

1931.

Kenya.

No. 17411.

SUBJECT C0533/417

Cement Scheme.

Institution of a Company.

(Mr. R. F. Mayer.)

Previous

Subsequent

18286/32.

15
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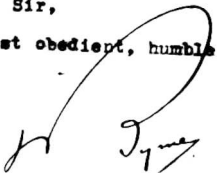
6.

details of administration and finance are under discussion.

I have the honour to be,

Sir,

Your most obedient, humble servant,

A large, stylized handwritten signature in dark ink, appearing to be 'H. P. Jones' or similar, written over the typed name.

Brigadier-General.
G O V E R N O R .

knowledge of the interests of the other, and often politically important, tribes which in the aggregate constitute a considerable proportion of the total native population of the Colony.

A retired administrative officer whose experience of its native inhabitants would have been spread over a far wider field than that of most missionaries, would usually be better qualified to represent the interests of the African Community in the Legislative Council than any missionary who might be available. It is possible also that some other acceptable members of the Unofficial European community might be better qualified to represent the native interests than any available missionary.

5. I am fully aware of the peculiar advantages enjoyed by a few missionaries of acquainting themselves with the interests of certain sections of the African Community and, should the number of native representatives be increased, missionaries would no doubt find their place among them. I do, however, consider that occasion may easily arise under the existing constitution when the interests of the African Community would be more completely served by the appointment of a lay representative.

The recommendation which I have made, that the choice should be unfettered, applies also to recent practice to appointment to the Executive Council. There are obvious advantages in nominating to the Executive Council this member of the Legislative Council; it is in Executive Council that Bills and important measures affecting natives are discussed and the presence of a member with a wider experience of native affairs would be most valuable when the practical

4.

time as the African Community shall have reached a stage of development whereby they may be most usefully represented on the Legislative Council by members of their own community, "the nominated representation of native opinion be increased, without prejudice to the power of the Governor at his discretion to nominate for inclusion among them persons of African descent when he considers suitable representatives are available".

If and when steps are taken to increase the representation of ~~native~~ interests on Legislative Council, upon which I make no recommendations pending consideration by His Majesty's Government of the Joint Select Committee's Report, I consider that it will be more than ever important that the Governor should be unfettered in the range of his recommendations. I observe that the Joint Select Committee of the two Houses of Parliament on Closer Union in East Africa contemplate some increase in the existing powers of the Governor in this respect, by recommending that he should be empowered, in his discretion, to nominate persons of African descent.

4. With these views I am in entire accord. In addition, apart from the general disability in missionaries fully to represent the whole range of the interests of the native community, particular missionaries are usually associated with a particular tribe and, though qualified in varying degree to represent that tribe, their knowledge does not always enable them fully to appreciate the widely divergent interests of other tribes within the Colony. This alone is sufficient to give a bias when differing native interests are under discussion in Council or in Committee.

However, Missionary endeavour generally is confined to certain of the larger tribes in the Colony, and it is unlikely that missionaries could be found with an additional

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the Commissioners point out that there are many aspects of native administration which do not ordinarily come within a missionary's purview and for dealing with which his knowledge and experience do not equip him. "Only in exceptional cases" they say, on page 186, "has a missionary the leisure to obtain that general knowledge and mastery of the problems of native administration which would enable him to represent native interests effectively in the legislature".

In reviewing other sources from which representatives of the native interests might be drawn, after considering the advantages to be gained by the appointment of suitably qualified members of the Unofficial European Community, the Commissioners state that "no one could represent native interests with greater knowledge and understanding than district officers or provincial commissioners". They envisage the possible appointment of officers who have completed their term of service and who have settled in Kenya, and they regard such appointments with approval.

In the Report of the Commission referred to above, on page 187, the Commissioners stress the fundamental importance of obtaining the best representation of native interests in Legislative Council, and suggest that four representatives besides the missionary already appointed, should be chosen. On page 203 of the Report the Commissioners point out that the effect of this proposal being adopted would be the creation of an important group in the Legislative Council whose definite duty would be to act as advocates of native interests, which would, in consequence, be more adequately championed.

In paragraph 101 of the Report of the Joint Select Committee of the two Houses of Parliament on Closer Union in East Africa the Committee recommend that, until such

Bodies as such, and that consideration of religious denominations will not affect selection."

By Clause IV. of the Additional Royal Instructions dated the 25th day of October, 1923, provision was made for the inclusion in Legislative Council of "one Nominated Unofficial Member to represent the interests of the African Community" with the proviso "that the appointment of a Nominated Unofficial Member to represent the interests of the African Community shall be discontinued.....when it shall appear..... that such appointment is unnecessary".

The present position regarding the appointment is shown in the first paragraph of this despatch.

3. The representation of the interests of the African Community in Legislative Council came under the consideration of the Commission on Closer Union of the Dependencies in Eastern and Central Africa, appointed by your predecessor in November, 1927.

The Commissioners, in discussing the composition of Legislative Council point out, on page 185 of their Report, the shortcomings which are inherent in a system whereby the interests of Africans are, apart from the appointment of a single European Missionary, dependent on the advocacy of Government, upon which/also the duty of maintaining an impartial and sympathetic attitude towards the interests of the other communities which are powerfully represented on Legislative Council. The Commissioners after noting the impracticability of finding suitable natives for the purpose under existing conditions, consider the extent to which Missionaries are particularly qualified adequately to represent native interests.

While agreeing that the best missionaries possess an unequalled knowledge of the life and mind of the natives,

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KENYA.

No. 175

CONFIDENTIAL.

GOVERNMENT HOUSE,
NAIROBI
KENYA

November, 1931.

22 DEC 1931

Sir,

I have the honour to refer to Clause XIX of the Additional Royal Instructions of the 25th day of October, 1923, where it is ordered that "the Nominated Unofficial Member to represent the African Community shall be chosen from among the Christian Missionaries in Kenya....." and to suggest that this restriction of choice is now unnecessarily narrow and that it is, in my opinion, not in the best interests of the natives.

2. The proposal that a nominated Unofficial Member, to be chosen from among the Christian Missionaries in Kenya, should to represent the interests of the African Community on the Legislative Council was considered by His Majesty's Government in 1923. On page 14 of the Memorandum dated July, 1923, entitled "Indians in Kenya" (Cmd.1922) it is stated, with regard to this proposal, "His Majesty's Government see no objection in principle to this arrangement, and they agree that provision should be made accordingly. It will be for the Governor to select a suitable person for nomination from time to time. It will, of course, be understood that there is no question of the representation of the Missionary/

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.1.

Copy 13. Reponse
C. C. C.

NO. 62 DATED 6th FEBRUARY, 1932.

(Original on 27/1/32 P.S.)

Paragraphs 97 to 101.—I am in complete agreement with the recommendation of the Committee that the nominated representation of native opinion should be increased, and consider that that recommendation should be fulfilled at the earliest possible moment by increasing the number of Unofficial Members nominated to represent native interests from one to two. No increase in the number of Official Members of Legislative Council to counterbalance this proposed increase in the number of Unofficial Members will be necessary at the present time, though I consider the whole question of the constitution of the Legislative Council requires to be reviewed at an early date with a view to eliminating, as far as possible, the disadvantages which arise from the necessity for many senior officials to absent themselves from their departmental duties for considerable periods in attending sessions of Legislative Council.

I agree that the door should be kept open to the nomination of persons of African descent to seats on Legislative Council but the time for such an innovation has not been reached. It is doubtful if there is at present even one native who could follow intelligently the proceedings of that Council and make thereto any contribution of value. Even if such a person could be found it is unlikely that he would command the confidence of any but a limited number of his own friends and fellow tribesmen.

Though I do not consider the time is yet ripe for the representation in Legislative Council of native interests by persons of African descent I am of the opinion that the time has come when the restriction which limits the choice of the representatives of native interests to Christian Missionaries may with advantage be removed.

I am not of the opinion that at present, or for a considerable time to come, any provision need be made for the representation of detribalized natives. The number of natives who have severed all connexion with their homes and tribal institutions is small and detribalization is obviously a tendency to be discouraged by all reasonable methods. The nomination of a special representative might provide encouragement to detribalization which it is our object to avoid.

Customs and the Postmaster General.

views expressed at
I note the ~~conclusion~~ of the Governors'

Conference in regard to this matter. *The question of the membership of the P.C. Northern Province has already formed the subject of correspondence and has not yet been settled.*

18
1700 3/31

7. In your despatch No. 62 of the 6th February you state that no increase

in the number of Official members of the

Legislative Council to counterbalance

the proposed increase of native

representation by one member will be

required at the present time. ~~Now~~ I

appreciate that so long as the Indian

candidates elected to the Council

decline to take their seats, the

situation from the point of view of

numbers is simplified though, of course, *then*

~~it is not possible to rely on the~~

indefinite continuance of this

attitude ~~cannot~~ be assumed.

8. You consider that the

whole question of the ~~constitution~~ *constitution*

of the Legislative Council requires

to

to be reviewed at an early date

with a view to eliminating as far

as possible the disadvantages

which arise from the necessity for

many senior officials to absent

themselves from their departmental

duties for considerable periods

in attending sessions of

Legislative Council.

9. I entirely agree with you

as to the need for an early and

complete review of this question,

and I consider it desirable that

decisions should be taken on all the

points at issue before proceeding

with any amendments of the Royal

Instructions ~~on~~ *of* the local

stc *Lyve*

~~legislation.~~ I should therefore

be glad if you would furnish me

with your views on the whole

question at your early convenience

I have, etc.

time is not ripe for such
representation ~~the time has come~~
when the restrictions which limit
the choice of the representatives of
native interests ^G and Christian
missionaries may ^{now} be removed.

6. I have pointed out that
the arrangements for an increase in
the native representation must be
considered with other questions
affecting the composition of the
Council. Further, I have referred
to the question of the retention of
the ~~Genl~~ ^{General Manager} of the Kenya and Uganda
Railways and Harbours as a member of
the Council and to the point raised
by the Governor of Uganda as to the
presence on the Council of the
other heads of the common services
¹⁶³ by the Officer Commanding the
Northern Brigade of the King's
African Rifles, the Commissioner of

view that the nominated representation of native interests on the Legislative Council should be increased to two members. I have also stated that I see no grounds for any increase at present in the representation of other communities. This latter remark relates in particular to the suggestion as to an increase of Asiatic representation on the Council made in paragraph 97 of the ~~Joint~~ ^{select} Committee's report. It is of ~~course~~ obvious that no useful purpose would be served by considering any increase in Indian representation at a time when the Indian Community pursues a policy of non-cooperation ^{in the} with affairs of the Legislative Council.

4. In paragraph 5 of your ^{25th} Confidential despatch No. 175 of the ~~20th~~ November, 1931, you ~~also~~ refer to nomination to Executive Council, ^{the} and I concur in the views which you have there expressed.

5. I have also in my despatch No. ⁴⁹⁹ of the ^{12th July 1932} stated that I am in agreement with your opinion that the door should be left open to the nomination of persons of African descent to seats on the Legislative Council; ⁴ ~~but~~ that although the time

C. O.

K/17407/31. Kenya.

3
6
JUL 1932
104

Mr. Allen 25/6
Mr.
Mr.
Mr. Parkinson 28/6/32
Mr. Tomlinson.
Sir C. Bottomley.
Sir J. Shuckburgh.

Answered by Not
on 3178/33 g
(Go to the same mail as the
despatch in the last (Lansing report))
Downing Street.

13 July 1932

Permt. U.S. of S. 30/6/32
Party. U.S. of S. 30/6/32
Secretary of State.

Sir,

DRAFT.

K E N Y A.
CONFIDENTIAL (3)
GOV. BYRNE.

I have etc. to refer to your
Confidential despatch No.175 of the 25th
November, 1931, regarding the representation
of native interests on the Legislative
Council of Kenya.

2. I have refrained from replying
to your despatch pending consideration
of the Report of the Joint Select Committee
in West Africa
on Closer Union and of the observations
regarding the recommendations of the
Committee on the matter which you have
made in your despatch No.62 of the 6th
February.

3. In my despatch No.499 of the
12th July reviewing the Committee's report
I have informed you that I agree with your
view

Cas:
4. minutes

X

45

Paragraph 101. Representation on the
Legislative Council.

I agree with the view of the Governor of Kenya in his despatch of the 6th February, that the nominated representation of native interests on the Legislative Council should be increased from one member to two. I see no grounds for any increase in the representation of other communities in the Colony. I also agree with the Governor's opinion that the door should be left open to the nomination of persons of African descent to seats on the Legislative Council; and that though the time is not yet ripe for such representation the restriction which limits the choice of the representatives of native interests to Christian missionaries may now be removed. The arrangements for an increase in the native representation must be considered with other suggestions affecting the composition of the Council. I have already referred earlier in this despatch to the question of the retention of the General Manager of the Kenya and Uganda Railways and Harbours as a member of the Council. There is also the point raised by the Governor of Uganda as to the presence on the Council of the other heads of the common services. I propose to take up all these matters with the Governor of Kenya.

Have now had before
you the eyes. in
select Cree's report.

acd

28/6/32

9 H 6
30.6.32

Walt
2.7.32

3. Below long (3) (1 and) com. 13 July 1932

Extract from Lloyd's despatch No 499
as sent to for Kenya on 27/6/32 EA.

? Para 2 of 3 and the 2nd sentence
of 4 should go on the India
papers and the latter on the
Apro-Asian papers - then put by

Noted on 17/7/32
on 23/7/32
on 19/8/32
on 19/8/32

No need to attach extracts -
references will be enough.

Russell
6/8/32

Russell
6/8/32

of President.

Reply to No 3 has not been received.

4.6.33
29/7/32

? Refs to para 9 of 3 and ask
when the Governor's visit may
be expected.

Russell
5/8/33

Russell
8/5/32

Sir C. Bottomley

I would not remind. The situation has
altered: the Indians are now so operating. The Europeans
are talking about 'control' of the land is hardly
opportune to stir up the composition of Council

? let it wait

Sir C. Bottomley

Now is casting up the time. But the
question of better water representation
may be required for some outside
source.

B. U. in - 49 - 5 words

Walt 12.5.33
since

The word cross purposes? it is in the

[Signature]

As regards the report of the
Govt now known that the Govt
wants to consider views on this
rather matter in a public dispatch.
That these views should not be
furnished by reference to ^{existing} ~~present~~
Comms ^{is}.

See para 26 of
the Govt's Com
No. 122 of
1932.

I don't think this is
any risk of cross purposes ~~there~~
as it would be a needless
expense.

I wait - but this should
be carefully noted to come up when
the Govt obtains the report on it
although the suggestion that a
separate schedule of offences to
include ref Comms ^{is} (Conf & Public)
should be sent home should ~~be~~
in view of the ~~very~~ ~~unlooked~~

J.W.P.
21/1/32
21.1.32
[Signature]

Brought up wide minute of 21st Jan. 32

[Signature] 17.2.32
1932

1/11
1/11
1/11

Extract from despatch from Gov. Kenya No. 52
dated 6th February 1932.

Let us again for wife as
his I.C. papers are being sent forward
to the Govt with a view to a
conference

J.W.P.
6/6/32

W.C.S. 6.6.32

J.H.6
7.6.32

I submit for your view a draft copy
based on the recent discussions
with the Govt regarding the
J. Lawrence's report - the drafts
in the Report are being ~~revised~~
by ~~shortly~~

J.W.P.
25/1/32

In S. Wilson
I understand that you

Submits that the restriction of choice, as governed by Royal Instructions, of a Missionary to represent the African Community on the Legislative Council is unnecessarily narrow and not in the best interests of the natives.

I think the Gov. makes out a good case.

In view however of the recommendation in para: 97 of the Joint Com's Report & of the S.P.'s remarks to the Gov. in the Haggard para: 6 of the long resp. of 22 Dec., I don't think any useful purpose will be served by considering this resp. till we have the Gov.'s views on the Report.

And also para 26

B. u. ... is recd - to the Supp. of 22 Dec.

13.1.32