

EAST AFRICA PROT.

13999

No. 13999

RE: 20 APR 07

No. 4
Conf

(Subject.)

1907

Disturbances at Nairobi

27th March

Reports fully on their inception, causes, and objects.

Next previous Paper

13874

13874

(Minutes.)

Mr. Read

This is a very instructive despatch: see especially paras 14 to 19 as to the attitude of a section of the whites towards natives: and Mr. Curzon's letter particularly the passage "it will only be a matter of time before the whites in this country try by every means in their power to bring about a native rising with the two main objects of occupying native lands & of seizing their cattle." It is a pity that we cannot publish this despatch as it would

Conf of July

open the eyes of the public to the
aims of the men who are responsible
for the agitation against the Govt.

Mr. Cairnsworth asks that the Govt
shd. lay down a definite historic
policy. I do not quite know what he
means speaking generally, our
policy is one of equality before the
law for black & white. The Masters
& Parents Ord^{ce} (to which Mr. Jackson
refers with approval) appeared to
lead their rather to impinge this
principle. You are awaiting the
Govt's reply to our criticisms on it.
When this is received there will
be an opportunity of restating
the policy if necessary.

As to rights to land the Govt
has little even to suggest all except
from the Crown or that the Govt.
has in its own hands the means
of preventing the natives being
unjustly deprived of it.

Of course if responsible Govt. is
granted to the C.A.P. & as Mr.
Cairnsworth anticipates (he says

representatives that - but no doubt
means impossible) it will as consequence
has shown over & over again to
impossible to ensure justice for the
natives. That however is a long
way off.

I am enquiring as to Major
Burn's antecedents (p. 12).

I do not see that any answer
is required.
M.M. 2/4

Mr. Antabus
I think that there is nothing to
be done but rest.

2/4
I think
Mr. Jackson should be thanked for this full and
clear explanation of the various
circumstances which have con-
tributed to bring about the
existing state of affairs in
the East Provinces, and concern-
-ence explained generally in
his views, which seem to me
to be accurate and sound.
But the leaf is not suitable
for publication. W.H. Hoyle

Mr. Chamberlain

Dear Sir

To see

Th

23.5

It is a good thing to have this in
evidence. I only regret that Quinn is
opposed publishing it now. but I
accept the view that there are passages
in it seem to cast unfavorable reflections
upon a community.

I would not, appearing generally the
to H. G.'s views & coming to him that
he will be supported. If he chooses
to employ his powers of legislation

of such persons whose
has reason to suppose are
dangerous to the community.

he must not let these poor
few suffragers steal our beautiful
and promising Protectorate away
from us after all we have
spent upon it - under some
shabby pretence of being a

"responsibly governed colony." This
H. G. will never allow us to
obscure our duties towards the
nation - as peaceful negotiations
have shown that we can be frank
anywhere.

Dear Sir
has seen
SKH

24.5

22.6

G.O.

13899

Commissioners Office,
 RE 20 APR 07
 Nairobi,

March 27th 1907.

EAST AFRICA PROTECTORATE.

Confidential (13)

(Incl. 1.)

My Lord,

In continuation of my despatch No. 14 Confidential of the 4th instant I have the honour to submit the following report on the present situation and the causes which have in my opinion given rise to it. In order to understand the relations between the Administration and the European non-official population it is necessary to go back some years and to examine the various phases of the colonizing movement.

2. In 1903 Mr. Marsden was authorized to proceed to East Africa with a view to inducing residents there to settle in the Highlands of this Protectorate on the

round

S.W. Principal Secretary of State

for the Colonies,

Downing Street,

London, S.W.

ground that they had been proved to possess a climate sufficiently healthy to induce Europeans to make their homes in them.

3. It is not for me to discuss the wisdom of this mission, which has certainly contributed in no small degree to the measure of material prosperity we now enjoy, but its result has been that our white population has a strong South African flavour, persons who were either born or have lived a considerable time in that part of the world, being in a large majority. It would be unfair to stigmatize all South Africans as undesirable citizens but there is no doubt that they are difficult people to deal with in a very young country with delicate native problems to solve. Many of the immigrants moreover were not of a very good class and left their previous homes with a record in some cases doubtful and in others distinctly unsatisfactory. I do not of course wish to imply that all our colonists came under this category but I wish to draw attention to the fact that from the first elements of unkindness and disaffection existed in our midst.

4. As Your Lordship is aware, the response to our invitation was so hearty and immediate that our resources were not equal to the occasion and considerable delay took place in

surveying

surveying and allotting estates and in issuing title-deeds. Some of our local enactments and regulations particularly those relating to arms and ammunition and to game were also regarded as irksome by the newcomers, who did not and to this day do not recognize that they are living in a Protectorate with international obligations in these and other matters. In consequence a feeling of discontent and dissatisfaction sprang up, perhaps scarcely justifiable, but still quite easy to understand.

5. After a year or two moreover the small farmers found they were not doing so well financially as they had hoped and it began to be recognized that no fortunes could be made out of crops such as beans and potatoes.

The more valuable economic products on the other hand take time to come to maturity, whereas a number of the settlers had not sufficient capital to wait several years for return. Moreover a large consignment of potatoes sent down at this time to Durban realized unsatisfactory prices principally owing to bad management and inefficient agency.

6. As many of the properties were leasehold and the title deeds of others were, as I have remarked, considerably delayed, the farmers found a difficulty in getting

any advances in money from the Bank or elsewhere and many of them became seriously embarrassed and regarding the Government as the cause of their troubles began to evince towards it a sullen antagonism, which was not however, in those days of a violent nature.

7. Nevertheless it is not to the foregoing causes that I principally attribute the outbreak of lawlessness which took place on the 14th instant. I have alluded to them mainly in order to show that the ground had been prepared for the agitator and that the Government was unpopular to start with, not so much from its own fault as from the force of circumstances.

8. It is at this stage that the professional agitator and the inflammatory journalist come on the scene and take advantage of the existing disaffection to excite sentiments of a revolutionary character.

The ~~paper~~ of East African journalism was the East Africa and Uganda Mail a scurrilous sheet of no importance which devoted itself rather to personalities than to politics and died a natural death some years ago. Its steps were closely followed by its rival, the East African Standard, then edited by a Mr. Tiller. The latter paper

was however more political in its aims and from time to time attacked the Government as such. It has since been taken over by Messrs. Anderson and Mayer and, though not conspicuously friendly to the Administration, is far from being our most violent critic.

9. It is the Nairobi Press that has always been the Government's bitterest and least unscrupulous foe.

The Times of East Africa was published first on July 22nd 1905. It is or was the property of a syndicate in which Mr. Frank Watkins was the leading spirit, and from the first attacked the Administration on every occasion. These diatribes became more violent in the early months of last year when Mr. Ernest Low was Editor and Mr. Watkins, who has always tried, though with but little success, to ingratiate himself both with Government and with the settler element, judged it advisable to get rid of him.

The direction of the paper remained however much the same.

10. Mr. Low, who is a clever and unscrupulous journalist, immediately conceived the idea of establishing a paper of his own which should outdo the Times on its own ground and in November last the first number of the Star appeared. The Editor writes with considerable literary skill

skill and ability and his style is attractive and convincing to those who do not look below the surface.

11. The matter of his articles has however from start to finish been nothing but a tissue of falsehood and misrepresentation, all the more dangerous on account of the manner of its presentation. This campaign of calumny to which the Government and its officers can in consequence of their position make no reply, has no doubt produced some effect on the public mind and in conjunction with other factors which I shall now describe contributed to bring about the disgraceful occurrence which is the occasion for this despatch.

12. One of those factors is the Colonists' Association, originally started as the Planters and Farmers' Association. Its first activities were directed towards legitimate objects in connection with agriculture and farming but from very early days it showed a tendency to meddle with Administrative affairs and at the present time claims almost the authority and powers of a Legislative Assembly. It is not however really representative in character, though a majority of settlers may perhaps be members of it, for it is dominated by a clique of Nairobi agitators who seldom leave the town and contribute little or nothing to the development

development of the country. Conspicuous among them are Major Euno, a barrister who is said to have been reported to have been in Honduras, Captain Fichat a law agent from South Africa, Mr. [unclear], to whom I have referred above, and Mr.

McClellan Wilson, formerly employed as district clerk at Machakos. These men are absolutely unprincipled demagogues

who care nothing for the real interests of the country and have no thought beyond their own ambition and advancement.

They have however a certain skill in appealing to the feeling of dissatisfaction which I have described as existing among the actual producers and have contrived to sway the counsels of the Association for some time past.

13. At the beginning of the present year the annual general meeting was held and considerable satisfaction was felt by all connected with the Administration when Captain E. S. Grogan was elected President of the Colonists' Association by a large majority. This gentleman, though to some extent a critic of the Government in the past, represents considerable financial interests and high hopes were entertained of a saner and less aggressive policy in the future. These hopes were, I regret to say, not destined to be fulfilled. Captain Grogan at first appeared

anxious

anxious to work with the Government and had frequent inter-views with myself and my secretaries, but from what has now transpired he was throughout conspiring with the persons to whom I have previously alluded to betray the confidence reposed in him and bring the Administration into contempt. He is a clever and fluent speaker and extremely ambitious. I think that there is no doubt that he has been carried away by the desire to become a popular hero and thereby induced to lend an ear to the suggestions of unscrupulous advisers. As matters stand however he has become a serious danger to the community,

14. Another of the factors which have contributed to bring about the present situation is the native question. I purposely refrained from discussing it above under the head of settlers' grievances, because I am of opinion that its importance entitles it to separate and special consideration. I append in this despatch a letter from Mr. Ainsworth who in virtue of his long and intimate acquaintance with the natives of the country and his close connection with the colonizing movement since its inception, is peculiarly qualified to speak on the subject. Mr. Ainsworth says, and from what I have observed I entirely agree with him, that

there

there is a growing tendency on the part of the European population to deny the native any rights whatever and to strip him of his land and his cattle. This is a distinctly colonial sentiment and not one which would readily commend itself to an ordinary settler arriving from Great Britain, but, as I have said, most of our white population, including everyone whom I have mentioned by name in this despatch with the exception of Mr. McClellan Wilson, are of South African origin or experience, and it has been accepted by them as an axiom and preached as a creed.

15. I feel small doubt that Your Lordship will agree with me in considering such a proposition wholly incompatible with the idea of a Protectorate, a word which, as Mr. Ainsworth points out, connotes certain obligations and duties on the part of the protecting power towards its protégés. Such at any rate has been the interpretation put upon the expression by the officers of this Administration and it is to the fact that they have worked consistently in this spirit from the first that we owe the measure of success which we have attained in our dealings with such tribes as the Masai and the Kikuyu.

16. On the other hand I do not consider that we have neglected our responsibilities towards our white clients.

We have as far as possible concentrated the natives in reserves and we have even evicted the Masai from their traditional grazing grounds in order to throw them open to European settlement. We have striven to induce the natives to work for our colonists and we have introduced a Master and Servants Ordinance, on the lines of similar South African enactments, in order to facilitate the settlement of small questions arising between the employer and the employed. In a word we have consulted the interests of the European population as far as is compatible with the preservation of such rights as even coloured races are entitled to claim in a British Protectorate.

17. In doing this, and I contend that we can do no more, we have not satisfied the sentiment to which I have referred above. That sentiment demands that the native shall be not a labourer but a helot, not a servant but a slave. It would refuse to the agricultural Kikuyu the small proportion of his tribal land which now remains to him, it would deny to the pastoral Masai the possession of the flocks and herds which are the sole support of his existence. When such a feeling is reinforced by the stimulus of financial embarrassment it acquires a vastly increased power. Covetous eyes are cast by the planter on the rich herds of the native

reserves now that the most attractive land in the vicinity of the railway has been taken up; envious glances are directed towards the countless cattle, which the Masai appear to manage with the same skill in their new location on the Laikipia Plateau as in their ancient grazing grounds, by the rancher who finds it difficult in stocking those high pastures in the Rift Valley which he now, long ago acquired, with scarcely sufficient for his requirements.

18. Such may have no sympathy with the aspirations and needs of those who wish to better the condition of the natives. They merely regard the latter as the possessors of valuable property which they desire and of a certain amount of physical strength which they wish to exploit for their own benefit. The official, in so far as his views conflict with theirs, they regard as an obstacle and an obstruction, and their principal object is to vilify and disgrace the present staff in the eyes of Your Lordship and the English public and to stir up by acts of oppression and cruelty such a native rising as would afford them the opportunity for spoliation which they are seeking. I need scarcely say that this type is not universal and that my remarks must be applied *exceptis excipiendis*. It is however men of this stamp who pretend to voice the views

of the whole European community, and whose opinions are published in the local press to the exclusion of all others.

19. A further point which has an important bearing on the form which the demonstration took is the attitude of the European population towards the judicial and police Departments. In the former case it is largely due to the result of the Wenner trial, which has had the most unfortunate effect on the public. In that case, as Your Lordship is aware a European was convicted by a European jury of the murder of a native, but the proceedings were subsequently quashed by the Privy Council on the ground of certain technical irregularities of procedure. This decision has formed a peg whereon to hang the most irrelevant criticisms of our judicial system and our judges, criticisms which have been eagerly circulated by the local Press and by the Colonists' Association and which, unjustifiable as they may be, certainly not encouraged law-abiding instincts in the minds of their readers.

20. The concession of the right of trial by Jury to Europeans is also to some degree an incentive to lawlessness as offenders are well aware that they stand a very small chance of being convicted for certain crimes. A similar state of affairs, has I believe been known to exist

exist in the congested districts of the West of Ireland and in some parts of the United States of America.

21. Another and perhaps a more reasonable cause for public irritation is the number of cases of petty theft and burglary which remain undetected by the police or when on being brought to trial result in what is popularly considered an insufficient penalty being awarded.

22. As regards the police I am well aware that they are not perfect but considering the material which they have at their disposal I think that the Inspector General and his officers have done as well as could be expected. Colonists coming as pioneers to a new country which is not even self-supporting must to some extent be their own protectors and can scarcely look to the Government to provide all the elaborate and costly apparatus for the safe guarding of life and property which exists in the mother country and which even there is not invariably successful in bringing criminals to justice.

23. The alleged inadequacy of the sentences inflicted by the Protectorate Magistrates is a delicate question and one on which administrative and judicial officers would possibly agree to differ. The magistrate must be left

free to exercise his own judgment and the only remark which I could permit myself to make in this connection is that in a country where so considerable a proportion of offences escape detection it is better to err on the side of severity in those cases where guilt has been clearly established. I should have hesitated to allude to this matter at all had it not been put forward on the 14th instant as a pretext for what then occurred.

24. One point is however clear and that is that confinement in either the "Kwasa" or the Nairobi Jail is by no means a severe punishment to the average African native.

Medical considerations and common humanity require us to keep our prisoners in sanitary surroundings and to provide them with a sufficiency if not with a superfluity of food. Such conditions are greatly superior to those to which the criminal class is normally accustomed. To a man attached to the community in the eyes of his neighbours. With native warders it is very difficult to maintain a discipline so strict and an application to labour so constant as to be irksome. The consequence is that imprisonment is in my opinion scarcely a sufficient deterrent. How to make it so is a problem by no means easy to solve and meanwhile the public protests at the prosperous appearance of our prisoners.

In this connection I may perhaps mention that I have observed that the best means of legitimately increasing the discomfort of prison life is to transfer habitual offenders from Jails in the vicinity of their homes to others situated amidst unfamiliar surroundings and it was with this object that I proposed the penal settlement at Khabra which I regret that Your Lordship has not found it possible to sanction.

23. Such are the pre-posing factors which have led to the recent defiance of law and order and have caused it to assume the form it did. I do not consider them an excuse still less a justification for such an incident but as there is no doubt that they contributed to render it possible I have thought it well to lay them before Your Lordship in some detail.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,

H. J. Fallon

Acting Commissioner.

In Despatch No. 15 of 2nd May 1907

C/O
13999

Confidential

March 18th 1907
20 APR 07

I have the honor to approach you in connection with the matter of the application of Lynch law in Nairobi last week. In my opinion the action committed by the Europeans of Nairobi last week is a sign of the times, and may be repeated at any time and in any place where the European population numbers itself strong enough to be in a position to overcome the police resources of the Protectorate. For some weeks it has been quite evident that there is not too good a state of feeling on the majority of the white and the native official press. The press has advocated the extension of the Wakikuyu railway line to a point some twenty or thirty miles further north. The press says Europeans and the press has advocated a number of expressions where the natives are concerned. From expressing their opinions on the subject the whites have not shown that their real feelings are in favor of the natives. From the publication of these laws the interests of the Authorities do not allow to any of expressing their views in their own way. This is a very bad step, but it is a step which should be taken in my opinion unless the whites are to retaliate, and may involve the whole of the Protectorate in a series of active wars. Once the Wakikuyu become involved it will spread and may possibly extend to the shores of Victoria Nyanza.

White

E.
the Acting Commissioner,
Nairobi

White men of late have no very great secret of their
 success as regards the East. Here we have several whites
 who have taken up grazing areas, it is difficult and
 expensive to obtain cattle for stocking up, and as a
 consequence many of the whites hold land with practically
 nothing or very little on it, their people feed with
 heavy to the local flocks and herds. As to whether these flocks
 and herds would be better in the hands of white men than in the
 hands of natives is not a question for argument if the develop-
 ment of the country is the only question to be considered.

I venture however to consider that the British Govern-
 ment in this connection will allow the moral ethics of the
 case to over-ride the question of development, especially
 so if development can only be obtained by wholesale spoliation,
 and provide for the development of the country by other methods.

I ask leave to bring the foregoing points forward
 because I feel that it will be only a matter of time before
 the whites in this country try by every means in their power
 to bring about a native rising with the two main objects of
 causing the native lands and confiscating their cattle, &c.

I would respectfully suggest that something be done as
 soon as possible to lay down a definite native policy for the
 Protectorate. The country is called a "Protectorate", a word
 which means "a relation assumed by a strong nation toward
 a weaker one whereby the former protects the latter from hostile
 invasion or distation, and interferes as little as possible in
 its domestic concerns". The weak nation or nations are in the
 present case the natives of the East Africa Protectorate.

The East Africa Protectorate contains approximately
 three million native inhabitants, or about 1,500 non-
 of local whites. Yet with all this, in as far as I am aware,
 no definite native policy has ever been laid down, while the
 whites maintain in and out of the press that it is a whitewash
 country. That whites have come here to stay we must
 accept as a fact. This being the case it should, in my opinion,

the duty of the Government to lay down in a definite manner, so that there can be no misunderstanding on the subject, exactly what the native policy is to be.

A system of native reserves has been instituted and is at present to some extent in existence. At the same time however there is nothing that I am aware of that will prevent the acquisition of native reserves by whites should a white representative Government come into existence in this country. Furthermore the natives of this country pay by far the greater part of the direct taxation, besides providing labour for the country's further development. They also provide, by direct or indirect means, a fair amount of traffic for the Railway. Their case is therefore to this point even more important, as far as the Government is concerned, than is the case for the whites.

A further very serious question for consideration in my opinion is that this country is not really a white-man's country in the same sense that Canada or Australia are, and that the native asset of this country when properly brought into use will be the most valuable asset the country has. Our policy should therefore be one of bringing the natives into line and not of making them hostile. I presume that some of the white people see this, but, the majority don't, and the Press and other commercial and financial opinion are nearly all of them.

I have etc.,

Sd/- G. Slesworth.

Comms
13999

E.A.P.
263

DRAFT.

E.A.P. Conf.
Gov. Col. Suther

July 27

Sir I have the honor
to ack the receipt of
Mr Jackson's ~~last~~ conf
desp of the 27th of
March on the
subject of the
present situation in
the E.A.P. of the
causes which had led
to the recent disturbances
at Khairi.

MINUTE.

- Mr. Ellis 4/4
- Mr. Head 1.
- Mr. Just.
- X Mr. Antrobus
- Mr. Co.
- Mr. Lucas
- Mr. P. Hopwood. 3.7
- Mr. Churchill. 3.7. MC
- The Earl of Elgin. 4.5.8

For reasons Mr Church
ill's point about the
use of the power of
delegation seems to be
sufficiently met by
the last form our mem
bered desp on 15.4.09
frnt herewith
1101

I am much obliged
to Mr Jackson for