

732

KENYA
14904

C O
14907
MAR 21

Headlines
for Railway

1921
19 Feb.

Last previous Paper.
12504

Inter. Colonial Railway Council

Sends minutes of Preliminary meeting 18 Feb.
Points raised in minutes will taken up separately with
the press, & the result communicated in due course.

Personal letter from Col. Hammond attached

Putty
to let 6.4.44
at once

Next subsequent Paper.
16004

Special Commissioner for Railways, Eastern Africa.

Telegraphic Address:
"COMRAID NAIROBI."

14907
REC'D
20 MAR 21

ROOM 14, IBEA BUILDINGS,

Nairobi, Kenya Colony.

(P. O. Box No. 445).

February 19th, 1921.

Telephone No. 467.
Ref SCR/61/4/1;

Sir,-

I have the honour to forward herewith a copy of the Minutes of a Preliminary Meeting of the Inter-Colonial Railway Council, held at Nakuru on 18th instant, for your information.

2. The points raised therein will be dealt with separately, item by item, with the Governors of the respective Colonies, and the result will be communicated to you accordingly by me in due course.

I have the honour to be,

Sir,

Your obedient servant,

SPECIAL COMMISSIONER FOR RAILWAYS,
EASTERN AFRICA.

To The Right Honourable The Secretary of State
for the Colonies,
LONDON.

THE INTER-COLONIAL RAILWAY COUNCIL.

MINUTES OF A PRELIMINARY
MEETING OF THE COUNCIL

held at Nakuru on Friday February 18th, 1921,
at 9.0 a.m.

~~CONFIDENTIAL~~

MINUTES OF A PRELIMINARY MEETING
OF THE EAST AFRICAN LEGAL COUNCIL

held at Nakuru on 18th February, 1921, at 9.0 a.m.

PRESENT:

Lt-Col. F.D. Hammond, C.B.E., D.S.O.	Chairman.
The Hon. E.B. Jarvis, C.M.G.	}
Mr. Alex. S. Folkes.	
The Hon. A. Holm.	
	Members.

In attendance: The Hon. S. Couper, General Manager
of the Uganda Railway.

Official member from Kenya Colony.

1. The Chairman informed the Council that he had been given to understand that the Right Honourable The Lord Delamere had been offered a seat on the Council as the Unofficial Member for Kenya Colony, but was unable to state whether or not he had accepted. The Council expressed regret at his absence, but did not think that the absence of the Unofficial Member from Kenya Colony would justify them in suspending their sitting.

Powers and scope of the Council.

2. The Council considered the Memorandum on the Powers and Scope of the Council, drawn up by Colonel Hammond on the 21st January, 1921, and approved the principles and procedure laid down therein, subject to the following amendments:-

Legal Adviser.

(a). It was agreed that in view of the fact that legal issues may arise between the Council and the Government of either Colony, the Council should be empowered to take such legal advice as they may consider necessary, independently of the Law Officers of the Crown, and to pay for such services.

Official member's deputy.

(b). It was agreed that in the event of an Unofficial Member being unable to attend a meeting, he should

inform the Governor, who should appoint in such manner as he thinks fit, a non-official member to fill the temporary vacancy.

3. The Council having considered the following Motion of the Director of Agriculture, passed at a meeting of the Legislative Council of Kenya Colony, on the 2nd February, 1921, on the subject of the Railway Tariff and Harbour Policy, expressed its acquiescence therein:-

"THAT in the opinion of this Honourable Council it is advisable that the general Railway, Harbour and Tariff policy to be carried out by the Railway Board should be laid down for the guidance of that Board, and that the policy should be one directed towards the promotion, by means of cheap transport and transport facilities, of agricultural and industrial development."

4. It was agreed that draft Standing Rules and Orders for the procedure of the Council be drawn up by the Chairman, and presented to the next meeting of the Council.

It was agreed that minutes and proceedings of the Council should be considered as confidential, but that such of these as are considered to be of public interest may be communicated at the discretion of the Chairman to the Press.

5. The Chairman informed the Council that, in his capacity as Special Commissioner for Railways, he proposed to recommend to the Secretary of State, subject to the approval of the two Governors, that Members of the Council should receive Florins 40 per diem for each day during which the Council sits, and in addition a travelling allowance of Florins 15 for each night's necessary absence from the normal place of residence, this to be interpreted in accordance with the spirit of the Colonial Service Regulations.

6. The General Manager presented and explained briefly

the Draft Estimates of Railway Revenue and Expenditure for the period from 1st April, 1921, to 31st December, 1921.

rest, Loan
Sinking Fund
to 31st
1921.

(a). The Council agreed that as interest, loan and Sinking Fund charges due and accrued up to 31st March, 1921, relate to a financial period during which all balances went to the respective Colonies, they should not be a charge upon the funds administered by the Railway Council, and that after 1st April, 1921, no further loans creating charges against the funds administered by the Council should be raised without the Council's approval.

re loans.

(b). It was agreed that consideration of the question of the Council assuming control of the Lake Albert Marine Services should be postponed until such time as the Special Commissioner for Railways has had an opportunity of inspecting and reporting thereon, at which time the question will be considered as to whether or not, if the recommendation is favourable, the control should be made retrospective as from 1st April, 1921.

Albert
re.

(c). It was agreed that the Loco Tractor Scheme in Uganda Protectorate should not be taken over by the Railway Council until it had passed the experimental stage, and proved itself likely to be a sound commercial proposition. The Council pointed out the necessity of keeping strictly accurate accounts in connection with this scheme.

o Tractor
Scheme - Uganda.

(d). As regards the original loan of 25,500,000, the General Manager of the Uganda Railway stated that no interest or sinking fund charges had been paid by the Government of Kenya Colony on this, or were likely to become payable in the future. The sum of approximately 185,000 of this loan remained to be expended

erest etc.
25,500,000

xpended
ance.

before the end of 1925; he was drawing up a programme accordingly.

raised
estimates.

(6). The Chairman explained that the General Manager would submit revised draft estimates at the next meeting of the Council (at the beginning of April), when he would probably be in a position to give a more accurate forecast, taking into account the fact that the Council should be liable only for the period from 1st April, 1921, to date of redemption in respect of loan charges on loans which will be redeemed under the new loan.

as,

(7). It was agreed that as the question of Rates needs considerable investigation, the present rates and surcharge should remain in force until such time as the Special Commissioner for Railways was in a position to make a recommendation on the matter, and until a new Schedule, based thereon, was issued.

posed
location
new

(8). The General Manager presented the statement of the proposed allocation of the loan now being raised by the Government of Kenya Colony, and discussion took place on the manner in which existing loans should be repaid, and future loans raised and repaid. The Chairman was requested to consult with the Governors of the two Colonies and prepare a memorandum on the subject.

ity to
pro-
le loan
ges in

(9). The General Manager presented his forecast of the capacity of the Railway to pay its probable loan charges in 1925. It was agreed that copies of this should be circulated among the members, and the question discussed at the next meeting of the Council.

ing
all.

(10). The Council fixed Friday April 8th, 1921, at 9.30 a.m. at the office of the Special Commissioner for Railways, at Nairobi, as the place and time of its next meeting.

PERSONAL.

739

Special Commissioner for Railways, Eastern Africa.

Telegraphic Address:
"GERRAIL NAIROBI."

ROOM 14, IBEA BUILDINGS,

Nairobi, Kenya Colony.

(P. O. Box No. 445).

February 22nd, 1921.

Dear Bottomley,-

I appear to have been a little premature in my letter No. SCR/35/A of 11th instant, because things are not working quite so smoothly as regards the initiation of the Railway Council as they were. This you will probably have noticed from the cable which you will have received from the Executive Council of Kenya, and as you may be puzzled in consequence, I am writing you this history of the case.

Immediately on my arrival, I had an interview at Nairobi with both Governors. At this meeting it was arranged that I should make three amendments in my memorandum on the subject, and that when these amendments were made, the two Governors would issue the amended memo as approved. These amendments were, first, the question of the General Manager sitting on the Legislative Council, about which I told you in my last letter, secondly, the selection of Deputies for the Unofficial Members, and thirdly, a slight softening of the wording in one place. These amendments I made, and the Governor of Kenya had the memo laid on the Table of the Legislative Council, and it was published in the papers. He also appointed the two Members from Kenya. I went up to Uganda a week later, and Sir Robert Coryndon similarly appointed his two Members. I then arranged to hold a preliminary meeting last Friday, 18th instant. Meanwhile, I had asked the Attorney-General to look into the question of how best to legalise the position of the Railway Council. This was the situation when I wrote to you the other day.

The night before the Preliminary Meeting was due to be held, I received a copy of a letter from the Attorney-General raising objections to Kenya handing over control of the Railways to the new Council. It was too late to put off the Meeting of the Railway Council, and in any event it would have been unwise to Uganda to have done so. On the Saturday, there was a meeting of the Executive Council of Kenya to discuss the matter, and I was present during part of the time. I was informed later that a cable is being sent to you from the Executive Council, recommending that the scheme should revert to the lines laid down in your letter of the 27th May last, under which Finance and administrative Control remain in the hands of Kenya. I have replied that from the Railway point of view, the Railways should come under the control of the Railway Council, as soon as the position of the latter can be legalised. I understand there is going to be a debate in the Legislative Council on Friday. Meanwhile, I am proceeding with the preliminary work of the Council, as before, as both Colonies have nominated Members, and I understood it had been approved by both Governments.

So far as I can see, any opposition which there is to the scheme comes from the Official Members, who do not relish the idea of Kenya losing sole control. Although it has been published over three weeks now, there has been no comment against it whatever in the local press, nor until last Friday did I know there was any opposition in any quarter whatever. Needless to say, I do not include Sir Edward Northey when I refer above to the Official Members who are attempting to block the scheme. That is the situation of ~~affa~~ affairs at present.

BB/88/4

Sheet 3

February 22nd, 1921

I am sorry to worry you with this long history
of the case, but thought it just as well to keep you au
current with the whole thing.

Yours

W.C. Bottomley

W.C. Bottomley, Esq., C.M.G.
Colonial Office,
Downing Street,
LONDON, S.W.1.

KENYA
9348

9348
REC'D
FEB 26 1921

E. A. TRADING
COMPANY
1921

CONCESSION IN TANALAND

25TH FEBRUARY

Refers to labour difficulty and proposes to obtain from India. Suggests concession be granted on agreed terms with clause as to labour whereby if question is not satisfactorily settled within two years concession should if Govt desire lapse. Offers to pay for any cables necessary in consulting Kenya.

Last previous Paper
5508

Sir H. Read
The Secretary Prof. D. D. D.

I was present at an interview last week between Col. Amley & Sir de B. de B. when the latter stated that it had been found impossible to run a supply of labour and he suggested as to Indian labour contained in the letter. Col. Amley asked him to put his proposals in writing and this letter is the result.

Let for cons
reference to p. 43
I think to please Sir
John Amley 18 May 1921
22796/21

Next subsequent Paper

1. It is something to have got the question of finance out of the report. In view of our Western Pacific Enterprise we could have had him put his proposals in writing

Labours
 [Coast district] & bounds of usual
 (Shetland, & other islands)
 have to be considered. These persons
 should be taken to restrict their
 labours within the [coastal area].

3. Ask para 10 I don't see any reason
 why we should look up this by one
 or two years while the Commission
 are looking round for labour. As to
 this he said in an telegram of
 26 February in '5803 "Labour appears
 to be the cause of the matter and I
 agree with you in thinking that before
 Commission is actually formed it is
 necessary to insist on applicants
 showing that they can obtain
 necessary labour" — and I would
 not depart from this attitude
 if the Commission be recommended.

They will
 in fact to
 consider the
 account, say if
 separate
 it is created,
 it, I should
 create.
 G.C.S.
 4. J.R.
 entirely agree,
 and believe
 it, in practice,
 and for possible
 best on hand.
 out limit of
 years.
 G.C.S.
 4. J.R.

business of the Court should
to the condition of the
land they will send to the
of Company - company business, then
we don't want to have anything to
do with them.

As Baron de Waldstein is ready
to pay for the balance of a cable, I
do not know why we should not
cable out the substance of his letter
fully - and follow up the
cable by another (sent of course at our
own expense) asking the Govt for his
views generally & particularly as to
the points which I have marked
2 & 3 - by minute, showing

out to letters that the Govt was
so ready to depart from the attitude
taken up in the last sentence of
his telegram of 26th Feb.

And we should ^{of course} ask ^{him} and tell
Baron de Waldstein that we have
cabled the substance of his letter
to the Govt and that the account
will be sent to him - due course

ms
28. 11. 21

See marginal notes.
Indian labour and Indian
settlement are entirely distinct, and
the terms of a concession for
exploiting an area with imported
labour will not be suitable for
granting some sort of powers to
deal with the produce of Indian
small holders.

The present position of
the Indian settlement question is that

Julia can send representatives
to "spy out the land" as soon as
they please, but that is one
of the terms in which Sir B.
Robertson is stated to have
reported on the same question
in T.T. it is not likely that
they will do so.

as proposed?

Wed. 28/2/24

A. J. R.

28/2/24

Ms. 28.2

No known lease - and especially no lease
of any kind - can be produced. Can we have
written into Gov. + with ^{written} ~~written~~ on that basis
the Tana Valley is to be thrown open to the
settlement. To do this we have to produce evidence
that it can hold the lease is therefore only a
long of holding things. We should be prepared
to show of Bona fide 1911, better ask Gov. to
give grant of land ~~to be~~ ~~to be~~ ~~to be~~
- the Tana Valley - then ~~we can~~ ~~we can~~ ~~we can~~
we can let the Gov. know (conclude with Gov. + my
own concerns with Gov.). I am doubtful
about a provisional concession, but they are
usually willing to have ~~first~~ ~~first~~ ~~first~~
holders as soon as we have settled what we
will do. In 1/2 hour.

Provisional
~~holders~~

15/2/24

Further down road...
to spy out the land as soon as
they please, but that is one
of the terms in which Sir B.

Rotation is stated to have
reported on the same question
in T.T. it is not likely that
they will do so.

As proposed?

Wed. 28/2/21

A. J. A.

28/2/21
P. 20.2

Records
~~...~~

no known lease - and especially is known
of any kind - can be produced like the lease
attached with gov. + will have ^{all the} on what basis
the Tank Valley is to be then open to lease
without. To ask the Gov. to produce evidence
that it can find the lease is therefore only a
long of the long steps. We should in forming
advice of Board in 1911, letter with Gov. to
find nature of lease proposed in relation
- the Tank Valley - then we shall know how
we can let the land (conclude only + any
we are concerned with Gov). I am doubtful
about a formal decision, but they are
naturally inclined to have first-class water
rights as soon as we have settled what we
will do. 28/2/21

15/3/21

EAST AFRICA TRADING Co. Ltd.

745

GENERAL MERCHANTS.

EXPORTERS & IMPORTERS.

P.O. BOX 204.

Mombasa, Kenya Colony.

25th February

C.O
9348
REGD 26 FEB 21
1921.

Sir,

Referring to the interview I was privileged to have with you yesterday with regard to the proposed Tanaland Concession, I beg to confirm herewith my statement that it is practically impossible to obtain Javanese labour in any sufficient quantity. All my endeavours supported though they were by help from quite influential quarters, were of no avail.

From my knowledge of African conditions I am convinced that there is not even a remote chance of securing African native labour in sufficient numbers and of satisfactory quality in either Tanganyika Territory, Portuguese East Africa or South Africa.

There remains therefore only one field, wherefrom labour of however excellent quality could be recruited, viz., India. I have not the slightest doubt that I shall be able to get this labour provided that I receive permission to do so from H.M. Government.

But it is also to be expected that the Kenya Colony Government in conformity with the wishes of a majority of white settlers in the Highlands of East Africa, and with its own declared policy, will oppose the free and unrestricted immigration of Indian settlers.

The success of the scheme of the development of the fertile and up to now absolutely intact plains on the banks of the Tana, depends entirely on the satisfactory supply of labour. The latter can only be obtained in India, and it appears to me unthinkable that a project of not only local, but of Imperial importance, should fall through on account of any objection in principle to the importation of excellent settler-labour in a territory quite unsuited to white men's occupation, and several hundred miles distant from the districts inhabited by European settlers.

If such objections should prevail, however, it seems to me that the only solution of the difficulty lies in the severance of the Tanaland Province, together with the Sultanate of Witu from

Kenya Colony and its establishment as a separate administrative unit. It is my firm opinion that such a creation of a new administrative unit will have considerable influence in allaying to a great extent the now very serious Indian agitation and may bring peace to Kenya Colony.

7 It must not be forgotten also that the new territory would become a buffer State, protecting Kenya Colony from the raids of unruly Somalis, that unfortunately are to be expected after the coming international re-adjustment of borders of East African Colonies and Protectorates, and so relieve Kenya Colony from the expenditure in maintaining a large military force on the frontier.

8 But any such re-adjustment of territories would necessarily take some months at least to accomplish, and, if the granting of the proposed concession should be made dependent on it, then the latter would in consequence be indefinitely delayed. There is a great deal of preliminary and preparatory work to be done in connection with the inauguration of an undertaking such as the Tanaland Concession, involving as well considerable expenditure. But nothing could be done unless something tangible and definite is in existence.

9 At the same time the important interests of East Africa Trading Co. Ltd. require my presence as its Managing Director, in East Africa, especially at this moment of very serious financial situation existing there, and my departure cannot be delayed for very long.

10 I would suggest therefore that in accordance with Kenya Colony Government's recommendation, the Tanaland Concession be granted on the agreed terms; with the additional condition that unless the question of labour is settled to the satisfaction of the Colonial Office within two years from date of the grant of the Concession, the latter should lapse and become null and void should H.M. Government so desire. The Concession would be then only of a provisional character, involving the concessionaires in a larger expenditure but not committing H.M. Government to any arrangement unsatisfactory to them.

11 I would pledge myself to lay before the Secretary of State in the very near future, proofs of my ability to procure the necessary labour in India.

12 I may add, in conclusion, that if any exchange of views with the Government of Kenya Colony be deemed necessary, I should be most grateful if such be done by cable, the cost of

which I am willing to accept.

I have the honour to be,

Sir,

Your obedient humble servant



Managing Director,

EAST AFRICA TRADING CO. LIMITED.

(Present London Address:
41, Pall Mall,
S.W.1.)

Lieut. Col. L.C.M.S. Amery, M.P.,
Parliamentary Under Secretary of State,
Colonial Office,
Downing Street,
S.W.1.

4.5.21.

748

Dear Baron de Wahrtreu.

I have made enquiries about the telegram, and I am told that it consisted of 196 words - it was impossible to compress your letter into less if an adequate idea was to be given of your proposals - which at 2/3 a word works out at £22.1.

About the air service proposal, I have spoken to Mr. Bottomley and he asks me to say that he does not think that any useful purpose would be served by a further interview, until you have submitted detailed proposals in writing to form the basis of a discussion.

Yours very truly,

(sd) H. F. Battersbee.

4.5.21.

748

Dear Baron de Wahrtreu,

I have made enquiries about the telegram, and I am told that it consisted of 196 words - it was impossible to compress your letter into less if an adequate idea was to be given of your proposals - which at 2/3 a word works out at £22.1.

About the air service proposal, I have spoken to Mr. Bottomley and he asks me to say that he does not think that any useful purpose would be served by a further interview, until you have submitted detailed proposals in writing to form the basis of a discussion.

Yours very truly,

(sd) H. E. Batterbee.

The March

Tanzania concessions

Baron de Walpurg, as Managing Director of the East African Trading Co., applied for a concession of 1500 Sq. miles (with possible later additions) along the Tana River, primarily for rice & sugar cultivation. According to the papers the Baron has sent us, the Govt. has approved in principle, but he has required that the Company should prove themselves able to obtain labour from outside.

They contemplated Javaese, but Baron de Walpurg has convinced himself that this is impossible. The Dutch Govt. will not allow it. Indian labour on coochee terms of any kind is out of the question - the Govt. of India have been against it for many years. Indian labour on settlement terms might be possible, but then the land, or a major part of it, would be granted to the Indian, & the terms of the concession to the Company would require examination de novo.

As to its desirability, the idea of an Indian settlement scheme in the lowlands of E. Africa was welcomed by Lord Curzon last summer, & the Govt. of India had some time previously been asked to send a

Commission to investigate the possibility,
But we know that in the case of Tanganyika
Sir B. Robertson has reported to India
that agricultural settlement there would
not be beneficial to Indians, and we may
suppose that he has reported in the
same terms on Kenya. Also, since our
telegram of 3 March ^{settled} we have
heard that India contemplates legislation
prohibiting "assisted emigration" to any
place in which Indians do not have
equal political rights with Europeans.

Baron de Sotomayor's suggestion
that we should make Tangaland a separate
unit in which Indian settlers would be
restricted might get round the
prejudice of the European settlers in
the highlands. But it is certain that
"handing to the European settlers" in this
way would be strongly ~~of~~ resented by
the East of India, which, also, would not
be satisfied with the artifice of setting
~~aside~~ a fraction of Kenya in which Indians
might have the rights they demand for over
the whole country.

This Tangaland Concession question
is now entangled with the general Indian

question, and will therefore
be on to do more than discuss with
the Governor the lines on which the
scheme proposed if the primary difficulty
of arranging Indian settlement at all
can be got over

C.C.S. 7/3/21

MI
9348/21. Kenya.

~~Eaches~~

Sent 6.10 v
a.m.

Receiving Shk
sent.

at base de...
near...

~~Handwritten signature~~

Handwritten notes

DRAFT.

TELEGRAM.

ENROR,

Nairobi.

MINUTE.

Mr. Batterbee.

2.11.21

Mr.

Mr. ...

Mr. Grindle.

Sir H. Lambert.

Sir H. Read.

Sir G. Fiddes.

Col. Amery

Lord Milner.

endorsement

revised

My telegram of 26 February letter now received

from de Wahrtreu stating that Javanese labour
unavailable' and that only possible source is

India from which he states that he has no

doubt that he will be able to obtain labour

if he receives permission from H.M.C. Points

out however that it is to be expected that

Kenya Government in conformity with wish of

white settlers in Highlands will oppose free

and 'unrestricted' immigration of Indian

settlers. He regards it as unthinkable

that a project of this importance should fall

through on account of any objection to

estimated

Substantial

through on account of any objection to

importation of settler labour in a territory quite unsuited to white men's occupation and several hundred miles distant from districts inhabited by European settlers. Should however such objections prevail ^{sluggard} suggests that only solution for the difficulty lies in severance of Tanaland and Witu from Kenya and its establishment as separate administrative units. He points out that new territory would become ^{balsamoso buffer} state protecting Kenya from Somali raids and so relieve Colony from expenditure in maintaining large military forces on frontier. Observes that any such scheme must necessarily take time and ^{cheowman} urges that concession be granted on ^{communal} terms with additional condition that unless question of labour is settled to the satisfaction of all ^{truncated dandruff} within two years from date of the grant of the concession latter should lapse. Concession would be then only of a provisional character involving concessionaires in a larger expenditure but not committing H.M.G., to any arrangement unsatisfactory to them. In conclusion pledges himself to lay before me in very near future proofs of ability to procure necessary labour India.

Rough

Kenya 9348
 6.0 pm
 Seal
 3 March

DRAFT

Minutes Nairobi

MINUTE

- Mr. W.B. 2.11.22
- Mr. B. 2.3.22
- Mr. G. 2.11.22
- Sir H. Lambert
- Sir H. Read
- Sir G. P. Fildes
- Col. Amery
- Lord Milner

Kenya 9348

underneath
 My opinion of today
 Tanaland concession
 It is certain that labour is abundant in the region
 can only be obtained from
 India under temporary
 scheme and it is necessary and to expedite
 steps
 terms of such a scheme
 Tidelock
 Telegraph office
 generally
 I am doubtful as to

ROUGH

adaporia ^{pregnante}
Adaptability of practical

sluggant
concession as suffice by him

hallmarks
Two of Indian Settlement in

former in Tana Valley

present applicants are reasonably

subtle atna portus

hegemonic
to have first claim to any concession

subjugate
that might be ebriation
frank enter for accepting

Indian Settlement in the
unmingled

disposed
disposal of their produce

or the use for that purpose
chulipas colostrum some found paintings
combined with concession of part of

the area
Rafflesia