

EAST AFR PROT  
No. 15172

15172

30 APR 08

Year. No.  
1908

(Subject)

2 April

Nairobi Native Labour Incident

Last previous Paper

Sets out and defends his action with regard to labour Co. before D. after the incident. Copy comes to Lord Delamere & M. Buxton, recommends their removal from Legislative Council, Copy sent by M. Buxton

PRINTED FOR PARLIAMENT  
Ca. 4122 JULY 1908

Mr. Antreas

See memo. within

1908 2/5

Lord Crewe has, I understand, seen these despatches, but no decision has yet been taken upon them

I concur in Mr. Ellis's memorandum. The Governor, although we are taking steps to have the matter brought through the Legislative Council, will not see the full details now received by post of course

Enc. M. 2. 12. 1908

Subsequent Paper

no ground for reversing the  
view taken by Lord Elgin on  
the information received by  
telegraph.

If this is agreed to, a  
dispatch should be drafted ac-  
cordingly, confirming the  
approval already expressed of  
~~the~~ the Governor's action  
and dealing with the labours  
problem in the same manner  
in the last part of Mr. Ellis's  
memo. And that paper  
should then be put into type,  
with a view to their being  
given, when advised, to Parli-  
ament.

Wm. Mackenzie

I agree that Mr. Holles' memo  
is a most interesting comment  
on the treatment of the native  
labour in the land at present.  
I cannot allow myself to say  
they are a waste of money  
to appoint a man who has  
experience in dealing with  
labour problems. It is not for  
such a man could be picked up in  
the world. We cannot say there is to be  
any forced labour, but we want some system  
of labour reform in such a way as to prevent  
the

Handwritten notes at bottom right corner.

It is certainly disgusting to learn that such things have happened, as those described by Mr. H. H. H. But his report also shows that since June last steps have been taken to put an end to the system of forced labours and all the horrors resulting from it. As soon as the Government realized that forced labours were employed, he issued a circular absolutely prohibiting coercion of any kind whatsoever, at the same time instructing administrative officers to call upon chiefs to advise their people to work. Under pressure from the settlers, he appears, as Mr. H. H. H. points out to have made a list of the names of the chiefs and officers who said that the natives need not work for the State, unless they wish. But surely that

is the right policy? Personally, I would not even go so far as to increase the hut tax, ~~in order to~~ give the native an additional incentive to work, but to adhere to the principle (in this as in other matters) that taxation should be imposed only for revenue. but I would not bring in any officials from South Africa. The officials of the East Afr. Protectorate understand and are in sympathy with the views of this country with regard to the treatment of natives, and may be relied upon, if they know that they have the support of Her Govt., to resist the attempts of the white settlers to force the natives to work for them.

In view of the questions which are being asked, I think that the

BROADLANDS  
ROMSEY  
HAMPSHIRE

Mr. ...  
... you wished me to copy  
... my opinion  
... situation  
accordingly do so.

However: It is not fit  
the post - he cut this country  
dear in Somalia land & no one  
when he left Uganda  
soon as may be - consulted  
respect for constituted authority -  
should move him on to further  
responsibility. I think, can

Miss. The National Commission on Unemployment  
and Labor Relations. 203

development of the country. The  
Government should...  
...  
... what money can...  
...  
... work like  
... make this a kind of  
work.

... of the money. The  
... police - who have blacklisted in  
... cases - & come after them and  
... to leave their homes to look  
work. I see no reason why

BROADLANDS, 264  
FOMSEY,  
HAMPSHIRE.

Nature shall be tried to the land  
then we have the court

Substitute Poll Tax for that the

Penalties to be abolished. Many of the

Regulations which annoy both

White & Black, should be enforced

a little more to trust their men

well. This means the set mag

of the settlers will rally to the fr

have stringent penalties for unemp

found cheating or bullocking

The Government should by prosecution

(fairly punished - imprisoned) safe

the employer from losing his men

fully. We have always of diminishing

of the right to the Native Reserve, which

I understand advocated

the all the natives here there

for we arrived at the land

to them if it belongs to

have a striking example

the means have badly nature

treated over the land granted

the Treaty of Hittangi we granted

their land for ever; has the

man kept that promise?  
us as long as the Home for  
any way in the matter have been

your return

Yours truly

Wilfred Aull

enough I must then express  
 I have given you my opinion  
 freely which I hope you will  
 not mind I have told you  
 what I should do if I had  
 your office.

Could you drop me one line  
 to 32 Brinton Street, Berkeley  
 Square to say when you will  
 be back in the House as I  
 should like to propose the  
 question I have on the Paper



not pressing point, to me  
 decided is whether Lord  
 Howe, having now received  
 the full details, by his  
 confirms the action taken  
 by his predecessor on the  
 telegraphic information with  
 regard to the removal of  
 Lord Selkirk and Sir Baulie  
 from the Legislative Council.  
 Albany Aug 21.

H. July  
 Lord Howe

I understand that Lord Howe  
 with express approval as  
 suggested above has I think  
 so this part of no case  
 can be disposed of.  
 I may much doubt, however,  
 whether we can express a  
 general disapproval of such  
 actions & perhaps it would  
 be well to discuss this question  
 I fear it would be  
 in various forms which we  
 want in the more important



Mr. Keller

Proof transmitted, for revision

Should there be a Fall or are ordinary  
Disturbances?

B. J.

23.6.38

Mr. Antelman

you  
f) &  
time & settle

I think it is the right course  
to be taken in the labour question. I think that an  
agreement is necessary to be reached. I think that an  
agreement is necessary to be reached.

Deliberately will be sufficient

A. J. R.

24/6

I agree. (I have made a  
few corrections in the proof.)

W.H. July 10.

W.H. July  
and view

13.12.7

— 14.VII

Mr. Andrews.

*depos*

Here are six ~~cases~~ 1870, 1872, 1873, 1884, 1892, and 1897, all dealing with the result offered to the members of the East Africa Protectorate by Lord Delamere and Mr. Baillie, members of the Legislative Council, and with the more general question of the treatment and regulation of the labour in the Protectorate.

It may be as well to prefix some remarks on the dramatic personae.

Sir James Sadler - the Governor, is well known to us, as a year ago he was working in the department for a month or more. He is a man of nearly 60, who after seven years in the Army, served in the Political Department of the Government of India from 1887 to 1898, was Consul General in Zanzibar 1899-1901, Commissioner Zanzibar 1901-5, Commissioner (now called Governor) East Africa Protectorate from 1905.

He is not a strong man, a very bad speaker and a good deal afraid of those who are ready with their tongue. He is irascible and conciliatory to the verge of timidity. He is theoretically hardworking personally, but not, I think, very good at making others work. He often changes his opinions in an endeavour to please all parties.

Mr. Baillie, then, was a member of the Legislative Council, 35 years of age.

Lord Delamere, the Protector, was a member of the Council.

Collector, collector, and Secretary. He was appointed  
 in 1892. He is considered  
 one of the best officials in the protectorate of  
 native laws and customs. I do not remember him  
 personally but I have always heard him well spoken of  
 by Lord Dalhousie in a report of the United Kingdom  
 and so. He was one of the first settlers in the  
 East Africa Protectorate and was described by the  
 Governor in recommending him for appointment as the  
 first unofficial member of the Legislative Council as  
 the leading settler in East Africa.

He has obtained possession under various  
 titles of 150,000 acres of land in the high land dis-  
 tricts of the Protectorate, and is believed to have  
 expended about 140,000 in developing the estate.

Mr. A. A. Maillie was recommended by the Governor  
 for appointment as member of the Legislative Council  
 in August last, and was described as "about 32 years  
 of age, a thorough gentleman, of fair means inherited  
 from South Africa. He is a partner with his brother  
 in 15,000 acres of land. He is well educated, keen,  
 energetic, and possesses ability".

To come now to the origin of the troubles.  
 In the summer of last year the organization of a  
 department of Native Affairs to administer the require-  
 ments of the protectorate was proposed. It was  
 through the efforts of the Governor that the

several phases and occupied the attention of Mr. Churchill during his visit to East Africa. The objects and status of the department are explained in his Minute of the 11th November and were approved by Lord Milner in his despatch of 5th

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The state of things with which the Department had to deal is described by Mr. HOLLIS in his Memorandum (marked with a green slip) in 15172. This is a most disquieting document. One might almost say that there is no atrocity in the Congo - except mutilation - which cannot be matched in our Protectorate. King Leopold would I should think give a large sum for this document to use in answer to our representations.

He also sends a extract: "Natives seized by British order and forced to go and work" - then sent to detested camps where they were badly fed and often beaten and maltreated. "Their lives a misery". To prevent them running away "guards were stationed at most of the contractors camps. Many of the men however, succeeded in escaping and hundreds must have died of starvation and exhaustion on the road.

"Wherever labour was required by the Government or by settlers and was that for agricultural work was seized and sent to work."

"A whole gang of men were sentenced to 30 days hard labour for refusing to work for an unpopular employer. Truly the dark places of the earth are full of cruelty. The appointment of Mr. Hollis and his assistants led to an improvement in this state of things - and he is able to inform us that "natives are no longer flogged and imprisoned for a breach of contract unless they are guilty".

Among other remedial measures the Government on Mr. Hollis's advice put forward in December a code of rules or conditions (Marked by a green slip in 13762) on which the Native Affairs Department was willing to endeavour to find labour for settlers.

These though in appearance moderate enough were the ostensible ground of the complaints of the settlers which culminated in the insult to the Governor. But it seems probable that the cessation of the violent and compulsory means of obtaining labour and particularly Mr. Hollis's zeal for the natives were the main cause of the trouble.

(The appointment of a Secretary for Native Affairs from another Colony was one of their demands)

In response to these complaints the Governor approved a meeting of the principal settlers to meet at Nairobi on the 23rd of March to discuss the difficulties

connected with the labour question and the best means of meeting them.

The report of this meeting will be found in 13763.

The Governor first addressed the meeting (2nd enclosure in 13763) and pointed out that compulsory labour was inadmissible and that it was the duty of the Government, if it provided labour, to see that it was properly treated. He stated that local Boards would be appointed to assist the provincial Commissioners in dealing with Native questions.

Mr. Anderson, a settler, moved, among other things, that "there can be no satisfactory solution of the native labour question until the native population is called upon to contribute on a more equitable basis to the revenue of the state". This means of course "tax them more so that they will have to work for us to earn the money".

People will do doubt differ as to what is equitable but it is worth observing that the natives are expected to yield in Hut Tax during the current £82,810 out of a total tax revenue of about £200,000. There is no corresponding tax on Europeans and much of the expenditure, such as that on the Veterinary, Agricultural, Land and Survey Departments, is exclusively for the benefit of Europeans.

Mr. Stevens



Mr. Stevens, another settler, had found that "the only way of handling a native was to control him with justice", a delightful phrase. Mr. Cairns thought the only remedy for the shortage of native labour, was ~~resting~~ ~~upon~~ ~~the~~ ~~head~~ ~~chiefs~~ ~~in~~ ~~the~~ ~~native~~ ~~areas~~ finding sufficient labour at the market rates or imposing either a fairly heavy poll tax or a reasonable land rent.

Mr. Swift deprecated cutting the pay of the natives, it was much better if they behaved badly to "Kiboko" them. He had recently about 200 natives working for him. His partner kiboked them and there was a marked improvement in their behaviour. Dr. Scott, a missionary, advocated the adoption of the Nyanaland practice by which a man's poll tax is 6 shillings but, if he works for a European for a month it was 3 shillings only.

Lord Delamere (p. 23 et seq) said "The price of labour must be lowered and the lower you keep it the man can buy less with that money, and so has to work longer to get what he wants". Finally, on the motion of Lord Delamere resolutions were passed in which are set on page 32) demanding the withdrawal of the rules promulgated by the Government and the framing of new rules by a Central Board <sup>on</sup> which employers and labour should be adequately represented.

The Governor in official correspondence ~~replied~~ ~~but~~ ~~said~~ ~~that~~ ~~he~~ ~~could~~ ~~do~~ ~~nothing~~ ~~for~~ ~~the~~ ~~time~~ ~~being~~. The rules could not be withdrawn, though some of the conditions could be relaxed.





These methods have led over and over again to wars in the Cape and Natal, and it would probably be the British tax payer to repatriate all the natives and forbid their entry except on payment of a heavy poll tax. Such a course is however inadvisable. I believe that we shall be obliged to assent to the indirect form of compulsion involved in raising the net tax from its present level of £10 in Natal to £20 in Transvaal.

But before we do this we must write a strong despatch for publication condemning strongly the abuses which have been allowed to creep in and the behaviour of certain Government officers and settlers. We must explain that it is the duty of the Government to protect the native against injustice from the settlers and I think that we should approve the saying of an officer of the Native Affairs department (Mr. Landas apparently) that "the natives need not cower for the white man unless they wish"; for which the Government thought it necessary to make a sort of apology to the settlers (paragraph 7 of Mr. Mosen's despatch enclosed in 13580).

*Defence*

W.D.E. 1/5

Governor's Office

Parish 273

April 8<sup>th</sup> 1908

15172

East Africa Protectorate

Confidential

My dear,

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In continuation of my  
 despatch forwarded of the 26<sup>th</sup> ultimo  
 reporting on the incident at Government  
 House, I have the honour to submit  
 for your Lordship's consideration, copies of  
 letters of explanation from Lord Delamere  
 and Mr Baillie, the former dated the  
 2<sup>nd</sup> inst., which reached me yesterday.  
 Both letters appear to me to be written  
 in justification of the extraordinary pro-  
 ceedings which took place before my  
 house, for all of which the writers  
 accept full responsibility, excepting the  
 shots from which they now dissociate  
 themselves fifteen days after the incident  
 occurred.

Mr Delamere  
 April 2<sup>nd</sup>  
 Mr Baillie  
 April 2<sup>nd</sup>  
 Mr Delamere  
 April 2<sup>nd</sup>  
 Mr Baillie  
 April 2<sup>nd</sup>

S. M. Principal Secretary of State  
 for the Colonies  
 Downing Street  
 London

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Consider impetuous. Lord Selkirk was  
civilly worded enough. But throughout  
he tried to throw on the Government  
the responsibility for the course of action  
he took. which, after the expiration of  
a fortnight, I can only regard with  
exactly the same view as I looked upon  
it at the time it occurred.

Enclose a note by the Secretary for  
Native Affairs giving the history of the  
labour Rules and answering the criti-  
cisms regarding the administration of  
his Department

On the 22<sup>nd</sup> January the Lieutenant  
Governor at my desire, issued a circular  
letter to certain heads of Department  
and to the Provincial Commissioners,  
informing them that it was pro-  
posed to form either a central labour  
Board or district Labour Boards, com-  
posed of official and non-official mem-  
bers, for the full discussion of the  
labour question and the  
expression of their views.

Correspondence ensued and finally  
arranged for a public meeting to be

held at Kairua on the 23<sup>rd</sup> March  
when the Provincial Council  
would all be present for a conference  
on inter-Provincial matters.

A great deal has been said of the  
delay in summoning this meeting  
and in the appointment of the Board.  
This delay was inevitable. It was the  
touring season, the Provincial Com-  
missioners were not all at their sta-  
tions. Mr. Budge indeed only returned  
to Kawasha a few days before the  
meeting of the 23<sup>rd</sup> March - and I  
myself between January and the  
middle of March was absent on  
three tours of inspection, having all  
the time been obliged to neglect my  
district work - a most important part  
of my duties owing to pressure of business  
at the time and then for some time  
in expectation further delay was  
nearly impossible to be sure that  
a shortage of labour was likely

D. O.

universal and due to the Labour Rules  
 until general enquiries had been  
 made, and it was not till the  
 Provincial Commission arrived a  
 week before the meeting that the  
 facts could be definitely ascertained.  
 There showed that there was un-  
 doubtedly a shortage of labour in  
 many parts of the country, but the  
 causes appeared to me to be more at-  
 tributable to the fact that the collection  
 of ~~for~~ forced labour by the chiefs  
 had been stopped, and to other causes  
 such as the rise in prices due to  
 two bad seasons, the disinclination  
 of the natives to work when they  
 could afford to live without doing so,  
 and the particular season of the  
 year when they were preparing their  
 fields rather than to the direct effect  
 of the Labour Rules, which were not  
 intended to interfere with the supply  
 of labour in what  
 the tendency to operate only in some  
 cases, though I feel sure, not to the  
 extent that was attempted to be  
 carried out.



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The fact is, as I have already re-  
ported, European settlement has not  
turned out to be the success that  
was anticipated, and two successive  
bad seasons had thrown the  
poorer settlers on their beam ends;  
this is the real cause of the  
trouble.

I have repudiated the statement  
that my attitude was unympathetic  
at the meeting on the morning of  
the 23<sup>rd</sup> March, and I have already  
submitted to your Lordship a copy  
of the address I delivered on the  
occasion. I could not answer at  
once the questions raised in Lord  
Belmore's motion, and the fact of  
my not being able to do so in no  
way implies want of sympathy on  
my part. I feel sure that  
I am out-wardly in sympathy with the  
difficulties of which the speaker  
gave expression.

Page 6

It is also implied that the agitation resulted in my meeting your demands. This is not the fact. The action I intended to take was in no way affected by the proceedings at my house in the afternoon. When the deputation met me the next morning at my office and I had time to consider the questions raised in consultation with my principal officers I met them as far as I could.

The Board of Enquiry asked for by the delegates whilst the Provincial Commissioners were still in Lacerbe, was granted by me: it was not intended to be a permanent control Board, which I do not consider at present to be necessary.

I refused, as I had all along done, to withdraw the rules or to alter their principle, though I was ready to recouse details, two of the conditions referring to blankets and food having been already modified. The previous

day to meet the settle wishes.  
 The argument, that the members of  
 the demonstration could not be  
 held responsible for the behaviour  
 of their followers because I had  
 refused to hold myself responsible  
 for the actions of individual  
 officers is beside the point. What  
 I did say was that the Govern-  
 ment could not hold itself responsible  
 for the act of an individual officer,  
 and that the act attributed to  
 him was explicitly denied by him.  
 The officer referred to is Mr. Dundas,  
 the labour officer in Kenya, who is  
 said to have told the natives  
 that they need not work for Europeans  
 further than the lake.  
 Further and also in 1952  
 Baillie appears to recognize the  
 gravity of their conduct in speaking  
 disorderly demonstration as my

house. The behaviour of Lord Belmore  
 and his supporters and the language  
 used being direct imputations  
 upon the position as Governor of the District  
 and the King's representatives. To argue  
 that it was an orderly and respectful  
 gathering is on the face of what  
 actually occurred merely a misrepresen-  
 tation of facts. No one questions  
 the loyalty of Lord Belmore and  
 Mr. Rafter to the King and to  
 demand a public enquiry as to  
 what took place is a request  
 that cannot possibly be entertained.  
 I regret that I cannot accept the  
 very qualified expressions of regret  
 contained in these letters as in  
 any sense a befitting apology  
 for what took place. A fortnight  
 before a receipt will  
 be returned to the  
 had the opportunity of expressing  
 his regret the following day.  
 has been as the deputation

at my office.

Under these circumstances I have  
conferred my reply to the draft, a  
copy of which I enclose.

Both Lord Selkirk and Mr. Baillie  
have shown themselves unfit for the  
positions they occupied as members of  
the Legislative Council, and I have  
no other course but to recommend  
that their names be <sup>erased</sup> crossed from  
the list of members.

I have the honour to be,

with the highest respect,

my Lord,

Your Lord's most obedient

humble servant

Goreau



Native Affairs so that inquiries were made by the  
 native employees, and in fact the men were encouraged to  
 tell tales about their masters. Any one knowing any  
 thing about natives can readily understand the result  
 of such a system, the absolute breaking down of the authority  
 of the employer at the direct instigation of the  
 government.

I asked a question on the subject in our Legislative  
 Council when it met in Bombay about the middle of  
 December, I believe that Your Excellency answered that  
 the rules were tentative and probably not perfect, but  
 that the question was receiving your sympathetic  
 consideration.

Two days later a meeting of the Farmers Assoc-  
 iation was held in Bombay at which were present besides  
 my prominent planters, the Secretary for Native Affairs  
 and the Commissioner of Land. Amongst the matters  
 discussed was a letter from Your Excellency to the  
 Farmers Association asking that probably the reason  
 natives did not like going to work at certain places was  
 owing to the treatment they had received there. The  
 Secretary of Native Affairs had to admit that this state-  
 ment, in part at any rate, was based on the evidence of  
 natives which had been taken as true without any  
 check being made to the employers for verification or  
 corroboration.

It is a mistake to suppose that the Government  
 corporation which represents the British Government  
 in India. Apparently the natives had come to the  
 Secretary of Native Affairs and told him that they had

...all the secret inquiries were made from the native employees, and in fact the men were encouraged to tell tales about their masters. Any one knowing anything about natives can readily understand the result of such a system, the absolute breaking down of the authority of the employer at the direct instigation of the Government.

...on the subject in the Legislative Council when it met in Komboka about the middle of ... I believe that your Excellency answered that the rules were tentative and probably not perfect, but that the question was receiving your sympathetic consideration.

...day or two later a meeting of the Planters Association was held in Komboka at which were present, besides many prominent planters, the Secretary for Native Affairs and the Commissioner of Lands. Amongst the matters discussed was a letter from Your Excellency to the Planters Association saying that probably the reason natives did not like going to work at certain places was owing to the treatment they had received there. The Secretary of Native Affairs had to admit that this statement, in part at any rate, was based on the evidence of natives which had been taken as true without application being made to the employers for verification or information.

...was turned out to be against the East ... represents the ... British ... natives ... and told him that they had



not been paid at Malindi by the Corporation's Manager there. No effort had been made to verify the statements in any way (it turned out to be quite false) but only on the basis of a serious statement by Your Excellency in a letter that natives did not care to go to Malindi because they had been badly treated there.

It was pointed out that the position of employers was an impossible one under this system and that it was considered that cases of this sort should only be dealt with by a court. It was also stated that if Government wished to avoid very bad relations between employers and employed they must not interfere in foreign matters and servant except where there was a clear case and then only by law.

The question of the new rules was also discussed and it was pointed out that they should be withdrawn as unfavorable and others substituted after consultation with employers. It was said that if once the increase of price caused by these rules became known to the natives no new rules would bring the price of labour down at all.

No arguments were advanced in favour of the present rules, but this serious meeting was simply told that the rules could not be withdrawn and that the framing of a new set of rules would receive the sympathetic consideration (or more such term) of the Government.

In January the Colonists Association of British East Africa sent Your Excellency a letter protesting against the rules and asking for their withdrawal. It was forwarded by the Secretary of the Association that the letter had already been acknowledged and answered. The Secretary was absent in England from the middle of January to the middle of February.

On my return I found things had not such course. It

and feeling between native and European. It is said that this state of things was undoubtedly due to the methods employed by the Department of Native Affairs. The notice had certainly not been given to understand that they need not work unless they liked for the settlers and planters for course who were taken as almost a god and from government was not to demand that government was there to protect them against the Colonists, and indeed generally that the whole tie between master and servant was broken down. I do not say that this was necessarily the intention of the Government. Their intention was probably to remove the native's hand that he was in any way bound to work and that government would protect him from bad employers and the results as had been foreseen by every one concerned with native, was to throw the whole labour market into confusion and had done between employers and employees without the slightest corresponding advantage to the native.

From the extra expense the employers had to bear in carrying out the conditions of the rules, the labour force had undoubtedly in many cases arbitrarily raised the price of unskilled manual labour from Rs. 4/- without postage to Rs. 5/- with a rise over 100% at the present price of food. This raising of wages was without doubt partly owing to a complete failure to realize the impossibility of sustaining a high wage in this way without causing a serious loss to the contractors and the Government. The Government also probably intended to bring the native affairs to a standstill made by the Department of Native Affairs to the natives that they need not work, the supply was undoubtedly

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colour feeling as inextricably interwoven as I believe that it takes a decent, willful, industrious employee to make a good employer just as it takes a fair employer to make a good employee and to my mind the two go together.

If the impression grows amongst colonists that the Government takes the side of the native against their business then I am sure that the employer will be likely to treat his employee less well and the position of the Government in dealing with bad employers will undoubtedly be weakened. If all the moderate employers of labour in the country look on the Government policy as one detrimental to all industrious advancement of the country then the Government will find it extremely difficult to get public opinion to help in dealing with the bad employers. So the colour feeling grows although it is in the interests of every one to help in abating it. That is my sincere belief.

The resolution and explanatory letter from the Colonists Association were answered by a letter which accused the Association of giving rise to bitter feeling, when in truth the object of the resolution was to try and get the methods of the Native Affairs Department done away with because it was sincerely believed that those methods were creating bad feeling.

I also raised the question of the labour supply in the Legislative Council, but the rules and in the opinion of the Government were very inadequate and I received a great deal of sympathy.

our Excellency has been called to the meeting to discuss

discuss

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(7)

discuss the whole labour question and this meeting in the  
evident sincerity and conviction shown by the speaker the  
evidence brought forward, could have led no doubt to your  
Excellency's mind that the matter was a vital one and yet the  
reply given by your Excellency could hardly be regarded as  
a serious answer to a serious question. Your answer reiterated  
your intention of giving the matter your sympathetic consideration.









some of the regulations which he had previously  
passed on. I was the one who wrote the  
minutes for the meeting which was held  
at the office of the Board of Health  
on the 10th of June and probably  
the 11th of July. Some of the  
regulations which were passed  
on the 10th of June were as follows:

1. That the Board of Health  
should be authorized to  
employ a sanitary inspector  
to visit the premises of  
all the public houses and  
other places where food is  
prepared and sold.

2. That the Board of Health  
should be authorized to  
employ a sanitary inspector  
to visit the premises of  
all the public houses and  
other places where food is  
prepared and sold.

3. That the Board of Health  
should be authorized to  
employ a sanitary inspector  
to visit the premises of  
all the public houses and  
other places where food is  
prepared and sold.

4. That the Board of Health  
should be authorized to  
employ a sanitary inspector  
to visit the premises of  
all the public houses and  
other places where food is  
prepared and sold.

5. That the Board of Health  
should be authorized to  
employ a sanitary inspector  
to visit the premises of  
all the public houses and  
other places where food is  
prepared and sold.

Yours  
J. B. G.

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I have acted in an unconstitutional manner, or I have  
 acted in the slightest subsidence, any fault to be  
 shown me intentional, I beg to entreat Your Excellency  
 as the Representative of the Grand Jury, to take  
 full notice.

In view of the importance of this matter, I would beg Your Excellency's  
 permission to publish your letter, to myself and my  
 family.

I am, Sir, very respectfully,

Yours,

Lord Bala 15/4/3

COPI

Nairobi,

April 7th 1903

Sir,

In continuation of my letter of March 27th acknowledging yours suspending me from my seat on the Council, I wish first of all to correct of mis-statements of facts appearing in the said letter.

I must point out that in the ordinary meaning of the word there was no demonstration, there was an orderly and respectful meeting of the colonists, who on failing to find Your Excellency at your office proceeded quietly to Government House.

It is perfectly true your Aide-de-Camp invited two or three to enter and discuss the question, but those present feeling the vital necessity of the question, urged that you would address the meeting and not a few delegates.

The Lord Balaore addressed you, pointing out that the morning's meeting had received no adequate answer, in fact no answer at all, and urged the emphatic necessity of dealing with the situation at once, or at least giving some assurance that some immediate steps would be taken.

Mr. Ward, Mr. Atkins and myself were the only other speakers and I must entirely repudiate any suggestion that we were either excited or our manner or language anything but respectful.

I greatly regret that we were forced by the urgency of the question to go to Government House and that the abuse of the individual should have been introduced into an open meeting.

Yours faithfully,  
The Governor,  
Nairobi.

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representative of His Most Gracious Majesty, and must entirely deny that this was either our intention or wish.

I must point out to Your Excellency that, when first mentioned a doubtless about you on the next day, you made no mention of giving us a definite answer and it was only by a firm insistence on our part that you at last consented to give us a definite reply.

I am strongly of the opinion that it was Your Excellency's somewhat abrupt remark "that you did not understand why such a gathering should have come up to Government House" after the reason had been so clearly explained, which unfortunately induced some few individuals to shout "Resign", the cry was not taken up by the meeting and died away directly.

Neither the meeting or ourselves were responsible or in any way connected with these cries and entirely disassociate ourselves from them.

It seems to me, Sir, that as you publicly stated "you could not be held responsible for what your subordinates said" that in common fairness, we can hardly be held responsible for the remarks of five or six individuals out of a large crowd, the majority of whom neither nor concurred in any way with the cries before mentioned.

Four or five days before the Labour Meeting, I received a notice, asking me to attend a public meeting called by yourself and stating that there were certain difficulties in obtaining labour and that you wished to give an opportunity of fully discussing the question, in the hopes that such difficulties could be removed.

At the opening of the Meeting, you remarked in which you admitted there were difficulties.

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(8)

the Labour Supply, that you sympathized with us, but that you were not prepared to withdraw certain rules which gave practically a decision at the beginning of the Meeting which you confirmed at the end, this notwithstanding that you had called the Meeting to those present an opportunity to express their views.

The confirmation at the conclusion of the meeting was made in the face of incontrovertible evidence that men were being ruined all over the country (a fact which Your Excellency stated "you refused to admit"); evidence was also given which pointed to an absolute want of action of any description except that of the Native Affairs Department which the Meeting was unanimous in stating was ruinous to the settlers and employers of labour, and evidence was also given as to the hampering of the settler by official methods yet Your Excellency's answer to a large and representative gathering called by yourself, appeared to be to the following effect.

That Your Excellency was in sympathy with us and would give our resolutions your consideration.

That Your Excellency was convinced the Native Affairs Department was doing good work, although to us, the opposite was painfully apparent and here I must say that no Native Affairs Department can be run with good results in the present or the future, unless it be on a sympathetic policy both for the white and black, it is a Department in a country like this, which has boundless opportunities and should only be under the control of a man with a very broad knowledge of the country and its people, and that we brought in contact with the white man and the black man, and that we remembered that the whole development of this country can be

(8)

be absolutely retarded unless a proper Native Policy be arrived at, and the relations between white and black be on a proper footing. If the present suicidal policy be continued, which it would be, unless also excepted, we shall see one age at the other, the development of this country and the progress of both white and black is bound to be retarded for many years.

So long, Sir, as these Star Chamber methods of Government are kept in force, whereby unfair rules are promulgated and those with a stake in this country are never consulted or listened to except under pressure, there is bound to be discontent and sympathy between Government and settler will be non-existent.

To go back to your reply to the meeting, it seemed as if that such a vague and indefinite answer to certain specific resolution and no assurance of when any definite answer would be given, is hardly satisfactory to a responsible body of men, and such is the case now owing to it being a question of confidence, the meeting referred to was held.

Your Excellency stated at the meeting that the matter had been gone into since January, and yet the legislation on the next day elicited the following information in reference to the Provincial Boards.

That only one gentleman on one Board had been appointed. At several places names had been suggested, but the gentleman in question knew nothing of this. At several places names had been suggested and others had been suggested.

They that a ... this appears to be the reason for ... looking into the matter

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(5)

matter for three months.

At the Labour Meeting, Your Excellency stated before any opinion by the meeting had been given that the general concurrence of opinion was against a Central Board and that at present you do not intend to have one, although you had already promised it in writing to the Legislative Council.

The voting proved the general feeling to be unanimous in favour of a Central Board and yet you adhered to your original decision, but after being pressed by the deputation on the following day, a Central Board of Enquiry has been instituted which appears to answer the same purpose. A Board of Enquiry had been previously pressed for for some months without any results.

The matter was brought publicly to Your Excellency's notice in December and January last and again in March by the Planters Association at Mombasa, and secondly the Colonists Association at Nairobi, and has also been represented to you privately, and although the seriousness of the question was apparent to every one, until matters were pressed, no response was given.

The spectacle of a man being raised and the country in a state bordering on bankruptcy through inaction on the part of the Government is not a pleasing one, and I hold we were thoroughly justified in the steps we took.

I have already stated that any insight to His Majesty's representatives was the last thing we thought of, and is to be thoroughly regretted.

I have already stated that any insight to His Majesty's representatives was the last thing we thought of, and is to be thoroughly regretted.

if

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and if by any breach of etiquette on our part is going to Government House, for I accept full responsibility a suspicion of disloyalty has been raised or that if through ignorance we have in any way acted unconstitutionally, then I beg to tender my sincere apologies to your Excellency as His Majesty's representative.

I should be obliged if your Excellency would forward this letter to the Secretary of State for the earliest opportunity and I would beg for a polite enquiry to clear away any suspicion of disloyalty if such exists.

I have etc.

Sd/- Arthur A. Bellie.

11/3/40

Copy

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April 7 1908

Dear Sir

Your Excellency,

As my answer to your letter  
of March 26<sup>th</sup> and one of public  
importance to myself and the foreign  
Colonists in this country, I would  
ask Your Excellency's permission to  
publish in the local press your  
letter to myself and my answer.

The answer at your earliest  
convenience will greatly oblige.

I have the honor to remain  
Your Excellency's most  
Obedient Servant

(S) Arthur A. Baillie

Native Affairs Office,

Nairobi,

April 8th 1905.

My first duty upon appointment as Secretary for Native Affairs in June last was to enquire into the labour question. It had recently been reported to His Excellency that a number of Kikuyu had been found dead on the road leading from the railway to the coast at Mombasa in their country. I therefore proceeded to the spot and held an enquiry. A deplorable state of affairs was revealed. It transpired that as voluntary labour was usually not forthcoming, chiefs were called to provide labour, and natives were seized by their chiefs' orders and forced to go and work. The most unpopular kind of work was for Indian contractors on the Railway. The men were sent to detested camps where they were badly fed and often beaten and maltreated. They frequently had no blankets, given them though the cold at night time was intense, the accommodation was not provided for their accommodation were in their native that not wind-proof, the work of felling trees and digging was very uncongofal, and no account was made to give them the food they were accustomed to in their own homes. Their lives were consequently a misery and they one day commenced to go to run away and return to their own country. In view of this policy, orders were issued to the various districts to provide camps, and to provide for the natives to be employed in the road and plantation on the road.

In some years a system of road labour had

had been resorted to in various parts of the Protectorate and like most wrongful systems matters have gone from bad to worse. At first mild pressure only was used, then goats were confiscated and labour on a small scale had to be employed. At Ndabeni and Kyambula, throughout the Kaituma Province, at Eziandi and in parts of Kavirondo whenever labour was required by the Government or by settlers and was not forthcoming men were seized, and sent in to work; the repeated calls for labour the methods employed in recruiting it, and the treatment meted out to it undoubtedly caused dissatisfaction and called for immediate remedy. As soon as H.E. realized that forced labour was employed he issued a circular absolutely prohibiting coercion of any kind whatsoever, at the same time instructing Administrative Officers to call upon chiefs to advise their people to work. Efforts were made to improve the lot of the employee and to induce the employer to consider the wants of the native; the worst contractors on the Railway and Public Works Department were ordered to feed and house their men; and settlers who were unable to obtain labour themselves were no longer supplied with men by the Government unless those men wished to go and work for them. Formerly as stated above, men were obliged to go and work for any contractor or settler who applied for labour and in late 1911 and last year a whole gang of men were sentenced to 14 days hard labour for refusing to work for an unpopular employer, who sentenced was in consequence absolutely prohibited from employing men in the future. No contract has been entered into with any of them and when they were allocated to a bad employer they were

imprisoned because they refused to go to his, this is only an instance of some of the cases I reported when commenting on the Master and Servants Ordinance the Magistrate has approved most fully during the past year. The fine to be paid fine taken by the High Court, and natives are no longer flogged and imprisoned for a breach of contract unless they are guilty, whilst the Police may not arrest any native they see on the chance of his being a deserter.

As far as the natives were concerned matters gradually improved. There was no dearth of labour owing to the fact that the hut tax was being collected, and the merrils of the of the past were being slowly wiped out by the establishment of sound and healthy conditions which it was hoped would attract the men who formerly were frightened away. Whenever bad treatment on the part of an employer was reported, an enquiry was at once held, and neither Government departments nor private people were spared. In November last a Plaintiff case came to light. A settler named Thomas applied for 300 men to work on his new steam saw mill. The men were recruited at Fort Hall and sent to Mr Thomas place, but instead of employing them on his estate he transferred them to a railway contractor named Gavin who was to build a line about 20 miles from Warabi to Brookstone for the railway. The men were taken to the mill but the contractor failed to supply them with food, and they consequently had to go to their food half raw and suffered severely from intestinal complaints. On the termination of their contract they

they asked to be called back to the airport but were told that it was necessary for them to wait some days until a train could be secured for them. They refused to wait and started to walk to the coast without food and without shelter. I met them en route and spoke in an unobtrusive manner regarding their bad treatment and secured for them. On their arrival at the airport they were fed and cared for by the Government and eventually obtained their wages through the Court. This same contractor had already had 500 men supplied to him before, but they had gone home before their contract was finished and were consequently not paid.

It was considered that the time had come when strict rules should be made with regard to labour recruited by the Government in order to ensure such labour being properly treated. I felt that it was wrong for Government officers to undertake the recruitment of labour and make pledges to the natives in respect to the amount and description of wages, food and good treatment to be accorded by employers if they were unable to fulfill these pledges. I therefore drafted the so-called labour rules which were in reality only terms on which Government would endeavour to recruit labour for private purchasing and various Departments. These terms followed closely the rules and regulations of the Native Provisions Act 1902. They were approved by the Executive Council and by Mr. Churchill, it is true, they appear to fall somewhat hard on settlers who formerly drew their labour supplies through the Government.

from their own districts and their labour could return to their homes the same day, but the terms were really intended to tempt natives from contractors and I maintain that if the Government takes upon itself the responsibility of recruiting the labour is the duty of the Government to see that such labour is properly housed, fed and cared for. Other terms have now been drafted and on comparison it will be found that they do not differ very materially from those published in the Official Gazette of December 1st, to which the settlers take exception.

I now propose to deal with Lord Colborne's complaints as far as they concern the Department of Native Affairs generally.

His Lordship states that I started a system of supervision which was found to break up the good relations between master and servant, I presume he alludes to the Labour Inspecting Officer on the Railway. Mr. Fisher, as there is no other supervision of labour, it is incorrect to say that I started this system; it was started more than a year before my appointment, but as I pointed out in my letter of June 21st it was a pity that until then no notice had not been taken of Mr. Fisher's reports, and this was done to the contractors on the Railway would not have been permitted to prevail there and cause the scandalous result I have described. Lord Colborne is also incorrect in saying that secret enticements are made from the native employees. It is true that Mr. Fisher does not warn the employers when he is going to inspect their camps,

and this information appears to be supplied  
 to the V.I. staff. As far as I know, the  
 destination is known, though I am not responsible  
 for starting this system. I consider it quite  
 correct that a visitor could only report on  
 visits to the camp. This is the first time that  
 a complaint has been raised against the guards  
 employed by Dr. Ischer, who is most tactful in  
 his dealings. I consider it a frivolous one.

With regard to the meeting of the  
 factors' association at Mombasa, it is absolutely  
 true that some are willing to engage themselves  
 for long periods as labourers at Mombasa  
 itself or will go to work at Chimoni, Zomba,  
 Mwanza, Mtwapa and for several of the fibre  
 planters between Voi and Kilwezi will not as a  
 rule go to Malindi or to one of the firms at Voi.  
 I sympathize with most of the planters at Malindi;  
 they are good masters and treat their men well, but  
 natives are very conservative and when once a  
 place has a bad reputation it is difficult to  
 remove it. As in the case cited by Lord Polmers  
 of the two natives who claimed that they had not  
 been paid by the East Africa Corporation, I wish  
 to say that on my being informed of this matter  
 a day or two before the meeting was held, I made  
 enquiries to ascertain why the two men were  
 being sent by bond to the camp. I was told that  
 the two men were brought to me a few days  
 before I met the planters and I very much  
 to point out that I had been unable to enquire  
 into or verify their statements. I was never  
 proved that their statements were false, but when



I went to Malindi ~~about~~ ~~Friday~~ I respected  
 Robertsons request the corporation's books and had  
 pleasure in informing Major Jago that they were  
 kept in a very business-like manner. Lord Dalmeida  
 omits to state that one of the reasons why labour  
 is said to be unpopular at Malindi is that some  
 of the employers have withheld payment of part of their  
 employees wages until the end of the contract in  
 order to prevent desertion, and that desertions  
 have been of frequent occurrence for this very  
 reason. Natives who have been engaged at so much  
 a month become suspicious when they are only paid  
 a quarter of the amount at the end of the first  
 month. They do not believe that they will be  
 paid the balance at the end of their term of  
 service and consider that they have been cheated.  
 It is well known that any centre where cheating  
 is believed to flourish is rigidly shunned by  
 workers who rapidly pass the word from one to  
 another. The most successful planters at the  
 Coast are those whose employees are in their debt.

8. Lord Dalmeida's complaint that natives  
 have been given to understand they need not work  
 unless they wish to is, I believe, unfounded. This  
 complaint is said to have originated in the Conya  
 Province where Mr Dundas was employed in recruiting  
 labourers. Mr Dundas absolutely denies that he  
 ever made such a statement, and in fact  
 it caused him to be criticised. It is  
 a well known fact that the natives are not  
 homes men who will be lured by the prospect of  
 come in and work, but the fact that Mr Dundas  
 recruited 500 men between October and February  
 goes far to show that he did his best, and as

during this period it was often difficult to get the flow of labour and to find work for the men who came to Nairobi. It does not appear as if "the whole labour market has been thrown out of gear, and bad blood had been made between employers and employed".

The rates of unskilled labour in Nairobi has in no case been arbitrarily raised from Rs. 4/- without food to Rs. 5/- with food. The standard rates of wages for this class of labour which have obtained in Nairobi for the past 18 months is Rs. 4/- with food or Rs. 5/- without food. I have certainly insisted on food being supplied to men who work for settlers when they have been recruited far from Nairobi but not when drawn near their own homes. Rs. 5/- or even Rs. 6/- with food is now willingly paid by contractors on the Railway in order to induce natives to go to the uncivilized camps. The Public Works Department in Nairobi pay Rs. 4/- with food, and the Railway in Nairobi Rs. 5/- without food. Many good employers who have now settled on their farms still only pay from Rs. 3/- to Rs. 4/- a month without food. I wish to take this opportunity of recording that, thanks to the patience of the Commissioner of Public Works and to the loyalty of his staff, the Public Works Department can now be regarded as a model for employers. Men of various tribes arrive in Nairobi in search of work from all quarters. The men are employed by the Public Works Department. The amount of work done by the unskilled labour in the Public Works Department is in excess of that on settlers' farms. The men are contented, and it is notorious



11. In conclusion I wish to say that I agree with Lord Delmore in thinking that there are many regulations which affect the business of the native. Some of these, such as the Vaccination and Quarantine Regulations are inevitable, but others, such as the vagrant laws and prohibition to hold dances in certain areas, the pass system where applied might well and will I hope in course of time be altered or abolished. I have however no hesitation in saying that by the abolition of forced labour His Excellency has done more to render the natives of this Protectorate happy than any of his predecessors.

*H. C. Hollis*

Secretary for Native Affairs

Nairobi,

7th April, 1908.

Mr. Bell

April 17/97

My Lord,

I am obliged to acknowledge the receipt  
of your Lordship's letter of the 12th instant, and  
to state that the same has been duly submitted on the  
part of the Secretary of State to the consideration  
of the Secretary of State His Excellency, and that  
the publication of the letter to which your  
Lordship refers is desirable.

I have, &c.

W. H. B. [Signature]  
Secretary

The Lord Chamberlain,

Whitehall.

Office  
Sierra Leone  
Sierra Leone

Sir,

I am pleased to acknowledge the receipt of  
the letter of the 12th inst. and the enclosed  
which have been duly submitted for the information  
of the Secretary of State. Pending the consideration  
of the correspondence by the Secretary of State  
His Excellency cannot wish that the publication  
of the papers to which you refer is desirable.

Yours faithfully,

David Scott Hay

Secretary

Sierra Leone  
Sierra Leone

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Gov. / 15172

L.A.P.

PRINTED FOR PARLIAM  
Ld. 418 JULY 1908

STRAIT

AFRICA, SINGAPORE

276

Dowling Street,

remor

12 June, 1908.

Sir J. Hayes-Sadler, K.C.M.G., C.B.,  
Sec. Sec. Ad.

MINUTE.

Mr. KILIAN 129/3 Sir

I have the honour to inform you

Mr. Just

Mr. Andrew 2 that I have given careful consideration to

Mr. Cox

15180 your despatches of the 25th, 26th, and 27th

Sir C. L.

15180 March, and of the 2nd, 4th, and 8th of April,

Sir F. H.

15180 and the proposals of your despatch with regard

The Earl of

15172 to the proceedings at Government House on

15172

the 23rd of September, in which you sus-

15172

pended Lord Dalhousie and Mr. A. G. G. G.

from the exercise of those offices as members

of the Legislative Council of the

Africa

is returned to the  
each as despatch has gone  
consideration as to  
title

I concur with my predecessor in opposing of your action in this matter, and

~~I have~~ <sup>to inform you that</sup> ~~the~~ ~~letter~~

~~and~~ in accordance with the advice

which I felt my duty to tender

*the King*

Majesty has been pleased to confirm the

resignation of Lord Dalhousie and Mr. Bell

and to give directions that they shall no

longer hold their <sup>seats</sup> places in the Legislative

Council. I have to request that you will

cause them to be informed accordingly.

~~I have no~~

3. The questions connected with the employment of native labourers are <sup>very</sup> ~~very~~ <sup>important</sup> ~~important~~ <sup>and</sup> ~~and~~ <sup>deserving</sup> ~~deserving~~ <sup>your</sup> ~~your~~ <sup>most</sup> ~~most~~ <sup>careful</sup> ~~careful~~ <sup>attention</sup> ~~attention~~

and I do not propose to enter

upon them

Respectfully

*John*