

1931

Kenya

No. 17224.

SUBJECT

C0533/413

Development of Native Institutions.

Previous

- See 17165/31. (Native Manor)
- " 17131/31. (Local Native Council)
- " 17126/30. (Kikuyu District)

Subsequent

Originals of
Nos. 1 & 2
regd. on
17165/31 K.

- 1 Extract from Memorandum submitted to the S. of S. by the Kenya Native Delegates to Joint Committee on Closer Union in E.A.
- 2 Extract from Supplementary Statement by Mr. E. Apindi

Mr Allen.

These extracts from the memoranda left with the S. of S. by the native witnesses seemed to provide a good text for the session suggested on 17/31/31 - (minutes arising from the ~~the~~ memoranda left here for Mr Cooke).

20 P
0/1/31
not

I have therefore put up a separate draft for consideration dealing with these points. It is based largely on an earlier draft prepared in reply to the comments of the local ^{Report} part on the Native Affairs Dept. for 29/29.

I hope that it will not be thought to go too far.

Grantward
15.6.31

Li. Cottonwood

It might have been better in this case to start with a

Duplicate of draft has
also copy of report

minutes but as a draft has
been prepared, we have, after
discussion, revised the draft
(in form rather than in
substance) & now send
it forward - observing
that while I believe it
to be sound & to represent
the views which Ministers
hold, it is clearly
for consideration.

If the draft is approved,
I shall propose to send
the Gov. a personal note
to explain the ref^y in
para. 6 to District: the
private evidence goes to
him personally, but it
cannot be ref^d to in a
despatch.

all Richardson
20.6.31

The draft summarizes the points
adequately.

W.C.S. 22.6.31.

B.H.6

25.6.31.

B.H.6

A very wise draft! I have no
suggestions to make.

W.C.S. 25.6.31.

Very good

P 2066

3. To Sir J. Byrne — s.o. 30 JUN 1931

4. To Gov. Conf (3) - Cons 30/12
80 JUN 1931

5. Mr. Dolbe % _____ 26 June
includes list of pay drawn by chiefs and
headmen.

If they are already thinking
about it locally, one remark
in no. 4 about the remuneration
of headmen will have done us harm
? but (the letter
has already been ack'd)

Action also on 17/31/31

Richardson
1.7.31.

all Richardson

2.7.31

This may be very useful,
but it need not go on now.

W.C.S. 2.7.31
since

Letter A.
M.

No. 4 - 8/3

under
Headmen
Chiefs & Headmen

Mr. Hooper

Should we remind on No. 4
paras.

R247, 9/7/32

4 is to a considerable extent
affected by the recommendations
in Lord Hooper's report eg.
paras 75-76, para 87 para 91 of
11th Report, from which it appears
evident that local Native Councils
in general have not yet reached
the stage at which the responsibilities
suggested in para 3 of 4 could with
safety be entrusted to them.

Furthermore the appointment
of a C.O.C. and the reorganisation
necessary for the administration
of the Native Settlement Fund may
be expected to affect the question
to a considerable extent.

? It seems unnecessary
to take any further action on it
at present but it should be
kept in view for further re-consideration
when the recommendations of the
Joint Select Committee have
been reported.

A.S.P. [Signature] 9/7/32

It would clearly be inappropriate
to amend at the moment.

B.O. in view of [Signature] 9/11/33
[Signature] 9/7/32

[Signature]

Mr. Hooper

Brought up vide your minute of 9 July 32

[Signature] 9-3-33
Reg 297

B.O. 1st July 1933

[Signature] 9/5 etc

Mr. Hooper

Brought up vide minute above

[Signature] 4.7.33
Reg 297

Mr. Hooper

Much has happened since No. 3 was
written, and I do not think there is
anything to be gained by looking back
to that despatch now. But its general
purpose (especially para 8) is not
without relevance to the pp. (sent to you
via Mr. Hooper yesterday) about an Ord^s
to amend the Native Authority Ord^s in
one way as to increase Govt's
power of interference with Local Native
Council finances.

[Signature]

I agree; I don't see that a
formal reply could be expected
[Signature] 4/7

? Put by [Signature]

Recd
29/6/31

Winton Bridge 55
Moulsham
Duller
28/6/31

Dear Parkinson

RECEIVED

30 JUN 1931

COL. OFF.

I gathered the impression over in
London that there was a good deal of
misapprehension, in regard to the amount
of Chief pay. The Nigerian Representative
Ezekiel Afimdi is also reported a having
stated that they got - this not a month only
which is absolutely untrue. I am
now sending you a list of the pay
drawn by the Chief and Chief & Co.
Mungo Kaduna in Nigeria when I
left - from which you will see that some
of them get quite good pay. It will
also be seen that the Mungo Kaduna
has not got very much below the level
of Chief pay - not a word of office
than a salary.

I enjoyed my trip to London very much
& did not find it - the ordeal that I
expected. Thank you very much for
your kind letter - when I was over. There
just left I left in ^{May} March. I wrote a long
memo on Chief pay with schedule giving
all relevant statistics - number of sub-
stall to each Chief, per centage of tax
to draw in salary etc.

I will look up the new draft I mentioned
before & send them over. Later

Yours sincerely
C. G. ...

Central Havirinda

Location	Chief * Pay $\frac{1}{2}$ for annum	Cost Chief $\frac{1}{2}$ for annum	Reliance	Production
	7500/-	200/-		at 4/-
1. Alago		100/-	17	-
2. Kumbi	1200/-	100/-	55	-
3. Kumbi Gen	2000/-	100/-	28	-
4. S. Gen	2000/-	100/-	9	-
5. Kumbi	1000/-	100/-	12	-
6. Kumbi	1000/-		25	-
7. W. Kumbi	1500/-	100/-	20	-
8. E. Kumbi	1500/-	100/-	21	-
9. Kumbi	1750/-	100/-	28	-
10. Kumbi	1500/-	100/-	14	-
11. S. Kumbi	1000/-	100/-	8	-
12. Kumbi	1750/-		18	-
13. Kumbi	1000/-	100/-	44	-
14. Kumbi	2000/-	100/-	24	-
15. Kumbi	1500/-	100/-	28	-
16. Kumbi	1500/-	100/-	16	-
17. S. Kumbi	1000/-		20	-
18. Kumbi	1000/-	100/-		-
			466	

average number of head of
 reliance elder. between 200 x 300

* Law given C.H. reliance for annum
 + 16000 on a monthly basis

End

Small Tumbrun

<u>Location</u>	<u>Chief</u> <u>in Village</u>	<u>Population</u>	<u>Headmen</u>
1	60/-		1st-10/- 2nd-5/- 3rd-2/-
244.	60/-		2nd-5/-
3.	50/-		2nd-5/-
5	60/-		2nd-5/-
648	60/-		2nd-5/-
7	40/-		2nd-5/-
9	50/-		2nd-5/-
10	50/-		2nd-5/-
11	50/-		1st-5/-
12	75/-		2nd-5/-
13	60/-		2nd-5/-
14	50/-		2nd-5/-
15	50/-		2nd-5/-
16	50/-		2nd-5/-
17	33/-		1st-5/-

See No. 16 - Tumbrun District & Para
with small population than the
Kawendo districts.

South Handmade

<u>Specimen</u>	<u>Chief log sh.</u> <u>for number</u>	<u>anal. class</u>	<u>analysis number</u>	<u>8</u>	<u>at 4/1/18</u>
1	53/-				
2	169/-	lat 507 -		20	
3	59/-			7	
4	106/-			14	
5	57/-			10	
6	98/-			3	
7	52/-	lat 507 -		10	
8	71/-			11	
9	41/-			10	
10	61/-			11	
11	72/-			14	
12	61/-			9	
13	54/-			5	
14	70/-			12	
15	39/-			3	
16	101/-			9	
17	49/-			5	
18	72/-			9	
19	41/-			4	
20	39/-			5	
21	145/-	lat 507 -		21	
22	33/-			4	
23	70/-			8	
24	119/-	lat 507 -		11	
25	74/-			3	
26	74/-			2	
27	70/-			12	
28	33/-			1	
29	52/-			9	
30	78/-			2	
31	28/-			6	
32	60/-			2	
33	60/-			2	
34	61/-			2	

6
2
2
948

North Karamoia

<u>Location</u>	<u>Chief Lang</u> <small>at 1000 ft</small>	<u>asst Chief</u>	<u>Langs reduced</u>
1. Wanya	84/-		36 at 4/-
2. Parama	304/-	3 at 50/-	96 at 4/-
3. F. Kalamega	65/-		15 at 4/-
4. West. Halmeq	133/-		83 at 4/-
5. Walslow	65/-		7 at 4/-
6. Pusulu	56/-		5 at 4/-
7. Kalalawa	60/-		2 at 4/-
8. Kalra	80/-	1 at 20/-	13 at 4/-
9. N. Hilyok	750/-	4 at 50/-, 1 at 20/-	71 at 4/-
10. S. Hilyok	153/-		33 at 4/-
11. Ohayo	20/-		11 at 4/-
12. Marach	20/-		7 at 4/-
13. Walolo	60/-		12 at 4/-
14. G. Potosol	110/-	1 at 50/-	9 at 4/-
15. ^{S. Potosol} Otallo	174/-		78 at 4/-
16. G. Tereli	93/-	1 at 20/-	25 at 4/-

451

average number of birds per nest
elder between 200 x 300

C. O.

XI7224/E Kenya

H.

Mr. Eastwood } 20.6.31
Mr. Allen }
Mr. Bachman }

DOWNING STREET,

30 June, 1931.

OX Sir C. Bottomley. 22.6.31
Sir J. Shuckburgh.
Sir G. Grindle.

+ Permt. U.S. of S. 25.6.31
* Parly. U.S. of S. 27.6.31
* Secretary of State. 26.6
(No. 10 on 17165/31)
(not sent on)

28/5

DRAFT.

KENYA

CONFIDENTIAL (3)

Gov. Byrne.

Sir,

I have, etc., to refer to my despatch No.323 of the 15th May, with which I forwarded to you a record of an interview which I gave to the Kenya natives selected to give evidence before the Parliamentary ~~Sub~~ Committee on East Africa, together with a memorandum and statements which they subsequently submitted to me. I am dealing in another despatch with the majority of the points raised by the natives, but I think it will be convenient to take separately ^{those} ~~the~~ points concerned with the development of native institutions in Kenya.

[A draft will come on new sketchy covering the other points and].

2. In the supplementary statement by Ezechiel Apindi, the following passage occurs:-

"We desire that the Local

Native Councils should be given wider powers in ruling their people and that the tax money should be spent in improving education and other services in the Reserve."

In the main memorandum

there are the following passages :-

"(3) We are not at all satisfied with the arrangements made for the salaries of Government chiefs and headmen in Kenya Colony, which compare unfavourably with those paid in Tanganyika and Uganda, and which are not in keeping with the responsibilities which this work involves."

"(4) We want to have the right to select our ^{own} chiefs and headmen, subject to the confirmation of our choice by the District Commissioners, instead

of:-

of having chiefs selected for us,
often without our being consulted
at all."

Further, you will see from the ^{record} ~~report~~
of the interview that Ezechiel Apindi
urged that the Native Councils
should manage all the local affairs;
that preferably a native ~~should be~~
Chairman instead of an Administrative
Officer, whose function would be mere-
ly to advise; and that the Councils
should have fuller financial control
over the funds which they raise.

3. As regards the giving of
wider powers to the Local Native
Councils, I note with interest
from the Native Affairs Department
Report for 1929 that progress has been
made by these Councils in many parts
of the Colony. The Councils have been
in existence for a comparatively
short

short time and I think that the advance which they have made may be regarded as very encouraging and that the ^{officers} officials of the Administration are to be congratulated on the success so far obtained. The criticism has, however, sometimes been made, that while the Councils have liberty to discuss and criticise, they have no real responsibility, and that it not infrequently happens that resolutions are passed in the Councils against the actual wishes of the members owing to pressure exerted by District Officers as Presidents of the Councils. In the light of these criticisms the request by Ezechiel Apindi for the grant of wider powers to the Councils becomes significant. I should be glad if you would

give

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give the matter careful consideration and furnish me with a report. In particular I should wish you to consider:-

(a) Whether District Officers might not restrict themselves to acting solely in an advisory capacity to the Councils, whenever there is a native who could be tried in the post of Chairman. *and would be acceptable in that capacity, or cannot generally.* Possibly, if matters are from time to time remitted from the Council to a Committee for investigation, it might be convenient to ^{four} experiment with ~~the~~ natives ~~to be~~ ~~placed~~ as Chairmen of these Committees.

(b) Whether it would be possible to make the native authorities responsible for the collection of native taxes, and thus relieve the Administrative Officers of an invidious

task

task which must militate against the ~~promotion of the~~ relations which it is desirable to establish between the native population and the Government officials entrusted with the ^{supervision} administration of the native areas)

(c) Whether Native Councils should be granted a definite proportion of all the native taxes collected, ^{(which could} to be supplemented, if desired, by voluntary cesses) for local expenditure.

It may be that you have already under consideration this last suggestion in connection with your general review of taxation in Kenya.

4. But if increased power is to be given to the Native Councils, it will be a matter of the first importance to see that no opportunity is missed of raising the

the standard of the chiefs and elders and ~~chiefs~~ ^{headmen}. I have read with interest in the Native Affairs Department Report of the efforts of the Administration in this direction, and I am glad to see that at least in some provinces such as Nyanza, success is being achieved, and that the headmen are beginning to learn to take initiative and responsibility and not to abuse their powers. I need not emphasise the importance of general education to this end; but apart from what can be effected by this means, it is essential that salaries should be commensurate with the duties and responsibilities involved, ^{and sufficient to attract the best & the most ambitious men.} In this connection I would ^{refer to} quote the following from pages 29-30 of the Report on the Kikuyu Province for 1929, which speaks for itself:-

"It is the unanimous opinion of the District Commissioners that native headmen

and sufficient to attract the best & the most ambitious men.

headmen

headmen are underpaid for the work they do and that as a general rule not less than 7 per cent of the hut tax collected in each Reserve should be available for ^{payment of} the headmen ^{and} their staffs and to meet their expenses when travelling." The Report goes on to say that the average pay for a headman is about Shs.50/- a month and for a sub-headman Shs.20/- Out of his salary of Shs.50/- the headman has ^{to} pay four assistants. "In fact," the Report continues, "it cannot be done unless a chief makes a little out of his position, and in practice of course he gets quite a lot ^{outside} ~~beside~~ his salary, but this is not altogether satisfactory. Headmen's wages in Reserves have not risen in proportion with those of skilled native labour, carpenters, clerks, houseboys, and motor drivers. For instance at

Karatina

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Karatina the local chief with a population of over 6,000 souls gets Shs.57.50 while the dresser at the dispensary gets Shs.90/- the native carpenters at the Council House Shs.100/- and the driver of the Government lorry Shs.120/-."

5. I had occasion to address your predecessor regarding the ~~and members of Native Councils~~ selection of chiefs ⁱⁿ my confidential despatch of the 9th July, 1930, to which Mr. Moore replied in his confidential despatch No.163 of the 25th November. [✓] In my confidential despatch of the 10th January, I agreed that in the light of Mr. Moore's explanations there was no necessity to modify the present procedure. I ^{desire} ~~should like~~ however to repeat that I regard it as very important that the wishes of the natives themselves should,

wherever

(No.11 on 16126/30 and 15 on do.)

(No.16).

wherever possible, be the determining factor in the selection of ~~native~~ ^{native} authorities.

6. Passing now to a more general and difficult aspect of the matter, I may say that ^{the} suggestions have been made recently that there is among the native tribes of Kenya a growing distrust of British influence, whether represented by officials, by missionaries, or by unofficial residents in the Colony, a distrust which it is alleged is due not so much to any specific incident or incidents as to an absence of mutual understanding, although action in the past, particularly in connection with land, has been a contributing factor. It would no doubt be impossible for your Government, or

for anyone to prove or disprove such

[See Wheeler's evidence on P. 1047. No. 1 in 1799/31 p. 2 598.]

or suggestions, but the fact that such

an allegation of this kind has been made, cannot be ignored; and while I should prefer to think that the ^{it} allegation is entirely unfounded, I feel that if there is foundation ^{then} for it, the development of native institutions under ^{the} a sympathetic guidance of Administrative Officers should serve, to restore in large measure, confidence in the good will of the Government.

7. There is, moreover, the special question of a native intelligentsia which will have to be faced in Kenya as elsewhere in Africa. There are signs of the growth of a "young" party in more than one of the native tribes in Kenya and it will be remarkable if the natives who are drawn to that party do not quickly attain to political consciousness and attach an exaggerated importance to political

political activity. In this connection

I would refer to a passage on page 20 of Mr. Moore's confidential despatch No. 12(a) of the 11th of February, where, commenting upon the Native Affairs Department Report

for 1929, he refers to the danger of

hasty progress and ^{suggests} ~~the fact~~ that

Administrative Officers acting

as Presidents of the Local

Native Councils will be able,

with the Elders, to ^{combat} ~~counter~~ any

movement towards control of the

Councils by what he describes

as the young, vocal, and semi-

educated native. I recognise,

of course, that in order to

maintain the prestige of Government

the native authorities which

they have constituted must be

supported. Equally I recognise

that

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that there is danger in forcing the pace. On the other hand, you will no doubt agree that neither of these considerations is in itself final and conclusive, and that if "indirect rule" is to have real substance, the native community must, within limits, be allowed to work out its own salvation, even at the expense of some loss of efficiency in the transitional period, and that, profiting by experience elsewhere, the Administration must make every effort to provide a place ~~for the natives~~ in the political machine for the native intelligentsia.

8. I have every sympathy with the point of view of the Administrative Officer, who, with the welfare of his district at heart, knows that he can direct the affairs of the people in his charge better than they can manage them themselves. But it is not conceivable that the native races of Africa

Africa should be content
to remain in tutelage; and
there is, I suggest, a danger
that, with the best of motives,
the Administration may be
so anxious to prevent their
wards from running before they
can walk, that they will fail
to appreciate ~~that they are~~ ^{The degree of}
~~capable of moderate progress~~ ^{of which, in fact, the}
~~if the opportunity is ~~not~~ given~~ ^{native are capable}
to them. As I have already said,
development of native self-government
may lead to a temporary falling
off in efficiency; but it will
be the duty of Administrative Officers
to minimise this by the giving
of wise ^{advice} ~~guidance~~ which ^{it may be hoped,} will no
doubt be accepted if they have
the confidence of the natives, and
any immediate loss should be more
than balanced by the ultimate
gain in the advancement of the
native population.

I have, etc.,

(Signed) PASSFIELD

X. 17221/31. 4. 1951

17
3

C.O.

Mr. *acted 27/5*
Mr.
Mr.

C. D.
R 27 JUN
D 2/0

Mr. Tomlinson.
Sir C. Bottomley.
Sir J. Shuckburgh.
Sir G. Grindle.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

*Q. W. for my signature
acted?*

2/5

2/5

Co

DRAFT.

30th June 1951

*Mr. T.
Mr. Tomlinson
U.S. of S. U.S. of S. C.S.*

I am asked to send
you a note with ref.
to para 6 of the 1951
conf. doc. about
the development of
national institutions,
which goes by this
title.

The suggestion
to discuss ~~essential~~
~~proposals~~ (was made
by G. S. B. Leakey
in his evidence given
before

to the Parliamentary
Clerk on 20/1/1914. But
the evidence was given
in private, & it cannot
therefore be referred to
specifically in an official
despatch. ~~But~~ You have however
had copies for your own
use, & ~~you~~ ^{Wells} will be
able to look up ^{for you} what
he said: ~~it will be found~~ ^{it will be found}
~~it~~ on pages 2 & 222 of
the evidence given
on the 8th May.

Yrs sincerely,

(Signed) A. C. C. PARKINSON.

to the Parliamentary
Cm on 20 June. But
that evidence was given
in private, & it cannot
therefore be referred to
specifically in an official
despatch. ~~But~~ You have however
had copies for your own
info, & ^{Wells} ~~you~~ will be
able to look up ^{for you} what
he said: ~~you will find~~ it will be found
~~in~~ on pages 2 & 255 of
the evidence given
on the 8 May.

Yrs sincerely,

(Signed) A. C. C. PARKINSON.

Extract from Record of
visitation of Konyak native
with D. of. (17165731) 18

apointe expressed appreciation
for the setting up of better Council
but he wished the Council could
manage all the local affairs.
He would prefer a native to be
Chairman instead of ~~the D.O.~~;
the D.O. had advised to ~~not~~
take charge. The Council will
have full financial control
over the funds raised from
rates, as at present they
do not decide how the
money is to be spent. He
suggested that it was better
to decide what work ought
to be done & then raise the
necessary money, instead
of raising money & then
deciding how to spend it.

219
Extract from Supplementary Statement by Mr. E. Apindi.

X

X

X

2. We desire that the local Native Councils should be given wider powers in ruling their people, and that the tax money should be spent in improving education and other services in the Reserve.

X

X

X

X

By Kenya "ative Delegates to Joint Committee
on Closer Union in E.A.

X X X X X

3. We are not at all satisfied with the arrangements made for the salaries of Government chiefs and headmen in Kenya Colony, which compare very unfavourably with those paid in Tanganyika and Uganda and which are not in keeping with the responsibilities which this work involves.

X X A A

9. We want to have the right to select our own chiefs and headmen, subject to the confirmation of our choice by the District Commissioners; instead of having chiefs selected for us, often without our being consulted at all.

X X X X