satisfactory
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satisfactory, they know the country, they know the native language, and their constitution is so mixed that they are never likely to be a menace to the safety of the white colonists.

It is considered very undesirable for many reasons to use black police among white colonists. It is considered that it should not continue a day longer than necessary.

The propositions of the colonists with regard to the introduction of Burgher law seems to me to be a scheme which would give the settlers unlimited opportunities of raiding and oppressing the natives. The hatred of the white settler from South Africa for the native is very intense, they class all natives as damned niggers and consider that they should be treated as animals, beaten upon the slightest provocation and paid or not as the employer thinks fit. Although always talking or writing about justice to the settler, where the native is concerned all sense of justice is lost. It is the sub-conscious feeling that in future years the native may resent this treatment which produces such terror at the idea of a native rising; as a class they are quite ignorant of the native
 and

and anti-sympathetic, and therefore declare they stand on the edge of a human volcano which may at any time burst forth in uncontrollable eruption and destroy them.

From whatever point of view one looks at it this is improbable at present. In the first place no native tribe in the history of East Africa has ever risen in rebellion, many crimes have from time to time been committed for which Government expeditions have had to punish them, but I assert that no tribe has ever deliberately rebelled against the administration. Furthermore there is no cohesion among the tribes, the Kikuyu hate the Masai, the Masai the Nandi and Lumbwa, the Kavirondo, the Lumbwa and Nandi. As an instance may be cited the following: at the commencement of the Nandi expedition of 1900 the Nandi asked the Kavirondo of Kitotos plain to join them, but the Kavirondo replied that the Nandi had raided them for so long that they should help the Europeans. Then again everyone with intimate knowledge of native affairs knows that the tribes are sub-divided into clans each with its own feud against its

neighbour

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Neighbour. Take for example the feuds between the ElBurgu Masai and the other clans, and between the sub tribes in Kikuyu and Kavirondo.

In one place the colonists assert that increased familiarity with Europeans breeds the seeds of rebellion. With regard to this statement all I can say is that after many years experience with natives I can confidently assert that such is far from being the case, the hostile natives are usually those who know least of Europeans. Of course the temperament of tribes varies through a wide range, some are suspicious and feel our advent means checking their predatory instincts, others again welcome the security Government affords them and the trade that follows in the train of our administration, and I am glad to say the latter are greatly in the majority.

The solution of the native question is to be sought elsewhere; sympathetic administration and just treatment, conscientious guarding of their rights, research into their customs and modes of thought, knowledge of their language - these are the means by which security against native hostility is to be obtained. The ability to administer

native

native races is one of the heritages of our race 139
in which we may have just pride. It is seen at its
best in India and from that example one may safely
assert that so long as the administration of the
native races is left in the hand of a conscientious
Civil Service which is encouraged to take a keen
interest in the people, and to maintain high
traditions in its dealings with the tribes there is
I believe nothing to fear. The present good
understanding which exists between the natives
and the Government is due to years of patient,
just dealing on the part of the executive. There
is plenty of room in East Africa for white settlers
and natives, but the boundaries between the two must
be rigidly maintained and encroachment by the avari-
-cious white must be strongly repressed.

One of the great reasons for originally
occupying this country was the repression of the
slave trade, but it would be no avail to have
freed the native races from the slave to let them
become a prey to the land hunger of the white
colonist. I trust the executive officials will
never forget that they hold a brief for the natives
and that their future progress or decay lies to a

great extent in their hands.

Looking ahead one cannot however help being apprehensive of the time when this may become a self-governing colony for judging by the history of Australia, the United States of America and Canada, self governing countries have but little conscience in their dealing with the aborigines. In the Cape and its allied colonies they had not succeeded in destroying the prolific Xantu, but the relations of the two races are not of the happiest. Even the best of the white colonists in this country are bitten with the land hunger of the speculator, and if they had legislative powers, there are but few who would not be ready to connive at some scheme for driving the natives farther and farther back, to further - according to their cant phrase - the development of the country. However specious and lucrative such schemes may seem at first sight I would venture to warn the administration that if any great native trouble should threaten, it will probably have been brought on by great provocation and by a distinct infringement of the rights of the aborigines.

There is however one point to which I should

like to call special attention and that is to recommend that as soon as possible we should give up utilising levies of native irregulars on expeditions. One is aware that they save the regular troops a lot of fatigue, are useful on account of their mobility, and are cheap, but on the other hand their employment still keeps alive the predatory spirit and perpetuates the warrior class; not that this class is likely to molest colonists, but they are prone to gather together and raid the more peaceful tribes, and odd numbers are not above lifting colonists' stock. This particularly applies to the Masai and I am inclined to believe that if for a period of five years they were not utilised as levies and at the same time actively administered, the cult of the moran would fall into a state of atrophy.

I would also advocate that the administration should pay some attention to the industrial education of the natives. This would I believe be greatly appreciated by the natives themselves, native artisans would prove cheaper than Indians, they would prove a boon to the colonists, and it would also prevent much money filtering away to

CLOSED DISTRICTS.

In many of the colonists' complaints there is a germ of truth and a vast amount of misrepresentation.

According to the settler in the closed districts no attempt is made to rule or administer the native - or savage, as they prefer to call him. This I maintain is incorrect and an absolute misrepresentation of facts, there is but little connection between the fact that a district is a closed district and the administration of that district. Districts may be closed for various reasons. In some our administration is very poor, some may be temporarily disturbed, others may be closed to facilitate control of infectious diseases of stock, but closed or open the administration of these districts goes on just the same.

At the same time I am so far in agreement with the colonists that I consider the closing of such a large area to trade is useless as a general policy.

It is however imperative that traders should not be allowed in this country in heavily armed bands, but almost defenceless, and they will then be forced to ingratiate themselves with the

native, trade fairly, and earn a good name for themselves.

I would not advocate at once indiscriminately opening up all the districts now closed but would suggest that the administrative stations in each of the closed districts be at once freely opened to trade; this would immediately have a good effect, the control would not be lost, it would enhance the position of the stations as foci of attraction for the natives, and after this state of things had obtained for a year or two it would probably be possible to further withdraw the restrictions now in force.

MINING LAWS.

The complaints of the colonists with regard to these laws are so vague that it is difficult to gather what they do want.

Elaborate Mining laws are at present in force, which when promulgated were supposed to embody the best points of the regulations in force in the various colonies, but even these are not good enough.

The present cost of prospecting licence is Rs. 5/- for six months. So few are taken out that if it was halved the administration would lose but

I think the administration might without very great risk offer a reward (to take the form of claims) for the discovery of precious stones or minerals. There may be untold riches awaiting discovery but they are very coy and up to date have successfully eluded discovery. The East Africa Syndicate is said to have spent £ 40,000/- in prospecting with the sole discovery of some reefs in South Kavirondo which they declared were too thin to work; many other private prospectors have spent time and money at the same pursuit. With these negative results how can the colonists reasonably ask the administration to spend public money in organizing a costly mining department which would have nothing to do? The present dreadful state of affairs which they declare to be fraught with danger and to lead to chaos and confusion is only a bogey which exists in the minds of a few speculating Johannesburg gentlemen residing in Nairobi - in fact a sane person may doubt if it does exist in their minds but is merely produced as a peg to hang a complaint on.

P 1062

The issue of a sportsman's game licence to Public Officers for £ 10 instead of £ 50 is a matter in which we are entirely at the mercy of His Majesty's Secretary of State. We realize that we have no rights in the matter but are very grateful for the favour; we cannot afford to pay £ 50 for the privilege of shooting game, but it is I believe sound policy to allow officers, many of whom have to act as gamekeepers, some concession of this kind. The officials spend the best years of their life in the country and the pecuniary prospects are none too glowing, the amusements are few, and the matter of a game licence at a reasonable rate is a much prized boon by officers. The game is rapidly becoming less, and owing to the land being gradually all taken up anywhere in the vicinity of Government stations, the chances of shooting are becoming less and less annually; in fact, I think it will be found that five years hence very few officials will have a chance of firing off a rifle at big game, as unlike the sportsman this duties preclude this going off for weeks at a time to shoot.

CURRENCY.

The absence of gold coinage, the uncertain value of the English sovereign are undoubtedly causes of real complaint. It is a curious anomaly that in a country like this supported by the home Treasury and without any indigenous coinage of its own, a gold sovereign should not be legal tender.

I also consider the introduction of cents of a rupee a grave mistake. The cental system is a great improvement upon our English sub-divisions but why make the unit a rupee, the natural unit should be the gold sovereign. But if this is thought too radical a change, gold sovereigns and pounds to five pound Protectorate notes should be made legal tender and put in circulation without delay.

SUMMARY.

In summarising the points raised by the address I would venture to remark that I do not consider the address to be representative of the views of the majority of the settler community, for there is I believe among their number a leaven of hardworking honest men who have not identified themselves with this agitation and with whom one cannot fail to sympathise. Their lot is not an easy one, their capital is in most cases limited,

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there is very little past experience at hand ¹⁹⁷
them to go upon, and a great deal of their work
is thus necessarily experimental; the rainfall
varies greatly, the proper season for planting
has to be learned, diseases among stock are
numerous and frequently recurrent (vide the
pleuro-pneumonia epidemic of about 18 months ago
and horse sickness of this year in which nearly
hundred animals died). I expect the early history
of most colonies was very similar but human nature
is very often too optimistic and men start new
ventures with too little reserve capital for
contingencies. Then again labour difficulties
are trying, many of the South Africans treat their
labour indifferently and thus discredit the
settler in the eyes of the native, and some of the
settlers in outlying situations have suffered
serious losses of stock through theft. Altogether
the colonist has an up-hill task and the men who
are really working deserve all our sympathy and
assistance. Naturally all these drawbacks produce
a certain amount of despondency, and an agitating
clique has seized the opportunity to work upon the
feelings of a number of the more unbalanced minds

and engineered this attack upon the administration, professing the proposed reforms to be a panacea for all ills.

The officials of the administration are not antagonistic to the settler community - all they ask is that the settlers will co-operate with them in a liberal spirit and assist them in furthering the progress of the country by just treatment of the natives and in other ways. European and native interests are not really in opposition, the natives are not in overpowering numbers considering the size of the country, and there is space for both, moreover the various tribes have neither common ties nor fanaticism which would induce them to combine against the white men.

Then again the address omits a factor of no small moment in this country, I refer to the Indian community which probably numbers some 8,000 to 10,000 and which contains numerous merchants and others of capital and great enterprise. One hears but little of their grievances because they are nearly all making money, and they indirectly contribute very considerably to the revenues of the

Proportions. As an instance I may mention that
 they contribute no less than 25 per cent of the
 total Municipal rates at Nairobi whereas the
 European settler only contributes 6½ per cent, and
 yet one never hears of the Indian community
 clamouring for representation because he does not
 waste his time in speechmaking, but has faith that
 the administration will guard his interests with
 the same justice as the Indian Government. The
 old stock argument against encouraging Indian
 immigration is that Indians always transmit their
 savings to India and when they have earned a
 sufficiency retire to their native land; but if
 one considers for a moment, that accusation may
 with some weight be laid against Europeans. I am
 inclined to think that it might be worth our while
 to encourage the industrious Indian ryot to take
 up land in the tropical coast belt and at various
 points on the Railway where irrigation is possible
 and the country is not attractive to Europeans.
 Whether the Indians sent away their savings or
 not, our trade would benefit, and the land would be
 developed instead of lying waste as large areas do

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at present. If a large export trade in say cotton
could be thus built up benefits would accrue both
to the Protectorate and the Empire.

Malvaha,

sd/- C. W. HOBLEY.

er 20th, 1905.

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MINUTE
OF THE ADDRESS FROM THE COLONISTS' ASSOCIATION
TO THE SECRETARY OF STATE FOR THE COLONIES

BY

MR. JOHN AINSWORTH.

INCLOSURE No. 3.

IN MR. F. J. JACKSON'S DESPATCH

No. 610, OF NOVEMBER 11th, 1905

MINUTE ON THE ADDRESS FROM THE COLONISTS' ASSOCIATION
TO THE SECRETARY OF STATE FOR THE COLONIES.

In the first instance I think it ought to be thoroughly understood that this address emanates from a few well known local (Nairobi and Kikuyu) politicians, who are notorious for giving more of their time to agitation of this kind than to any endeavour to make the country prosperous. Hence one must not be surprised if some of the things put forward appeared somewhat extreme and premature.

Several of the demands would not appear unreasonable if they were put forward by people who have an important stake in the country and who contributed any considerable part of the revenue. This country is in my opinion peculiar in many ways as compared with other countries and there are many points in connection with its administration which have either not occurred to the Authors of the Address or else they have chosen to ignore them.

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To begin with as a European Colony this country is only as yet in a trial stage and very

little has as yet been proved. The climate of the highlands is certainly good and is such that Europeans can live in it. At the same time on this point alone there are several matters that need serious consideration from the European colony point of view. One of the principal points for consideration is the matter of area available for European settlers. I think it will be found very limited. The highlands of East Africa which are practically suitable as regards climate for European colonisation are, where the native tribes are not abundantly evident, badly supplied with water and for this reason alone will not admit of much development, while in the native districts there is not now much spare land available for Europeans. In other words while the total area of land in the highlands appears enormous there is in reality in comparison very little capable of carrying an European, or even native population. The greater part of the land will be found mainly useful for grazing, and one grazier requires a fairly large area. So really there is not much room, over and above what is now taken up, when

regard is paid to native requirements, for European settlers.

Another important point to bear in mind is the fact that a certain number of Europeans whose names appear as settlers are people who have not yet made up their minds to settle definitely in this country, and may clear out any day. Indeed I know several who would go at once could they but get rid of their land to some advantage. In the meantime they are living from hand to mouth. This may seem a discouraging statement to make, but I think that it is generally admitted that from a poor settlers point of view the present situation here is not encouraging. East Africa is not as most other colonies. We have no local industries and hence no considerable local consumption. The small farmer therefore cannot hope to sell his perishable products, which in ordinary countries bring in a quick though small return, and enable a man to meet local expenses. In East Africa produce must be grown that can be exported, and exported produce to be successful must be such as will find a ready sale at prices leaving fair

margins of profits. Otherwise the most energetic farmer must soon come to the conclusion that it is necessary to try a new or other country. I know the argument that small men made Australia and Canada, but there, I think, the conditions were and are absolutely different to what they are here. This is not a country for a poor farmer or settler except in very few cases, and I feel that the time is not far distant when the people referred to will find the matter proved in their particular case.

^{For} To the man with capital, and there are some in the country, who can afford to lay out money on his land either in economic products or stock, there is, I think, a future. Unfortunately however the great majority of people here now are without capital and many of them without energy, and I think it will not be long before these will leave the country and so make room for those who have. I raise these points with the view of showing that up to the present at any rate the existing Europeans in the country are really too unsettled to be treated seriously in regard to the address they have forwarded to the Secretary of State. Another important point to my mind for consideration is the

margins of profits. Otherwise the most energetic farmer must soon come to the conclusion that it is necessary to try a new or other country. I know the argument that small men made Australia and Canada, but there, I think, the conditions were and are absolutely different to what they are here. This is not a country for a poor farmer or settler except in very few cases, and I feel that the time is not far distant when the people referred to will find the matter proved in their particular case.

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position the European settlers really occupy, and the stake they have in the country. To begin with there comes the question of population. The approximate population works out as follows:-

Europeans of all nationalities in the Protectorate, not including officials.	600 (termed residents)
European officials including wives.....	290
Indians, estimated.	10,000
Natives	4,000,000.

I estimate that about 1000 Europeans visit the country each year as travellers, sportsmen, men looking for employment, or others who have no intention of remaining here but who all contribute something to the revenue.

The receipts from revenue may work out approximately as follows:-

Europeans (including travellers, sportsmen, settlers and officials)	20%
Indians.....	20%
Natives.....	60%

Now most of the native revenue is received as a direct tax in the way of hut tax, etc, while in

no case is any direct tax paid by Europeans or Indians.

Another matter for consideration is that while the Land Office maps and records shew 165 holdings disposed of in the Kikuyu country to Europeans, only 80 of these are actually occupied. Many of the persons whose names appear on this map are not even in the country, while others are hangers on at various places in Nairobi awaiting probably a change in the land laws so that they can dispose of their land to advantage. Unfortunately it is some of these men who pose as politicians and advocate partial or wholly self Government in a country that is not yet ready for the privilege.

The cry raised of "taxation and no representation" is I am sure somewhat premature in this particular case. I have already pointed out the percentage of revenue derived from various sources in the Protectorate. We do not, and could not under existing conditions pay our way, and we rely upon a grant-in-aid of over £ 200,000 a year. The persons responsible for the address could not I think put forward any possible scheme for any

substantial

substantial reduction in our expenditure which would allow of an considerable reduction in the grant-in-aid. Indeed, they have proposed schemes that would increase the expenditure by possibly another £ 150,000 a year.

So it is, I think, desirable to bring into this memo a definite statement to the effect that most of the people belonging to the Colonists' Association are Anti-Native and Anti-Indian, and I think these points would require very considerable thought in dealing with any request for any form of self Government. I do not think it has occurred to the promoters of the address to consider the position of Indians (beyond possibly their absolute non-recognition ^{of} to any representative rights) in the event of a Legislative Council being formed, yet the Indians are an important factor in the country and own a very considerable part of the trading and other capital (possibly 60 to 70%).

I wish ^{it} to be clearly understood that I am not adverse to a form of representative Government in this country. Personally I should like to see

such an institution established, but I cannot
realize yet that we are quite ready for the
introduction of any form other than an Official
Council. We have not sufficient good men with
an actual stake in the country. We have practically
no non-officials (apart from some of the Mission-
aries and Lord Delamere) who have any real
knowledge of the native tribes, and the fact that
the native tribes form such an overwhelming part
of the population of the Protectorate make them
in my idea an item of very considerable importance.

I consider we owe a great duty to the
natives of this country. We have gradually
brought order out of chaos here, introducing a
new order of things, and amongst other things we
have allowed Europeans to come in and take up
spare land. The progress to date, as far as
the native is concerned, has been rapid, as yet
many of them do not realize to the full extent
how the new conditions affect them. For years to
come they will require careful treatment and
watching, personality must remain for some time
yet an important factor in their administration.
In particular we (the administration) must

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continue

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continue to retain control of, and guide the native races without any interference from European settlers. When the native has been sufficiently educated to thoroughly understand and realize his new surroundings, and been taught to see that the white settlers are restricted to the lands they already occupy, and that the whiteman's treatment of a native is just and reasonable, then we can say that the future is fairly safe and not so likely to be fruitful of misunderstandings.

Possibly 75% of the settlers, including all South Africans, are in favour of a policy of coercion where natives are concerned. Their line of argument is that the natives will eventually cause trouble i.e. that they will rise, and so the sooner they rise and get done with it the better, others argue that the native will by degrees lose his respect for the white man, and will then become insolent, hence trouble. My argument is that much of the respect that a native will retain or lose for a white man will be the result of his treatment by the whiteman.

After having given my views in general I have the honour to give you my comments on the

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After having given my views in general I have the honour to give you my comments on the

address.

I agree with the petitioners that the country generally is a magnificent one, and I believe it has considerable possibilities. For these possibilities to be realized however we must have capital, and there is, unfortunately, very little capital in the country at present. I am inclined to think that were some of the people now resident here to have much to do with the country from an Administrative point of view it would tend to keep the most desirable capital out. I have already shown that in my opinion the country cannot carry a large European population, except, of course, by whites pushing out the natives.

ACT OF PROGRESS.

In dealing with this question we must take certain matters into consideration, first we must consider the country on its own merits absolutely, and deal with it from the point of view of actual facts and leave theorizing alone. The country as far as the coast is concerned has had to contend, and really is still contending, with the results of an anti-slavery policy. The merits or demerits of slavery do not of course enter into

addresses.

POSSIBILITIES
EAST AFRICA

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LINE OF PROGRESS.

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this

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this argument. We have simply to deal with the fact that slavery is no longer a recognised institution at the coast and as a result coast shambas, which at one time were most prosperous through slave labour, no longer pay their owners to work. Other industries will come, some are already developing, which will in time revive the coast prosperity. Up to within the last few years, apart from the export of ivory, all produce exported from East Africa came from the ten mile zone, during the last few years the interior territory of the Protectorate has been making ever increasing contributions to the exports. Had good roads been made leading into the fertile districts at the time the Railway was built there is no doubt in my mind but that the Railway would by this time have been dealing with ten times the amount of down traffic it deals with at present. At the same time however I contend that the country is making quite as good progress as may reasonably be expected under the conditions that obtain. We have up to now discovered no mineral deposits of a nature that would tend to make the country rush ahead. Our future is one, from what we can see

at present, what must depend on Agricultural development, and the produce we must grow must be such as will find ready markets and pay for export. Produce of this description such as cotton, fibres, oil seeds, etc, require capital to plant and develop, and my contention therefore is that what lack of progress there is complained of is due almost entirely to want of capital, and to lack of local industries. If any form of representative Government will tend to bring in the necessary capital then by all means let us have such an institution. I feel strongly one thing and that is that the present system of dealing with the land will not tend to assist us in bringing capital into the country. I feel sure that the sooner we make up our minds to grant freehold title the sooner will a fresh and more advantageous movement take place in the country.

Under this heading, it seems to me that the petitioners have lost sight of another very important fact and that is that only within the last two or three years have the natives in any number come to an idea of work, and only within the last five years has it become possible to allow Europeans to settle in part of the way between

in any case, we take all things into consideration I shall to see how development could have been more rapid.

Personally I think the progress of this country will and must be gradual; its present resources will not admit of any great rush.

AGENCE OF
MARKETS.

An endeavour was made some time ago to get West Africa into the South African Customs Union. Our efforts at the time failed, possibly future representations may have a better result. I think however that whoever takes things seriously in this country must rely on Europe for a market, and that produce must be grown for which there is a demand in Europe. South Africa has a very limited demand, and we cannot expect a monopoly of supply.

RAILWAY FREIGHTS.

I see no reason why the Government should not give preferential treatment for a time to Protectorate produce (in bulk) as far as Railway freights are concerned. With regard to shipping facilities I feel that had we large bulk cargoes to offer we could force the steamer freights to suit our reasonable requirements. No steamship company will treat us seriously if we can only

offer from 10 to 100 tons as a cargo, and then only at intervals. If the settlers and traders only made up their minds to increase their parcels instead of talking about reduction of freights on ~~composition~~ cargoes then we might make better progress.

As far as I can understand the nature of the petition referring to barriers to progress it would seem that the petitioners look to His Majesty's Government to ~~as itself~~ remove them all, and no effort is to be brought forward by the settlers themselves. The idea of self help seems to be absent.

INDIAN LAW.

Personally I have no feeling either one way or the other. At the same time one has to remember the large population of natives, and the comparatively (when compared to the European population) large population of Indians in the Protectorate, and under these conditions I have yet to be convinced that ordinary English Law would be better here than the present system of Indian Law and local Ordinances. The general question under this head however will be far better dealt with the Judicial Authorities.

TAXATION WITHOUT REPRESENTATION.

I quite agree that taxation without representation is alien to the British constitution, but does indirect taxation in any country constitute what is understood as taxation in this connection? I believe the contention with the petitioners is that they fall by the indirect means of Customs, Licences etc. Their share therefore of the actual revenue is very small and I fail to see how, for some time to come yet, we could look to the payment by them of income tax. If such a tax were introduced we should find possibly that about 80% would claim exemption on the ground of having no income. There remains the question of a land tax, but the question arises in this connection as to whether it would be possible to impose a land tax without revising the existing land laws to the extent of allowing absolute freeholds. Without some form of additional direct taxation it would seem to me that the petitioners have very small interests at stake in the way of money paid by them to the Public Treasury. In the question of actual revenue received from Europeans I think it would be found that sportsmen and travellers coming to the Protectorate for pleasure pay a considerable

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part of whatever revenue is received, besides introducing a lot of cash into the Country.

DUTIES.

Under this heading the Address deals with the rates levied in Municipal areas. There are only two Municipal areas in the Protectorate, viz: Nairobi and Kisumu, and as the former area concerns the petitioners I will deal with the question as it concerns Nairobi:- to begin with the statement made, viz: "which they have no voice in spending" is not quite correct, as the Municipal Committee is nominated yearly, and under existing arrangements the Committee consists of 12 nominated members and 3 ex-officio members. The nominated members work out as follows:-

3 Protectorate Officers

3 Railway Officers

4 Non-official Europeans

2 Non-official Indians

the ex-officio members are the Collector as Chairman, the Medical Officer of Health and the Town Clerk. It is interesting to go into the question of actual rate-payers, revenue received, etc.

Rate payers.

Europeans, including 46 Officials.	91
Eurasians, (practically all Government employes	38
Goanese, including about 40 Government employes	97
Indians	427
Arabs	56
Africans	121
	<hr/> 829

<u>Assessment.</u>	Receipts per annum
--------------------	--------------------

	Rs.
Europeans (non-officials)	1,928
Government Officials (all grades).....	4,256
Indian and Goanese traders.....	7,536
Africans	756

Rs. 14,476,

Added to the foregoing
the Protectorate hands
to the Municipality as
a grant-in-aid and for
work done a sum of... = 4,278

The Railway Department
hands as a grant-in-aid
and for work done a sum
of..... = 12,000

Rs. 16,777.

which works out as follows:-

<u>Assessment</u>	%	<u>Represented</u>
Government contributes	80%	80%
		Indians

	Assessment	Represented
India and Coaness	25%	16 1/2%
Government Officials	14%	33 1/2%
Non-official Europeans	6 1/2%	
Africans	2 1/2%	nil

so it would appear that the European community have a larger per centage of representation than it is entitled to, while the Indian element is under represented.

If however all expenditure connected with Nairobi and undertaken by the Government is added to the Government contribution then the per centage would work out much worse. I would like to see the Rate-payers manage their own affairs in Nairobi, but unless and until they can pay their own way I hardly see how it is to be managed.

E E S.

I am not an advocate of looking to Judicial fees, etc, as a source of revenue, but pending direct taxation I fail to see how any change can be made. Much as I would like to see a Legislative Council I fail to see how it can be instituted at present except it be purely official say for two or three years, and afterwards one non-official member to every two official to be nominated.

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	Assessment	Represented
Indian and Chinese	23%	16½%
Government Officials	14%	33½%
Non-official Europeans	6½%	
Africans	2½%	nil

as it would appear that the European community have a larger percentage of representation than it is entitled to, while the Indian element is under represented.

If however all expenditure connected with Nairobi and undertaken by the Government is added to the Government contribution then the percentage would work out much worse. I would like to see the Rate-payers manage their own affairs in Nairobi, but unless and until they can pay their own way I hardly see how it is to be managed.

I am not an advocate of looking to Judicial fees, etc. as a source of revenue, but pending direct taxation I fail to see how any change can be made. Much as I would like to see a Legislative Council I fail to see how it can be instituted at present except it be purely official say for two or three years, and afterwards one non-official member to every two official to be nominated.

MILITARY AND
POLICE.

It would be advantageous to have a certain number of white police for work at certain points, this however is a matter of serious expense. I agree absolutely with the question of prestige, and I fully realize that we are running considerable risk in employing black police to deal with white men. It is, I am glad to say, in actual practice hardly ever done, white Inspectors being employed; at the same time however there is always the possibility of it being necessary to employ black police for such purposes, and I feel strongly that such a possibility is wrong and fraught with danger in the future. Whatever else is done I feel that this matter should receive serious attention.

MOUNTED POLICE

I agree also that a certain number of Mounted Police should be employed in the highlands. As to whether the mounted men should be white or black is a matter to decide from a point of utility and expense, personally I think they should be white, a small number would meet present requirements.

VOLUNTEER
RESERVE.

Many of the settlers have hung back from joining the Volunteer Reserve, certain points with reference to discipline, etc, have been brought

forward

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affairs is, from every point of view, a serious hit at white prestige, would they be willing to have the saloons closed down? It would be interesting to enquire. Nobody's supply of liquor would be stopped. Only the saloons would not be open or in use. That is all. If they are not able to realize that, in the peculiar circumstances prevailing in this country at present, this would be a wise measure and a step entirely in their own interests, I should like to see the Government "maintain white prestige" to the extent of raising the annual license fee for a saloon from £10 to £1000. One white man who leaves unpaid labourers on his shamba and slips away to Nairobi to get drunk in the saloons does more to undermine white prestige than the enrolment of any number of black police.

So speaking as one of the largest employers of labour in the country I say that the Government cannot afford to have trouble with the natives in the settled districts. Any developments that might tend to produce friction must be narrowly watched. In the meantime the petitioners must excuse us older residents if we are tickled at the idea of our very good friend the native "rising in uncontrollable eruption" and "destroying us". Settler and official alike are engaged in the task of trying to convert the unsophisticated native into an intelligent and efficient working man, and settler and official alike will profit from the success of the attempt. And success is certain, if only correct methods are employed. All that is wanted on our part is absolute fair play, a little common sense, a little consideration, a tinge of geniality and a good deal of patience. "Haraka, haraka haina baraka" says our Swahili proverb. "Haste, haste has no blessing".

I have the honour to be,
Sir,
Your most obedient servant.

H. E. D.
Director of Public Works.

43423

MINUTE
ON THE ADDRESS OF THE
COLONIST'S ASSOCIATION

MR. H. J. ESPER.

ENCLOSURE No. 5.

IN MR. F. J. JACKSON'S DESPATCH
No. 610 OF NOVEMBER 11th, 1905.

Enclosure No. 4

IN MR. F. J. JACKSON'S DESPATCH
No. 610 OF NOVEMBER 11th, 1905.

MINUTE

With reference to the paragraph dealing with
Currency in the Address of the Colonists'
Association to the Secretary of State dated
August 23rd, 1908.

I think that the objections to Indian
Currency are based on certain misconceptions.

Many people are under the impression that if
we had British Currency here they would be able to
demand in East Africa ten sovereigns for a cheque
for £.10 on an English bank. They ignore the
conditions which regulate the rate of exchange
between different countries. The rate of exchange
between London and Mombasa is certainly heavy, but
we must look for relief, not to a change in the
Currency, but to an increase in the volume of
business.

Persons who are in receipt of fixed salaries
suffer a hardship if they have to bear the cost of
exchange, but that is a matter of arrangement
between employer and employe, and in no way affects
the well known fact that commercial people have to

look upon exchange as a factor in their business. The introduction of British Currency to East Africa could not relieve the Colonist of the cost of remitting his money to or from England or South Africa.

The real hardships under which the white Colonists suffer, in common with other inhabitants of East Africa, are met by the Order-in-Council which the Address so rigorously condemns.

Although the Order-in-Council has not yet been brought formally into operation, sovereigns are accepted as tender for fifteen rupees by all the Government offices, Railway stations and the bank.

The Currency notes are in course of preparation and it is hoped that they will be ready for circulation about the beginning of next financial year.

The decision to substitute cents for pice was arrived at after the various opinions and arguments advanced for and against the proposal had been carefully considered, and there can be little doubt that a decimal system would be a boon to the country.

The practical difficulty of withdrawing the

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large number of pieces now in circulation would.

However, entail so little inconvenience for a time to everybody, and I understand from a private letter from Mr. Poiring that this proposition is being re-considered and that it is quite possible that cents will not be introduced after all.

It was never intended to introduce coins of less value than one cent into East Africa. The Uganda Authorities were desirous of having coins of the value of one tenth of a cent in order to oust the cowrie, but I believe that it had not been definitely decided to issue these small coins even in Uganda, although provision was made for them in the Order-in-Council.

signed HENRY. P. ESPIN

Mombasa,

November 10th, 1905.

Connr
43423/1907 E.A.P.

DRAFT.



Mr. J. HAYES BAKER

MINUTE.

Downing Street,

8 June
May, 1906.

Mr. Ellis 28/4

Mr. Lead 2 May
Mr. Ridley 3
Mr. Andrews 29

Mr. Co.

Mr. Lucas.

Mr. Graham.

Sir M. O'Malley 31

Mr. Churchill 1.6.06

The Earl of Elgin. 7.

Dear Sir,

Handwritten: In reply to your letter of 29/5/06

I have the honour to acknowledge

~~in form you that I have
the receipt of Mr. Jackson's application No. 571
sent under my consideration
of the 18th October and No. 610 of the 11th
November on the subject of the~~

~~the Colonists Association dated the~~

~~23rd of August last, which was~~

~~referred in Mr. Jackson's letter~~

~~of the 18th of October and~~

~~of the 11th of November~~

~~on the subject of the~~

~~Colonists Association~~

~~dated the 23rd of August last~~

~~which was referred in Mr. Jackson's letter~~

~~of the 18th of October and~~

~~of the 11th of November~~

Handwritten: 2/2 for
concern: all
also further minute
on 4 29/5

Handwritten: Mr. O'Malley 25
Mr. Churchill 1.6.06
Mr. Lead 2 May

This pointed out in
~~the~~ *that a great deal of the*
 development of the East Africa Protectorate
 and the market for the
 and in order to remove
~~the~~ *it is suggested*

(a) that produce should be carried on
 the Uganda Railway at low rates even
 if this involve a loss

(b) that His Majesty's Government
 should subsidize a line of steamer
 services for
 shipping produce at low rates

(c) that the East Africa Protectorate
 should be admitted to the South
 African Customs Union.

3. With regard to the first point, I
~~am not prepared to go so far as to agree~~
 that it would be desirable
 to carry goods by the Railway at an
 actual loss *for this* would only
 encourage a temporary growth of trade

registered

registered by unnatural conditions, which could
 not be made per. ~~the~~ *without* ~~any~~ *inducement*
 to the British taxpayer, who at present bears
 the whole charge of the cost involved by the
 construction of the Railway. *But* ~~the~~ *falls*
~~long~~ *alive* to the ~~possibility~~ *importance* of reducing rates
 on ~~exported~~ produce wherever feasible, and,
 since the ~~petition~~ *Address* was drafted, I have *been*
~~glad to be able to~~ *authorise*, as a temporary measure, the reduc-
 tion of the rates on many kinds of agricultural
 produce to the very low level of one half-
 penny per ton per mile.

4. The question of granting a subsidy
 for an ~~hourly~~ *hourly* steam service between Mombasa
 and the United Kingdom was recently considered
 by an Inter-Departmental Committee, ~~and~~ *but* no
 sufficient reasons were found for allowing an
 exception, in this case, to the general policy
 of His Majesty's Government, ~~which is opposed~~ *with regard*
 to the grant of subsidies, ~~but~~ *and I am*
afraid that upon this point
it will not be practicable
 to

*not the work of
the Association.*

of trade, I may say that the country
appears to be reasonably well served
considering the small volume of trade, by
French, German and Austrian lines, the
latter of which have, I understand, recent-
ly reduced their rates of freight to South

With regard to the third point,

5. There appears to be little pros-
pect, as far as can be judged from en-
quiries which my predecessor caused to
be made, that the South African States
would agree to the admission of the East
Africa Protectorate to the Customs Union,
and as I satisfied that admission would
in fact benefit the Protectorate. In

*any case it would be necessary as a pre-
liminary measure to obtain the consent of*

all the signatory Powers of the General
Act of Berlin to the derogation of the
existing arrangement under which the
goods of all nations are admitted on the
same terms, and in the circumstances I

Colonel Hoar
think that the ~~Commissioners~~ will probably
agree that it is not ⁵⁵advantageous to take any
further steps in the matter

The next matter to which
~~The British Government should~~
the Hoar refers in these proposals is
the Indian Codes under which have
been added to
the protectorate is administered / I sympathise

Plan A

and the sentiment which leads them to express
a preference for English law, but ~~framed~~ there
are practical reasons which render its adop-
tion undesirable, *and* I think *the* ~~Commissioners~~
are aware of the extent of the
differences between the two systems of law.

The vast majority of the inhabitants
of the protectorate are natives, for whom
the Indian Codes may well be regarded as more
suitable than English law, and it is no great
hardship for the European minority, like the
smaller minority in India itself, to submit to
a code framed principally in the interests of
the majority.

*Perhaps, as Mr
Burdell says, this
is only a placeholder
for the committee
H.H. 4/10
1870*

8. Moreover, the codification of the Indian law renders it possible to extend its administration to persons having no special legal training. ^{if} English law introduced it would be necessary to appoint a number of locally trained magistrates at greatly increased salaries, to take over the judicial duties of the Collectors.

9. At the same time I recognise that the Indian Codes are not in all respects suitable to the conditions of the Protectorate, and I propose, as opportunity serves, to substitute for them local Ordinances based on the Codes, from which such specifically Indian provisions as have been found to be undesirable ~~may~~ can be omitted.

10. With regard to the more specific ^{Charles M'art} objections of the ^{petitioners} I would

observe

observe that previous to 1824 certain magistrates in India, of European British subjects, had the power of sentencing Europeans to six months imprisonment without the right of appeal to a jury. The right of appeal was only given when jurisdiction over European British subjects was given to native magistrates. As there is no intention of appointing native magistrates in the East Africa Protectorate, this special reason for giving the right of appeal does not exist, and I do not at present see that any other sufficient ground has been shown for a change.

^{may} Provision, I ^{has} add, will be made in the ^{newly framed} Criminal Procedure ^{and} Ordinance for trial by jury in ^{certain cases} ^{under 2.104 of the Code as drawn up}

11. The Indian law allowing imprisonment for debt is, as ^{stated in the Petitioners say} the Petitioners say, archaic in form, but I doubt whether in practice the result is very different from that of the English law which allows imprisonment for

contempt

See order of 1945 of the Privy Council by which the Ordinance has been promulgated.

that a
Government white force sufficiently large
to control the present native force
will be sufficient to ~~control~~ ^{control} the
provinces, and will at least in the
rich parts of the country, be less
costly than the existing forces.

The Government would welcome the assistance of
the colonists in maintaining order.

I trust that
~~the Government will be able to~~
~~to get along, and will be able to~~
take the opportunity of rendering such assist-

ance as joining the Vol. Reserve, is
the alternative scheme suggested
in the Memo. is not one
which could be sanctioned.

~~the Government will be able to~~
The existing force might be
supplemented by a small body of mounted white
men is one which would probably meet the
requirements of the Government.

~~I should be glad if you would furnish me~~
with your views on the subject, and if you
could be so good as to send me a copy of the
minutes of the meeting.

5 With reference to the
minutes of the meeting, I do not think that the reform of
the mining laws proposed by the Petitioners is
likely to be given a prospect of success
in the present state of the law, and
therefore, and in view of the
generally sufficient force of the
minerals which are available,
no payable minerals have yet been discovered.

and since the petition was written, I have in
a despatch of the 5th January, authorized

the issue of a form of prospecting licence
which is a previous step, which will I
hope,

sufficiently encourage discoverers; but
I think that
the establishment of a mining department must

be a necessary step, and not merely a
formality, and that the
payable minerals have been
found.

176 With regard to hospital fees, my
predecessor in his despatch of the 18th

February advised the reduction of the
minimum charge for official patients from

CONFIDENTIAL

~~CONFIDENTIAL~~

21 I have your request
that you will cause
an answer to be
addressed to the
Association in the
name of [unclear]
have written, or
that you will, if
you think fit, send
give them a copy of
this letter.

Yours
Sincerely

Send letters will be sent.

~~Some of the~~

~~to the~~

21 I have written
that you will come
an address to be
addressed to the
Association in the
name of ~~the~~
have written, or
that you will, if
you think fit, send
give them a copy of
this sketch.

L. C.

64
43423/85

Lockhart
5 July

DRAFT

Telegram to
Sadler
Naiside

5000000000

Have you
forkebook

MINUTE.

- Mr. Read . 5 July
- Mr.
- Mr. Astorbus.
- Mr. Cox.
- Mr. Lucas.
- Mr. G. sham.
- Sir M. Ombanney.
- The Duke of Marlborough
- Mr. Lyttelton.

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W.R.
57

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