EAST AFR PROT.

Commissioner s. Office. 1802 3 1908 5

October

AST AFRICA PROTECTORATE.

No. 571



AUGUST 1907

Cir.

With reference to your Confidential desvator Thave the honour to transmit to you to herewith an Address which has been forwarded to me by Colonists' Association. Although dated August the Address was not received until the 29th of September, and I regret that owing to pressure of work I have as we been unable to carefully consider the points raised therein. I ope, however, in the course of a week or two to submit to you my views on the suggestions and reforms proposed therein. I would merely remark here that the Colonists Association is by no means representative, and that many of the best settlers in

for the Colonies,

Downing Street.

to do with drawing up the Address. Lord Delamers,

for instruce. Athough at one time its President,

preferred not to attend the meeting at which Mr. Surn's

petition (forwarded to Mr. Read in Sir D. Stewart's)

Letter

description (south and the meeting at which in the most of the south and the meeting at which Mr. Surn's

conthe in the most of the south and presided six

conthe in the most contact orate.

Address ere Messrs. Allen, Bailie, Burn, Chamberlain, Cowie. Bulowsen, Periton, Watkins, J.P. Wood, T.A. Wood, and Wilson. T. Allen is a Colicitor, a member of the firm of Tonks and Allen of Mombasa and Nairobi, and has no langed interest in the country. Mr. Bailie is a gentleman from South Africa who came to Wast Africa about a year ago and took up land. I believe he is now selling his estate as he does not think it will pay and is leaving the country to take up a Municipal post in Couth Mirica. William is a Barrister, who drew up the first petition. He has no interests in the country and is anxious to obtain a Government appointment.

Mr.

Mr. Tamber ain is already too well known to you to require any commercia from me. Mr. Cowie came to East Africa sir member ago and is anyious to enter Government Mr. Bulowse is a Firm who had disone time great employ. schemes of colonizing the Protectorate with his country paorie. Se por ovnš a small farm near Nairobi. Mr. Tariton is an auctioneer from fouth Africa. Mr. Watkins is a man of mean's who has been a few months in the country. He has merly a member of the Volksrad in the Transvael and as such was well brown to bord Wilner who did not think too 1220 of it. During the recent outbreak of plague at Triroit, he sime of all the settlers put difficulties in the way of the local authorities, and tried, though without success, to hinder the officials in carrying out the ne essary preventive beasures. Mr. J. R. Wood is the only true settler on the Committee. He is an ignorant man but by dint of hard work has made a small fortune for himself in the country. Mr. T. A. Wood is an Auctioneer and mal--content voo is always to the fore when an attack is being made on the Government.

Wr. Wilson was formerly a clerk in the Government

service

service, who leads a hand to mouth existence on a small homes, d near Mairobi. He has a very bad name as an employ. I labour and owing to his treatment of natives finds it impossible to get any to work for him.

43

Thave the honour to be

Sir

Your most obedient,

humble servant.

Acting Commissioner.

DETTION DAST ATRICA,
RETTION DAST ATRICA,
British Dast Africa.

Shot August 1900.

The Right Honorable

ALPRED LYTTELTON, M.P.,

H. B's Secretary of State for the Colonies,

LONDON.

Sir,

In view of the fact that the Administration of the B. E. A. Protectorate was taken over by the Coldinal Office from the Foreign Office on April 1st, we desire to take the apportunity of our first general meeting (July 19th) since the change to lay our views before you. We are emboldened to do so by the conflict the we feel that the paramount factor in Colonial Office rule is to govern apporting to the wieness of the governed.

Our association, known as the Colonists' aspectation of B. B. Africa, has been founded to advance the south

BODUCTORY.

MISTS

ONISTS ' OCIATION continued)

great part of the white unofficial population in the highlands of Bast Africa, away from the coast.

The first point we would wish to impress upon you ent possibilities offered by British Rast alaica for white agricultural settlement. There is an immense quantity of fertile farming land, and unrivelies graning land, capable under European managem of an immense yiels for export, while supporting a large population.

This country has been opened for settlement by expenditure of several millione of Imperial meney on the Uganda Railway, and is an accidental asset unlocked for when the railway was constructed. Were the country well settled and developed, there can be no question that instead of costing the Home Country many thousands sterling per annum, it would be thoroughly self-supporting and develop a valuable trade with the United Kings the eclonies.

Yet notwithstanding the natural advantages of the country, and the openings it affords for the employe OF PROGRESS. of capital and labour, there can be no question that

British Bast Africa is not making that progress it

SIBILITIES OF B. R.

on tinued)

do, and that while the stream of settlers has slackened, many good colenists, who had settled, are leaving in despair commaking the land pay.

We are infident that you, Sir, are antious to do all in your power, both to increase immigration to this country, and to secure its prosperity and its development. In this profidence we will propped to lay before you some of the causes which in our view are keeping the quality back.

driving awa, those who have settled, as well as keeping of the land. Potatoes, beans, or other properties on the land cannot find sufficient purchasers locally, but

require to be exported. The natural market of the

There was an action country is South Africa, but to reach it, the railway frates for agricultural produce on the Uganda Railway, the Talland and the steamer freignts are prehibitive, while and the steamer freignts are prehibitive, while and the steamer freignts are prehibitive, while a frical not being in the South African Customs Union renders competition in the South African markets

I was a frical difficult, if not impossible. Were these artificial

barriers removed, the produce of Rast Africa would also

find.

find a ready market in the South.

To take these barriers in detail:

TRST BARRIER

As the objects for which the Uganda Railway was originally MAY FREIGHTS

constructed avo now been largely achieved, the railway should, we saturate, be corried on at a loss, if making it pay checks the development of the country it passes through.

COND BARRIER MORR FREIGHTS The second artificial barrier against Bast African products at present is caused by steamer freights to and from other countries. This is a matter in which a judicious expenditure by His Majesty's Government would in a few years lead to large commercial results. What is required is either a Government steamer or a subsidised line of steamers to carry produce at cheap rates between Mombasa and British and other ports The third barrier is the fact of the East Africa

URD BARRIER SIDE OF S. A.

STOMS UNION

Protectorate not being included in the South African Customs Union. We would respectfully request that His Majesty's Government would use its best efforts t achieve this object.

What has been said of crops grown on the land applies with equal force to stock.

These are matters which we feel can be directly deal

with by H. M. Commissioner here, and we have therefore addressed him separately on these points.

ENDING POINTS

The points we have lither to touched upon are those which are absolutely vital to be prosperity of present colonists, and until they are remedied, an almost insurmountable barrier is thrown in the way of fur has settlement.

ER MATTERS

There are, however, other matters connected with the laws and administration of the country, which not only tend to render the white population dissatisfied but to prevent other whites from settling.

AN ORDINANCES

The first matter we would bring to your notice is
the question of the laws. The East Africa Protectorate
is governed as if it were a province of India, and a
large number of Indian ordinances are applied to it.

Apart from the fact that in some cases the whale and in
some, part, of these Ordinances are imapplicable to have
africa, there is the greatest objection in principle to
placing white men under laws intended for a coloured
population despetically governed. However excellent the
Indian Penal Code may be for those for whom it was
designed, there are many offences created by it, mitiraly
unsuited to a white population, and so which have

Comment of Made and Comment

stranuously object.

MOCEDURE CODE

we object to the Indian Criminal Procedure Code
as being a dangerous and unacoustomed innovation on
the English methods of oriminal procedure, and more
particularly on account every large powers which
it entrusts to Magistrates frequently yours inexperience
and without legal training, and to the inadequate
provision it makes the greatest injustice inflicted
upon colonias the withdrawal from them of the
protection afforded to European British subjects,
Europeans and Americans in India by chapter 33 of the
criminal Procedure Code.

INDIAN RHAL CODE

1,000

The Indian Penal Cole is thus applied with more rigour to East African Colonists than to European Brillah subjects in India, inasmuch as the former may be sentenced by a kagistrate for certain offences cognizable by him to six months imprisonment or a fine not exceeding One thousand rupess, or both, while the latter for any offence whatever may claim to be that by a jury of which not less than half shall consist of Europeans or Americans.

HOCEDURE
OTHER INDIAN
ACTS

other Ordinances relating to Civil matters, such as the Indian Contract Act, the Indian Evidence Act, and Indian Laws generally regard to the relations of civil life, the greates sojection is also felt. In many material particulars, the laws of India differences are not, in the option of England, in the differences are not, in the option of againsts, improvements. To give a few examples:-

while enlightened regislation has abolished imprisonment in England except i. the case of regaleitrant debtors, who having the means, refuse to pa, under the Indian law, this archaic right of the creditor flourishes in all its naked hideousness. Again the nature of the provisions of the Indian Civil Procedure Code with o regard to Insolvency are most inadequate, imperiect, and unsuited to Europeans. One example of the loss which Europeans suffer from being placed under Indian law may be adduced. By the statute of Frauds; no man can be held answerable for the debt, default, o miscarriage of another unless he can be shown to have consented thereto by some document in writing.

deprivation

at the error of any unsarrupulous scoundred who can be found to swear they agreed to pay some one else's debt.

persons are carge ing a document signed by the persons are carge sheer found in England to prevent much fraud. Many other tables might be adduced if space permitted, to show the absolute unsultability of an law for Europeanits.

TRIAL BY JURY

But perhaps the drowning demerit of the Indian civil P ocedure Code is the elimination of trial by jury. The addonists regard trial by jury, as well in civil as in driminal cases, as their inalignable right, and no system of law or of legal procedure can be satisfactory, unless it provides for disputed questions of fact, in all cases however small being tried, if the parties so desire it, by a jury.

the British European Colonists of Bast Africa desire

The highlands of Rast Africa, beyond the ten

from England. By the law of England, every Englishman carries the common law of England into every frew country settled by his er which the King has proclaimed sovereignty. The right we respectfully olaim at your punches

TAXATION WITHOUT

Next to the Colonists' objections to the laws of who of equal importance, is their objection to the present method of Administration. That method may be described shortly as taxation without represent tion. Such a principle is, of course, alien to the british constitution, and is tolerated only in newl, colonised territories, until the number of white colonists justifies the gift of self government. between one man government and self government the enlightened policy of His Majesty's Colonial Office has provided many intermediate stages. We would respectfully claim, Sir, that the advant of Buropean Coloniste into Bast Africa justifies the besteval upon them of some share in the Administration of their If the Imperial Exchequer contributes a quarter of a million per annum, the burden of

head from to t borne on account of East Airles by each

DUTIES AND FEES

besides heavy indices on the export of certain goods.

The also pare easy license duties, are assessed for rates (which they have no voice in spending) in through the fee system for the administration of justice and the winding up of estates, and for stamps or legal transactions.

GOVERNMENT

Colonists woul. therefore earnestly urgs upon you,
Sir, the desirability of turning the Protectorate, or
(if difficulties intervene) that portion of it lying
beyond the ten mile quast strip, into a Crown Colony
without further delay. The could be satisfied if in
the colony covernment of the
harrowes type were instituted, by which the control
of the chances, and the legislative functions were
the deal in a beginning to ouncil nominated by the Crown.
They would raise no objection even if the majority of

members of Council were official, and the minority unofficial, provided that the choice of that minority was made with the consent and condurrance of the majority of the white enists. Were this done, Sir, we entertain no doubt that the grievances new set forth would be speedily removed, and the finances of the Colony would assure auch more healthy condition.

WILITARY ED POLICE In connection with the expenditure on administration there is one matter to which we wish to draw year special attention, and that is the expenditure for willtary and Folice. The figures not being before us, we can only say we know that expense to be a very great one. We believe that for an equal if not a less expenditure the Protectorate could be very much better served both in the matter of Military and Police. At please the Military and Folice are carried out, the former by black troops and the latter by blacks and Indians.

LUNTER RESERVE

The military protection afforded by the black troop
the Government have recently sought to supplement by
raising a so-called Volunteer Reserve, consisting of
white colonists, and official employes. The invitation
of the Government to join this reserve has been very

prognosticated that under present conditions, very few colonists indeed will join the reserve.

BLACK TROOPS

We would throw out in that in dealing with apprignal black traces such as those to be met with an Hast frice. It is much the wiser policy, having regard to resulting as well as much the last contint in pass white instead of elack troops. A small hamber of high class will paid white traces willy it led for better results, and have a much more moral slight, then a large number of blacks.

OUNTED POLICE

and black are Incian police, we would maggare to you,

i., the formation of a select body of well paid white
mounted police, formed on the model of the Canadian

parth West Mounted Police or the Cape Mounted Rifles.

We feel confident that a comparatively small to be
white mounted police, supplemented by a few placed
blacks, for one among the policies populations of
townships, will be more efficacious and perhaps less
coatly than the present force of black troops and



danger, and certain eventually to lead to serious

STAGHER LAW

In connection with the military question, and in view of the lact that the Government have thought it all coloniats to join in the military delence of the Protecterate, we venture to lay perome tome suggestions by the adoption of which we believe military service would be gladly rendered by settlers. Ou. suggestion is that if white mounted police are formed to carr, out the military and police duties of the Protectorate, a burgher law should be passed in such parts as are Tuli of white colonists, like Ucamba Under this burgher law let every white he tween sixteen and sixty be liable for military service un his swn district when called upon, and let th burguers elect their own field corne ts and commendes Accompanying this by turning the field cornets and commandants into magistrates, (unpaid if need be), and enthusted with the maintenance of law and order in thee districts.

DETAILS OF

In places where this burgher law was applied, let the civil affairs of the province, district, or field cornetc; be administered by a quasi county council Such a scheme, we are elected by the burghers. confident, would bear an it the elements of success for men would williamly give their ser loss were granted a part in the management of their local affeirs Moreover, it wisher a contiderable gain to the exchequer, as in such parts of the Colony as the Surgior system was in force no Government officials would be required, and the administration would be carried on at a greatly reduced coat. It should be added that when the burgher militia (who should be required to appear mounted) were called out on active service, they should be placed under the provisions of the Army Act, and be paid and rationed as regular troops on such a scale as might be fixed. In order to enable burghers to obtain horses, the same conditions should be applied as in South Africa.

WINING LAWS

we further wish to call your attention to the mining laws of this Protectorate. At present no encouragement is given to prospect for precious store

and minerals. development of any country under H. M. Government, every facility and encouragement has been given to those who risk their lives and the money in endeavouring to country, but in this. open up the resources of protectorate the reverse is the case. We maintain the a miner's right should be issued at a nominal price, and in remote district aven a reward offered for the discousty of practions stones and minerals. respectfully request, therefore, that mining laws and regulations, similar to those in existence in other colonies of wis Majesty's possessions, should be antroduced into this Protectorate in place of these now in force. In this connection, we would suggest the establishment of a mining department, and the appoint-C-ment of a competent and experienced official to tak At present the decision of the charge of the same. payableness or unpayableness of any discovery, and the administration of the law is left to Sub-Commissioners or collectors, who have had little or no previous experience of mining, and we believe this state of

affairs fraught not only with danger, but will cause eventually financial loss, and lead to chaos and confusion.

LAWS, NATIVES,

TIVES, There are certain ts concerning land laws,

LABOUR QUESTION

have been already dealt with by a Land Commission on which two of our new partiting. As its report has been sent to you, Sir, we would reserve any remarks

on til it has been made public.

HOSPITAL

28.3

ACCOMMODATION

hospital accommodation, medical attendance, and nursing

There is one sunfect to which we would especial!

for its own officials, at Mombass and Nairobi, at the

charge of three rupees per day. If a non-official

Reropean man o woman enters the hospital the covergent

the same accommodation. Needless to say such charge

are regarded by settlers as speciately prohibities,

only in the direct extremity, are the devergment.

hospitals made use of. We submit, Sir, that the time

has now a rived when hospital accommodation should be

provided to all non-official Europeans at a moderate

ME LICENSE.

€.10

Another point to high we would draw your attention is the exceptional privileges accorded to officials in the matter of Game licenses. A full big Game license is styled a sportsman's has and costs fifty pounds; a "public officer" a given profesely the same license for ten pounds. The public servants should be entitled to special privilegal in the matter of a luxury, like big game shouling, is sard for any one to understand.

But one thing is certain, that such an invidious and improper privilege, given to public servants, must always cause the bitterest hostility in the minds of those from whose pockets the salaries of public servants are drawn.

OSED DISTRICTS

to address you, viz:- that of the "Closed Districts".

We feel, Sir, that it is not in the interest of the Government, nor in that of the settlers, that any districts or provinces should be along the inability of the Government to give protegitor of which traders and others. Not only is such action a sign of weakness and fraught with the danger of loss of prestire, but is also a direct injury to the trade and recommend.

the "closed districts" at the country. present time the savage is permitted to follow his own instincts and customs, and to disregard all civilized This, besides being a danger methods of law and order. to the good government and peace of the Protectorate, is farught with considera le danger to, those settlers who are living on the borders of the districts referred te By the non-establishment and maintenance of the King's a thority, the tribal auchority of the chiefs remains Unimpaired, and the fighting strength of tribes is turned frequently against their neighbours, and whenever the opportunity offers against settlers. Trouble of this kind is continually appening with tribes such as the Handi, the Lumbwa, and the Sotik. Tribal warb, dattle raids and outrages compel the Covernment frequently to ster in, and a costly expedition has to be under in order to chastise the natives. We maintain, therefore, that from every point of view it is incumbent that the Government should assert its authority and that for this purpose only white troops should be employed, have already suggested. The employment of black troops in these expections has no lasting effect upon t tribes against whom they are employed and only

bring the government of the Protectorate into contempt.

We, there are, respectfully protest against a
continuance of a policy which, we maintain, is

pusillanimous, and in the interest of the effective
occupation and good government of the Protectorate.

WITVE RIBINGS

The problem of how to deal with the natives still living in a savage state in various parts of Bast Africa is a matter upon which the very existence of setylers They are a few hundreds, while the blacks around them number hundreds of thousands and are in an absolutely savage state. Hitherto a policy of bluff, without any real or adequate force in reserve, has been sufficient to deal with these natives. But to any one who has had experience of natives of Africa, and indeed to any one who can read intelligently the teachings of the history of our dealing with native races, it must be evident that the present condition of things cannot be expected to last. At present the black has hardly realized what the introster of the white man into his country means. As the country becomes more settled, as fences are erected and the savage finds himself shut out from the enjoyment of land, which before he could roam over and enjoy, so will his resentment grow. being a smouldering fire, that resentment will after a time break into flam, and when it does may even cause hereditary tripal enemies to unite in rebellion against the common fos of soth, the white man. Marapver, another cause is tending also in a large degree to bring about black rabellion, and that is increased familiarit, with white men thill the British occupation of East Africa hardly any of the natives of th highlands had seen a white man. By degrees the few of the natives for white men will wear off, and they will become insolent. There is no doubt that that time will arrive more speedily in East Africa than it otherwise would have done on account of the action of the Government in not maintaining white prestige

The employment of blacks by the Government as soldiers and police to deal with white settlers is absolutely fatal to the maintenance of white preside among natives, and must seriously hasten the day of a human volcano, which may at any time burst forth is

uncontrollabl

uncontrollable eruption and destroy us. The day of that eruption no one can foresee, it may be to-day, it may be to-morrow, or it may be some years hence, but the it will come is an abservainty. does come, what protection have settlers in Ukamba, Malvasha, Kanya, or Kisumu Provinces So is as the Government is concerned they have absolutely none. On wallon of black troops at Nairobi, and one near the count are ausolutely useless for staving off anything like a negro repellion on a large scale, such as at an moment might take place. Not only would they be numerically inferior, but their presence would inspire no fear, and they would be incompetent to carry on warfare at great ouds against savage races. Indeed it is not certain that being themselves to a very large extent drawn from these very races, their loyalty under troing circumstances could be depended upon. And what possible protection could one battalion of infantry stationed on Nairabi Hill afford to the outlying satisfore scattered over an area of about 100 miles wind lairos. or even to the town itself? The 1,800 black police. mainly Swahilis with a few Indians is altogether

negligible quantity, the Swahili being useless for fighting as has been demonstrated on several occasions. A few hundred hostila megroes, armed with spears and shields, would be sure ent to massacre the outlying settlers, and to take Nairobi itself, smide if the negroes came in thousands, as they would probably do, the consequences be the extermination of the Under the present system of Government the settlers would be unable to detend themselves, as oning to vexatious Covernment restrictions few, if any, have any anguanition. . Dangers, such as the white settlers in Bast Africa are exposed to, require instant action and we need scarcely point out to you, that great indeed is the responsibility of any Einister of the Crown who disre, ands our warnings. Should the evil day come, as it may at any moment, and the white community be found in its present defenceless condition, the responsibilit, of those who have the controlling of these matters would be great indeed. We camnot indist too strongly, Sir, on the necessity of instant action provide adequate means of protection from mative attack. In our judgement, the first requisite for such protect

is the formation of forts either of stone or wood, and each with a well, built at such convenient distances among the settlers, and in the town of Hairobi, as would serve for the make population to take refuge in This protection with their families in case of attack. and the adoption of our suggestions as to a white sounted police. Imperial white troops, and a universal mounted burgher militia, would suffice to prevent loss of life, trongh perhaps not damage to property. Horecver, should regard the institution of a good white mounted police and a burgher militia, as measures in themselves tending to prevent native risings, and as forming a real reserve of strength, when the system now in force, is no longer of avail. Indeed, Sir, the more the mative question is looked at, the more will the necessity be seen of ceasing to regard this country as a part of India and instead of freely and frankly treating it as a white man's colony, and governing it in the manner white community should be governed, in a land teeming with native races in a savage state, against nom they may at any moment be called upon to fight for their lives. The sooner the sorry farce of Indian and Indian methods of Government is abolished

and the white community are given their share in the Covernment of the dountry, and of defending that country against the hordes of natives by whom they are surrounded, the sooner will Ministers of the Crown relieve themselves the grave responsibility that now attaches to them for the safet of the white community here, and the sooner will East Arrice be on the high road to prosperity as a self-supporting colony.

CURRENCY

The last Order-in-Council relating to Mast Africa passed by the oreign Office has reference to the currency. A few words will put you in possession of the lacts. Representations of a pressing character were made both by this Association and the Mombass Chamber of Commerce to the Secretary of State for Foreign Affairs for the substitution of British for Indian currency in the Protectorate. The change was strongly advocated in the local press and was vigorous supported by the Liverpool Chamber of Commerce. also supported in England by most of the Financial of and by journals in different parts of the United Mine The business community and settlers of British Best Africa naturally expected that their urgent represent -tions would cause the Foreign Office to grant their

request. The surprise of the whole white community great when instead of substituting British coinage Indian, the Poreign Office issued an Order-in-Council perpetuating the rupes currency and instituting a new coinage up to the thousandth part of a rupee! ! . In other words, the wishe the whole community both in the highlands and on the coast are a solutely disregarded, and a new coinage is instituted which no one had asked for, and which the tanjority in the country contemns!!! To you, Sir, we confidently appeal for the versal, of this Order-in-Council. For the arguments in layour of british currency, we would refer you to the memorials put forward by the Mombas's Chamber of Commerce and this Association to the Foreign Becretary.

sd/- FRANK WATKINS,

Hony: Vice-President of the

COLONISTS' ASSOCTATION, BRITISH BAST AFRICA.

Was Macclellan Wilson COLONISTS' ASSOCIATION, BRITISH BAST AFRICA